



LAND USE SERVICES DEPARTMENT PLANNING COMMISSION STAFF REPORT

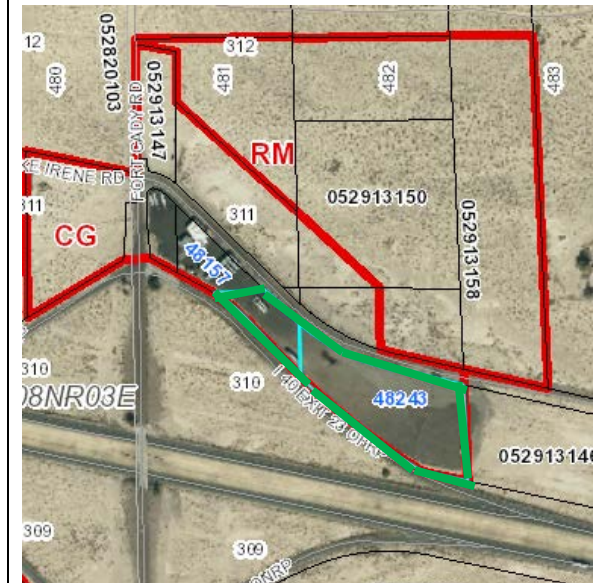
HEARING DATE: September 19, 2019

AGENDA ITEM #2

Project Description

Vicinity Map -

APN: 0529-131-55 & -64
Applicant: Money Samra
Community: Newberry Springs/ 1ST Supervisorial District
Location: 48243 Memorial Drive, Newberry Springs
Project No: P201800242/CUP & GPA
Staff: Magda Gonzalez
Rep: Steeno Design Studio, Inc. (Tom Steeno)
Proposal: General Plan Amendment to change the Land Use Zoning District from General Commercial (CG) to Service Commercial (CS) and a Conditional Use Permit to construct and operate a 12,252 square-foot truck service center (i.e., enclosed truck wash, mechanic shop, and tire shop with storage), and a 92,353 square-foot impound/towing facility.



9 Hearing Notices Sent on : September 6, 2019

Report Prepared By: Magda Gonzalez, Senior Planner

SITE INFORMATION:

Parcel Size: 4.90-acres
Terrain: Disturbed, site is covered with compacted gravel
Vegetation: Shrub (very minimal coverage)

TABLE 1 – SITE AND SURROUNDING LAND USES AND ZONING:

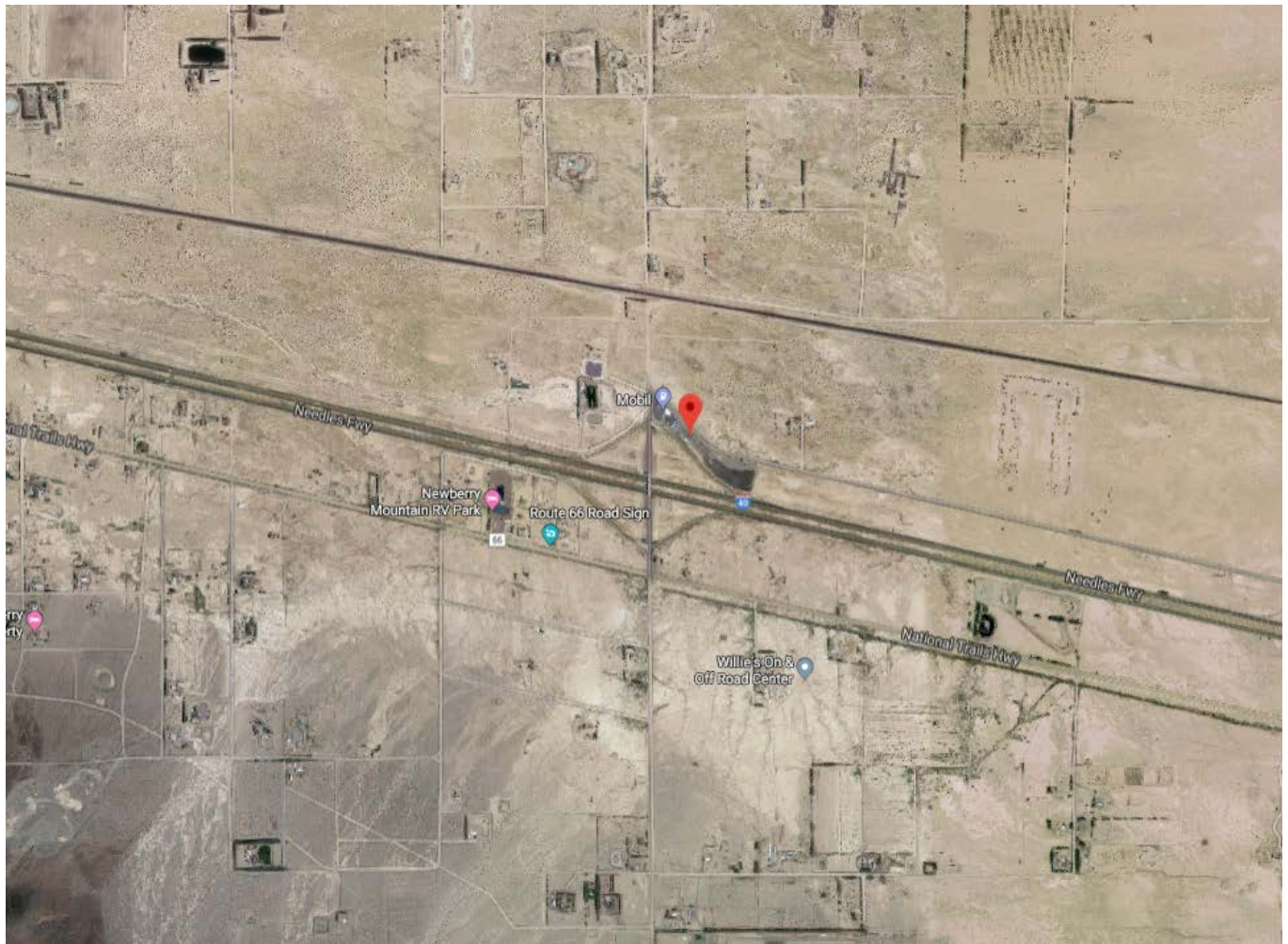
AREA	EXISTING LAND USE	LAND USE DISTRICT	OVERLAY DISTRICT
Site	Vacant land	CG (General Commercial)	AR4 (Airport Safety Review Area 4)
North	Vacant land	CG (General Commercial), RM (Multiple Residential)	AR4 (Airport Safety Review Area 4)
South	Westbound I-40 Off-Ramp followed by vacant land and I-40 travel lanes further to the south	State Highway (I-40) RL-5 (Rural Living 5-acre minimum)	AR4 (Airport Safety Review Area 4)
East	Vacant land with residential development further to the east	CG (General Commercial) RL-5 (Rural Living 5-acre minimum)	AR4 (Airport Safety Review Area 4)
West	Convenience store with gas station	CG (General Commercial) State Highway (I-40)	AR4 (Airport Safety Review Area 4)

	Agency	Comment
City Sphere of Influence:	None	None
Water Service:	Environmental Health Services	Well
Sewer Service:	Environmental Health Services	Proposed Septic System

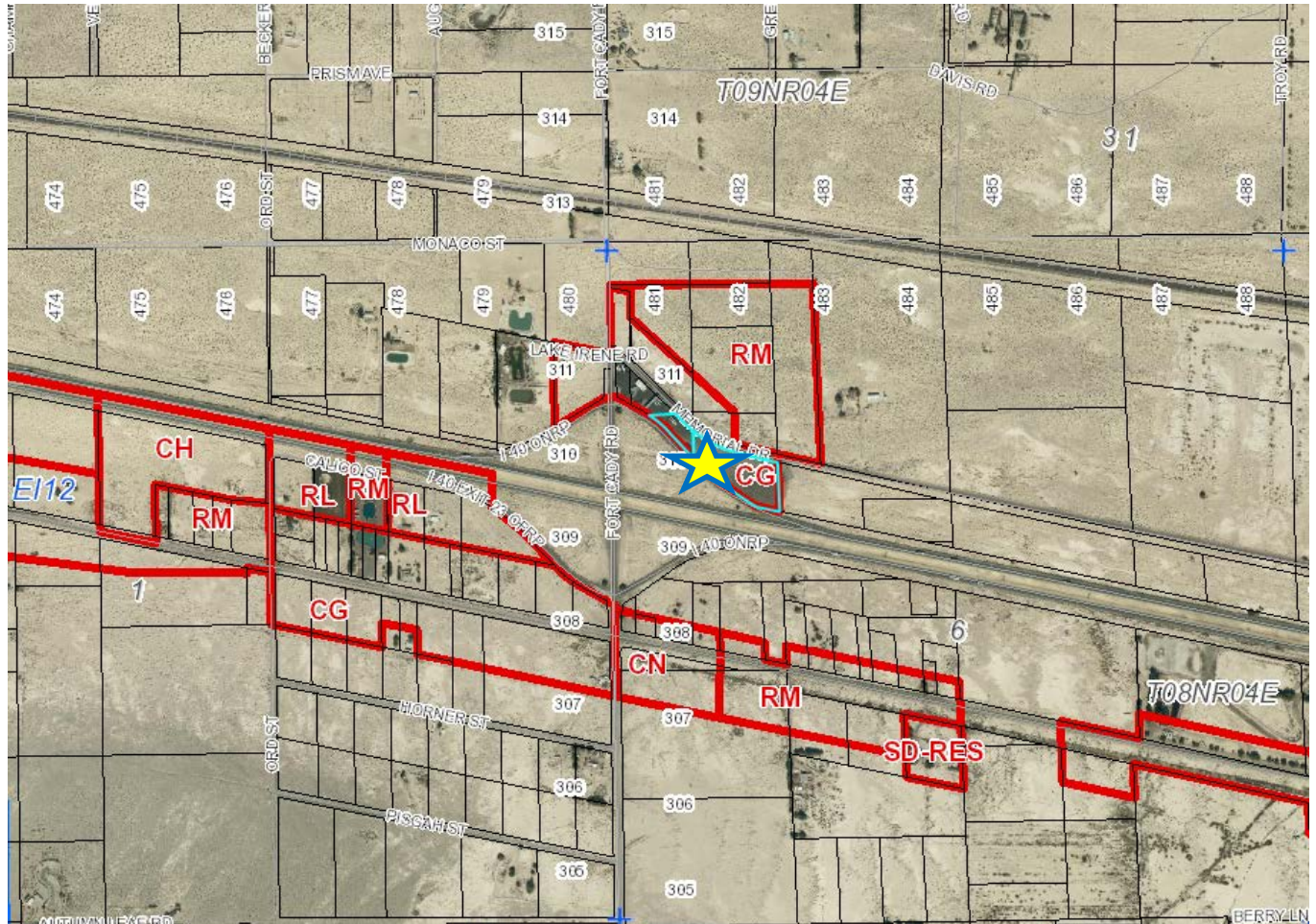
STAFF RECOMMENDATION: That the Planning Commission recommend to the Board of Supervisors to **ADOPT** the Mitigated Negative Declaration, **ADOPT** the Findings as contained in the Staff Report, **APPROVE** the General Plan Amendment, **APPROVE** the Conditional Use Permit, subject to the Conditions of Approval, and **DIRECT** the Clerk of the Board to file a Notice of Determination.¹

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

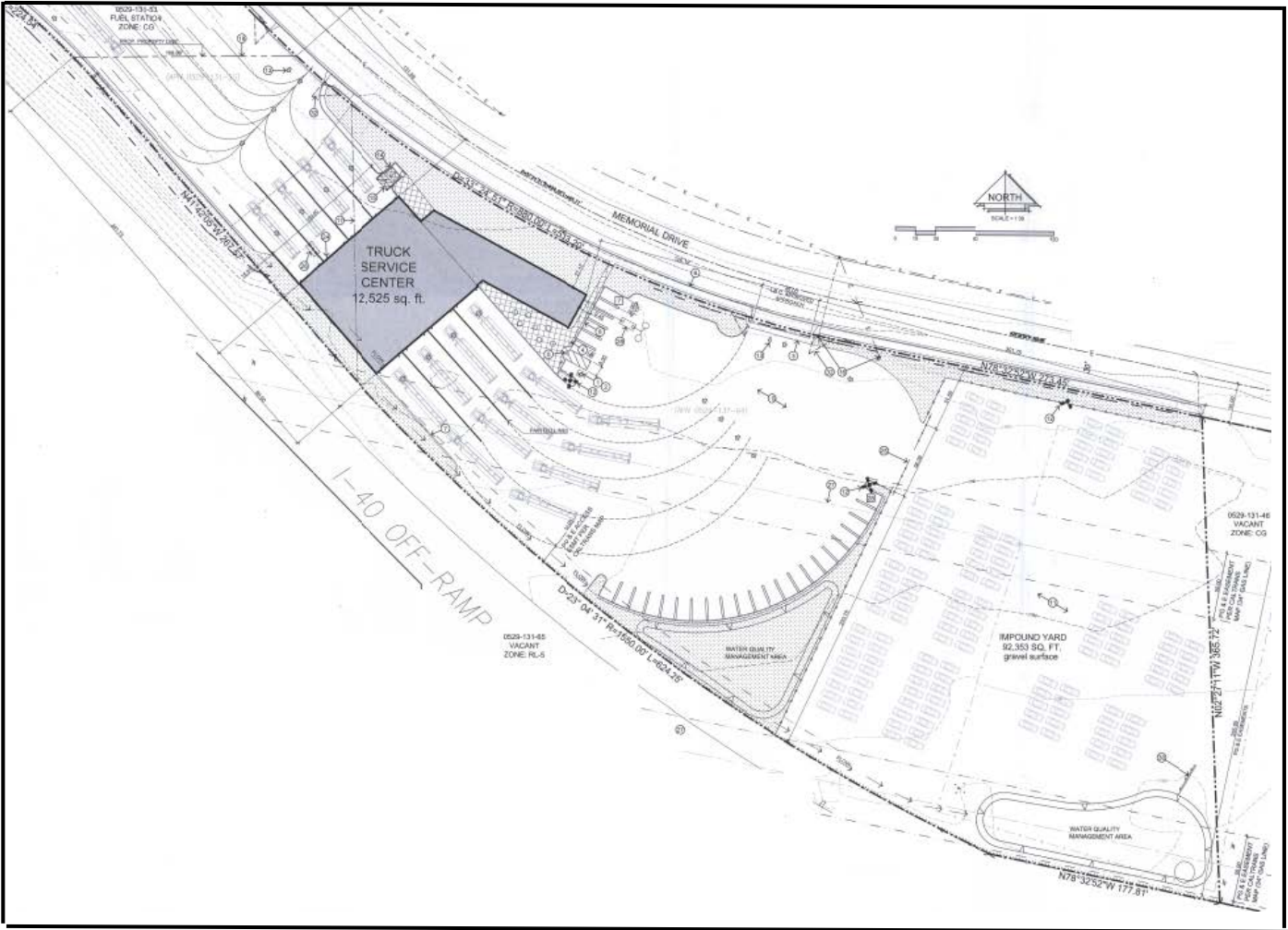
VICINITY MAP:
Aerial view of the Project Site



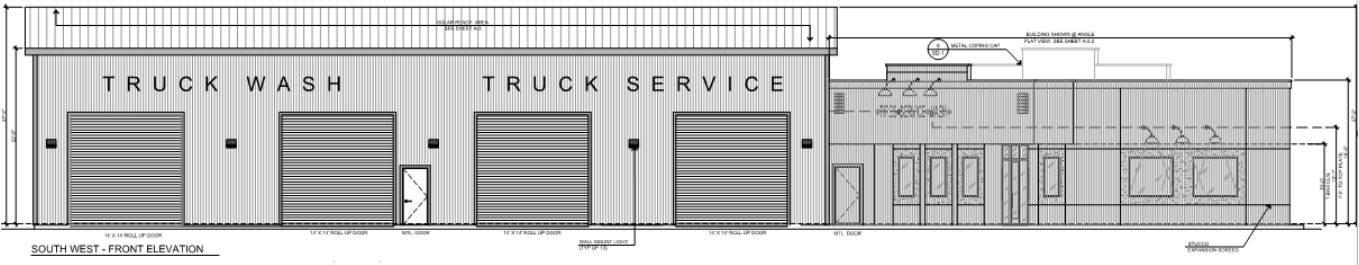
LAND USE DISTRICT MAP:



