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:	**0583-212-01–06 & 21**
APPLICANT:	William Scarbrough
COMMUNITY:	Morongo Valley/3rd Supervisorial District
LOCATION:	Southeast Corner of Twentynine Palms Hwy and Senilis Avenue, Morongo Valley
PROJECT NO:	P201600219
STAFF:	Aron Liang
REP('S):	Same as applicant
PROPOSAL:	A General Plan Land Use District Amendment from Single Residential-10,000-square-foot minimum lot size (RS-10M) to General Commercial (CG) Zoning District, Conditional Use Permit to construct a 4,968-square-foot convenience store with 12 motor vehicle fuel sale pumps, and a Variance to permit encroachment into street side and rear setbacks, on an approximately 1.20 acres, located at the northeast corner of Twentynine Palms Highway and Senilis Avenue, in the General Commercial (MV/CG) and Single Residential (MV/RS-10M) zoning districts.

USGS Quad:	Morongo Valley
T, R, Section:	T: 1S R: 4E Sec.29
Planning Area:	Morongo Valley Community Plan
Land Use Zoning:	(MV/CG)—General Commercial, AND (MV/RS-10M)-Single-Residential-10,000-square-foot minimum lot size.
Overlays:	Fire Safety 2 (FS2), Alquist-Priolo Earthquake Fault Zone, Biotic Resource (BR)

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: Aron Liang, Planner
Phone No: (909) 387-0235

Project Sponsor: William Scarbrough
Land Development Consultants, Inc.
1811 N. Tatum Boulevard, Suite 1051
Phoenix, AZ 85028
Phone No: (602) 850-8141

PROJECT DESCRIPTION:

The project applicant, Land Development Consultants, LLC (LDC) proposes to construct a 4,968-square-foot Circle K convenience store and fueling station on the project site. The fuel sales would consist of 12 pumps under a new 146-foot x 24-foot fuel canopy. On-site amenities would include a convenience store, a 3,504-square-foot fuel canopy consisting of 12 fuel pumps, air/water pressure station, bike rack, enclosed trash facilities and a parking lot. Landscaping for the project would involve excavation and grading. Approximately 73.14 percent of the site would be buildings, and the remaining impervious areas. Approximately 26.60 percent, or 12,665 square feet, of the project site will be landscaped. Thus, meeting the San Bernardino County Development code requirement of a minimum of 20 percent of retail use area or 1,000 square feet (whichever is

greater). The existing market on the site would be demolished as part of the proposed project. A proposed 6-foot screen wall will be implemented along the northern and eastern borders of the project site to provide screening from adjacent uses. The project will require the submittal of a General Plan Amendment (GPA), Conditional Use Permit (CUP), Major Variance (VAR) and Lot Merger application. The Lot Merger is to combine all of the project parcels into one property; the CUP is needed to obtain approval for the project as a Convenience and Support Service station; the Major Variance is to allow encroachment of the building into the street side-yard and rear setback; and the General Plan Amendment to change the zoning of the small, 0.24-acre parcel from MVRS-10M to MC/CG.

Circulation and Access/Parking

The parking lot will provide 25 available spaces for employees and customers. There will be 24 standard parking spaces and one accessible parking space, along with two bicycle parking racks and one space for loading purposes. The San Bernardino Development Code requires 1 parking space per 250 square feet of general retail gross leasable area. At 4,968 square footage of building area, the project is required to provide 20 parking stalls. Thus, the project will meet the County's code requirements. Additionally, the project will require the vacation of the existing alleyway and dedication of new alleyway.

Primary access to the site would be provided by two proposed future access driveways. Driveway 1 will be located off on Twentynine Palms Highway on the northwestern portion of the project site and is proposed to allow for right-in/right-out access only, as shown on the proposed site plan (Exhibit 3). Driveway 2 will be provided at the southern site boundary and is proposed to allow for full access, along Senlis Avenue. Both driveways will be stop controlled. The project driveways will be designed to accommodate truck-turning movements, allowing trucks access to the site without disrupting opposing traffic.

The site plan has been designed to incorporate a bus turnout consistent with Morongo Basin Transit Authority requirements and Caltrans' recommendations. The bus turnout is proposed to be located in front of the project site along Twentynine Palms Highway. The bus turnout includes a bus stop and shelter, front and rear ADA loading area.

The Morongo Valley Community Plan was adopted in 2007 and establishes the following applicable objectives and policies that are relevant to the project's bus turnout design:

Land Use Element

- **Goal MV/LU 3:** Enhance residential and commercial development by encouraging and accommodating mass transit facilities.
- **Policy MV/LU 3.1:** Where appropriate, work with the Morongo Basin Transit Authority to incorporate site design features to accommodate and to access mass transit facilities, such as bus stops, bus turn-outs and other passenger amenities.

Construction

The existing commercial building, approximately 3,000 square feet, that currently occupies the project site will be demolished to allow for construction of the new Circle K facility. Approximately 10 trees along the southern and central portions of the project site will be removed during construction, after a tree removal permit is obtained. Landscaping for the project would involve excavation and grading. Approximately 73.14 percent of the site would be lot coverage. Approximately 26.60 percent, or 12,665 square feet, of the project site will be landscaped. Thus, meeting the San Bernardino County Development code requirement of a minimum of 20 percent of retail use area or 1,000 square feet (whichever is greater). The project is proposed to be developed in one phase with an anticipated opening year of 2017.

Operation

During the operational phase of the project, customers would be allowed access to fueling stations and the convenience store, which may be operated 24 hours a day, 7 days a week. Facility staff would oversee fueling services, convenience store cashier duties, site maintenance, and other daily tasks. There would be two to four employees per shift, with three shifts per day.

Exhibit 1 illustrates the regional location. Exhibit 2 illustrates the vicinity location and Exhibit 3 illustrates the proposed project site.

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

The project site is an existing food mart and deli, located at 49727 Twentynine Palms Hwy, in the unincorporated area of San Bernardino County in the Morongo Valley area. The partial project site is disturbed and contains existing retail building and parking lot. According to the Phase I Site Assessment, the site contained a former small retail fueling system, including underground storage tanks and a fuel dispensing island.

The area surrounding the project site is predominantly residential and general commercial. Single-family homes on parcels of land (occupy the neighboring residential areas, while businesses occupy nearby general commercial parcels of land. The project site contains a small parking lot that provides parking for the existing market that is located on the northeastern portion of the site. Trees and heavily disturbed land are located on the southern portion of the project site. Residential uses border the north and east of the project site. The properties to the west, across Twentynine Palms Highway, include real estate businesses and a psychic reader business. There is a bus stop located along Twentynine Palms Highway on the western border of the project site.

AREA	EXISTING LAND USE	LAND USE/OVERLAY DISTRICT
Site	Retail Store/Vacant	(MV/CG)(MV-RS-10M)—General Commercial, Single-Residential.
North	Vacant Properties, Commercial, and Single-Family Structures	(MV/CG)—General Commercial
South	Vacant Properties	(MV/RS-10M)—Single Residential-10,000 sq.ft. min.
East	Single-Family Structures	(MV/RS-10M)—Single Residential-10,000 sq.ft. min.
West	Vacant Properties and Commercial Uses	(MV/CG)—General Commercial

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

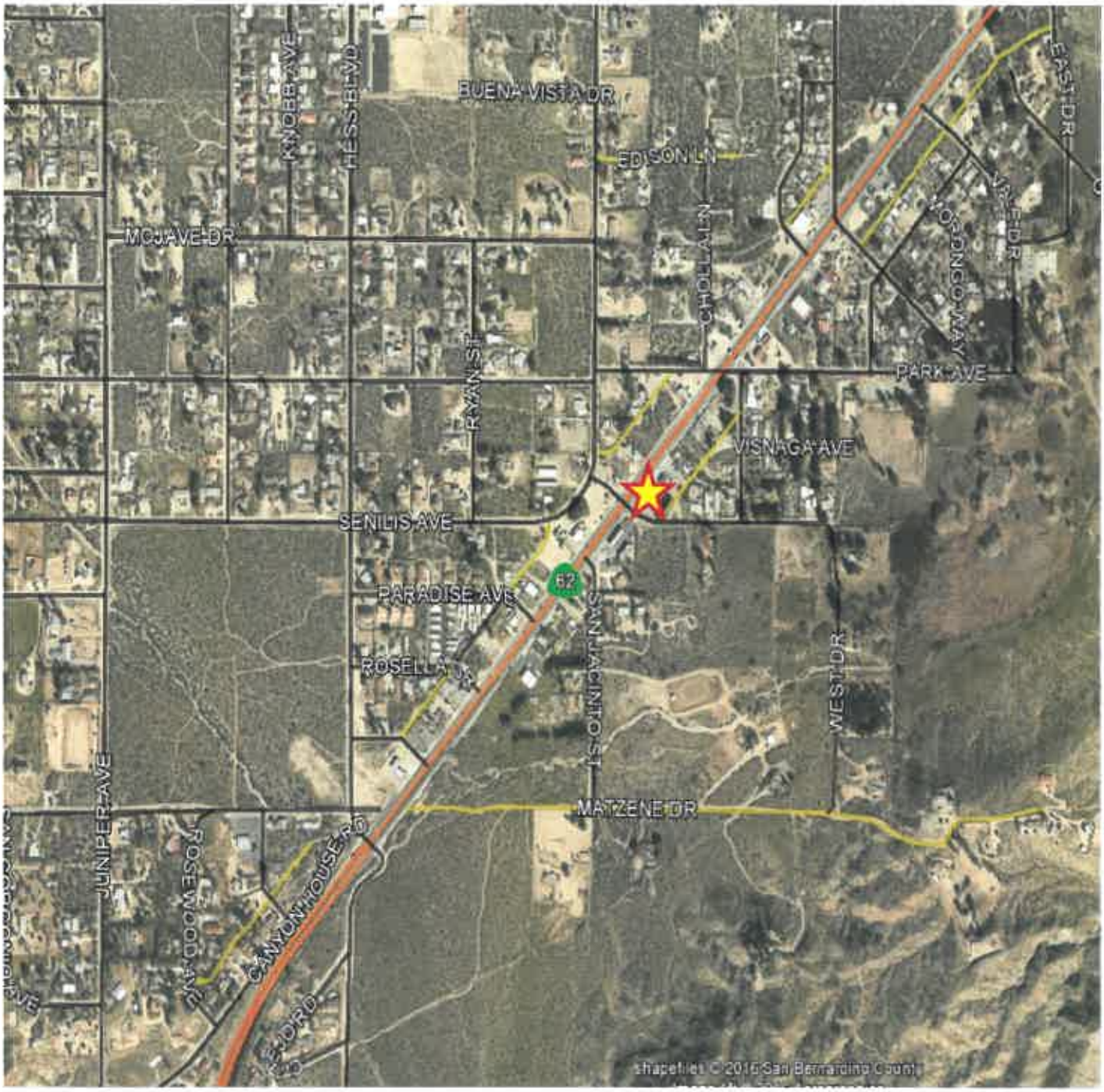
STATE: Colorado River Regional Water Quality Control Board (CRGWQC)