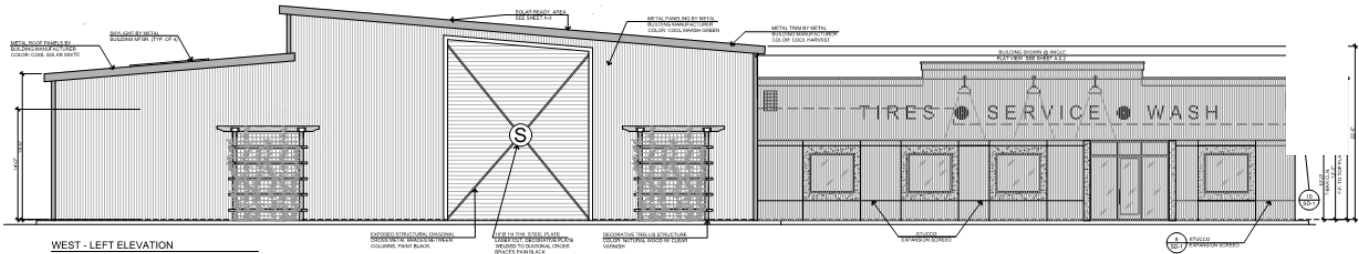
SITE PLAN:



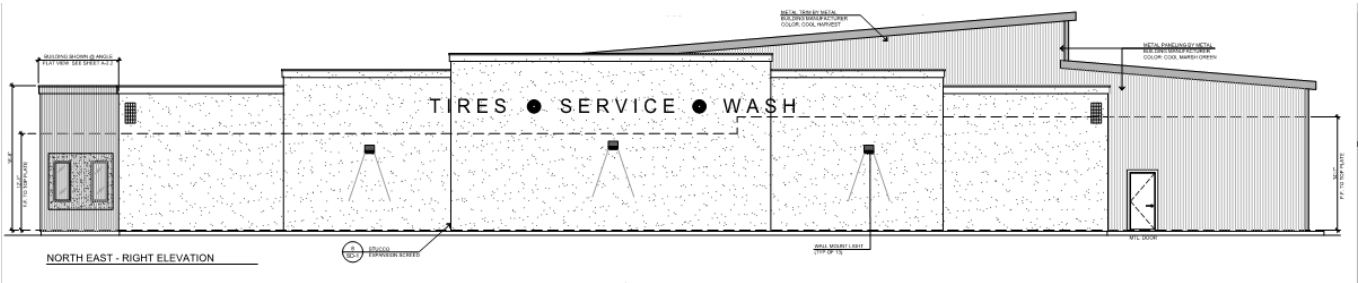
BUILDING ELEVATIONS:



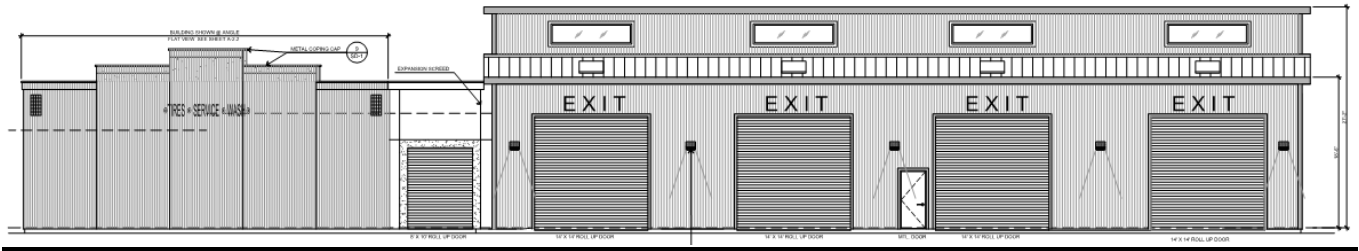
SOUTHWEST - FRONT ELEVATION (MEMORIAL DRIVE)



WEST - LEFT ELEVATION



NORTH EAST - RIGHT ELEVATION



NORTHWEST REAR ELEVATION

SITE PHOTOS

South view from Memorial Drive



East view from the west (existing convenience store & gasoline station)



West view from the subject property



Northwest view from rear of subject property



PROJECT DESCRIPTION AND BACKGROUND:

The applicant, Money Samra, is requesting approval of a Conditional Use Permit (CUP) to construct and operate a 12,252 square-foot truck service center that includes an enclosed truck wash, mechanic shop, and tire shop with storage, and a 92,353 square-foot impound/towing facility. The applicant is also requesting a General Plan Amendment to change the Land Use Zoning District from General Commercial (CG) to Service Commercial (CS) (collectively the "Project"). The Project site is approximately 4.90 acres located at 48243 Memorial Drive in Newberry Springs. The applicant has provided a detailed letter of intent regarding the proposed Project (Exhibit A).

The scope of the proposed Project will consist of site clearing, site preparation, appurtenant improvements, and construction of the proposed truck service center and impound/towing facility with on-site parking and loading areas, circulation, landscaping and water quality management improvements. Off-site street and drainage improvements will also be constructed. The Project will include parking to the southeast of the building with landscaping being utilized for screening and noise attenuation.

The entirety of the Project site consists of compacted gravel. The surface topography of the site is relatively flat. Memorial Drive adjacent to the site is a paved two-lane roadway with no curb, gutter, or sidewalk. The Project site is bounded to the north by Memorial Drive and vacant land further to the north, to the east by undeveloped land, to the south by Interstate 40, and to the west by an existing convenience store and gas station. The Project site will be accessed through Memorial Drive.

PROJECT ANALYSIS:

Site Planning: The Project proposes changing the land use zoning district from General Commercial (CG) to Service Commercial (CS) and the construction of a 12,252 square-foot truck service center that includes an enclosed truck wash, mechanic shop, and tire shop with storage as well as a 92,353 square-foot impound/towing facility. The building and parking areas will be screened from public view on all sides through the incorporation of trees and shrubs placed strategically along the front, side and rear property lines. Off-site street improvements will include curb, gutter, paving and a driveway approach on Memorial Drive. The Project site plan provides adequate areas to accommodate all parking, loading areas, and access and circulation requirements, as needed to comply with County requirements (See Table 2 below).

Code Compliance Summary: As noted above, the Project satisfies all applicable standards of the Development Code for development in the CS Land Use District, as illustrated in Table 2:

Table 2: PROJECT CODE COMPLIANCE

Project Component	Development Code Standard Service Commercial – Desert Region	Project Plans
Truck Service Center & Impound/Towing Facility	CUP	CUP
Parking	20 spaces	28 spaces
Landscaping	20% required	20% provided

Building Setbacks	Front	25'	25'
	Interior Side	10'	10'
	Rear	10'	10'
Building Height	35 feet maximum		26'-3"
Floor Area Ratio	.3:1		.3:1

Landscaping: The site will include drought-tolerant landscaping, with a variety of trees, groundcover and shrubs, in compliance with Development Code Section 83.10.060 and species native to the Desert Region Landscaping Design Guidelines. The Project will meet the code requirements and will provide ample tree planting in the perimeter landscaping.

Hours of Operation: Hours may vary depending on tenants but will most likely range from 5 a.m. to midnight, seven days a week.

CALIFORNIA ENVIRONMENTAL QUALITY ACT COMPLIANCE:

The Project is subject to the California Environmental Quality Act (CEQA). As such, County staff prepared an Initial Study (IS) for the Project. Staff determined that the Project will not have any direct, or reasonable foreseeable indirect, adverse impacts on the environment that will remain potentially significant with implementation of the proposed mitigation measures. The IS was made available for public review with a closing date of September 13, 2019. Mitigation measures have been identified to ensure impacts will not have a significant impact on the environment. Therefore, a Mitigated Negative Declaration (MND) is recommended for adoption along with an approval of the Project. The County exercised its independent judgment and analysis in making this determination.

The following are summaries of the pertinent topics addressed in the IS/MND (Exhibit B):

Aesthetics: The Project will include a building painted in earth/cool tone colors to blend with the surrounding area; there is an existing convenience store and gas station to the west of the subject property. The single-story building will be 27'-2" feet tall at the highest point of the peak of the roof and will include a landscape buffer and building features that will screen parking and loading activities from the street and adjacent properties.

Biological Resources: The site is covered with compacted gravel and adjacent to Interstate 40. As such, United States Fish & Wildlife has stipulated mitigation measures that require they be notified in the unlikely event that a desert tortoise enters the site, that common raven education be provided to staff/employees, and that the developer contribute to the Raven Management Plan.

Hydrology/Water Quality: The Project is under the jurisdiction of the Lahontan Regional Water Quality Control Board as such the applicant shall obtain written approval for this Project as stipulated in the Conditions of Approval. The applicant shall also obtain necessary permits from the State Water Resources Control Board – Division Water.

Fire Protection: The Project shall comply with the California Fire Code requirements as well as the local Newberry Fire Department and will be required to install fire sprinklers and fire hydrants.

Traffic: A Traffic Impact Study was reviewed and approved for this Project. Based on the study it was determined that Project vehicles shall not back out into the public roadway, therefore they will enter through the new proposed driveway and exit through the existing

driveway on the northwest section of the parcel. The Project driveway access on Fort Cady Road may be disallowed or restricted to right in/right out only pursuant to the traffic study and/or Caltrans requirements.

Public Comments:

Project notices were sent to surrounding property owners within 300 feet of the Project site, as required by Development Code Section 85.03.080. No comments were received during the initial public comment period, but one property owner did comment during the Notice of Availability/Notice of Intent comment period. The surrounding property owner expressed concerns regarding trash currently on the site (Exhibit F). This concern will be addressed through the implementation of Conditions of Approval (Exhibit C) that require the applicant to perform continuous maintenance and regular trash pick-up. Another email comment was received after the Notice of Hearing was mailed out. The comment (Exhibit F) expressed concerns regarding water quality and fire protection, which have been addressed in the Conditions of Approval (Exhibit C).

The proposed truck service center and impound/towing facility is permitted under the proposed Service Commercial (CS) zoning district, and mitigation measures are stipulated as part of the Conditions of Approval to address impacts that are to make less than significant any potential impact.

RECOMMENDATION:

That the Planning Commission recommend that the Board of Supervisors:

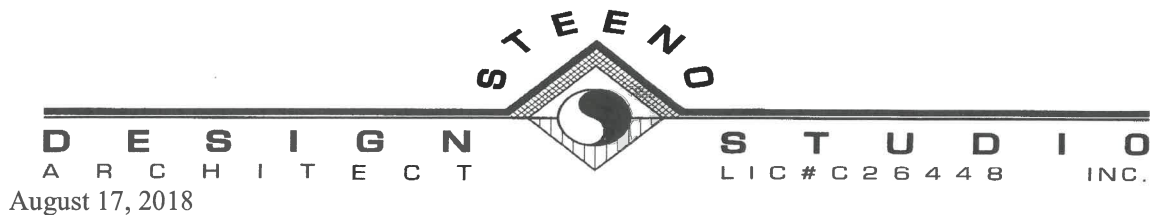
1. **ADOPT** the Mitigated Negative Declaration;
2. **ADOPT** the Findings as contained in the Staff Report;
3. **APPROVE** the General Plan Amendment to change the land use district from General Commercial (CG) to Service Commercial (CS);
4. **APPROVE** the Conditional Use Permit for the construction of a 12, 252 square-foot truck service center and a 92,353 square-foot impound/towing facility, subject to the recommended Conditions of Approval; and
5. **DIRECT** the Clerk of the Board to file the Notice of Determination

ATTACHMENTS:

EXHIBIT A: Letter of Intent
EXHIBIT B: Initial Study/Mitigated Negative Declaration
EXHIBIT C: Conditions of Approval
EXHIBIT D: Site Plan
EXHIBIT E: Findings
EXIBHIT F: Comments

EXHIBIT A

Letter of Intent



August 17, 2018

Planning Department
San Bernardino County Building-Land Use services
15900 Smoke Tree Street
Hesperia, CA 92345

Re: General Plan Amendment for property located at 48157 Memorial Drive in Newberry Springs
APN#'s-0529-131-53, 55, & 54

Dear Magda Gonzalez,

We are proposing a 12,252sf truck service with a mechanic shop including lube pits, an enclosed truck wash, and a tire shop with tire storage and a 92,353sf impound yard located at 48157 Memorial Drive in Newberry Springs.

Currently there are only a few commercial developments within the community of Newberry Springs. There are gas station services only in Ludlow, east of the proposed development and in Barstow, west of the proposed development. There are no Truck Service locations on the Interstate 40 between Barstow and Needles. The project's mix of amenities will support the surrounding residences and communities' commercial needs, as well as provide flexibility in the development standards. The project will provide convenient and necessary services to the surrounding residential community and Interstate 40 travelers.

The project incorporates the goals and objectives of the San Bernardino County General Plan as well as the San Bernardino County Development Code. The land use for the proposed commercial sites is designed to integrate with adjacent developments and to create an interface to future and current development around the site.

The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised. The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area. The proposed land use zoning district change does not conflict with provisions of this Development Code. The proposed land use zoning district change will not have a substantial adverse effect on surrounding property; and San Bernardino County Development Code Amendments 86.12 Page 6-54 April 12, 2007. 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 would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. If there is anything I can do to facilitate this matter, please feel free to contact me.

Sincerely,

Thomas R. Steeno
Architect

Cc: Mr. Samra

STEENO DESIGN STUDIO INC.
11774 HESPERIA ROAD, SUITE B1, HESPERIA, CA 92345
PH. 760.244.5001 WWW.STEENODESIGN.COM

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EXHIBIT B

Initial Study/Mitigated Negative Declaration

SAN BERNARDINO COUNTY

INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

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

PROJECT LABEL:

APN:	0529-131-55,64
APPLICANT:	Money Samra
COMMUNITY:	Newberry Springs
LOCATION:	48243 Memorial Drive Newberry Springs, CA 92365
PROJECT NO:	P201800242
STAFF:	Magda Gonzalez, MPA, Senior Planner
REP(S):	Steen Design Studio, Inc.
PROPOSAL:	A General Plan Amendment to change the land use zoning district from General Commercial (CG) to Service Commercial (CS) and a Conditional Use Permit to construct and operate a truck service center (i.e. enclosed truck wash, mechanic shop, tire shop with storage), and an impound/towing facility on 4.91 acres.

USGS Quad: Troy Lake
T, R, Section: T: 8N R: 4E Sec: 6

Thomas Bros.: Page 3464, Grid: A-5

Planning Area: Newberry Springs
Land Use Zoning: GC (General Commercial)

Overlays: AR4 (Airport Safety Review Area 4)

PROJECT CONTACT INFORMATION:

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

Contact Person: Magda Gonzalez, MPA, Senior Planner
Phone No: (760) 995-8150 Fax No.: (760) 995-8167
E-mail: Magda.gonzalez@lus.sbcounty.gov

Project Sponsor: Money Samra
10415 Edgebrook Way
Northridge, CA 91320
Phone No: 818-518-8648

PROJECT DESCRIPTION:

A General Plan Amendment to change the land use zoning district from General Commercial (CG) to Service Commercial (CS) and a Conditional Use Permit to construct and operate a truck service center (i.e. enclosed truck wash, mechanic shop, tire shop with storage), and an impound/towing facility on 4.91 acres adjacent to an existing gas station and convenience store.

Roadway Improvements

The Project proposes the following roadway improvements adjacent to the site:

- Memorial Drive: Construct curb, gutter, and sidewalk along the Project frontage.

Drainage Improvements

Runoff will flow southwesterly through a series of curb & gutters which will convey the runoff to a detention basin located at the westerly most corner of the site. Overflow runoff from the westerly basin will flow over a rock

spillway and onto a rock splash pad before leaving the site. Runoff from the southeasterly portion of the developed site will flow easterly through a series of Concrete V-Gutter and Curb & Gutters which will convey the runoff to a detention basin located at the Southeast corner of the site. Overflow runoff will flow over a rock spillway and onto a rock splash pad before leaving the site.

Water and Wastewater Improvements

An existing water well will be used to provide water service and a septic system is proposed to provide wastewater treatment.

Construction Duration

Project construction is anticipated to occur over an approximately 4-month period.

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

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

The Project does not require the preparation of an Environmental Impact Report and a Notice of Preparation is not required. Thus, the environmental setting for the Project is the approximate date that the Project's Initial Study Checklist commenced in January 2019.

The entirety of the Project site consists of compacted gravel. The surface topography of the site is relatively flat. Memorial Drive adjacent to the site is a paved two-lane roadway with no curb, gutter, or sidewalk.

Surrounding land uses and Land Use/Overlay districts are shown in Table 1.

Table 1. Existing Land Use and Land Use/Overlay Districts

AREA	EXISTING LAND USE	LAND USE DISTRICT	OVERLAY DISTRICT
Site	Vacant land.	CG (General Commercial)	AR4 (Airport Safety Review Area 4)
North	Vacant land	CG (General Commercial), RM (Multiple Residential)	AR4 (Airport Safety Review Area 4)
South	Westbound I-40 Off-Ramp followed by vacant land and I-40 travel lanes further to the south	State Highway (I-40) RL-5 (Rural Living 5-acre minimum)	AR4 (Airport Safety Review Area 4)
East	Vacant land	CG (General Commercial) RL-5 (Rural Living 5-acre minimum)	AR4 (Airport Safety Review Area 4)
West	Fort Cady Road followed by vacant land further to the west	CG (General Commercial) State Highway (I-40)	AR4 (Airport Safety Review Area 4)

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

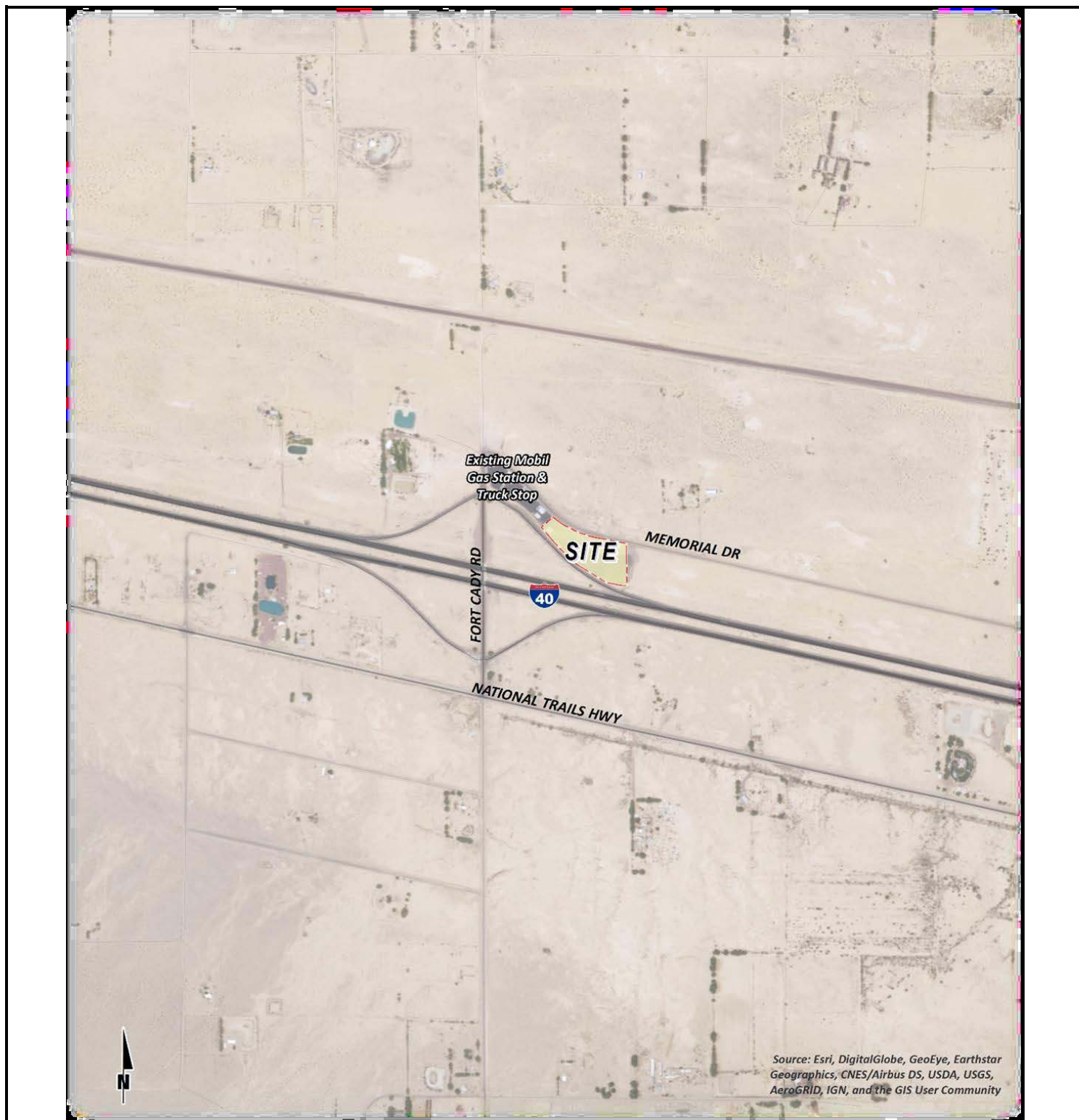
Federal: None.

State of California: Lahontan Water Board.

County of San Bernardino: Land Use Services Department: Building and Safety, Geologist, Code Enforcement, and Land Development; Public Health Department: Environmental Health Services; Special Districts; Public Works: Surveyor, Traffic, Solid Waste Management; County Fire Hazardous Materials.

Regional: Mojave Desert Air Quality Management District.

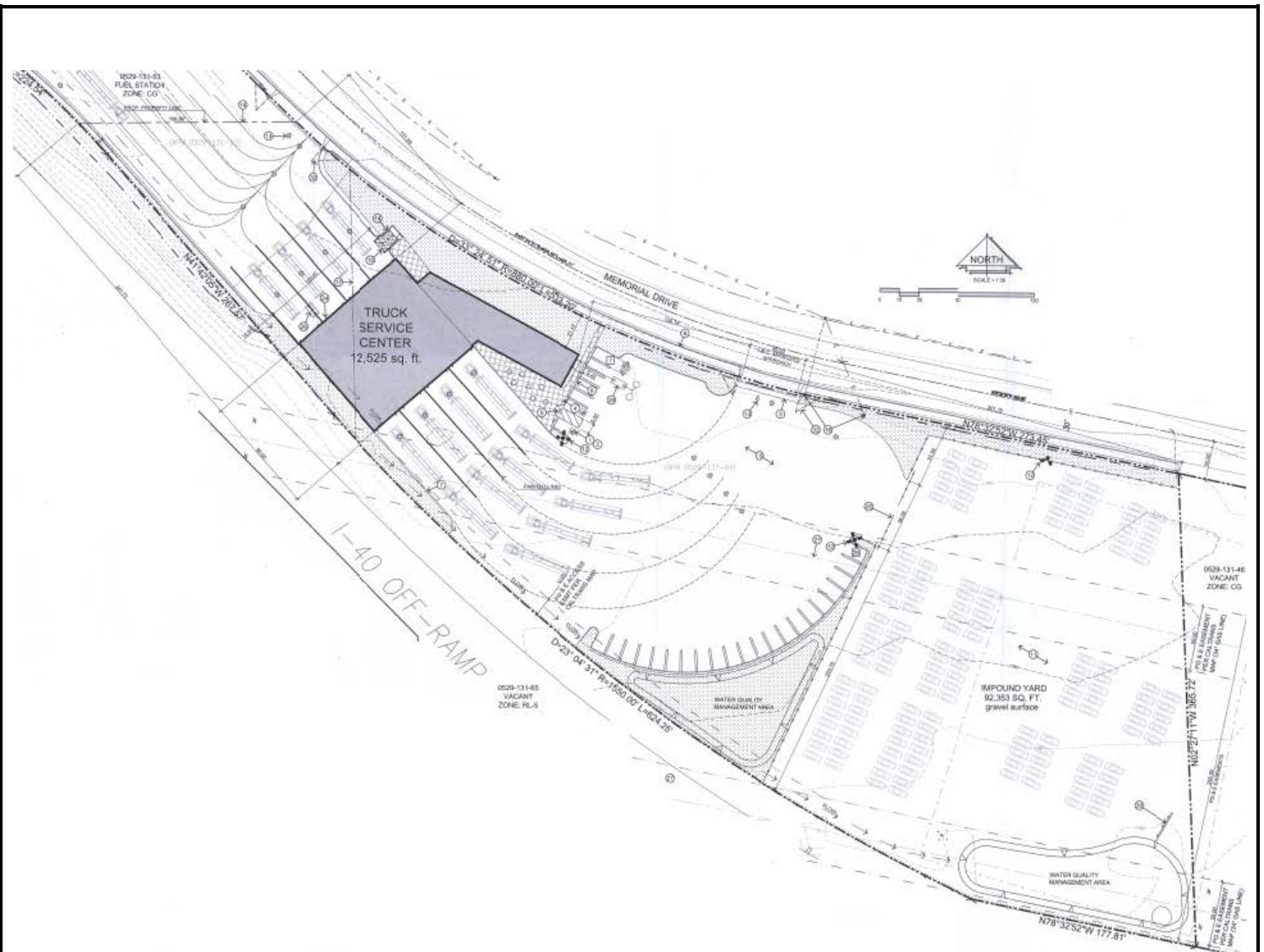
Local: Newberry Springs - Fire Department.



**Newberry Springs Truck
Service Center**

Location /Aerial Photo

Exhibit 1



Newberry Springs Truck Stop

Site Plan

Exhibit 2

EVALUATION FORMAT

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

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

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

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

DETERMINATION: (To be completed by the Lead Agency)

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

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

Signature

Date

Issues		Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
I. AESTHETICS - Except as provided in Public Resources Code Section 21099, would the project					
a)	Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
b)	Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c)	In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐
d)	Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐
SUBSTANTIATION (Check ☐ if project is located within the view-shed of any Scenic Route listed in the General Plan):					

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

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

The hills located approximately 4 miles southwest of the Project site meet the criteria of a scenic vista pursuant to County of San Bernardino General Plan Open Space Element Policy OS 5.1.

The public views of this feature are from the public right-of-way of Memorial Drive adjacent to the Project site. Public views of the hills will not be impacted because the proposed structures (truck stop center and impound/towing facility) only cover approximately 0.7% of the site and the structure height is restricted to a maximum height of 35 feet by the Development Code.

Based on the analysis above, public views of the hills north and southeast will not be impacted and the Project will have a less than significant impact on a scenic vista.

lb) **No Impact.** The Project site is adjacent to Interstate 40, which is located to the southwest of said property. 650 feet north of the southbound I-15 travel lanes. The County's Development Code has

established development criteria for areas within 200-feet of the ultimate right-of-way of a scenic route. Due to the Project's distance from I-15, the Project will not have an impact on a scenic route.

- lc) **Less than Significant impact.** According to the Census 2010 Urbanized Area Outline Maps, the Project site is not located within an Urbanized Area. A project is generally considered to have a significant impact on visual character if it substantially changes the character of the project site such that it becomes visually incompatible or visually unexpected when viewed in the context of its surroundings.

The Project site is in an area largely characterized by desert vacant and a gas station/convenience store to the northwest

The Project site is proposed for commercial development and will consist of a low scale truck service center. This type of development will not be visually incompatible or visually unexpected for a site adjacent to freeway ramps. As such, impacts are less than significant.

- ld) **Less Than Significant Impact.** The Project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area because the onsite parking lot lighting is required to be fully shielded to prevent light trespass. The standards listed in Chapter 83.07-Glare and Outdoor Lighting of the Development Code ensure that any impact caused by outdoor lighting and glare is reduced to a level below significance. A lighting plan will be required, as a condition of Project approval, to ensure the standards are met.

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

- IIa) **No Impact.** The site does not contain any lands designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the State Department of Conservation Farmland Mapping and Monitoring Program. As such, the Project has no potential to convert such lands to a non-agricultural use and no impact would occur.
- IIb) **No Impact.** Generally, a conflict with existing zoning for agriculture use would occur if a project would intrude into agricultural areas and create conflicts between agriculture uses and non-agriculture uses. The Project site is zoned CG (General Commercial). The Project proposes to change the zoning to CS (Service Commercial) which is a zone intended for service commercial development and not agricultural use. There are no agricultural uses on the Project site. As such, there is no impact with respect to conflicting with agricultural zoning.

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

- IIc) **No Impact.** The Project site is zoned CG (General Commercial). The Project proposes to change the zoning to CS (Service Commercial). The Project site does not contain any forestlands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands on the Project site are zoned for forestland or timberland, the Project has no potential to impact such zoning.
- IId) **No Impact.** The Project site and surrounding properties do not contain forestlands, are not zoned for forest lands, nor are they identified as containing forest resources by the General Plan. Because forest land is not present on the Project site or in the immediate vicinity of the Project site, the proposed Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use.
- IIE) **No Impact.** The Project site is located in an area largely characterized by vacant desert land with sparse development. The site is mostly cleared and supports a highly disturbed desert scrub community with a limited number of plant species on the site. The Project site is planned for commercial development by the County's General Plan and this type of development has been anticipated for the Project site.

Based on the analysis above, the Project would not result in conversion of Farmland to non-agricultural use or forestland to non-forest use and no impacts would occur.

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

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

The following analysis is based in part on the *Air Quality Impact Analysis*, Urban Crossroads, October 4, 2017, (Appendix A).

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

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

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

The current zoning for the Project site is CG (General Commercial), The Project proposes to change the zoning to CS (Service Commercial). The purpose of the zone change is to accommodate the truck

service use which is not allowed under the existing zoning of CG (General Commercial). Since both the CG (General Commercial) and CS (Service Commercial) are both commercial zones, the zone change is consistent with the zoning and general land use classifications that were used to prepare the Attainment Plan (i.e. commercial). In addition, based on Table 3 below, Project-generated emissions generated will not exceed District emission thresholds. Therefore, the Project's emissions are in compliance with the thresholds established by the District. The Project would not significantly increase local air emissions and therefore would not conflict with or obstruct implementation of the Attainment Plans. Therefore, no impact is anticipated.

IIIb) Less than Significant Impact.

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

Construction Emissions

Construction activities associated with the Project will result in emissions of CO, VOCs, NOX, SOX, PM₁₀, and PM_{2.5}. Construction related emissions are expected from the following construction activities:

- Site Preparation;
- Grading;
- Building Construction;
- Paving; and
- Architectural Coating.

Project construction is anticipated to occur over an approximately 5-month period. The estimated maximum daily construction emissions without mitigation are summarized on Table 3 below.

Table 3. Maximum Daily Construction Emissions (Pounds per Day)

Year	ROG (VOC)	NO _x	CO	PM ₁₀	PM _{2.5}
2019	62.98	23.76	13.69	7.52	4.66
MDAQMD Threshold (lbs/day)	137	137	548	82	65
Significant	No	No	No	No	No
Source: <i>Air Quality Impact Analysis</i> , Appendix A.					

Emissions resulting from the Project construction would not exceed thresholds established by the District for emissions of any criteria pollutant. As such, the Project will have a less than significant impact during construction activity and no mitigation is required.

Operational Emissions

Operational activities associated with the proposed Project will result in emissions of VOC, NOX, CO, SOX, PM₁₀, and PM_{2.5}. Operational emissions would be expected from the following primary sources:

- Area Source Emissions (architectural coatings, consumer products, landscape maintenance equipment);
- Energy Source Emissions (combustion emissions associated with natural gas and electricity);and
- Mobile Source Emissions (vehicles, fugitive dust related to vehicular travel).

The estimated maximum daily worst case peak operational emissions without mitigation are summarized on Table 4 below.

Table 4.Operational Emissions-Summer (Pounds per Day)

Source	ROG (VOC)	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Area Source	0.37	1.00E-0	1.4E-03	0.00	1.00E-05	1.00E-05
Energy Source	0.01	0.12	0.10	7.10E-05	8.97E-04	8.97E-04
Mobile Source	0.,87	5.42	5.38	0.02	0.73	0.20
Total Peak (lbs/day)	1.26	5.54	5.48	0.02	0.74	0.21
MDAQMD Threshold (lbs/day)	137	137	548	137	82	82
Significant	No	No	No		No	No

Source: *Air Quality Impact Analysis*, Appendix A.

Emissions resulting from the Project operation would not exceed thresholds established by the District for emissions of any criteria pollutant. As such, the Project will have a less than significant impact during on-going operational activity and no mitigation is required.