COUNTY: Land Use Services-Building and Safety and Land Development, County Fire; Public Health-Environmental Health Services (DEHS), Public Works, AND

LOCAL: Golden State Water Company

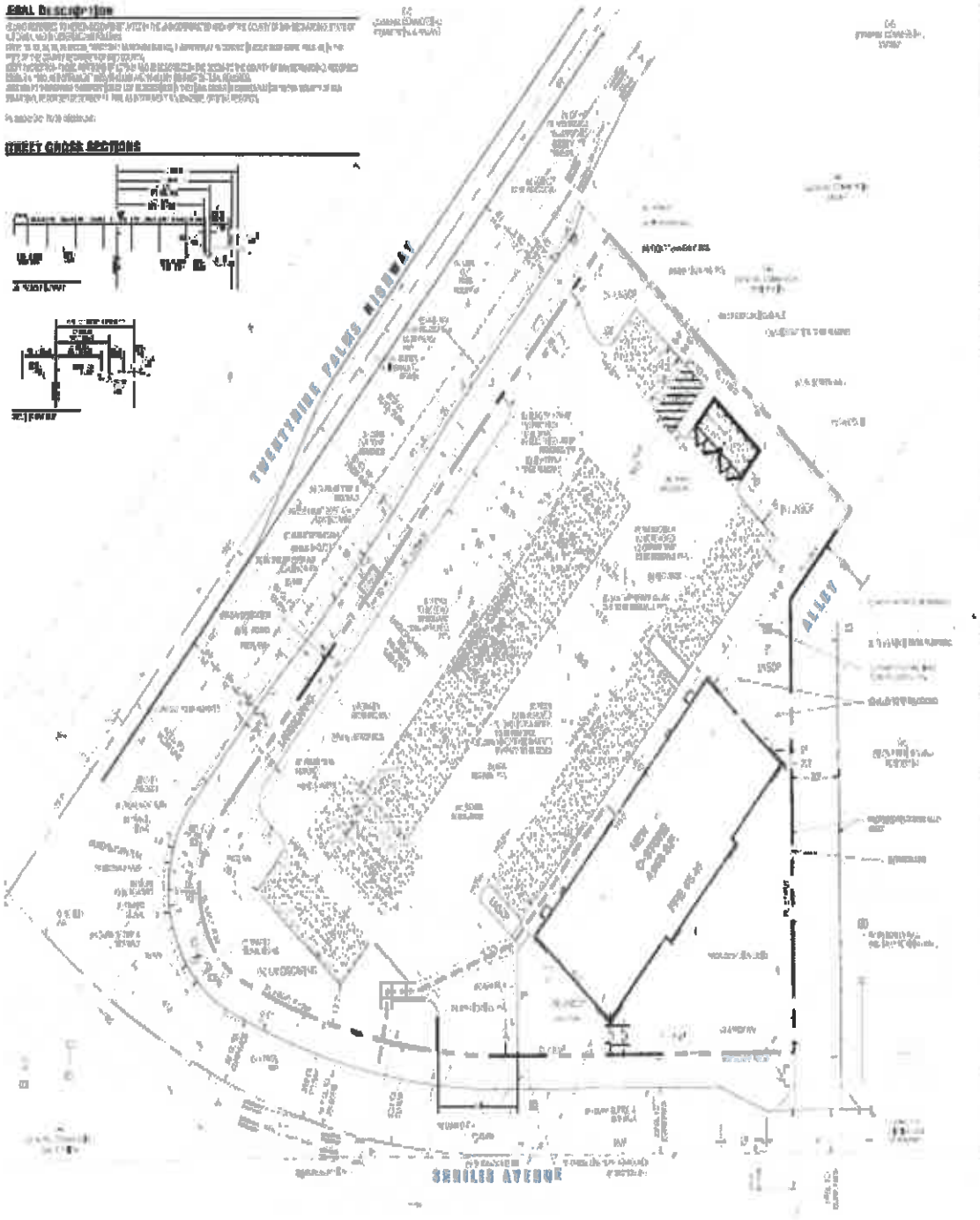
Regional Location Map
Exhibit 1

Local Vicinity Map, Aerial Base
Exhibit 2



Site Plan
Exhibit 3

NEC TWENTYNINE PALMS HIGHWAY & SENILIS AVENUE, MORONGO VALLEY, SAN BERNARDINO COUNTY, CA



VICINITY MAP

PROJECT INFORMATION

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 With Mitigation Incorporated	Less than Significant	No Impact

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

1. **No Impact**: No impacts are identified or anticipated and no mitigation measures are required.

2. **Less than Significant**: No significant adverse impacts are identified or anticipated and no mitigation measures are required.

3. **Less than Significant 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	☐ Geology/Soils
☐ Greenhouse Gas Emissions	☐ Hazards & Hazardous Materials	☐ Hydrology/Water Quality
☐ Land Use/Planning	☐ Mineral Resources	☐ Noise
☐ Population/Housing	☐ Public Services	☐ Recreation
☐ Transportation/Traffic	☐ Utilities/Service Systems	☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

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

☐	The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION 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: prepared by Aron Liang, Senior Planner — Date: 6/1/17

Signature: David Prusch, Supervising Planner — Date: 6/1/2017

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
I.	**AESTHETICS**—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)	Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐
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):

I a) **Less than Significant.** The project site is located within a Scenic Resources/Scenic Route (SR-62) Overlay. Features that may be considered scenic resources in the vicinity of the project site are the Big Morongo Canyon Preserve located approximately 4.5 miles east of the project site and the Mission Creek Preserve located approximately 3.1 miles southwest of the project site. Views of these resources from the project site are partially obstructed by existing development near the project site. The property to the south, across Senlis Avenue, is a retail-branded Chevron gasoline fuel station. The properties to the north and east are residential. The properties to the west, across Twentynine Palms Highway, include a real estate business and a psychic reader business. The project is currently occupied by an existing commercial building and parking lot.

The project site is 1.16 acres, and the proposed 4,968-square-foot building would occupy approximately 10.62 percent of the site area. The maximum building height allowed is 35 feet. Given the small mass and scale of the building, approximately 23-feet, 8-inches, views of scenic vistas will not be substantially blocked or degraded. Therefore, impacts to scenic vistas would be less than significant.

I b) **Less than Significant.** As discussed above, the project site is located in a Scenic Route (SR-62) Overlay. However, the project site itself does not contain any scenic resources such as rock outcroppings or historic buildings located within the viewshed of a state scenic highway. The property is partially paved with asphalt and trees are located on the southeastern part of the project site. There are no protected tree species on the property (such as public, landmark, or street trees). Therefore, project implementation would not damage scenic resources within a state scenic highway.

I c) **Less than Significant.** The project site is partially paved with little vegetation. The project is located in an area that is already developed with existing commercial and residential uses along Twentynine Palms Highway. The project would slightly alter the appearance of the site by replacing the existing convenience store with a Circle K convenience store, along with 12 mot or vehicle fuel pumps.

A project is generally considered to have a significant impact on visual character if it substantially changes the character of the project area such that it becomes visually incompatible or visually unexpected when viewed in the context of its surroundings. Because various types of commercial development, including a gasoline service station and real estate business already exist in the area, the proposed project would not be visually incompatible or unexpected when viewed in the context of its surroundings.

In addition, development of the site would be required to adhere to the County's design standards that regulate architectural design, landscaping, and signage, resulting in a visually attractive appearance. By complying with these requirements, impacts would be less than significant.

I d) **Less than Significant.** There are two primary sources of light: light emanating from building interiors that pass through windows, and light from exterior sources (e.g., street lighting, parking lot lighting, building illumination, security lighting, and landscape lighting). Depending upon the location of the light source and its proximity to adjacent light-sensitive uses, light introduction can be a nuisance, affecting adjacent areas and diminishing the view of the clear night sky. Light spillage is typically defined as unwanted illumination from light fixtures on adjacent properties.

The project site is located within a commercial and residential area. Existing lighting conditions in the project area include light emanating from building interiors, security lights, and the surrounding commercial and residential land uses, as well as nearby street lighting. The project would create new sources of light due to lighting from the proposed motor vehicle fuel station canopy.

There are light-sensitive residential uses to the north and east of the project site. These properties would not experience a substantial change in lighting conditions, as the existing convenience store currently utilizes similar lighting (landscape, security, interior). Although the proposed project would add additional lighting sources on-site, these new sources of lighting would be in keeping with existing lighting patterns in the area.

In addition, the outdoor lighting fixtures would be shielded, in accordance with the standards contained in Table 83-7 "Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (also known as the "Dark Sky" requirements).

The proposed project would not create a new source of substantial light or glare. Impacts would be less than significant.

Mitigation Measures

No significant adverse impact is anticipated; therefore, no mitigation is required.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
II.	**AGRICULTURE AND FORESTRY RESOURCES**—In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. 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)	Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒
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):

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment project and the Forest Legacy Assessment project; and

forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

II a) **No Impact.** According to the Department of Conservation Farmland Mapping & Monitoring Program (2014), the project site is not located within an area designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. There would be no impact.

II b) **No Impact.** The project does not propose any agricultural use, and there is no Williamson Act land conservation contract that covers the site. As such, no impact would occur.

II c) **No Impact.** The project site is zoned for General Commercial use and Single-Family Residential use (which the project proposes to be rezoned as General Commercial) by the County of San Bernardino Land Use Map. The proposed project would not conflict with existing zoning for, or cause rezoning of, Farmland to non-agricultural use.

II d–e) **No Impact.** The project site is developed with an existing convenience store and surface parking lot, and there are no agricultural or forest uses in the vicinity. Therefore, project implementation would not involve changes in the existing environment that could result in conversion of Farmland to non-agricultural use, or conversion of forest land to non-forest use.

Mitigation Measures:

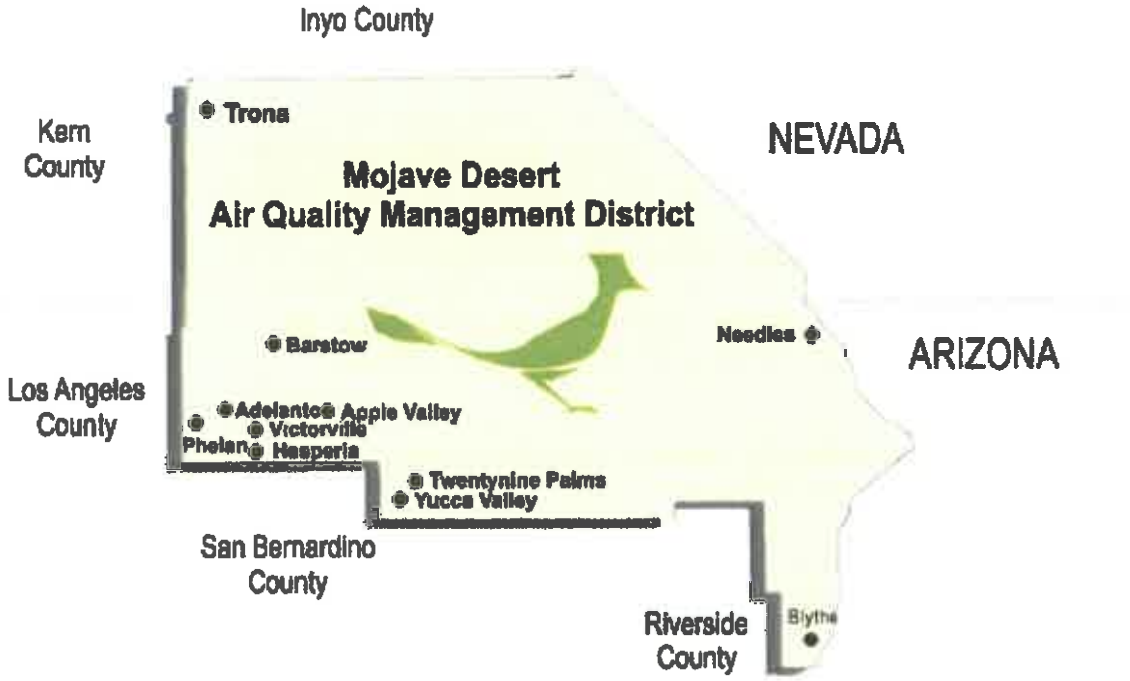
No significant adverse impact is anticipated; therefore, no mitigation is required.

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

SUBSTANTIATION (Discuss conformity with the South Coast Air Quality Management Plan, if applicable):

An Air Quality and Greenhouse Gas Analysis Report was prepared for this project site by FirstCarbon Solutions, dated December 23, 2015, included as Appendix A. The proposed project is located in the San Bernardino County portion of the Mojave Desert Air Basin (MDAB). As shown in Figure 1, the MDAB covers most of California's high desert. The San Gabriel and San Bernardino Mountains lie to the south, separating the MDAB from the South Coast Air Basin (SCAB). The Tehachapi Mountains are to the northwest and separate the MDAB from the San Joaquin Valley Air Basin (SJVAB). Local air quality in the MDAB is affected mainly by transport of pollutants from surrounding air basins. The project is located in the southern portion of the MDAB. The terrain and geographical location determine the distinctive climate of the MDAB, as the area is a high desert bounded by mountains on each side.

Figure 1: Mojave Desert Air Basin



Source: MDAQMD 2015

Overall, the Mojave Desert has an arid climate with cool winters, hot summers, and little rainfall. Temperatures generally increase, while precipitation generally decreases from south to north and west to east in this region. The average minimum temperature in Palm Springs (the closest weather station to the project site) is 60.3 degrees Fahrenheit (°F), and the average maximum temperature in Palm Springs is 89°F. Daily average maximum temperature in Palm Springs exceeds 100°F during June, July, and August, and annual average rainfall is 4.85 inches. Overall, the Mojave Desert tends to be windy, with winds blowing predominantly from the south and west. During the late spring months, high winds from the coastal areas of southern California blow into the Mojave Desert. In contrast, during Fall Santa Ana conditions, hot air from the desert blows into southern California.

Toxic Air Contaminant Health Effects

A toxic air contaminant (TAC) is defined as an air pollutant that may cause or contribute to an increase in mortality or serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations. The California Almanac of Emissions and Air Quality presents the relevant concentration and cancer risk data for the ten TACs that pose the most substantial health risk in California based on available data. The ten TACs are acetaldehyde,

benzene, 1.3-butadiene, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, perchloroethylene, and diesel particulate matter (DPM).

There are no TAC monitoring stations in the MDAB; however, TAC emissions are monitored at 17 locations statewide. The project gasoline dispensing station will emit the TAC benzene. Benzene is highly carcinogenic and occurs throughout California. The ARB identified benzene as a TAC in January 1985 under California's TAC program (AB 1807).

Asbestos

Asbestos is the name given to a number of naturally occurring fibrous silicate minerals that have been mined for their useful properties such as thermal insulation, chemical and thermal stability, and high tensile strength. The three most common types of asbestos are chrysotile, amosite, and crocidolite. Chrysotile, also known as white asbestos, is the most common type of asbestos found in buildings. Chrysotile makes up approximately 90 to 95 percent of all asbestos contained in buildings in the United States. Exposure to asbestos is a health threat; exposure to asbestos fibers may result in health issues such as lung cancer, mesothelioma (a rare cancer of the thin membranes lining the lungs, chest, and abdominal cavity), and asbestosis (a non-cancerous lung disease that causes scarring of the lungs). Exposure to asbestos can occur during demolition or remodeling of buildings that were constructed prior to the 1977 ban on asbestos for use in buildings. Exposure to naturally occurring asbestos can occur during soil-disturbing activities in areas with deposits present.

Air Quality Plans and Regulations

Air pollutants are regulated at the national, state, and air basin or county level; each agency has a different level of regulatory responsibility. The United States Environmental Protection Agency (EPA) regulates at the national level. The ARB regulates at the state level. The MDAQMD regulates at the air basin level.

There are national standards for six common air pollutants, called criteria air pollutants, which were identified from provisions of the Clean Air Act of 1970. The criteria pollutants are:

- Ozone
- Particulate matter (PM_{10} and $PM_{2.5}$)
- Nitrogen dioxide
- Carbon monoxide (CO)
- Lead
- Sulfur dioxide

The national standards were set to protect public health, including that of sensitive individuals; thus, the standards continue to change as more medical research is available regarding the health effects of the criteria pollutants. Primary national standards are the levels of air quality necessary, with an adequate margin of safety to protect public health, as discussed in the Ambient Air Quality Standards summary prepared by the ARB.

California Regulations

Low-Emission Vehicle Program

The ARB first adopted Low-Emission Vehicle (LEV) program standards in 1990. These first LEV standards ran from 1994 through 2003. LEV II regulations, running from 2004 through 2010, represent

continuing progress in emission reductions. As the State's passenger vehicle fleet continues to grow and more sport utility vehicles and pickup trucks are used as passenger cars rather than work vehicles, the more stringent LEV II standards were adopted to provide reductions necessary for California to meet federally mandated clean air goals outlined in the 1994 State Implementation Plan. In 2012, ARB adopted the LEV III amendments to California's Low-Emission Vehicle (LEV) regulations. These amendments include more stringent emission standards for both criteria pollutants and greenhouse gases (GHGs) for new passenger vehicles (ARB 2012).