- IIIc) **No Impact.** The Mojave Desert Air Quality Management District defines sensitive receptors as residences, schools, daycare centers, playgrounds and medical facilities. The following project types proposed for sites within the specified distance to an existing or planned sensitive receptor must not expose sensitive receptors to substantial pollutant concentrations: any industrial project within 1,000 feet, a distribution center (40 or more trucks per day) within 1,000 feet, a major transportation project (50,000 or more vehicles per day) within 1,000 feet, a dry cleaner using perchloroethylene within 500 feet or a gasoline dispensing facility within 300 feet.

There are no sensitive receptors within any of the distances described above.

Based on the analysis above, the Project will not expose sensitive receptors to substantial pollutant concentrations.

- IIId) **Less Than Significant Impact.** Land uses generally associated with odor complaints include:

- Agricultural uses (livestock and farming);
- Wastewater treatment plants;
- Food processing plants;
- Chemical plants;
- Composting operations;
- Refineries;
- Landfills;
- Dairies; and
- Fiberglass molding facilities.

The Project does not contain any of the above described land uses typically associated with emitting objectionable odors. Potential odor sources associated with the proposed Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed Project's (long-term operational) uses. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant.

All retail service stations under MDAQMD jurisdiction have Phase I and II vapor recovery systems to control gasoline emissions and reduce odors. Phase I vapor recovery refers to the collection of gasoline vapors displaced from storage tanks when cargo tank trucks make gasoline deliveries. Phase II vapor recovery systems control the vapors displaced from the vehicle fuel tanks during refueling. In addition, all gasoline is stored underground with valves installed on the tank vent pipes to further control gasoline emissions.

It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the County's solid waste regulations. The Project would also be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed Project construction and operations would be less than significant and no mitigation is required.

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

SUBSTANTIATION

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

- IVa) **No Impact.** The entirety of the Project site consists of compacted gravel and portions of the site are being used for truck parking. As such, the site does not contain habitat for wildlife and plant species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. There are no impacts.

- IVb) **No Impact.** There is no surface water on site or any riparian habitat or other sensitive natural community. As such, the Project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service or have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- IVc) **No Impact.** No state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) exist on the site.
- IVd) **No Impact.** The Project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites as none exist on the site.
- IVe) **No Impact.** The County's Plant Protection and Management Ordinance requires a Tree & Plant Removal Permit for the removal of any Native Desert Plant listed in Chapter 88.01.060(c) of the Development Code or listed in Food and Agriculture Code Section 80001 et seq. None of the species listed in Chapter 88.01.060(c) or in Food and Agriculture Code Section 80001 et seq.) were identified on site.
- IVf) **No Impact.** The Project site is located within the planning area of the *West Mojave California Desert Conservation Area Plan* Amendment. The *West Mojave California Desert Conservation Area Plan* Amendment was adopted by the Bureau of Land Management in 2006. The Record-of-Decision applies only to 3.3 million acres of BLM-managed lands. To date no approvals have been issued for the Habitat Conservation Plan component by the U.S. Fish and Wildlife Service or the California Department of Fish and Wildlife. All land within the Project site is located on private property outside of the Bureau of Land Management; therefore the *West Mojave California Desert Conservation Area Plan* does not apply. Additionally, the Project site is located within the boundaries of the *Desert Renewable Energy Conservation Plan*. Phase I of the *Desert Renewable Energy Conservation Plan* was approved by the Bureau of Land Management on September 14, 2016 and applies to Bureau of Land Management land only. Phase II which would apply to non-federal land is an on-going process and no implementing agreements have been issued. All land within Project site is located on private property outside of the Bureau of Land Management land; therefore the *Desert Renewable Energy Conservation Plan* does not apply.

ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
V. CULTURAL RESOURCES - Would the project				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

SUBSTANTIATION

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

The following analysis is based in part on the *Cultural Resources Assessment (Phase 1)*, RCA Associates, September 5, 2017, (Appendix B).

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

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

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

The South Central Coastal Information Center (SCCIC) at California State University, Fullerton conducted a record search of previously documented cultural resources and cultural resource surveys and studies conducted on the property and within half mile radius of the subject property. No historical resources pursuant to §15064.5 have been previously recorded within the Project area.

The Project area was also examined for the presence of any cultural resources, including prehistoric or historic archaeological sites or historic buildings. No historical resources pursuant to §15064.5 were discovered.

As such, there will be no impact with respect to historical resources as a result of the Project and no mitigation measures are required.

- Vb) **Less Than Significant Impact With Mitigation Incorporated:** Archaeological sites are locations that contain resources associated with former human activities, and may contain such resources as human skeletal remains, waste from tool manufacture, tool concentrations, and/or discoloration or accumulation of soil or food remains.

As noted under Issue Va) above, a field survey was conducted for the Project site and no archaeological resources were discovered. Although the site consists of compacted gravel, deeper excavation may be required during grading activities. The following mitigation measure is recommended to ensure that any inadvertent discoveries of archaeological resources uncovered during earth moving activities are not significantly impacted:

Mitigation Measure CR-1: San Manuel Band of Mission Indians.

1. In the event that pre-contact 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 assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, if any such find occurs 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 significance and treatment.
2. If significant Native American historical 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-a. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Mitigation Measure CR-2: Morongo Band of Mission Indians.

4. Morongo Band of Mission Indians Tribal Cultural Resource Monitor(s) be present during all required ground disturbing activities pertaining to the project.

Mitigation Measure CR-3: Twenty-Nine Palms Band of Mission Indians.

5. If there are inadvertent discoveries of archaeological remains or resources, construction should stop immediately, and the appropriate agency and tribe(s) should be notified.

With implementation of Mitigations Measure CR-1, CR-2 & CR-3, impacts are less than significant.

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

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

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

SUBSTANTIATION

Vla) Less Than Significant Impact.

Short-Term Construction Impacts

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

Table 4 below shows the estimated energy consumption for Project construction.

Table 4. Energy Consumption Estimate for Project Construction.

Construction Phase	Number of Construction Days	Average Worker and Vendor Trips Per Day	Horse Power Hours per Construction Phase	Construction Equipment		Worker and Vendor Trips
				Energy Use (1)	Gas & Fuel Use (2)	Gas & Fuel Use (3)
Site Preparation	1	5	2,272		122.81	2
Grading	2	10	4,176		225.80	8
Building Const., Paving, Architectural Coating.	100	25	6,912		373.62	1,008.60
			TOTALS	41.86 kWh	752.23 Gal.	1,018.60 Gal.
1: Calculation is based on an average construction energy cost of \$2.28 per month of energy use per 1,000 square feet of building space (13,500 s.f.) over the total duration of construction (17 months), at the rate of 8 cents per kilowatt hour (kWh). 2: Calculation is based on expected horsepower (HP) hours and an average factor of 1 gallon of fuel per 18.5 horsepower-hour. 3: Calculation is based on number of expected worker and vendor trips per day, multiplied by an average trip length of 10.80 miles and based on the average fuel economy of a light duty automobile of 26.77 miles per gallon. 4: This calculation overstates the HP hours per construction phase because it does not apply a load factor.						

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

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

Long-Term Operational Impacts

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

Electricity

The Project site is located within the service area of Southern California Edison (SCE). The Project would create a net increase in electricity demand of approximately 139,590 kWh per year. This net increase is well within SCE's systemwide net increase in electricity supplies of approximately 15,273 GWh annually over the 2012-2024 period (CEC, Electricity Consumption by County, 2017). Therefore, there are sufficient planned electricity supplies in the region for the estimated net increase in electricity demands, and buildout under the proposed Project would not require expanded electricity supplies.

Natural Gas

The Project site is located within the service area of Southwest Gas. Southern California Gas (SoCal Gas) provides natural gas to Southwest Gas. SoCal Gas receive gas supplies from several sedimentary basins in the western United States and Canada including supply basins located in New Mexico (San Juan Basin), West Texas (Permian Basin), Rocky Mountains, Western Canada, and local California supplies. Gas supply available to So Cal Gas (including SDG&E) from California sources averaged 323 MMcf/day in 2017. The Project would create a net increase in natural gas demand of approximately 15,610 kBtu per year. The Project's demand is negligible based on the available supply.

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

Conclusion

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

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

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- VIb) **No Impact:** The County of San Bernardino General Plan Renewable Energy and Conservation Element RE Policy 1.1 states: “*Continue implementing the energy conservation and efficiency measures identified in the County of San Bernardino Greenhouse Gas Emissions Reduction Plan.* The County’s *Greenhouse Gas Emissions Reduction Plan* is considered a “local plan” for renewable energy or energy efficiency.” As noted in the analysis for Issue VIIIa-b, *Greenhouse Gas Emissions*, the Performance Standards for Commercial and Industrial Project pursuant to Appendix F of the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan* will be included as Conditions of Approval for the Project. As such, the Project will not conflict with or obstruct a state or local plan for renewable energy or energy efficiency
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ISSUES		Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant impact	No Impact
VII. GEOLOGY AND SOILS - Would the project:					
a)	Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i.	Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	☐	☐	☐	☒
ii.	Strong seismic ground shaking?	☐	☐	☒	☐
iii.	Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐
iv.	Landslides?	☐	☐	☐	☒
b)	Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c)	Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐
d)	Be located on expansive soil, as defined in Table 181B of the California Building Code (2001) creating substantial risks to life or property?	☐	☐	☒	☐
e)	Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☒	☐
f)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
SUBSTANTIATION (Check ☐ if project is located in the Geologic Hazards Overlay District):					
The following analysis is based in part on the <i>Preliminary Geotechnical Investigation</i> , ALR Engineering & Testing, June 11, 2018 (Appendix C), <i>Infiltration Test</i> , ALR Engineering & Testing, May 13, 2018 (Appendix F).					

VIIai) **No Impact.** The Project site is not located within an Alquist-Priolo Earthquake Fault Zone, and no known faults underlie the site. Because there are no faults located on the Project site, there is no potential for the Project to expose people or structures to adverse effects related to ground rupture.

- VIa(ii) **Less Than Significant Impact.** The Project site is located in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the lifetime of the Project. This risk is not considered substantially different than that of other similar properties in the southern California area. As a mandatory condition of Project approval, the Project would be required to construct the proposed structures in accordance with the California Building Code. The County's Building and Safety Department would review the building plans through building plan checks, issuance of a building permit, and inspection of the buildings during construction, which would ensure that all required California Building Code seismic safety measures are incorporated into the buildings. Compliance with the California Building Code as verified by the County's review process, would reduce impacts related to strong seismic ground shaking.
- VIIa(iii) **Less Than Significant Impact.** Because the water table is approximately 110 feet below the surface, the site is not subject to liquefaction. However, detailed design-level geotechnical studies and building plans pursuant to the California Building Code are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the California Building Code as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process, would reduce the low potential for liquefaction to a less than significant level.
- VIIa(iv) **No Impact.** The site is relatively flat and contains no slopes that may be subject to landslides. Therefore the site is not considered susceptible to seismically induced landslides. As such, there are no impacts.
- VIIb) **Less Than Significant Impact.** During construction, the Project has the potential to contribute to soil erosion and the loss of topsoil. Grading and excavation activities that would be required for the Project would expose and loosen topsoil, which could be eroded by wind or water. A Construction General Permit would be obtained and a Storm Water Pollution Prevention Plan (SWPPP) would be prepared prior to construction. Potential impacts would be mitigated for through sediment, erosion, and non-storm water control methods identified in the SWPPP pursuant to the requirements of the NPDES General Construction Permit. Implementation of a SWPPP would ensure the project does not result in significant impacts to water quality due to construction-related activities.

The Project includes paving and installation of landscaping throughout the Project site and areas of loose topsoil that could erode by wind or water would not exist upon operation of the proposed use. In addition, as described in Section X, *Hydrology and Water Quality*, the hydrologic features of the proposed Project have been designed to slow, filter, and retain stormwater on the Project site, which would also reduce the potential for stormwater to erode topsoil. Potential impacts related to substantial soil erosion or loss of topsoil would be less than significant.

- VIIc) **Less Than Significant Impact.**

Landslide

As noted in the response to Issue VIIaiv above, the site is relatively flat and contains no slopes that may be subject to landslides. Therefore, the site is not considered susceptible to landslides

Lateral Spreading

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

Subsidence

Subsidence is the downward movement of the ground caused by the underlying soil conditions. Certain soils, such as clay soils are particularly vulnerable since they shrink and swell depending on their moisture content. Subsidence is an issue if buildings or structures sink which causes damage to the building or structure. The upper four (4) feet of soils are likely to settle due to loading and introduction of water. Subsidence is usually remedied by excavating the soil the depth of the underlying bedrock and then recompacting the soil so that it is able to support buildings and structures. Detailed design-level geotechnical studies and building plans pursuant to the California Building Code are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the California Building Code as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process, would reduce the potential for subsidence to a less than significant level.

Liquefaction

As noted in the response to Issue VIIaiii above, the potential for exposure to liquefaction is not expected because the depth of groundwater is approximately 110 feet.

Collapse

Collapse occurs in saturated soils in which the space between individual particles is completely filled with water. This water exerts a pressure on the soil particles that influences how tightly the particles themselves are pressed together. The soils lose their strength beneath buildings and other structures. The site is subject to low to moderate potential for collapse. Collapse is usually remedied by excavating the soil the depth of the underlying bedrock and then recompacting the soil so that it is able to support buildings and structures. Detailed design-level geotechnical studies and building plans pursuant to the *California Building Code* are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department. Therefore, compliance with the requirements of the *California Building Code* as identified in a site specific geotechnical design would be reviewed by the County for appropriate inclusion, as part of the building plan check and development review process, would reduce the low to moderate potential for collapse to a less than significant level.

- VIIId) **Less Than Significant Impact.** Soils on the Project site have a very low expansion potential. Detailed design-level geotechnical studies and building plans pursuant to the *California Building Code* are required prior to approval of construction. Compliance with the recommendations of the geotechnical study for soils conditions, is a standard practice and would be required by the County Building and Safety Department and will ensure that impacts are less than significant.
- VIIe) **Less Than Significant Impact.** Soils on the Project site consist of silty sands and poorly graded sands with silt and are considered suitable to accommodate a septic system. The Project will require

an Environmental Health Services approved wastewater treatment device since no public sewer is available. The County's Environmental Health Services Department reviewed the Project and has approved the site for on-site wastewater treatment subject to an approved percolation report.

- VII f) **Less Than Significant Impact With Mitigation Incorporated.** Paleontological resources are the preserved fossilized remains of plants and animals. The Project area is located in the Northern and Eastern Mojave planning area of the *California Desert Conservation Area Plan*. According to Figure III.10-2 of the Plan, *Potential Fossil Yield Classification of Geology - Subarea Index Map* of the **Draft DRECP and EIR/EIS** (August 2014), the Project area is identified as having the potential to contain paleontological resources. Although the site consists of compacted gravel, excavations during grading could result in the inadvertent discovery of paleontological resources. To minimize the effects of this potential impact, Mitigation Measure GEO-1 is recommended.

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

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

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

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

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

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

SUBSTANTIATION

The following analysis is based in part on the *Greenhouse Gas Analysis*, Urban Crossroads, October 4, 2017 (Appendix D).

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

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

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

A GHG emissions inventory was conducted for the Project utilizing the California Emissions Estimator Model (CalEEMod) as shown on Table 5 below.

Table 5. Project Greenhouse Gas (GHG) Emissions

Source	GHG Emissions MT/yr			
	CO2	CH4	N2O	Total CO2E
Annual construction related emissions amortized over 30 years	126.93	0.03	0.00	127.76
Area	2.40E-04	0.00	0.00	2.60E-04
Energy	67.93	2.29E-03	8.10E-04	68.23
Mobile Sources	204.09	0.03	0.00	204.75
Waste	10.47	0.62	0.00	25.93
Water Usage	8.43	0.04	1.05E-04	9.78
TOTAL CO2E (All Sources)	436.45			
Screening Threshold	3,000			
Exceed Threshold?	NO			
Source: Greenhouse Gas Analysis, Urban Crossroads, October 3, 2018 (Appendix D).				

As shown on Table 5 above, the Project's GHG emissions are less than the initial screening threshold of 3,000 MTCO₂E per year. Projects that do not exceed this threshold require no further climate change analysis. However, Performance Standards for Commercial and Industrial Project pursuant to Appendix F of the County of San Bernardino *Greenhouse Gas Emissions Reduction Plan* will be included as Conditions of Approval for the Project.

- VIIIb) **Less Than Significant Impact.** The State and local regulatory programs for GHG emissions and climate change are described in the response to Issue VIIIa above. The Performance Standards described above will ensure that there would be no conflict with any applicable plan, policy, or regulation; therefore, impacts will be less than significant, and no mitigation would be required.

ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant impact	No Impact
IX. HAZARDS AND HAZARDOUS MATERIALS - Would the project:				
a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

SUBSTANTIATION

IX a-b) Less Than Significant Impact.

Construction Activities

Heavy equipment that would be used during construction of the Project would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to

workers, the public, and the environment. The potential for accidental releases and spills of hazardous materials during construction is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with future development that would be a reasonably consequence of the Project than would occur on any other similar construction site.

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

Operational Activities

Because the Project will handle and/or stores substantial quantities of hazardous materials (e.g. motor vehicle fuels), it will be subject to the requirements of the Hazardous Materials Division of the San Bernardino County Fire Department. Typical conditions applied to planning projects include obtaining permits, filing a business emergency/contingency plan, preparing a Risk Management Plan, filing construction plans and obtaining construction permits for the installation of underground storage tanks.

With mandatory regulatory compliance imposed by the Hazardous Materials Division of the San Bernardino County Fire Department, potential hazardous materials impacts associated with long-term operation of the truck service center is not expected to pose a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, nor would the Project increase the potential for accident operations which could result in the release of hazardous materials into the environment.

- IXc) **No Impact.** The Project site is not located within one-quarter (0.25) mile of a mile from an existing or proposed school. In addition, as discussed in the responses to issues IXa-b above, the all hazardous or potentially hazardous materials would comply with all applicable federal, State, and local agencies and regulations with respect to hazardous materials.
- IXd) **No impact.** The Project Site is not identified on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. The operator would comply with all applicable federal and state safety rules and regulations regarding hazardous materials. Therefore, less than significant impact is anticipated.
- IXe) **No Impact.** The Project site is not located within an airport land use plan or within 2 miles of a public use airport or private use airport. The nearest public use airport is the Barstow-Daggett Airport located approximately 10 miles to the west of the Project site. As such, the Project would not result in safety hazard impacts to or from aircraft-related uses. No impact is anticipated.
- IXf) **No Impact.** Activities associated with the Project would not impede existing emergency response plans for the Project Site and/or other land uses in the Project vicinity. All vehicles and stationary equipment would be staged off public roads and would not block emergency access routes. Therefore, implementation of the Project would not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. No impact is anticipated.
- IXg) **No Impact.** The County has mapped areas that are susceptible to wild land fires within the Fire Hazard Overlay. The Project site is not located within a Fire Hazard Overlay.

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

SUBSTANTIATION

The following analysis is based in part on the *Preliminary Drainage Study* Sitetech Inc., October 26, 2018 (Appendix E) and *Infiltrometer Test*, ALR Engineering & Testing, May 13, 2018 (Appendix F).

Xa) Less Than Significant Impact.

Construction Impacts

Construction of the Project would involve clearing, grading, paving, utility installation, building construction, and the installation of landscaping, which would result in the generation of potential water quality pollutants such as silt, debris, chemicals, paints, and other solvents with the potential

to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction activities in the absence of any protective or avoidance measures.

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

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

Operational Impacts

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

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

In the developed condition runoff from the northwesterly portion of the site will flow southwesterly through a series of Curb & Gutters which will convey the runoff to a detention basin located at the westerly most corner of the site. Overflow runoff from the westerly basin will flow over a rock spillway and onto a rock splash pad before leaving the site. Runoff from the southeasterly portion of the developed site will flow easterly through a series of concrete v-gutter and curb & gutters which will convey the runoff to a detention basin located at the southeast corner of the site. Overflow runoff will flow over a rock spillway and onto a rock splash pad before leaving the site.

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

- Xb) **Less Than Significant Impact.** A new water well is proposed to provide water service. The Project site is located within the boundaries of the Mojave Water Agency (MWA). According to the MWA *2015 Urban Water Management Plan*, The MWA has four existing sources of water supply – State Water Project (SWP) imports, natural local surface water flows, return flow from pumped groundwater not consumptively used, and wastewater imports from outside the MWA service area. Almost all of the water use within MWA is supplied by pumped groundwater. Natural surface supply, return flow, wastewater imports, and SWP imports recharge the groundwater basins.

For management purposes under the Mojave Basin Judgment, MWA split the Mojave River watershed and associated groundwater basins into five separate "Subareas." The locations of the

five Subareas are; 1) Oeste, 2) Este, 3) Alto, 4) Centro and 5) Baja. The Project site is located within the Baja Subarea.

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

The long term supply to each Subarea, and the Basin Area as a whole, is assumed to be available in all year types, normal, single dry year and multiple dry year. A premise of the Judgment is that all demands are met. The Judgment requires that any deficit in any year, must be purchased and recharged the following year. During dry periods water will be depleted from groundwater storage (as measured against the long term average) and replaced into storage during wet periods. Annual Deficits in each Subarea are to be resolved by importation of SWP imports. Because water use within the MWA service area is supplied entirely by groundwater, MWA does not have any inconsistent water sources that cause reduced deliveries to users within the service area.

Based on the above analysis, impacts to groundwater supplies and recharge would be less than significant and no mitigation measures are required.

- Xci) **Less Than Significant Impact.** Development of the Project site will create impervious surfaces and increase the amount of surface runoff. In the developed condition runoff from the northwesterly portion of the site will flow southwesterly through a series of Curb & Gutters which will convey the runoff to a detention basin located at the westerly most corner of the site. Overflow runoff from the westerly basin will flow over a rock spillway and onto a rock splash pad before leaving the site. Runoff from the southeasterly portion of the developed site will flow easterly through a series of concrete v-gutter and curb & gutters which will convey the runoff to a detention basin located at the southeast corner of the site. Overflow runoff will flow over a rock spillway and onto a rock splash pad before leaving the site.
- Xcii) **Less Than Significant Impact.** The water quality retention basin is designed to mitigate storm water runoff from any rain fall event for the developed condition. As such, the Project will not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite...
- Xiv) **Less Than Significant Impact.** The Project site is located within FEMA Zone D (per FEMA National Flood Hazard Map 06071C4650H) and is not subject to flooding. The Project site is also not significantly impacted by offsite storm water runoff. As such, the Project will not Impede or redirect flood flows
- Xd) **No Impact.** The Project site is located within FEMA Zone D (per FEMA National Flood Hazard Map 06071C4650H) and is not subject to flooding. According to the California Department of Conservation, California Official Tsunami Inundation Maps the site is not located within a tsunami inundation zone. The Project would not be at risk from seiche because there are no upstream waterbodies large enough to produce a seiche in close proximity to the Project site.

- Xe) **Less Than Significant Impact.** With construction of the water quality infiltration basin, the Project will not conflict with or obstruct implementation of the *Lahontan Basin Plan*.

ISSUES		Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XI.	LAND USE AND PLANNING - Would the project:				
a)	Physically divide an established community?	☐	☐	☐	☒
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?	☐	☐	☒	☐

SUBSTANTIATION

XIa) **No Impact.** The Project site is located adjacent to the southbound off-ramp of Interstate 40 at Memorial Drive and will not divide an established community. The site and surrounding properties comprise the Newberry Springs community.

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

The Project is located in the General Commercial (CG) Land Use Zoning District. The applicant is proposing to change the land use designation of the property to Service Commercial (CS), which would allow for the proposed truck service center and impound/towing facility, buildings and use, with the approval of a land use application. The subject property is covered with compacted gravel and it is adjacent to an existing convenience store and service station, located to the northwest. Most of the surrounding property is vacant with a few residential dwellings in the vicinity. The proposed land use district amendment to Service Commercial is consistent with the established land uses in the surrounding area.

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

ISSUES		Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XII.	MINERAL RESOURCES - Would the project:				
a)	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b)	Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒
SUBSTANTIATION		(Check ☒ if project is located within the Mineral Resource Zone Overlay):			

XIIa) **No Impact.** The Project site is located within the MRZ-3a overlay identified by the *Mineral Land Classification of a Part of Southwestern San Bernardino County: The Barstow-Victorville-Area, California* report. MRZ-3a Areas of undetermined mineral resource significance. Given the small size of the Project site, the site is of little importance or value for concrete aggregate mining and has never been used for mining purposes.

XIIb) **No Impact.** The Project site is not identified as a resource recovery site on the General Plan, a specific plan or other land use plan. In addition, the Project site is designated for commercial land uses per the General Plan/Zoning Map. Therefore, no impact is anticipated.

ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XIII. NOISE - Would the project:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

SUBSTANTIATION (Check if the project is located in the Noise Hazard Overlay District ☐ or is subject to severe noise levels according to the General Plan Noise Element ☐):
The following analysis is based in part on the *Noise Impact Analysis*, Urban Crossroads, October 2, 2017 (Appendix G).

XIIIa) Less Than Significant Impact.

Construction Noise

Noise generated by the Project construction equipment will include a combination of trucks, power tools, concrete mixers, and portable generators that when combined can reach high levels. The number and mix of construction equipment is expected to occur in the following stages:

- Site Preparation;
- Grading;
- Building Construction;
- Paving; and
- Architectural Coating.

As shown on Table 6 below, noise levels generated by heavy construction equipment can range from approximately 68 dBA to 99 dBA when measured at 50 feet.

Table 6. Typical Construction Equipment Noise Levels

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

To analyze noise impacts originating from the construction of the Project, noise from construction activities are typically limited to the hours of operation established under a jurisdiction's Municipal Code. Section 83.01.080(g) (3) of the *County of San Bernardino Development Code* indicates that construction activity is considered exempt from the noise level standards between the hours of 7:00a.m. to 7:00 p.m. except on Sundays and Federal holidays. Regardless of the Project's consistency with the *Development Code* as described above, construction activities would result in *Development Code* establish numeric maximum acceptable construction source noise levels at potentially affected receivers. (See Exhibit 3).

Therefore, to evaluate whether the Project will generate potentially significant construction noise levels at off-site sensitive receiver locations, a construction-related noise level threshold is adopted from the *Criteria for Recommended Standard: Occupational Noise Exposure* prepared by the National Institute for Occupational Safety and Health (NIOSH) which has been used in past CEQA documents in the County.

NIOSH identifies a noise level threshold based on the duration of exposure to the source. The construction related noise level threshold starts at 85 dBA for more than eight hours per day, and for every 3 dBA increase, the exposure time is cut in half. This results in noise level thresholds of 88 dBA for more than four hours per day, 92 dBA for more than one hour per day, 96 dBA for more than 30 minutes per day, and up to 100 dBA for more than 15 minutes per day. For the purposes of this analysis, the lowest, more conservative construction noise level threshold of 85 dBA Leq is used as an acceptable threshold for construction noise at the nearby sensitive receiver locations. Since this construction-related noise level threshold represents the energy average of the noise source over a

given time, they are expressed as Leq noise levels. Therefore, the noise level threshold of 85 dBA Leq over a period of eight hours or more is used to evaluate the potential Project-related construction noise level impacts at the nearby sensitive receiver locations.

Table 7 below shows the highest construction noise levels at the potentially impacted receiver locations are expected to approach 61.4 dBA Leq.

Table 7 Unmitigated Construction Noise Level Compliance.

Receiver Location (1)	Construction Noise Levels (dBA Leq)		
	Highest Levels	Threshold (2)	Threshold Exceeded?
R1	50.1	85	No
R2	56.0	85	No
R3	56.3	85	No
R4	47.6	85	No
Source; Noise Impact Analysis, Urban Crossroads, (Appendix G).			

As shown on Table 7 above, Project construction noise levels will satisfy the 85 dBA Leq construction noise level standard at the nearby receiver locations.

Operational Noise (Stationary)

The Project would introduce new commercial land uses on vacant land. On-site operational noise would include noise from HVAC equipment and activities at the fueling stations. In addition, the Project would generate new traffic on the Project site and off-site on Memorial Drive and Fort Cady Road, increasing roadway noise. It is assumed that the commercial facility would operate 24-hours per day, thereby generating daytime and nighttime operational noise.

To demonstrate compliance with local noise regulations, the Project-only operational noise levels are evaluated against exterior noise level thresholds based on the County of San Bernardino exterior noise level standards at the nearby receiver locations as shown in Table 8 below.

Table 8. Table Operational Noise Level Compliance.

Receiver Location (1)	Operational Noise Levels (dBA Leq)		
	Highest Levels	Threshold	Threshold Exceeded?
R1	37.8	55 dBA Daytime 45 dBA Nighttime	No
R2	44.7		No
R3	44.4		No
R4	36.2		No
Source; Noise Impact Analysis, Urban Crossroads, (Appendix G).			

As shown on Table 8 above, the operational noise levels associated with the Project will satisfy the exterior noise level standards at all nearby receiver locations.

Traffic Noise

The proposed Project is expected to generate approximately 357 trips with 50 trips each in the Friday-Sunday Peak Hours. Typically, a doubling of traffic volumes is required to result in an increase of 3 dBA, which is considered to be a barely audible change. Project generated traffic will not result in a doubling of traffic volumes along Memorial Drive or Fort Cady Road. As such, the proposed Project traffic would not result in a substantial permanent increase in ambient roadway noise levels. As such, off-site transportation-related noise impacts created by the Project would be less than significant and mitigation is not required.

XIIIb) Less Than Significant Impact.

Construction Vibration

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. It is expected that ground-borne vibration from Project construction activities would cause only intermittent, localized intrusion. The Project's construction activities most likely to cause vibration impacts are:

- **Heavy Construction Equipment:** Although all heavy mobile construction equipment has the potential of causing at least some perceptible vibration while operating close to buildings, the vibration is usually short-term and is not of sufficient magnitude to cause building damage.
- **Trucks:** Trucks hauling building materials to construction sites can be sources of vibration intrusion if the haul routes pass through residential neighborhoods on streets with bumps or potholes. Repairing the bumps and potholes generally eliminates the problem.

Ground-borne vibration levels resulting from construction activities occurring within the Project site were estimated by data published by the Federal Transit Administration (FTA). Construction activities that would have the potential to generate low levels of ground-borne vibration within the Project site include grading. Table 9 below presents the expected Project related vibration levels at each of the sensitive receiver locations.

Table 9. Unmitigated Construction Equipment Vibration Levels

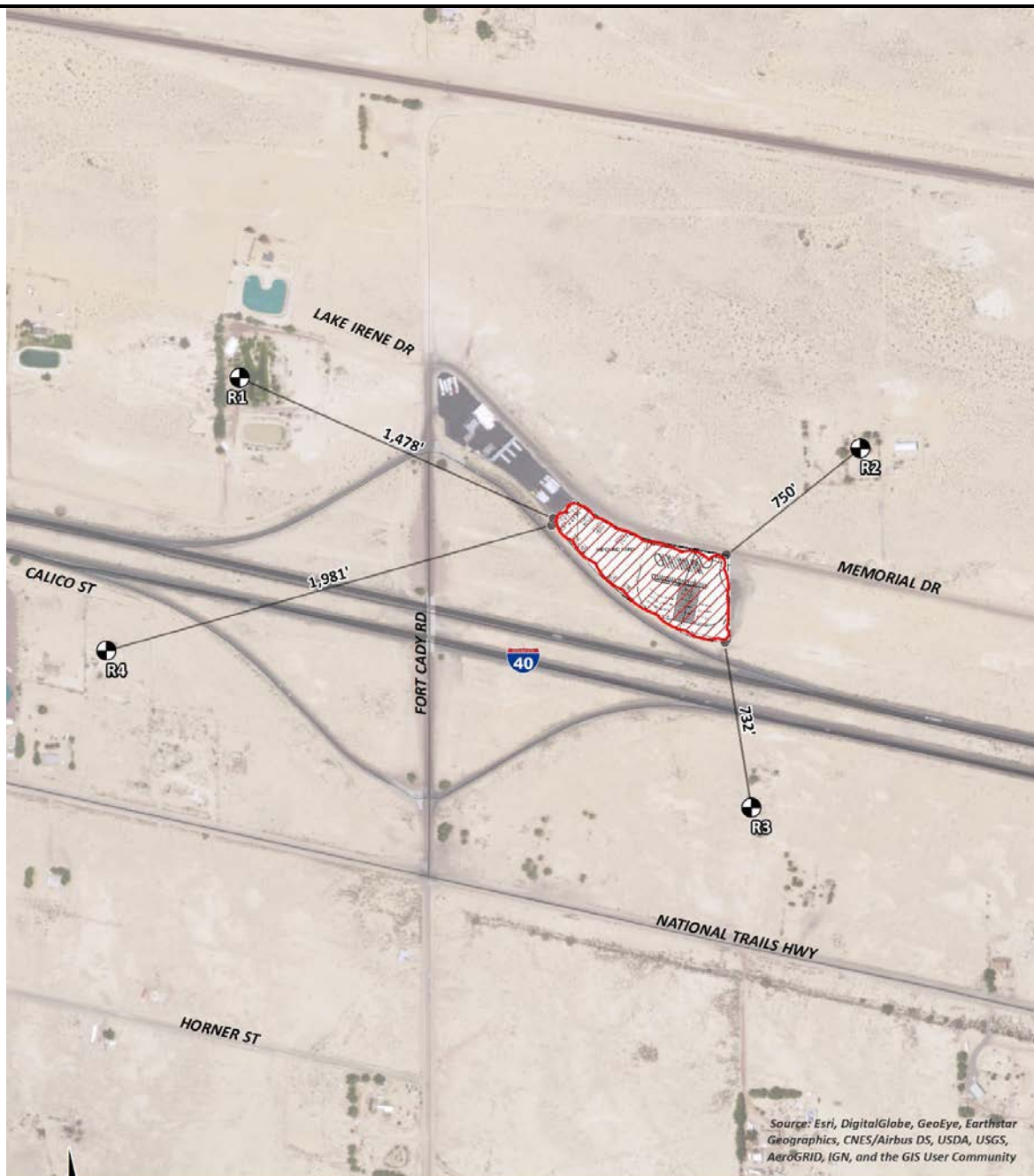
Receiver (1)	Distance to Activity (feet)	Receiver PPV Levels (in/sec) (2)					Threshold (PPV)	Threshold Exceeded?
		Small Bulldozer	Jack-Hammer	Loaded Trucks	Large Bulldozer	Peak Vibration		
R1	1,478	0.000	0.000	0.000	0.000	0.000	0.2	No
R2	750	0.000	0.000	0.001	0.001	0.001	0.2	No
R3	732	0.000	0.000	0.001	0.001	0.001	0.2	No
R4	1,981	0.000	0.000	0.000	0.000	0.000	0.2	No
Source; Noise Impact Analysis, Urban Crossroads, (Appendix H).								