On-Road Heavy-Duty Vehicle Program

The ARB has adopted standards for emissions from various types of new on-road heavy-duty vehicles. Section 1956.8, Title 13, California Code of Regulations contains California's emission standards for on-road heavy-duty engines and vehicles, and test procedures. ARB has also adopted programs to reduce emissions from in-use heavy-duty vehicles including the Heavy-Duty Diesel Vehicle Idling Reduction Program, the Heavy-Duty Diesel In-Use Compliance Program, the Public Bus Fleet Rule and Engine Standards, and the School Bus Program and others (ARB 2013b).

ARB Regulation for In-Use Off-Road Diesel Vehicles

On July 26, 2007, the ARB adopted a regulation to reduce DPM and nitrous oxides (NO_x) emissions from in-use (existing) off-road heavy-duty diesel vehicles in California. Such vehicles are used in construction, mining, and industrial operations. The regulation limits idling to no more than 5 consecutive minutes, requires reporting and labeling, and requires disclosure of the regulation upon vehicle sale. The ARB is enforcing that part of the rule with fines up to $10,000 per day for each vehicle in violation. Performance requirements of the rule are based on a fleet's average NO_x emissions, which can be met by replacing older vehicles with newer, cleaner vehicles or by applying exhaust retrofits. The regulation was amended in 2010 to delay the original timeline of the performance requirements, making the first compliance deadline January 1, 2014 for large fleets (over 5,000 horsepower), 2017 for medium fleets (2,501–5,000 horsepower), and 2019 for small fleets (2,500 horsepower or less).

ARB Airborne Toxic Control Measure for Asbestos

In July 2001, the ARB approved an Air Toxic Control Measure for construction, grading, quarrying and surface mining operations to minimize emissions of naturally occurring asbestos. The regulation requires application of best management practices to control fugitive dust in areas known to have naturally occurring asbestos and requires notification to the local air district prior to commencement of ground-disturbing activities. The measure establishes specific testing, notification and engineering controls prior to grading, quarrying, or surface mining in construction zones where naturally occurring asbestos is located on projects of any size. There are additional notification and engineering controls at work sites larger than one acre in size. These projects require the submittal of a "Dust Mitigation Plan" and approval by the air district prior to the start of a project.

Diesel Risk Reduction Plan

The ARB's Diesel Risk Reduction Plan has led to the adoption of new state regulatory standards for all new on-road, off-road, and stationary diesel-fueled engines and vehicles to reduce DPM emissions by about 90 percent overall from year 2000 levels. The projected emission benefits associated with the full implementation of this plan, including federal measures, are reductions in DPM emissions and associated cancer risks of 75 percent by 2010, and 85 percent by 2020 (ARB 2000).

Southern California Association of Governments

Southern California Association of Governments (SCAG) is responsible for the regional transportation strategy, which is included within its adopted 2012–2035 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) and 2015 Federal Transportation Improvement Program (SCAG 2012). Included in the RTP/SCS are regional transportation strategy and transportation control measures including the following: active transportation (non-motorized transportation—biking and walking); transportation demand management; transportation system management; transit; passenger and high-speed rail; goods movement; aviation and airport ground access; highways; arterials; and operations and maintenance. The Federal Transportation Improvement Program (FTIP) is a capital listing of all transportation projects proposed over a 6-year period for the SCAG region. The projects include highway improvements, transit, rail and bus facilities, high occupancy vehicle lanes, signal synchronization, intersection improvements, freeway ramps, etc. In the SCAG region, a biennial FTIP update is produced on an even-year cycle.

Mojave Desert Air Quality Management District

The MDAQMD has jurisdiction over the desert portion of San Bernardino County and the far eastern end of Riverside County. This region includes the incorporated communities of Adelanto, Apple Valley, Barstow, Blythe, Hesperia, Morongo Valley, Needles, Twentynine Palms, Victorville, and Yucca Valley. This region also includes the National Training Center at Fort Irwin, the Marine Corps Air Ground Combat Center, the Marine Corps Logistics Base, the eastern portion of Edwards Air Force Base, and a portion of the China Lake Naval Air Weapons Station.

Ozone Plans

The Air Basin is currently in nonattainment of state and federal health-based air quality standards for ozone. The Air Basin has not met attainment since 2004. To meet federal 8-hour ozone standards, the MDAQMD adopted a plan specific to the Western Mojave Desert in 2008. The MDAQMD anticipates that the region will meet attainment by June 2021. The Western Mojave Desert encompasses the entire Barstow area, Victor Valley, Antelope Valley, Lucerne Valley, and the Mojave River communities. The project site is approximately 30 miles southeast of the Lucerne Valley.

Particulate Matter Plans

The MDAB is designated nonattainment of state and federal health-based air quality standards for PM_{10}. On July 31, 1995, the MDAQMD adopted a Federal PM_{10} Attainment Plan (PM_{10} Plan) for the Mojave Desert Planning Area. The air quality of the MDAB is impacted by both fugitive dust from local sources and occasionally by region-wide, wind-blown fugitive dust during moderate to high wind episodes. This region-wide or "regional" event includes contributions from both local and distant dust sources, which frequently result in violations of the national ambient air quality standards that are multi-district and interstate in scope. The PM_{10} Plan indicates that local sources will be controlled with a strategy that focuses on unpaved road travel, construction, and local disturbed areas in the populated areas, and certain stationary sources operating in the rural Lucerne Valley. It is not feasible, however, to implement control measures to reduce dust from regional wind events.

Applicable MDAQMD Rules and Regulations

An air quality management plan (AQMP) is a plan prepared and implemented by an air pollution district for a county or region designated nonattainment of federal and/or California ambient air quality

standards. The term nonattainment area is used to refer to an air basin where one or more ambient air quality standards are exceeded.

Rules Applicable to the Project

The project includes stationary sources of emissions that are subject to MDAQMD regulations and permits. The MDAQMD rules and regulations that apply to this project include but are not limited to the following:

- MDAQMD Regulations XIII—New Source Review. Regulation XIII includes a series of rules addressing the permitting process for new and modified stationary sources.
- MDAQMD Rule 1000—National Emissions Standards for Hazardous Air Pollutants. The purpose of the rule is to incorporate the National Emission Standards for Hazardous Air Pollutants from Part 61, Chapter I, Subchapter C, Title 40, Code of Federal Regulations and the National Emission Standards for Hazardous Air Pollutants for Source Categories from Part 63, Chapter I, Subchapter C, Title 40, Code of Federal Regulations to protect the health and safety of the public from hazardous air pollutants, such as asbestos.
- MDAQMD Rule 402—Nuisance. The purpose of this rule is to protect the health and safety of the public, and applies to any source operation that emits or may emit air contaminants or other materials. Odors from agricultural sources are exempt from the Nuisance rule.
- MDAQMD Rule 403.2—Fugitive Dust Control for the Mojave Desert Planning Area. Rule 403.2 is designed to reduce PM_{10} emissions (predominantly dust/dirt) generated by human activity, including construction and demolition activities, road construction, trackout, unpaved roads, etc.
- MDAQMD Rule 461—Gasoline Transfer and Dispensing. The purpose of this rule is to limit the emissions of volatile organic compounds (VOC) and toxic compounds (such as benzene) from the transfer and marketing of gasoline, and in conjunction with Rules 462 and 463, limit the emissions from the storage, transfer, and dispensing of gasoline, including bulk facilities, retail service stations, and others, the transport of fuels between these facilities and the transfer of fuel into motor vehicle tanks.

Local

County of San Bernardino General Plan

The County of San Bernardino General Plan was adopted in 2007 and establishes the following applicable objectives and policies that are relevant to the project:

Land Use Element

- **Goal LU 5:** Reduce traffic congestion and air pollution and improve the quality of life for County residents by providing employment and housing opportunities in close proximity to each other.

Conservation Element

- **Goal CO 4:** The County will ensure good air quality for its residents, businesses, and visitors to reduce impacts on human health and the economy.

Morongo Valley Community Plan

The Morongo Valley Community Plan was adopted in 2007 and establishes the following applicable objectives and policies that are relevant to the project air quality impacts through encouraging transit ridership with the implementation of the bus turnout:

Circulation Element

- **Goal MV/CI 3:** Promote alternative modes of transportation.

For any further information, please refer to the Air Quality and Green House Gases Analysis prepared by FirstCarbon Solutions (Appendix A).

Environmental Evaluation

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.

Thresholds of Significance

The project is located within the MDAQMD. The applicable quantitative thresholds contained in the MDAQMD CEQA Air Quality Guidelines were used in the analysis, which evaluate whether a project:

1. Generates total emissions (direct and indirect) in excess of the thresholds given in Table 1;
2. Generates a violation of any ambient air quality standard when added to the local background;
3. Does not conform with the applicable attainment or maintenance plan(s);
4. Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.

Table 1: MDAQMD Significant Emissions Thresholds

Criteria Pollutant	Annual Threshold (tons/year)	Daily Threshold (pounds/day)
Carbon monoxide (CO)	100	548
Oxides of nitrogen (NO_x)	25	137
Volatile organic compounds (VOC)	25	137
Oxides of sulfur (SO_x)	25	137
Particulate matter (PM_{10})	15	82
Particulate matter ($PM_{2.5}$)	15	82
Hydrogen sulfide (H_2S)	10	54
Lead (Pb)	0.6	3

Source: MDAQMD 2011.

III a) **Less than Significant.** The CEQA Guidelines indicate that a significant impact would occur if the proposed project would conflict with or obstruct implementation of the applicable air quality plan. The MDAQMD CEQA Guidelines does not provide specific guidance on analyzing conformity with the Air Quality Plan (AQP). Therefore, this document proposes the following criteria for determining project consistency with the current AQPs:

1. Will the project result in an increase in the frequency or severity of existing air quality violations or cause or contribute to new violations, or delay timely attainment of air quality standards or the interim emission reductions specified in the AQPs? This measure is determined by comparison to the regional and localized thresholds identified by the MDAQMD for Regional and Local Air Pollutants.