As shown on Table 9 Project construction vibration levels will remain below the County of San Bernardino of 0.2 in/sec PPV standard.

Operational Vibration

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

- XIIIc) No Impact.** The Project site is not located within an airport land use plan or within 2 miles of a public use airport or private airstrip. The nearest public use airport is the Barstow Dagget Airport located approximately 10 miles to the west of the Project site. As such, the Project would not expose people residing or working in the project area to excessive noise levels. No impact is anticipated.



LEGEND:

-  Receiver Locations
-  Distance from receiver to construction activity (in feet)
-  Construction Activity

Newberry Springs Truck Stop

Noise Receiver Locations

Exhibit 3

ISSUES	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XIV. POPULATION AND HOUSING - Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☒	☐
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

SUBSTANTIATION

- XIVa) **Less Than Significant Impact.** The Project would not directly result in population growth because it does not propose any residential dwelling units. It is anticipated that any employment generated by the Project would be within commuting distance and would not generate needs for any new housing. As such, impacts are less than significant.
- XIVb) **No Impact.** The Project would not displace substantial numbers of existing people or existing housing units, or require the construction of replacement housing, as no housing units exist on the site.

ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XV. PUBLIC SERVICES				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?	☐	☐	☒	☐
Police Protection?	☐	☐	☒	☐
Schools?	☐	☐	☒	☐
Parks?	☐	☐	☒	☐
Other Public Facilities?	☐	☐	☒	☐

SUBSTANTIATION

XVa) Less Than Significant Impact.

Fire Protection

The Newberry Springs Fire Department provides fire protection services to the Project area. The Project would be primarily served by Fire Station #392 located approximately 7 miles northwest of the Project site at 33759 Newberry Road in Newberry Springs.

Development of the Project would impact fire protection services by placing an additional demand on existing fire protection resources. The Project would be conditioned by the Fire Department to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes. Although the Project would increase the demand for fire protection services, it is not anticipated that it would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities as the Fire Department has reviewed the Project and will provide fire protection services from existing facilities.

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

Police Protection

The San Bernardino County Sheriff's Department provides police protection services to the Project site. The Project site would be primarily served by the Barstow Patrol Station located at 225 East Mt. View in Barstow. Deputy Sheriffs assigned to the Barstow Patrol Station patrol the area in which the Project site is located. The Sheriff's Department has indicated that it can provide police protection services to the Project site from existing facilities so the provision of new or physically altered sheriff facilities or need for new or physically altered sheriff facilities is not required.

Schools

The Project does not propose any housing and would not directly create additional students to be served by the Silver Valley Unified School District. However, the Project would be required to contribute fees to the Silver Valley Unified School District in accordance with the Leroy F. Greene School Facilities Act of 1998 (Senate Bill 50). Pursuant to Senate Bill 50, payment of school impact fees constitutes complete mitigation under CEQA for Project-related impacts to school services.

Parks

The Project will not create an additional need for housing thus directly increasing the overall population of the County and generating additional need for parkland.

Other Public Facilities

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

ISSUES	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorp.	Less than Significant Impact	No Impact
XVI. RECREATION				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐
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?	☐	☐	☐	☒

SUBSTANTIATION

- XVIa) **Less Than Significant Impact.** The Project would increase the use of park facilities or other recreational facilities in the region because it does not result in a direct increase in the population that would use parks.
- VIIb) **No Impact.** The Project is a small commercial facility and does not propose any recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment.

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

SUBSTANTIATION

The following analysis is based in part on the *Traffic Impact Study*, David Evans & Associates, December 18, 2018. (Appendix H).

XVIIa) Less Than Significant Impact.

Motor Vehicle Analysis

Significance Thresholds

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

Study Area Intersections

The following intersections were analyzed:

1. Fort Cady Road at Memorial Drive.
2. Fort Cady Road at I-40 Westbound Ramps.
3. Fort Cady Road at I-40 Eastbound Ramps.

Study Scenarios

The following study scenarios were analyzed:

- Existing Condition.
- Project Opening Year 2019 Condition.
- Buildout Year 2040 Condition.

Existing Conditions

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

Project Opening Year 2019 Condition

To analyze the Project impacts, the inclusion of traffic generated by regional ambient growth within the study area is necessary. Typically, ambient growth is expected over the years at rates ranging from 1% to 2% annually, a 1.1% annual increase was utilized. Under Project Opening Year 2019 Conditions, the study area intersection are operating at an acceptable Level of Service (LOS B) in the Friday and Sunday PM peak hours.

Buildout Year 2040 Condition

The Buildout Year 2040 Condition evaluates impacts of forecasted regional growth to the Year 2040 with the Project traffic added. Under Project Opening Year 2019 Conditions, the study area intersections will operate at an acceptable Level of Service (LOS C) in the Friday and Sunday PM peak hours.

Transit Service Analysis

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

Bicycle & Pedestrian Facilities Analysis

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

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

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

immediately. Beginning on July 1, 2020, the provisions of this section shall apply statewide. The Project's Traffic Study was approved prior to the County's adoption of a VMT threshold. As such, this threshold is not applicable to the Project.

- XVIIc) **No Impact.** The Project will construct frontage improvements (curb, gutter, sidewalk, and landscaping) to County standards along Memorial Drive. As such, the Project will not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections). There are no agricultural uses in the vicinity of the site which would increase incompatible uses with farm equipment.
- XVIIId) **No Impact.** The project will not result in inadequate emergency access because there are a minimum of two access points and the Project will construct frontage improvements (curb, gutter, sidewalk, and landscaping) to County standards along Memorial Drive.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant Impact	No Impact
XVIII. TRIBAL CULTURAL RESOURCES - Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	☐	☐	☐	☒
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?	☐	☒	☐	☐

SUBSTANTIATION

The following analysis is based in part on the *Cultural Resources Assessment (Phase 1)*, RCA Associates, June 27, 2017, (Appendix C).

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

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

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

The South Central Coastal Information Center (SCCIC) at California State University, Fullerton conducted a record search of previously documented cultural resources and cultural resource surveys and studies conducted on the property and within half mile radius of the subject property. No historical resources pursuant to §15064.5 have been previously recorded within the Project area.

The Project area was also examined for the presence of any cultural resources, including prehistoric or historic archaeological sites or historic buildings. No historical resources pursuant to §15064.5 were discovered.

As such, there will be no impact with respect to historical resources as a result of the Project and no mitigation measures are required.

- ii) **Less Than Significant Impact With Mitigation Incorporated** On July 1, 2015 AB 52 (Gatto, 2014) went into effect. AB 52 established “Tribal Cultural resources” as a resource subject to CEQA review. Tribal Cultural Resources are either of the following:

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

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

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

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

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

Through the AB52 notification process, the County Land Use Services Department received comments from the following tribes:

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

The San Manuel Band of Mission Indians and Morongo Band of Mission Indians indicated that there is a possibility that Tribal Cultural Resources may be encountered. The following mitigation measures are required.

Mitigation Measure TCR-1: San Manuel Band of Mission Indians

1. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted , as detailed in CR-1, of any pre-contact 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.

2. Any and all archaeological/cultural documents created as part of the project (insolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency/ or applicant shall, in good faith, consult with SMBMI throughout the life of the project,

Mitigation Measure TCR-2: San Morongo Band of Mission Indians

1. Morongo Band of Mission Indians Tribal Cultural Resource Monitor(s) be present during all required ground disturbing activities pertaining to the project.

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

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

SUBSTANTIATION

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

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

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

As noted in the response to Issue Xb under *Hydrology and Water Quality*, a new water well is proposed to provide water service. The Project site is located within the boundaries of the Mojave Water Agency (MWA). According to the MWA 2015 *Urban Water Management Plan*, the project site is located within the Baja Subarea of the Mojave Water Agency (MWA).

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

Water use generated during the operation of the Project is estimated to be 3.89 AFY based on the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential air quality criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can also be used to estimate water use for various types of land uses for analysis in CEQA documents

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

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

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

Construction Waste

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

Operational Waste

Waste generated during the operation of the Project is estimated to be 52 tons per year based on the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential air quality criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model can also be used to estimate solid waste generation rates for various types of land uses for analysis in CEQA documents

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

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

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

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

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

SUBSTANTIATION

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

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

SUBSTANTIATION

- XXIa) **Less Than Significant Impact With Mitigation Incorporated.** In instances where significant impacts have been identified, Mitigation Measures CR-1, CR-2, CR-3 and GEO-1 are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts which would have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory.
- XXIb) **Less Than Significant Impact With Mitigation Incorporated.** In instances where impacts have been identified, Mitigation Measures CR-, CR-2, CR-3 and GEO-1 are required to reduce impacts to less than significant levels. Therefore, Project does not have impacts that are cumulatively considerable.
- XXIc) **Less Than Significant Impact.** In instances where impacts have been identified, all impacts that could cause substantial environmental effects on human beings, either directly or indirectly, are less than significant and no mitigation measures are required.

XVIII MITIGATION MEASURES. Include mitigation measures here.

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

Mitigation Measure CR-1: San Manuel Band of Mission Indians.

1. In the event that pre-contact 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 assessment period. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted, as detailed within TCR-1, if any such find occurs 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 significance and treatment.
2. If significant Native American historical 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-a. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Mitigation Measure CR-2: Morongo Band of Mission Indians.

4. Morongo Band of Mission Indians Tribal Cultural Resource Monitor(s) be present during all required ground disturbing activities pertaining to the project.

Mitigation Measure CR-3: Twenty-Nine Palms Band of Mission Indians.

5. If there are inadvertent discoveries of archaeological remains or resources, construction should stop immediately, and the appropriate agency and tribe(s) should be notified.

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

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

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

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

2. Identification and curation of specimens into an established, accredited museum repository with permanent retrievable paleontologic storage. The paleontologist must have a written repository agreement in hand prior to the initiation of mitigation activities. Mitigation of adverse impact to

significant paleontological resources is not complete until such curation into an established repository has been fully completed and documented.

3. Preparation of a report of findings with an appended itemized inventory of specimens. The report and inventory, when submitted to the County Land Use Services Department-Current Planning along with confirmation of the curation of recovered specimens into an established, accredited museum repository, will signify completion of the program to mitigate impacts to paleontological resources."

Mitigation Measure TCR-1: San Manuel Band of Mission Indians

1. The San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted , as detailed in CR-1, of any pre-contact 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.

2. Any and all archaeological/cultural documents created as part of the project (insolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to SMBMI. The Lead Agency/ or applicant shall, in good faith, consult with SMBMI throughout the life of the project,

Mitigation Measure TCR-2: San Morongo Band of Mission Indians

1. Morongo Band of Mission Indians Tribal Cultural Resource Monitor(s) be present during all required ground disturbing activities pertaining to the project.

GENERAL REFERENCES

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

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

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California Department of Transportation. *Caltrans Scenic Highway Corridor Map*.
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California Department of Conservation. *Mineral Land Classification of a Part of Southwestern San Bernardino County: The Barstow-Victorville Area, California*.

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

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

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

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

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

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

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

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

Mojave Desert Air Quality Management District, 2004 Ozone Attainment Plan

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

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

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

PROJECT SPECIFIC REFERENCES

Appendices: (Under Separate Cover or on Compact Disk)

- A. *Air Quality Impact Analysis*, Urban Crossroads, October 4, 2017.
- B. *Cultural Resources Assessment (Phase 1)*, RCA Associates, September 5, 2017.
- C. *Preliminary Geotechnical Investigation*, ALR Engineering & Testing, June 11, 2018.
- D. *Greenhouse Gas Analysis*, Urban Crossroads, October 4, 2017.
- E. *Preliminary Drainage Study and Hydrologic Calculations*, Sitetech Inc., October 26, 2018.
- F. *Infiltration Test*, ALR Engineering & Testing, May 13, 2018.
- G. *Noise Impact Analysis*, Urban Crossroads, October 2, 2017.
- H. *Traffic Impact Study*, David Evans & Associates December 18, 2018.

EXHIBIT C

Conditions of Approval

CONDITIONS OF APPROVAL

Samra Truck Service Center and Impound/Towing Facility
Conditional Use Permit

GENERAL REQUIREMENTS

Ongoing and Operational Conditions

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

1. Project Description. Conditional Use Permit (CUP) to establish a 12,252 square-foot truck service center which includes an enclosed truck wash, mechanic shop and tire shop with storage, and a 92,353 square-foot impound/towing facility on 4.90 acres in Newberry Springs, APN:0529-131-55 & -64, Project No. P201800242.

This Project is approved to be constructed and operated in compliance with the San Bernardino County Code (SBCC) and the Service Commercial (CS) land use designation, the California Building Codes (CBC), the California Fire Code (CFC), the Conditions of Approval, contained herein, and the approved site plan dated September 19, 2019.

2. Project Location. The Project site is located at 48243 Memorial Drive, Newberry Springs.
3. Revisions. Any proposed change to the approved use/activity on the site or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to the height, location, bulk or size of structure or equipment shall require an additional land use review and application subject to approval by the County. The developer shall prepare, submit with fees and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
4. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

5. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an extension of time is approved. The permit is deemed "exercised" when either:
 - a. The permittee has commenced actual construction or alteration under a validly issued building permit, or

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

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

- 6. Continuous Effect/Revocation. All of the conditions of this project approval are continuously in effect throughout the operative life of the project for all approved structures and approved land uses/activities. Failure of the property owner or developer to comply with any or all of the conditions at any time may result in a public hearing and possible revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner, developer or other interested party to correct the non-complying situation.
- 7. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three years beyond the current expiration date. An application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
- 8. Project Account. The Project account number is P201800242. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of \$1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.
- 9. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through the Planning Division in accordance with the directions stated in the Approval letter. The Planning Division shall release their holds on each phase of development by providing to County Building and Safety the following:
 - Grading Permits: a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - Building Permits: a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the grading plans.
 - Final Occupancy: a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on site compliance inspection by the Planning Division.

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

spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.