2. Will the project conform to the assumptions in the AQPs?

3. Will the project comply with applicable control measures in the AQPs?

The use of the criteria listed above is a standard approach for CEQA analysis of projects for the following reasons:

- Significant contribution to existing or new exceedances of the air quality standards would be inconsistent with the goal of attaining the air quality standards.
- AQP emissions inventories and attainment modeling are based on growth assumptions for the area within the air district's jurisdiction.
- AQPs rely on a set of air district-initiated control measures as well as implementation of federal and state measures to reduce emissions within their jurisdictions, with the goal of attaining the air quality standards.

AQP Primary Goals

AQPs are plans for reaching attainment of air quality standards. The assumptions, inputs, and control measures are analyzed to determine if the MDAB can reach attainment for the ambient air quality standards. In order to show attainment of the standards, the MDAQMD analyzes the growth projections in the valley, contributing factors in air pollutant emissions and formations, and existing and future emissions controls. The MDAQMD then formulates a control strategy to reach attainment.

The MDAQMD Federal 8-hour Ozone Attainment Plan (Ozone Plan) adopted June 9, 2008 is the applicable plan for ozone precursors ROG and NO_x. The Ozone Plan demonstrates attainment by 2017 with only the implementation of the State control program committed to by the ARB. No new controls at the air district level were required.

According to the Mojave Desert Planning Area, Federal Particulate Matter (PM_{10}) Attainment Plan, on-road mobile sources are not a significant contributor to PM_{10} violations in the nonattainment area. The MDAQMD's PM_{10} problem is localized, caused by desert soils rather than automobile tailpipe emissions. The MDAQMD proposed to ARB and EPA that SCAG should not be required to apply the federal transportation conformity requirements to transportation plans, programs or projects within the PM_{10} nonattainment area; however, the conformity analysis prepared for the SCAG 2012 RTP includes emission budgets for PM_{10} for the MDAB. The project is consistent with the General Plan land use assumption used to develop the conformity budgets; therefore, the project is consistent with RTP and the PM_{10} Plan.

Consistency with Assumptions in AQPs

The primary way of determining consistency with the AQP's assumptions is determining consistency with the applicable General Plan to ensure that the project's population density and land use are consistent with the growth assumptions used in the AQPs for the air basin. As required by California law, city and county general plans must contain a Land Use Element that details the types and quantities of land uses that the city or county estimates will be needed for future growth, and designates locations for land uses to regulate growth. The project is already designated for commercial use in the General Plan prior to 2012 and would be accounted for in the land use assumptions used in the RTP. Therefore, the project is consistent with the assumptions of the AQP, and would not obstruct the implementation of the applicable AQPs, meeting this criterion. This impact is a less than significant.

Control Measures

The AQP contains control measures, which are enforceable requirements through the adoption of rules and regulations. No new local control measures were required to demonstrate attainment of the federal air quality standards. Regulations committed to by the ARB were found to be sufficient for the MDAB to reach attainment. A description of rules and regulations that apply to this project is provided under Regulatory Setting, Section 2.2, above. The project will comply with all of the MDAQMD's applicable rules and regulations, and the vehicles and equipment operating in the County of San Bernardino would be subject to the applicable ARB regulations. Therefore, the project complies with this criterion and would not conflict with or obstruct implementation of the applicable air quality attainment plan. As such, the project's emissions are less than significant for all criteria pollutants and would not result in inconsistency with the AQP.

III b) **Less than Significant.**

Regional Emissions

The analysis prepared for the project assesses the regional effects of the project's criteria pollutant emissions compared with MDAQMD thresholds of significance for short-term construction activities and long-term operation of the project.

The primary pollutants of concern during project construction and operation are VOC, NO_x, PM_{10}, and $PM_{2.5}$. The MDAQMD 2011 CEQA Guidelines contains thresholds for CO, NO_x, VOC, SO_x, PM_{10}, and $PM_{2.5}$.

According to the air quality analysis prepared for the project, the project does not contain sources that would produce substantial quantities of SO2 emissions during construction and operation. Modeling conducted for the project show that SO2 emissions are well below the MDAQMD thresholds, as shown in the modeling results contained in the air quality analysis. No further analysis of SO2 is required.

The CalEEMod land use emission model (version 2013.2.2) was used to estimate the project's construction and operational emissions. The MDAQMD considers construction and operational emissions separately when making significance determinations.

Construction Emissions

Construction is scheduled to be completed in a single phase during the period from June/July 2017 to August/September 2017. Construction emissions associated with the project are shown for 2017 in

Table 2, which concludes that the emissions are below the significance thresholds. Therefore, the project's construction emissions are less than significant on a project basis.

Table 2: Construction Air Pollutant Emissions

Year	Emissions (tons per year)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Demolition	0.03	0.27	0.22	0.02	0.02
Site Preparation	< 0.01	0.02	0.02	0.01	< 0.01
Grading	< 0.01	0.04	0.03	0.01	0.01
Building Construction	0.30	1.92	1.44	0.12	0.12
Paving	0.01	0.06	0.05	< 0.01	< 0.01
Architectural Coating	0.09	0.01	0.01	< 0.01	< 0.01
Total	0.40	2.32	1.77	0.16	0.16
Significance threshold (tons/year)	25	25	100	15	15
Exceed threshold—significant impact?	No	No	No	No	No

Notes:
PM_{10} and $PM_{2.5}$
ROG = reactive organic gases NO_x = nitrogen oxides PM_{10} and $PM_{2.5}$ = particulate matter
Source: Appendix A Modeling Results.

CalEEMod contains an inventory of construction equipment that incorporates estimates of the number of equipment, their age, their horsepower, and equipment tier from which rates of emissions are developed. The CalEEMod default equipment assumptions were used in this analysis for the estimation of emissions from on-site construction equipment for the unmitigated scenario. CalEEMod's off-road emission factors are based on the equipment populations from the OFFROAD model.

Operational Emissions

Operational emissions occur once the project commences operation and are from three main sources: stationary sources, area sources, and motor vehicles, or mobile sources. Operational emissions include stationary emissions from the gasoline dispensing activities, emissions generated by area sources such as natural gas combustion, use of consumer products, and landscape maintenance, and off-site by motor vehicles accessing the project. Most motor vehicle emissions result from vehicles already traveling on the Twentynine Palms Highway en route to another ultimate destination. Operations were modeled upon completion of the project in 2017. The project was assumed to operate 24 hours per day, 365 days per year with limited variation in emissions day to day.

The permitted emission sources will be subject to MDAQMD permitting rules including, but not limited to the following:

- Regulation XIII—New Source Review, which sets forth the requirements for the preconstruction review of all new or modified Facilities and requires offsets for project that exceed major source thresholds.
- Rule 461—Gasoline Transfer and Dispensing. The purpose of this rule is to limit the emissions of volatile organic compounds (VOC) and toxic compounds (such as benzene) from the transfer and marketing of gasoline, and in conjunction with Rules 462 and 463, limit the emissions from the storage, transfer, and dispensing of gasoline, including bulk facilities, retail service stations, and others, the transport of fuels between these facilities and the transfer of fuel into motor vehicle tanks.

The emissions from the gasoline dispensing facility are based on emission rates provide in Gasoline Service Station Industrywide Risk Assessment Guidelines developed by the California Air Pollution Control Officer's Association (CAPCOA 1998). The Guidelines include an emission factor for Precursor Organic Compounds of 0.67 pound per 1,000 gallons of gasoline throughput per year. Based on an estimate of 2.5 million gallons per year of gasoline throughput at the project, emissions of precursor organic compounds would amount to 0.68 ton per year. It is assumed that precursor organic compounds and reactive organic gases include essentially the same compounds.

The emissions modeling results for project operation are summarized in Table 3. As shown in Table 3, the emissions are below the MDAQMD significance thresholds and therefore would result in a less than significant impact.

Table 3: Operational Air Pollutant Emissions (2017)

Source	Emissions (tons per year)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Stationary[1]	0.68	0	0	0	0
Area	0.03	0	< 0.01	0	0
Energy	< 0.01	< 0.01	< 0.01	< 0.01	< 0.01
Mobile	4.24	5.97	44.64	1.39	0.41
Total	4.95	5.97	44.64	1.39	0.41
MDAQMD Significance Threshold	25	25	100	15	15
Exceed threshold—significant impact?	No	No	No	No	No

Notes:
(1) Stationary source emissions include the ROG emissions from the operation of the gasoline dispersing facility
ROG = reactive organic gases NO_x = nitrogen oxides PM_{10} and $PM_{2.5}$ = particulate matter
Area source emissions include emissions from natural gas, landscape, and painting.
Source: Appendix A Modeling Results.

Localized Pollutant Analysis

Emissions occurring at or near the project have the potential to create a localized impact, also referred to as an air pollutant hotspot. Localized emissions are considered significant if—when combined with background emissions—they could result in exceedance of any health-based air quality standard.

To quantify the project's potential localized pollutant impacts, an analysis of maximum daily emissions during construction and operation was conducted to determine if emissions would exceed the MDAQMD daily threshold for any pollutant of concern. The maximum daily emissions during construction would occur during the site grading phase in 2017. The maximum daily operational emissions would occur at project buildout, which was assumed to occur in 2017. The results of the daily emission analysis using CalEEMod are presented in Table 4.