- l) Fire Lanes: The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
 - m) Waste Disposal: The Developer shall comply with regulations stipulated on the Development Code Section 84.24 regarding Solid Waste Disposal.
13. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste.
 14. Lighting. Lighting shall comply with Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign, an alternating message no more than once every five seconds.
 15. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights-of-way and private driveways. All signs, structures and landscaping located within any clear sight triangle shall comply with the height and location requirements specified by County Development Code (SBCC§ 83.02.030) or as otherwise required by County Traffic.
 16. Cultural Resources. During grading or excavation operations, should any potential paleontological or archaeological artifacts be unearthed or otherwise discovered, the San Bernardino County Museum shall be notified and the uncovered items shall be preserved and curated, as required. For information, contact the County Museum, Community and Cultural Section, telephone (909) 798-8570.
 17. Underground Utilities. No new above-ground power or communication lines shall be extended to the site. All required utilities shall be placed underground in a manner that complies with the California Public Utilities Commission General Order 128, and avoids disturbing any existing/natural vegetation or the site appearance.
 18. Construction Hours. Construction will be limited to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday in accordance with the County of San Bernardino Development Code standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
 19. Construction Noise. The following measures shall be adhered to during the construction phase of the project:
 - All construction equipment shall be muffled in accordance with manufacturer's specifications.
 - All construction staging shall be performed as far as possible from occupied dwellings. The location of staging areas shall be subject to review and approval by the County prior to the issuance of grading and/or building permits.
 - All stationary construction equipment shall be placed in a manner so that emitted noise is directed away from sensitive receptors (e.g. residences and schools) nearest the project site.
 20. GHG – Operational Standards. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:

- a. Waste Stream Reduction. The “developer” shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.
 - b. Vehicle Trip Reduction. The “developer” shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.
 - c. Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval.
 - d. Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.
21. Common Ravens. The applicant shall implement the following measures to reduce the attractiveness of the proposed facility to common ravens:
- a. Educate workers to not feed common ravens and to secure their food where common ravens cannot steal it;
 - b. Reduce as much as possible standing water from which common ravens can drink;
 - c. Design structures in a manner that reduces the opportunities for nesting and perching;
 - d. Remove inactive nests of common ravens;
 - e. Properly dispose of any carcasses of wildlife that are killed during construction; and operation; and
 - f. Report any evidence of predation of desert tortoises to the Service.

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

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

DEPARTMENT OF PUBLIC WORKS – Traffic Division – (909) 387-8186

24. Project Vehicles. Project vehicles shall not back into the public roadway.
25. Driveway Access. The project driveway access on Fort Cady road may be disallowed or restricted to right in/right out only pursuant to the traffic study and/or Caltrans requirements.

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

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

27. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
28. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required 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.
29. Erosion Control Installation. Erosion control devices must be installed and maintained at all perimeter openings and slopes throughout the construction of the project. No sediment is to leave the job site.

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

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

NEWBERRY SPRINGS FIRE DEPARTMENT - (760)257-3016

33. Fire Sprinkler and Suppression Systems. All fire sprinkler and suppression systems must meet NFPA 13, 17, 17A where applicable.
34. Fire Hydrants. Fire hydrants must have dual 2 ½" outlets and large diameter outlet of 4 ¼" NH to meet local standard. Wet barrel design is acceptable.
35. Water Availability. All fire hydrants will be supplied by no less than 6" DIA pipe to accommodate adequate water availability when used.
36. Domestic Water. Domestic water supply by well pump systems may be used to pressurize the water delivery system provided the following bench marks are certified by flow testing.
 - Water Supply must support calculated GPM and demand rate per FPE specified sprinkler requirements.
37. NFPA Requirements. All fire suppression systems, detectors, and Fire Alarm Systems (FAS) shall be tested and certified per NFPA requirements. Certifications shall be presented to fire department upon request.
 - Inspections, onsite testing, and operation certification will be reported to fire department to attend and witness. In some cases, verified acceptance by fire official.
38. Onsite Testing and Certification. All onsite testing and certification activities will be coordinated with fire department to attend.

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

39. Franchise Hauler Service Area. This project falls within a County Franchise Area. If subscribing for the collection and removal of construction and demolition waste from the project site, all developers, contractors, and subcontractors shall be required to receive services through the grantee holding a franchise agreement in the corresponding County Franchise Area (Burrtec).
40. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of Assembly Bill (AB) 2176.
41. Mandatory Commercial Recycling. Beginning July 1, 2012 all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial waste a week or is a multi-family residential dwelling of 5 units or more are required to arrange for recycling services. The County is required to monitor commercial recycling and will require businesses to provide recycling information. This requirement is to assist the County in compliance with AB 341.
42. Mandatory Commercial Organics Recycling. As of January 1, 2017, AB 1826 (Enacted October 2014) requires businesses that generate four (4) cubic yards of organic waste per week to recycle. A business generating organic waste shall arrange for the recycling services in a manner that is consistent with state and local laws and requirements, including a local ordinance or local jurisdiction's franchise agreement, applicable to the collection, handling, or recycling of solid and organic waste or arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes organic waste recycling services. A business that is a property owner may require a lessee or tenant of that property to source separate their organic waste to aid in compliance. **Additionally, all businesses that contract for gardening or landscaping services must stipulate that the contractor recycle the resulting gardening or landscaping waste.** Residential multifamily dwellings of five (5) or more units are required to recycle organics; however, they are not required to arrange for recycling services specifically for food waste. Applicant will be required to report to the County on efforts to recycle organics materials once operational.

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

The Following Shall Be Completed

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

44. GHG – Construction Standards. The developer shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:
- a) Implement the approved Coating Restriction Plans.
 - b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.
 - c) Grading contractor shall provide and implement the following when possible:
 - 1) training operators to use equipment more efficiently.
 - 2) identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions.
 - 3) replacing older, less fuel-efficient equipment with newer models.
 - 4) use GPS for grading to maximize efficiency.
 - d) Grading plans shall include the following statements:
 - “All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.”
 - “All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.”
 - e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flagperson shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.
 - f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.
 - g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.
45. Air Quality. Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates [PM₁₀ and PM_{2.5} (State)]. To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures:
- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

- b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, will increase NO_x and PM₁₀ levels in the area. Although the Project will not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent will be required to implement the following requirements:
 1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
 2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
46. Diesel Regulations. The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which among others may include: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.
47. Raven Management. Contribution to the USFWS Regional Raven Management Program to reduce raven impacts on desert tortoises is required prior to any ground disturbing activities. The amount shall be a one-time payment of \$105 per acre for the 4.90-acre project site. Payment will be to the National Fish and Wildlife Foundation (NFWF).
48. Desert Tortoise Mitigation. Applicant shall immediately contact the United States Department of Interior Fish and Wildlife Service in the unlikely event that a desert tortoise enters the site at any time.

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

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

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

51. Drainage Improvements. A Registered Civil Engineer (RCE) shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a safety manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$550 deposit for drainage study review will be collected upon submittal to the Land Development Division. Deposit amounts are subject to change in accordance with the latest approved fee schedule.
52. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 06071C4650H dated 08/28/2008. Flood Hazards are undetermined in this area but possible.
53. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.

54. Grading Plans. Grading and erosion control plans shall be submitted for review and approval obtained, prior to construction. All Drainage improvements shall be shown on the Grading plans according to the approved Drainage study. Fees for grading plans will be collected upon submittal to the Land Development Division and are determined based on the amounts of cubic yards of cut and fill. Fee amounts are subject to change in accordance with the latest approved fee schedule.
55. 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
56. 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.
57. On-site Flows. On-site flows need to be directed to the nearest County road or drainage facilities unless a drainage acceptance letter is secured from the adjacent property owners and provided to Land Development.
58. Caltrans Encroachment Permit. Per Caltrans request, the developer shall obtain a Caltrans encroachment permit for site runoff impacts to Caltrans rights-of-way. Caltrans encroachment permit requirements will include updating and finalizing the project hydrology/hydraulics study to include all items in the Caltrans letter mailed February 12, 2019 along with NPDES/Stormwater runoff protections suitable to prevent pollutant discharge into the I-40 right-of-way.

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

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

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

60. Survey Monumentation. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior** to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor pursuant to Section 8771(b) Business and Professions Code.
61. Record of Survey or Corner Record. Pursuant to Sections 8726(b) and/or 8773 of the Business and Professions Code, a Record of Survey or Corner Record shall be filed under any of the following circumstances:
 - Monuments set to mark property lines or corners;
 - Performance of a field survey to establish property boundary lines for the purposes of construction staking, establishing setback lines, writing legal descriptions, or for boundary establishment/mapping of the subject parcel;
 - Any other applicable circumstances pursuant to the Business and Professions Code that would necessitate filing of a Record of Survey.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed:

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

62. Structure Height. No structure within the Airport Safety (AR4) Overlay areas are to be erected with a height above 199 feet. Plans submitted in the AR Overlay shall conform to the interior noise levels as per San Bernardino County Standards.
63. Architecture. The architectural elevations provided are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.
64. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential zoning district, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed 0.5 foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety.
65. Landscape and Irrigation Plan. Landscape and Irrigation Plans shall be prepared in conformance with Chapter 83.10, Landscaping Standards, of the County Development Code. The developer shall submit a Landscape Plan record through our EZ Online Permitting system. Refer to the Landscape Plan Information Sheet for more information, this handout can be located in Planning's Handouts page under the Guidance section.
66. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning evidence that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.
 - Meet Title 24 Energy Efficiency requirements. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended:
 - o Incorporate dual paned or other energy efficient windows,
 - o Incorporate energy efficient space heating and cooling equipment,
 - o Incorporate energy efficient light fixtures, photocells, and motion detectors,
 - o Incorporate energy efficient appliances,
 - o Incorporate energy efficient domestic hot water systems,
 - o Incorporate solar panels into the electrical system,
 - o Incorporate cool roofs/light colored roofing,
 - o Incorporate other measures that will increase energy efficiency.
 - o Increase insulation to reduce heat transfer and thermal bridging.
 - o Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.
 - Plumbing. All plumbing shall incorporate the following:
 - o All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.

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

67. Signs. All proposed on-site signs shall be shown on a separate plan, including location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with SBCC Chapter 83.13, Sign Regulations, SBCC §83.07.040, Glare and Outdoor Lighting Mountain and Desert Regions, and SBCC Chapter 82.19, Open Space Overlay as it relates to Scenic Highways (§82.19.040), in addition to the following minimum standards:
- All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
 - All sign lighting shall not exceed 0.5 foot-candle.
 - No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
 - Monument signs shall not exceed four feet above ground elevation and shall be limited to one sign per street frontage.
68. MDAQMD Permits. Applicant shall obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219.
- Equipment with a capacity of more than 793 gallons used exclusively for the storage and transfer of any oil that has been used for its intended purpose and is subsequently designated for disposal or recycling;
 - Equipment used exclusively for the storage and transfer of gasoline having a storage capacity of more than 250 gallons;
 - Certain unheated, non-conveyorized, non-agitated solvent rising containers and unheated non-conveyorized coating dip tanks;
 - Equipment used for cleaning or servicing Diesel Particulate Filters (DPF).

Applicant may also be required to obtain District permits pursuant to Rule 1116- Automotive Refinishing operations if involved in finishing or refinishing motor vehicles, mobile equipment and their parts and components.

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

69. 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.
70. Temporary Use Permit. A Temporary Use Permit (T.U.P.) for the office trailer will be required or it must be placed on a permanent foundation per State H.C.D. guidelines. A T.U.P. is only valid for a maximum of five (5) years.

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

71. 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.

Memorial Drive (Local – 60')

- Street Improvements. Design curb and gutter with match up paving 22 feet from centerline to match the existing improvements in the street.
 - Sidewalks. Design sidewalks per County Standard 109 Type "C".
 - Driveway Approach. Design driveway approach per San Bernardino County Standard 129A, and located per Standard 130.
72. 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.
73. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.
74. Construction Permits. Prior to installation of road and drainage improvements, a construction permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8046, as well as other agencies prior to work within their jurisdiction. Submittal shall include a materials report and pavement section design in support of the section shown on the plans. Applicant shall conduct classification counts and compute a Traffic Index (TI) Value in support of the pavement section design.
75. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.
76. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
77. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.
78. Caltrans. Obtain comments from Caltrans for access requirements and working within their right-of-way.

NEWBERRY SPRINGS FIRE DEPARTMENT - (760)257-3016

79. Fire Hydrants. Fire hydrants will be placed at no less than 150 to 300 feet apart around the complex in a closed loop system.
80. Onsite Water Storage Tank. Onsite water storage tank must be a minimum volume of 30k gallons in order to support initial fire operations of master stream or multiple unit fire truck.

81. Fire hydrant Production. Fire hydrant (furthest location in the closed loop) must produce a minimum of 500 GPM @ 20 psi for 1 hour on normal system deliver (well pump provided system pressure/volume). Booster pump may be incorporated into the water delivery system to assist water / pressure sustainment if needed.

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

82. Construction and Demolition Waste Management Plan (CDWMP) Part 1. The developer shall prepare, submit, and obtain approval from SWMD of a CDWMP Part 1 for each phase of the project. The CWMP shall list the types and weights 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. Forms can be found on our website at <http://cms.sbcounty.gov/dpw/solidwastemanagement.aspx>. An approved CDWMP Part 1 is required before a permit can be issued.

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

83. Water System Permit. A water system permit may/will be required and concurrently approved by the State Water Resources Control Board – Division of Drinking Water. Applicant shall submit preliminary technical report at least 6 months before initiating construction of any water-related development. Source of water shall meet water quality and quantity standards. Test results, which show source meets water quality and quantity standards shall be submitted to the Division of Environmental Health Services (DEHS). For information, contact the Water Section at 1-800-442-2283 and SWRCB-DDW at 916-449-5577.

Technical report should include the following:

- a) The name of each public water system for which any service area boundary is within three miles, as measured through existing public rights-of-way, of any boundary of the applicant's proposed public water system's service area.
- b) A discussion of the feasibility of each of the adjacent public water systems identified pursuant to paragraph (1) annexing, connecting, or otherwise supplying domestic water to the applicant's proposed new public water system's service area. The applicant shall consult with each adjacent public water system in preparing the report and shall include in the report any information provided by each adjacent public water system regarding the feasibility of annexing, connecting, or otherwise supplying domestic water to that service area.
- c) A discussion of all actions taken by the applicant to secure a supply of domestic water from an existing public water system for the proposed new public water system's service area.
- d) All sources of domestic water supply for the proposed new public water system.
- e) The estimated cost to construct, operate, and maintain the proposed new public water system, including long-term operation and maintenance costs and a potential rate structure.
- f) A comparison of the costs associated with the construction, operation and maintenance, and long-term sustainability of the proposed new public water system to the costs associated with providing water to the proposed new public water system's service area through annexation by, consolidation with, or connection to an existing public water system.
- g) A discussion of all actions taken by the applicant to pursue a contract for managerial or operational oversight from an existing public water system.
- h) An analysis of whether a proposed new public water system's total projected water supplies available during normal, single dry, or multiple dry water years during a 20-year projection will meet the projected water demand for the service area.
- i) Any information provided by the local agency formation commission (LAFCO). The applicant shall consult with the LAFCO if any adjacent public water system identified pursuant to paragraph (1) is a local agency as defined by Section 56054 of the Government Code.

84. 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 DEHS standards, properly sealed and certified as inactive OR (3) constructed to DEHS standards and meet the quality standards for the proposed use of the water (industrial and/or domestic). Evidence shall be submitted to DEHS for approval.
85. Sewer Connection. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report per June 2017 standards shall be submitted to DEHS for review and approval. If the percolation report cannot be approved, the project may require an alternative OWTS. For information, please contact the Wastewater Section at 1-800-442-2283.
86. Existing OWTS. Existing onsite wastewater treatment system can be used if applicant provides certification from a qualified professional (i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.) that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining methods used in determining function.
87. California Regional Water Quality Control Board. Written clearance shall be obtained from the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services.

Lahontan Region, 15095 Amargosa Road, Bldg. 2, Suite 210, Victorville, CA 92392
88. 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 DEHS for review and approval. For information and acoustical checklist, contact DEHS at 1-800-442-2283.
89. Vector Inspection. All demolition of structures shall have a vector inspection prior to the issuance of any permits pertaining to demolition or destruction of any such premises. For information, contact DEHS Vector Section at 1-800-442-2283.

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

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

90. 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 P201800242.
91. 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).
92. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
93. 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.
94. Installation of Improvements. All required on-site improvements shall be installed per approved plans.
95. GHG – Installation/Implementation Standards. The developer shall submit for review and obtain approval from County Planning of evidence that all applicable GHG performance standards have been installed, implemented properly and that specified performance objectives are being met to the satisfaction of County Planning and County Building and Safety. These installations/procedures include the following:
 - a) Design features and/or equipment that cumulatively increases the overall compliance of the project to exceed Title 24 minimum standards by five percent.
 - b) All interior building lighting shall support the use of fluorescent light bulbs or equivalent energy-efficient lighting.
 - c) Installation of both the identified mandatory and optional design features or equipment that have been constructed and incorporated into the facility/structure.

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

96. 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.

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

97. LDD Requirements. All LDD requirements shall be completed by the applicant prior to occupancy.
98. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.
99. Caltrans Approval. Obtain approval from Caltrans for access requirements and working within their right-of-way.

100. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
101. Structural Section Testing. A thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to County Public Works.
102. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

NEWBERRY SPRINGS FIRE DEPARTMENT - (760)257-3016

103. Building Sprinkler. Building sprinkler system will be equipped with a dual 2 ½" inlet pipe at a minimum

COUNTY FIRE PROTECTION DISTRICT – Hazardous Materials Division (909) 386-8401

104. Permits. Prior to occupancy, the business operator shall be required to apply for one or more of the following permits, or apply for an exemption from hazardous materials laws and regulations: a Hazardous Material Permit, Hazardous Waste Permit, Aboveground Storage Tank Permit or an Underground Storage Tank Permit. Application for one or more of these permits shall occur by submitting a hazardous materials business plan using the California Environmental Reporting System (CERS) <http://cers.calepa.ca.gov/>
105. Underground Storage Tank (UST) Systems. Underground storage tank (UST) systems storing hazardous substances in the County of San Bernardino shall conform to standards issued by the San Bernardino County Fire Protection District. Written approval shall be obtained from this Department prior to the installation of any new UST system(s) and/or modifications to existing UST systems. Prior to installation, plans for underground storage tank systems shall be reviewed and approved by Office of the Fire Marshal, Hazardous Materials Division. For additional information please contact (909) 386-8464.
106. Spill Prevention, Control, and Countermeasures (SPCC) Plan. Facilities handling greater than 1320 gallons of petroleum products in aboveground storage tanks (shell capacity) shall prepare and implement a Spill Prevention, Control, and Countermeasures (SPCC) Plan in accordance with 40 CFR 1 112.3 and CHSC 25270.4.5(a).

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

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

END OF CONDITIONS

EXHIBIT D

Site Plan

EXHIBIT E

Findings

GENERAL PLAN FINDINGS:

The applicant proposes to amend the General Plan Land Use Designation from General Commercial (CG) to Service Commercial (CS) on 4.90 Acres in conjunction with a Conditional Use Permit to construct and operate a 12,252 square-foot truck service center and a 92,353 square-foot impound/towing facility (Project).

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

1. The proposed GPA is internally consistent with all other provisions of the General Plan.

Consistency: The amendment is consistent with and will further the objectives, goals and policies of the County General Plan and will not obstruct their attainment as indicated in Finding No. 8, below, and based on the evidence contained in the Project's supporting documents.

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

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

3. The proposed land use zoning district change is in the public interest, therefore will be a community benefit, and other existing and allowed uses will not be compromised.

Consistency: The Project will provide a truck service center and an impound/towing facility while maintaining the goals and policies of the County General Plan. Existing and allowed uses in the area will not be compromised by the development of the Project site as proposed. The proposed Project retains and protects the existing desert character of the area by maintaining the rural setting. The Project will also promote significant economic development within the community, including construction jobs.

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

Consistency: The Project site is located adjacent to existing commercial development, a convenience store and gas station located to the west, vacant land to the east and

north, and Interstate 40 to the south. The proposed use of the Project site is consistent with these existing uses and allowed uses authorized by the surrounding zoning districts. Existing Memorial Drive will also provide vehicular access to the Project site and all necessary public services and infrastructure are available.

5. The proposed land use zoning district change does not conflict with provisions of the Development Code.

Consistency: The Project site conforms to the size and location criteria specified for the Service Commercial land use district and all other applicable Development Code requirements.

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

Consistency: The Project includes appropriate mitigation measures and Conditions of Approval to ensure County performance standards are met and that the Project will not have an adverse effect on the surrounding property. In addition, there is existing commercial development to the west of the Project site.

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.

Consistency: The site has been conditioned to ensure adequate water and wastewater needs of the Project have been met. Fire protection will also be provided by the Newberry Springs Fire Department, who have reviewed the Project and provided Conditions of Approval. The Project will have sufficient permitted solid waste storage capacity to accommodate the Project's solid waste disposal needs. The County has evaluated drainage associated with the Project and determined that impacts will be less than significant with the implementation of specified Conditions of Approval.

8. The Project is consistent with the following specific General Plan Goals and Policies:

General Plan

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

Consistency: The Project will contribute to a thriving local economy by providing services beneficial to the community.

- Goal ED 4.1. Promote commercial development that enhances the County's economic base, particularly for small businesses, and provides jobs for its residents.

Consistency: The proposed Project proposes a truck service center and impound/towing facility that will stimulate the County's economic base and provide jobs for its residents.

- Goal D/CO 3. Preserve the dark night sky as a natural resource of the Desert Region.

Consistency: The proposed Project will comply with development code regulations pertaining to dark night sky protection and safety standards.

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

Consistency: The proposed Project is located in an area where it will serve the social and economic needs of its residents, as there is no similar commercial development in the area.

- Policy LU 1.1. Develop a well-integrated mix of residential, commercial, industrial, and public uses that meet the social and economic needs of the residents in the three geographic regions of the County: Valley, Mountain, and Desert.

Consistency: The proposed Project's location is consistent in that it is already surrounded by a well-integrated mix of different land uses including Multiple Residential to the north, Rural Living to the east, General Commercial to the west, and Neighborhood Commercial farther south.

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

Consistency: The proposed Project is fiscally viable as its located in area already trafficked by commercial vehicles. As such this Project will meet the needs of potential customers that travel through that area.

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

Consistency: The Project proposes to change from one commercial zoning to another thus remaining consistent with the intent of this policy, because of its location the proposed Project is best suited for the type of permitted uses within the proposed new zoning, Service Commercial (CS).

CONDITIONAL USE PERMIT FINDINGS:

The following are the required findings, per the San Bernardino County Development Code Section 85.06.040, and supporting facts for a 12,252 square-foot truck service center which includes an enclosed truck wash, mechanic shop, and tire shop with storage, and a 92,353 square-foot impound/towing facility; and a General Plan Amendment to change the zoning district from General Commercial (CG) to Service Commercial (CS) (hereafter referred to as "Project") on approximately 4.90 acres of land in unincorporated San Bernardino County (P201800242/CUP&GPA, APN: 0529-131-55 & -64).

1. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.** All setbacks meet or exceed the requirements of the Development Code for the proposed land use and the existing zoning. The proposed 12,252 square-foot truck service facility (i.e. enclosed truck wash, mechanic shop, and tire shop with storage) and the 92,353 square-foot impound/towing facility will meet all development code requirements for the proposed Service Commercial (CS) Land Use Zoning District.
2. **The site for the proposed use has adequate legal and physical access which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** The proposed Project provides for adequate site access off Memorial Drive. The Project will be required, as part of its Conditions of Approval, to provide road dedication and improvements, which include curb and gutter, sidewalks and a second driveway approach on Memorial Drive.
3. **The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance.** An Initial Study (IS) was prepared for the proposed Project resulting in a proposed Mitigated Negative Declaration (MND). These documents are collectively referred to as the "IS/MND." The IS/MND analyzed potential impacts to surrounding properties, and recommended mitigation measures to address any potentially significant impacts, including biological resources. These mitigation measures, which are incorporated into the Project's proposed Conditions of Approval, ensure that there will be no significant adverse impacts to abutting properties from the Project.

The Project will comply with the noise restrictions established by Development Code Section 83.01.080 during construction and operations. Construction will be temporary and will not involve blasting or produce noise and/or vibration that exceed Development Code requirements. Operation of the Project will generate minimal noise at a level that is within County Development Code standards.

In addition, the use will not substantially interfere with the present or future ability to use solar energy systems. The proposed Project would not shade adjacent parcels and would not limit the future development of solar energy systems or other development on neighboring properties. The Project site is bounded by vacant property to the south, east and north and by an existing convenience store and gas station to the west.

4. **The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan.** The Project proposes to implement the General Plan through the adoption of a General Plan Amendment to change the land use designation from General Commercial (CG) to Service Commercial (CS). The purpose of the Service Commercial zoning district is to provide suitable areas for a mixture of commercial and industrial uses, including manufacturing uses, where they will not adversely affect surrounding properties; and to provide suitable locations for retail, wholesale, intensive commercial, and service establishments. The Service Commercial (CS) land use district also calls for areas with access from major streets and/or major arterial streets to avoid use of residential streets for access or deliveries, and areas that are either at the intersection of two major arterial streets or adjacent to a major arterial street, major divided street, or freeway, or served by railroad access. Specifically, the General Plan states that the County should:

- Protect areas best suited for commercial uses by virtue of their location, access to major arterials, and availability of infrastructure and other utilities, from other incompatible uses. (Policy LU 3.1)
- The County will have a compatible and harmonious arrangement of land uses by providing a type and mix of functionally well-integrated land uses that are fiscally viable and meet general social and economic needs of the residents. (Goal LU. 1)
- Develop a well-integrated mix of residential, commercial, industrial, and public uses that meet the social and economic needs of the residents in the three geographic regions of the County: Valley, Mountain, and Desert. (Policy LU 1.1)
- Promote a mix of land uses that are fiscally self-sufficient. (Policy LU 1.3)

The Project will not conflict with any applicable adopted land use plan, policy, or regulation or an agency with jurisdiction over the Project.

5. **There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.** During construction and operation the Project's required use of local infrastructure will not significantly affect existing service levels. As part of the Conditions of Approval, Project vehicles shall not back out into the public roadway, and driveway access on Fort Cady Road may be disallowed or restricted to right in/right out only, pursuant to the traffic study and/or Caltrans requirements. The Project applicant will be responsible for paying for and/or constructing the minimal necessary infrastructure improvements and thus there will be no significant effect on existing service levels.
6. **The lawful conditions stated in the approval are deemed reasonable and necessary to protect the public health, safety and general welfare.** The Project's Conditions of Approval reflect requirements designed to protect the public health, safety, and general welfare. These conditions are based on established legal requirements and are applicable to all similar projects. Consequently, they are considered reasonable and necessary to protect the public health, safety, and general welfare. All conditions listed in the Conditions of Approval are necessary and reasonable to ensure compliance and to carry out the goals, policies and objectives of the County's General Plan.
7. **The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.** The location of the proposed Project was designed in a manner to not interfere with the future ability for the property owner to install a solar energy system. The Project would not impede development of solar energy generation systems on adjacent parcels.

ENVIRONMENTAL FINDINGS:

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

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

EXHIBIT F

Comments

From: [dick ho](#)
To: [Gonzalez, Magda](#)
Cc: [dick ho](#)
Subject: Fw: Comment on Project No. P201800242, Samra Truck Service Center at 48243 Memorial Drive, Newberry Springs.
Date: Tuesday, September 03, 2019 4:32:08 PM

From: dick ho
Sent: Wednesday, August 28, 2019 5:58 PM
To: Magda.gonzalez@lus.sbcounty.gov <Magda.gonzalez@lusd.sbcounty.gov>
Subject: Comment on Project No. P201800242, Samra Truck Service Center at 48243 Memorial Drive, Newberry Springs.

Dear Magda,

My name is I-Chung (Dick) Ho and I am one of the owner of the vacant land near the project. I just spoke to you on the phone a few minutes ago about the environmental concern I have on this project. If you make a visit to the site, you will see some of the trashes (food wrappings and other debris) and abandoned old tires scattered around the nearby land. Unless you catch some one doing so red handed, no one is going to admit they did it. However you can reasonably believe most of those trashes are generated from the existing business at that location.

For this reason, I would like to suggest some assurance be established, such that the cleanliness of the environment is protected before this project is approved. Other than this, I am one hundred percent for the project.

You can give me a call or email me if you need to reach me. Thank you very much for listening.

Respectfully Submitted,
I-Chung Ho
(310) 541-7055
AngieDick@hotmail.com

September 10, 2019

Magda Gonzalez, Senior Planner
County of San Bernardino
High Desert Government Center
Land Use Services Department-Planning Division
15900 Smoke Tree Street, Suite #131
Hesperia, CA 92345

RE: Samra Truck Service Center Project # P201800242 Environmental Checklist Form
48243 Memorial Drive, Newberry Springs

Dear Ms. Gonzalez,

It is our understanding that these large Truck Service Centers that operate around the clock (7-24) with truck washing areas, laundromats and showers for the drivers along with the motoring public stopping to use the facilities, can use large quantities of water. We understand return flow and consumptive use, but believe a project on this level, the water use needs to be quantified and clarifications on other specific issues: such as Fire Protection and Aesthetics.

Under **HYDROLOGY / WATER QUALITY**

1. Page 33 Xb ***The MWA has four existing sources of water supply- State Water Project (SWP) imports, natural surface water flows, return flow from pumped groundwater not consumptively used, and wastewater imports from outside the MWA service area.*** Wastewater imports outside of MWA service area are incorrect for the Baja Subarea, needs clarification from MWA.
2. Page 34 Xb) They quote the Mojave Basin Judgment: ***"The FPA for the Alto Subarea is 80 percent of BAP for agriculture and 60 percent of BAP for municipal and industrial uses."*** This is misleading, as the Baja Subarea has been reduced to 30% and has the potential to be taken to 20%.
3. Page 34 Xb) ***"The long-term supply to each Subarea, and the Basin Area as a whole, is assumed to be available in all year types, normal, single dry year and multiple dry year. A premise of the Judgment is that all demands are met."*** As the Baja subarea has a declining water table, all demands are not being met.
4. Page 54 ***MWA has a net natural supply of 57,349 AFY including surface and subsurface water flows to the five Subareas in the Mojave Basin area and to the Morongo Area. Because the definition of net natural supply is long-term natural supply estimates, the supplies are going to remain constant regardless of any annual changes in hydrology.*** Misleading!
5. Page 54 XIXb ***Water use generated during the operation of the Project is estimated to be 3.89 AFY based on the California Emissions Estimator Model (CalEEMod) which is a statewide land use emissions computer ...The model can also be used to estimate water use for various types of land uses for analysis in CEQA documents.*** Difficult to understand an emissions computer being used to quantify water use, are they saying that they will be a minimal producer, pumping under 10 AFY?

6. At present the Baja Subarea water issues are in the Riverside court. (Case No. CIV208568) One of the issues is “no water conservation in the unincorporated areas of San Bernardino County within the MWA jurisdictional boundaries,” basically who is in charge. The court is looking at this as a CEQA issue at this time. Page 36 XIb says ***“In conclusion, the Project would not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating adverse environmental effects and impacts would be less than significant.”*** More clarification needed.

Under **FIRE PROTECTION**

Page 44 XVa) 1.) ***“The Newberry Springs Fire Department provides fire protection services to the Project area. The Project would be primarily serviced by Fire Station #392 located approximately 7 miles northwest of the Project site at 33759 Newberry Road in Newberry Springs. 2.) Development of the Project would impact fire protection resources. The Project would be conditioned by the Fire Department to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes. 3.) Although the Project would increase the demand for fire protection services, it is not anticipated that it would result in substantial adverse physical impacts associated with the provision of new or physical altered governmental facilities as the Fire Department has reviewed the Project and will provide fire protection services from existing facilities.”***

1. Newberry Springs is a Volunteer Fire Department; has it been considered that a number of its members are not always available due to various reasons, along with a large geographical area to cover.
2. The Project requires fire sprinklers and a fire hydrant system, we assume? We see no mention of well size or the quantity that the well will need to produce or an above ground storage tank that might be needed to meet the fire flow that we assume is required.
3. When it says the Fire Department has reviewed the Project; is it referring to San Bernardino County, Newberry Springs or both?
4. If the Development of the project is going to impact fire protection resources, shouldn't there be an increase in monies to the community?

Under **AESTHETICS**

Page 8 Ia) It says, ***“Offers a distant vista that provides relief from less attractive views of nearby features such as views of mountain backdrops from urban areas.”*** Difficult to understand this reference, when there is a 92 space impound facility, with no mention of how it is going to be enclosed.

Thank you for considering our comments
James and Ellen Johnson
Newberry Springs CA 92365
jjmel1983@gmail.com