Table 4: Maximum Daily Air Pollutant Emissions

Source	Emissions (pounds per day)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Stationary	3.75	0	0	0	0
Construction	11.95	93.40	43.60	18.22	7.70
Operations	23.62	31.92	228.40	7.76	2.28
MDAQMD Significance Threshold	137	137	548	82	82
Exceed threshold?	No	No	No	No	No

Notes:
The highest operation emissions occur during the winter modeling run. The highest construction emissions occur during the winter modeling run for ROG, NO_x, PM_{10}, and $PM_{2.5}$. The highest construction emissions occur during the summer modeling run for CO.
NO_x = nitrogen oxides CO = carbon monoxide PM_{10} and $PM_{2.5}$ = particulate matter
N/A—Not applicable
Source: Appendix A Modeling Results.

The project would not exceed MDAQMD daily thresholds; therefore, the project's localized criteria pollutant impacts are unlikely to generate localized impacts that would exceed air quality standards.

In addition to quantifying the project's daily emissions, a localized air quality impact can occur as a result of project-related traffic causing a localized CO hot spot. Such a hot spot may occur at traffic intersections where vehicles remain for extended periods of time, due to congestion at the intersection. The project is not expected to would not result in an adverse localized impact on intersections that could result in a CO hot spot. CO violations require extreme traffic congestion that would not occur at intersections impacted by the project.

This impact would be less than significant.

III c) **Less than Significant.** To result in a less than significant impact, the following criteria must be true:

1. Regional analysis: emissions of nonattainment pollutants must be below the District's regional significance thresholds. This is an approach recommended by the District in its CEQA and Federal Conformity Guidelines.

2. Summary of projections: the project must be consistent with current air quality attainment plans including control measures and regulations. This is an approach consistent with Section 15130(b) of the CEQA Guidelines.

3. Cumulative health impacts: the project must result in less than significant cumulative health effects from the nonattainment pollutants. This approach correlates the significance of the regional analysis with health effects, consistent with the court decision, Bakersfield Citizens for Local Control v. City of Bakersfield (2004) 124 Cal.App.4th 1184, 1219-20.

Step 1: Regional Analysis

The MDAB is in nonattainment for PM_{10}, $PM_{2.5}$, and ozone. Therefore, if the project exceeds the regional thresholds for PM_{10}, or $PM_{2.5}$, then it contributes to a cumulatively considerable impact for those pollutants. If the project exceeds the regional threshold for NO_x or ROG, then it follows that the project could potentially contribute to a cumulatively considerable impact for ozone.

Regional emissions include those generated from all on-site and off-site activities. Regional significance thresholds have been established by the District, because emissions from projects in the

MDAB can potentially contribute to the existing emission burden and possibly affect the attainment and maintenance of ambient air quality standards. Projects within the MDAB with regional emissions in excess of any of the thresholds presented previously are considered to have a significant regional air quality impact.

As shown in Table 2 through Table 4, criteria pollutant emissions would not exceed any threshold of significance during project construction or operation. Therefore, the combination of project emissions with the criteria pollutants from other sources within the MDAB would not cumulatively contribute to a significant impact according to this criterion.

Step 2: Plan Approach

The MDAQMD attainment plans are based on a summary of projections that accounts for projected growth throughout the MDAB and the controls needed to achieve ambient air quality standards. The analysis prepared for the project considered the current CEQA Guidelines, which includes the amendments approved by the Natural Resources Agency and effective on March 18, 2010. The Air Basin is in nonattainment for ozone and particulate matter (PM_{10} and $PM_{2.5}$), which means that concentrations of those pollutants currently exceed the ambient air quality standards.

Under the amended CEQA Guidelines, cumulative impacts may be analyzed using other plans that evaluate relevant cumulative effects. The geographic scope for cumulative criteria pollution from air quality impacts is the MDAB, because that is the area in which the air pollutants generated by the sources within the MDAB circulate and are often trapped. The MDAQMD is required to prepare and maintain air quality attainment plans and a State Implementation Plan to document the strategies and measures to be undertaken to reach attainment of ambient air quality standards. While the MDAQMD does not have authority over land use decisions, it is recognized that changes in land use and circulation planning would help the MDAB achieve clean air mandates. The District evaluated emissions from land uses and transportation in the entire MDAB when it developed its attainment plans. Emission inventories used to predict attainment of National Ambient Air Quality Standards must be based on the latest planning assumptions for mobile sources.

In accordance with CEQA Guidelines Section 15064, subdivision (h)(3), the lead agency may determine that a project's incremental contribution to a cumulative effect is not cumulatively considerable if the project complies with the requirements in a previously approved plan or mitigation program.

The history and development of the MDAQMD's current attainment plan is described in Section 2.4, Air Quality Plans. The project would comply with any District rules and regulations that may pertain to implementation of the AQPs. Therefore, impacts would be less than significant related to compliance with applicable rules and regulations.

Step 3: Cumulative Health Impacts

As mentioned above, the Air Basin is in nonattainment for ozone, PM_{10}, and $PM_{2.5}$ (Western Mojave Desert), which means that the background levels of those pollutants are at times higher than the ambient air quality standards. The air quality standards were set to protect public health, including the health of sensitive individuals (such as children, the elderly, and the infirm). Therefore, when the concentration of those pollutants exceeds the standard, it is likely that some sensitive individuals in the population would experience health effects outlined by the MDAQMD. However, the health effects are a factor of the dose-response curve. Concentration of the pollutant in the air (dose), the length of

time exposed, and the response of the individual are factors involved in the severity and nature of health impacts. If a significant health impact results from project emissions, it does not mean that 100 percent of the population would experience health effects.

Since the Basin is in nonattainment for ozone, PM_{10}, and $PM_{2.5}$, it is considered to have an existing significant cumulative health impact without the project. The MDAQMD regional thresholds for CO, NO_x, ROG, PM_{10}, or $PM_{2.5}$ are applied as cumulative contribution thresholds. Projects that exceed the regional thresholds would have a cumulatively considerable health impact. As shown in Table 2 and Table 3, the regional analysis of construction and operational emissions indicates that the project would not exceed the District's significance thresholds and the project is consistent with the applicable Air Quality Attainment Plan. Therefore, the project would not result in significant cumulative health impacts.

III d) **Less than Significant.**

Sensitive Receptors

People who may be sensitive to air pollution include children, the elderly, and persons with pre-existing respiratory or cardiovascular illness. The District considers a sensitive receptor to be a location that houses or attracts children, the elderly, people with illnesses, or others who are especially sensitive to the effects of air pollutants. Examples of sensitive receptors include hospitals, residences, convalescent facilities, and schools. The closest sensitive receptor to the project site is a residence bordering the project site to the northeast (approximately 130 feet from the center of the fueling canopy) and southeast of the project site (approximately 170 feet from the center of the fueling canopy).

Construction: ROG

ROG is emitted during the application of architectural coatings (painting). The amount emitted is dependent on the amount of ROG (or VOC) in the paint. ROG emissions are typically an indoor air quality health hazard concern rather than an outdoor air quality health hazard concern. Therefore, exposure to ROG during architectural coatings is a less than significant health impact.

The acute (short-term) health effects from worker direct exposure to asphalt fumes include irritation of the eyes, nose, and throat. Other effects include respiratory tract symptoms and pulmonary function changes. The studies were based on occupational exposure of fumes. Residents are not in the immediate vicinity of the fumes; therefore, they would not be subjected to concentrations high enough to evoke a negative response. The impact to nearby sensitive receptors from ROG during construction would be less than significant.

Operation: ROG

During operation, ROG would be emitted primarily from motor vehicles accessing the site and from fueling operations. Most ROG from project motor vehicles would be emitted distant from the site because most operation would occur during travel from the previous location and to the next destination. The fuel dispensing activities at the Project site will emit gasoline vapors that contain the benzene which is considered a TAC. This will be assessed separately under Operation: Toxic Air Contaminants later in this section.

Construction: Co, NO_x, PM_{10}, $PM_{2.5}$

As discussed in Impact AIR-2, emissions during construction would not exceed the significance thresholds and would not be expected to result in concentrations that would exceed ambient standards or contribute substantially to an existing exceedance of an ambient air quality standard.

Operation: PM_{10}, $PM_{2.5}$, CO, NO_x

As discussed in Impact AIR-2, localized concentrations of PM_{10}, $PM_{2.5}$, CO, and NO2 would not exceed the ambient air quality standards. Convenience markets do not contain significant sources of these emissions. Therefore, the project would not expose sensitive receptors to substantial criteria air pollutant concentrations during operation.

Toxic Air Contaminants

The project would emit TAC during construction and operation. The TAC emissions of greatest concern for projects with gasoline stations is benzene from evaporated fuel and diesel particulate matter (DPM) from diesel-powered vehicles accessing the site primarily to transfer fuel for sale at the station and diesel-powered equipment used during construction. The impacts from TAC emissions are stated in terms of increased cancer risk at the maximum impacted receptor. The MDAQMD threshold of significance for TAC impacts is the following:

Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.

Construction: Toxic Air Contaminants

The project site is already developed with an existing market that would be removed during construction. The site would require minimal site preparation and grading since this was accomplished over most of the site for the current use. The site preparation and grading activities are the primary source of diesel particulate emissions for construction projects; however, because of the limited activity required, the temporary nature of construction activities (total of approximately 4 months), and the small size of the site (1.2-acres), additional health risk in terms of cancer risks from construction activities would be minimal.

Operation: Toxic Air Contaminants

The MDAQMD has adopted a threshold for TAC impacts from individual projects of an increased cancer risk of 10 in one million people. This threshold is based on AB 2588 Hot Spot regulations for stationary sources of TAC emissions subject to air district permitting and regulation. The MDAQMD has not adopted a cumulative threshold for TAC emissions; however, the SCAQMD considers the project threshold to also serve as a cumulative contribution threshold.

The ARB in its Air Quality Land Use Handbook recommends avoiding new sensitive land uses within 300 feet of a large fueling station (a facility with a throughput of 3.6 million gallons per year or greater). ARB recommends a 50-foot separation is recommended for typical gas dispensing facilities. The project site has an estimated throughput of 2.5 million gallons per year and is approximately 130 feet from the nearest sensitive receptor. The analysis also used screening criteria developed for fueling stations by the SCAQMD. The screening tables using meteorological data for Palm Springs indicated that the project would result in an increased cancer risk at the nearest receptor of 4.7 in a million. The nearest commercial receptor site is across Twentynine Palms Highway from the site at a distance of

approximately 130 feet. The increased cancer risk for the maximally impacted off-site worker receptor is 0.90 in a million based on a distance of 120 feet to the nearest off-site worker receptor (SCAQMD 2015b). The MDAQMD threshold of significance for toxic emissions is an increased cancer risk of 10 in a million. Therefore, this impact is considered less than significant.

Valley Fever

Valley fever, or coccidioidomycosis, is an infection caused by inhalation of the spores of the fungus, *Coccidioides immitis* (*C. immitis*). The spores live in soil and can live for an extended time in harsh environmental conditions. Activities or conditions that increase the amount of fugitive dust contribute to greater exposure, and they include dust storms, grading, and recreational off-road activities.

San Bernardino County reported 75 cases of Valley fever in 2011 for a rate of 3.4 cases per 100,000 people. Valley fever occurs throughout the southwest. The Centers for Disease Control and Prevention indicates that 752 of the 8,657 persons (8.7 percent) hospitalized in California between 2000 and 2007 for Valley fever died (CDC 2009).

Part of the project site is currently covered by an existing parking lot and structure. The remainder of the site is heavily disturbed and mostly free of vegetation. Therefore, implementation of the project would have a low probability of the site having *C. immitis* growth sites and exposure to the spores from disturbed soil.

Although unlikely, construction activities would generate fugitive dust that could contain *C. immitis* spores. The project will minimize the generation of fugitive dust during construction activities by complying with the dust control practices required by MDAQMD Rule I. Therefore, this regulation, combined with the relatively low probability of the presence of *C. immitis* spores would reduce valley fever impacts to less than significant.

During operations, dust emissions are anticipated to be negligible, because most of the project area would be occupied by buildings, pavement, and landscaped areas. This condition would preclude the possibility of the project from providing habitat suitable for *C. immitis* spores and for generating fugitive dust that may contribute to Valley fever exposure. Impacts would be less than significant.

Naturally Occurring Asbestos

According to a map of areas where naturally occurring asbestos in California are likely to occur (U.S. Geological Survey 2011), there are no such areas in the project area. Therefore, development of the project is not anticipated to expose receptors to naturally occurring asbestos. Impacts would be less than significant.

III e) **Less than Significant.** Odor impacts on residential areas and other sensitive receptors, such as hospitals, day-care centers, schools, etc., warrant the closest scrutiny, but consideration could also be given to other land uses where people may congregate, such as recreational facilities, worksites, and commercial areas. The project is adjacent to residential development.

Two situations create a potential for odor impact. The first occurs when a new odor source is located near an existing sensitive receptor. The second occurs when a new sensitive receptor locates near an existing source of odor. Although the MDAQMD has not adopted odor thresholds, several other air districts, including the San Joaquin Valley Air Pollution Control District (SJVAPCD) have identified distance screening criteria for common land use types that are known to produce odors. These types are shown in Table 5.

Table 5: Screening Levels for Potential Odor Sources

Odor Generator	Screening Distance
Wastewater Treatment Facilities	2 miles
Sanitary Landfill	1 mile
Transfer Station	1 mile
Composting Facility	1 mile
Petroleum Refinery	2 miles
Asphalt Batch Plant	1 mile
Chemical Manufacturing	1 mile
Fiberglass Manufacturing	1 mile
Painting/Coating Operations (e.g., auto body shop)	1 mile
Food Processing Facility	1 mile
Feed Lot/Dairy	1 mile
Rendering Plant	1 mile

Source: SJVAPCD 2015.

According to the SJVAPCD, analysis of potential odor impacts should be conducted for the following two situations:

- Generators: projects that would potentially generate odorous emissions proposed to locate near existing sensitive receptors or other land uses where people may congregate, and
- Receivers: residential or other sensitive receptor projects or other projects built for the intent of attracting people locating near existing odor sources.

Land uses that are typically identified as sources of objectionable odors include landfills, transfer stations, sewage treatment plants, wastewater pump stations, composting facilities, feed lots, coffee roasters, asphalt batch plants, and rendering plants. The project would not engage in any of these activities. Therefore, the project would not be considered a generator of objectionable odors during operations.

During construction, the various diesel-powered vehicles and equipment in use on-site would create localized odors. These odors would be temporary and would not likely be noticeable for extended periods of time beyond the project's site boundaries. The potential for diesel odor impacts is therefore less than significant.

The project could also result in odor from dispensing gasoline. The gasoline equipment will be required to include Phase II vapor recovery systems that will capture most fuel vapors during transfer and pumping to vehicles. The gas pumping areas are located over 50 feet from the nearest sensitive receptors. Therefore, the impacts from odor during project operations would be less than significant.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
IV.	**BIOLOGICAL RESOURCES**—Would the project:				
a)	Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☒	☐
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 federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc....) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
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 ☐):

Environmental Setting

The project site is located within the Census Designated area of Morongo Valley, located within the County of San Bernardino, California. The County of San Bernardino adopted the Morongo Valley Community Plan in April of 2007, which outlines certain biological resources the County is trying to conserve. Almost all of the Morongo Valley Community Plan area is covered with desert shrubs and other different types of shrubs. The plan area includes the following general types and respective sensitive species associated with these habitats: Pinon/Juniper Woodland, Sage Scrub, Joshua Tree Woodland, Mojave Desert Scrub, Saltbush Scrub, Alkali Sinks, and Sand Dunes. In addition to these biological resources, the Big Morongo Canyon Preserve provides a unique habitat created by the natural hydrology of Morongo Valley. It is home to many unusual plant and animal species and is a setting for several distinct ecosystems: Desert Springs, Mojave Riparian Forest, Mojave, Coastal, and

the Sonora Desert. The project site is located approximately 0.35 mile west from the edge of the Big Morongo Canyon Preserve.

According to the Morongo Valley Community Plan, the residents of Morongo Valley consider the night sky a special part of the natural environment and an important feature of the rural lifestyle. The night sky is considered an unpolluted natural resource that is to be protected.

In addition to the Morongo Valley Community Plan, a Phase 1 Environmental Site Assessment (ESA) was prepared for the project. The objective of the Phase I ESA was to identify recognizable environmental conditions in connection with the project site. During site inspections and review of data provided by the County of San Bernardino, there were no findings of biological resources of concern. The Phase I ESA concluded that there are trees located within the southern/central portion of the project site. However, these trees are not included as species of environmental concern. According to the Phase I ESA, the project site was developed between 1952 and 1970 with two commercial buildings, which were used for a retail fuel station. The underground storage tanks that were used for the retail fuel station were removed in 1999 and one of the commercial buildings was removed during 2002. The project site is currently disturbed with one commercial building located in the center of the project site.

The project site is not located on or within the vicinity of a riparian habitat. The project site is not located on or within the vicinity of federally protected wetlands. The nearest wetlands would be the Big Morongo Canyon Preserve; wetlands within the preserve are located approximately 0.65 mile east of the project site. The County of San Bernardino does not currently have an adopted Habitat or Natural Community Conservation Plan.

IV a) **Less than Significant.** As stated above, the project site is not located within an area that is home to species identified as a candidate, sensitive, or special-status species. The project site is developed with one commercial building located in the center of the project site and trees that run north to south located at the southern and central portion of the project site. According to the Phase I ESA prepared for the project, there are no pools of liquid, pits, ponds, or lagoons that could be home to a special-status species or plant. The project does not propose any habitat modifications. The project would be consistent with the sites previous uses by constructing a Circle K Market with fueling stations. As such, the project would not have significant impacts to any species identified as a candidate, sensitive, or special-status species. As such, impacts would be less than significant.

IV b) **Less than Significant.** As described above, the project is not located on or within the vicinity of a riparian habitat or other sensitive natural community. The closest riparian habitat would be located within the Big Morongo Canyon Preserve, located approximately 0.35 mile east of the project site. The project proposes to build a Circle K Mini-Store with a retail fueling station. Because of the project's distance from the Big Morongo Canyon Preserve, operation of the project would not cause a significant impact to a riparian habitat or other sensitive natural community. As such, impacts would be less than significant.

IV c) **No Impact.** As mentioned above, the project is not located within an area of federally protected wetlands. The nearest wetlands to the project site are located within the Big Morongo Canyon Preserve. Wetlands within the preserve are located approximately 0.65 mile east of the project site. According to the Phase I ESA prepared for the project, the project site does not contain any signs of pools of liquid, pits, ponds, or lagoons. As such, the project would not create a significant impact with

respects to federally protected wetlands as defined by Section 404 of the Clean Water Act. Thus, no impacts would occur.

IV d) **Less than Significant.** As mentioned above, the project site is disturbed and is not located on or within the vicinity of wetlands. Additionally, the project site does not contain any evidence of pools of liquid, pits, ponds, or lagoons. As such, this precludes the possibility of the project site having a significant impact on any native resident or migratory fish or wildlife species. Therefore, no impacts would occur.

IV e) **Less than Significant.** The Morongo Valley Community Plan outlines certain goals and policies that are specific to Morongo Valley and contained within the County of San Bernardino General Plan[1]. The project would be in compliance with all goals and policies outlined within the Morongo Valley Community Plan. Compliance with all goals and policies precludes the possibility of the project significantly conflicting with local policies or ordinances. Thus, less than significant impacts would occur.

IV f) **No Impact.** There is currently no adopted version of a Habitat Conservation or Natural Community Conservation Plan for the Morongo Valley Planning area or the County of San Bernardino. The Morongo Valley Community Plan contains a conservation element and the project complies with all regulations within the plan. Thus, no impacts would occur.

1 Morongo Valley Community Plan. "Goals and Policies." Conservation Element. Page 43. Accessed September 27, 2016.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
V.	**CULTURAL RESOURCES**—Would the project				
a)	Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☒	☐	☐
b)	Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c)	Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d)	Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

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

A Phase I Cultural Resources Assessment, dated January 28, 2016, and a Paleontological Review, dated April 11, 2016; both prepared by FirstCarbon Solutions are included as Appendix B.

V a) **Less than Significant with Mitigation Incorporated.** The earliest historic aerials for the project area date to 1970, when the storefront can already be clearly identified. The San Bernardino County Assessor's databases do not have information for this property earlier than 1975. Structures within the associated parcels are shown on historic topographic maps (2002, 1996, 1994, 1975, 1965, 1959, 1957, 1948, 1944, 1932, 1927, 1920, and 1911 accessed from the Nationwide Environmental Title Research database) as early 1957, but depictions of exact building locations become unreliable on maps older than 1975. Discussions with the current store owner, Konrad Prager, revealed that while he was not exactly sure of the original build date, he believed it to be sometime in the mid-1960s. He does not believe the building to have any regional historical value.

As part of the Phase I Cultural Resources Assessment (CRA) for this project, the current store, Village Food Mart and Deli, was evaluated for potential listing within the California Register for Historical Resources (CR). As the structure did not satisfy any of the four evaluation criterion, the building does not appear to be eligible for inclusion in the California Register and it is not considered a Historical Resource under CEQA. Therefore, any proposed alterations or demolition of the existing Village Food Mart and Deli will not constitute as a significant impact to cultural resources.

Thus, although these buildings are approximately 51 years of age, significant historical resource criteria are not met. However, Mitigation Measure (MM) CUL-1 is recommended to address the risk that historic resources could be inadvertently discovered during grading and construction activities, which would reduce related impacts to less than significant.

Mitigation Measures:

MM CUL-1: It is always possible that ground-disturbing activities during construction may uncover previously unknown, buried cultural resources. In the event that buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a

qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) forms, and evaluated for significance in terms of CEQA criteria.

If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency, where they would be afforded long-term preservation to allow future scientific study.

V b) **Less than Significant with Mitigation Incorporated.** Results from the South Central Coastal Information Center records search, conducted as part of the Phase I CRA for this project, indicated that while 13 resources are on file for the 1-mile search radius, only three of these are prehistoric resources. These included two isolates and one complex village site located between 2,000 and 4,000 feet northeast of the project area. The general concentrations of previously recorded resources indicate that prehistoric resources have been encountered only in the foothills and mountains of the adjacent Big Morongo Canyon Preserve. As the project area is within the more urbanized section of Morongo Valley, it is presumed that ground-disturbing activities would unlikely to encounter prehistoric resources.

A Sacred Lands File Search was requested from the Native American Heritage Commission (NAHC) as part of the Phase I CRA for this project, and was returned with negative results. Outreach letters requesting additional information were sent to eight Native American representatives, but no responses were received.

As the project area is in a mostly built environment, only a small section, approximately 400 square feet in area, contains exposed native soils. This portion, located to the southeast of the asphalt lots, was surveyed as part of the Phase I CRA for this project utilizing 10-meter transects. No archaeological materials were observed during the course of the pedestrian survey.

Based on the analysis of the records search results, the NAHC Sacred Lands File search, additional Native American tribal member outreach attempts, and the pedestrian survey conducted as part of the Phase I CRA for this project, the proposed project area has been determined to have a low sensitivity for prehistoric resources. However, it is possible that subsurface earthwork activities may encounter previously undiscovered archaeological resources. Therefore, implementation of MM CUL-1 is required, ensuring that related impacts would be less than significant.

V c) **Less than Significant with Mitigation Incorporated.** As part of the Phase I CRA for this project, a paleontological literature review and localities database search was conducted by Dr. Samuel A. McLeod of the Los Angeles Natural History Museum. The results of the Vertebrate Paleontology Records Check indicated that while there are no known fossil localities within the project area, there are localities on record in similar geological deposits exposed elsewhere in the region. The closest vertebrate fossil locality, that of a horse (LACM1269), was uncovered from older Quaternary Alluvium deposits southeast of the proposed project area, north of Flat Top Mountain.

Dr. McLeod concluded that shallower excavations within the project area would be in younger Quaternary Alluvium and would be unlikely to yield fossilized materials, but that deeper excavations into older deposits may be more paleontologically sensitive. He recommended that any substantial excavations below the uppermost layers be monitored by a qualified paleontologist in order to quickly and professionally recover and inadvertently encountered fossils. Dr. McLeod also suggested that sediment samples be taken sporadically in order to small fossil potential within the general area.

Based on the analysis of the Vertebrate Paleontology Records Check, the proposed project area has been determined to have a low sensitivity for paleontologic resources in excavations shallower than 10 feet in depth, but to have a moderate sensitivity for paleontologic resources at excavation depths below 10 feet in depth. If significant paleontological resources are discovered, implementation of MM CUL-2 would reduce this potential impact to a level of less than significant.

Mitigation Measures:

MM CUL-2: During earthmoving activities within areas underlain by older Quaternary alluvium (identified as the entirety of the project area), the developer shall retain a qualified project Paleontologist to oversee the implementation of applicable mitigation measures.

The project Paleontologist, or their qualified representative (paleontological monitor), will employ paleontological monitoring for all excavation activities conducted at or below 10 feet in depth.

The paleontological monitor, with permission from the construction superintendent or foreman, shall be allowed to slow, divert, or halt grading and excavations in the area of a potential exposure to facilitate screening, testing, sampling, and evaluation as need.

Because the underlying sediments may contain abundant fossil remains that can only be recovered by a screening and picking matrix, periodic screening through 1/8- to 1/20-inch mesh screens will be employed by the paleontological monitor at his or her discretion and logged in daily field journals. If small fossils are encountered, additional sediment samples (up to 1,000 pounds) may be collected and processed through 1/20-inch mesh screens to recover additional fossils.

Paleontological inspections shall begin once earthmoving reaches 10 feet below the current ground surface. If no significant fossil remains are found after 50 percent of earthmoving has been completed, monitoring can be reduced or discontinued based on uncovered stratigraphic profiles and at the project Paleontologist's discretion. If fossil remains are found at any point during earthmoving activities, full-time paleontological monitoring will continue for the duration of project-related ground disturbance.

If the paleontological monitor discovers significant vertebrate or invertebrate paleontological deposits, earthmoving shall be diverted temporarily around the finds until the deposits have been

thoroughly examined. If resources are suspected, the monitor will create a buffer zone of at least 20 feet around the furthest margins of the find with lath and yellow tape or safety cones. Earthmoving shall be allowed to proceed elsewhere on-site during the analysis, but activities through the area of the find may continue only after the project Paleontologist determines that all identified items have been recovered and/or the site has been mitigated appropriately.

Any recovered fossil remains will be prepared to the point of identification and identified to the lowest practical taxonomic level by either the project Paleontologist or other specialized paleontologists. The remains then will be curated (assigned and labeled with repository fossil specimen numbers and corresponding fossil site numbers, as appropriate; placed in specimen trays and, if necessary, vials with completed specimen data cards) and catalogued. Associated specimen data and corresponding geologic and geographic site data will be archived (specimen and site numbers and corresponding data entered into appropriate repository catalogs and computerized data bases) at the repository by a laboratory technician. The remains then will be added into the repository fossil collection, where they will be stored and maintained. Repositories preliminarily identified as geographically and institutionally appropriate to house finds recovered from this project site are the San Bernardino County Museum (in the City of Redlands, Riverside County, CA) or the Western Science Center (in the City of Hemet, Riverside County, California).

A final report of findings shall be prepared by the project Paleontologist for submission to the Client, and to the County, indicating compliance with mitigation measures contained herein. The report will briefly describe the paleontological background of the project area, summarize field observations, and detail procedure followed if any inadvertent finds were encountered. If potentially significant fossilized materials are encountered, this report will detail the process of collection, identification, and analysis utilized. This monitoring report will accompany any recovered paleontological materials when they are donated to the appropriate scientific repository.

In the event that any fossil remains are encountered by earthmoving when the inspector is not present, earthmoving contractor will be instructed through the overall site manager to divert ground-disturbing activities around the fossil site. The project Paleontologist or designated monitor shall be called to the location immediately to assess the significance of the resource and recover the resource if necessary.

V d) **Less than Significant with Mitigation Incorporated.** There are no known burial sites within the proposed project site. The field survey did not find any evidence of human remains or burial goods within the site area. In addition, none of the previous surveys reported finding any human remains within a 1-mile radius of the project site. Notwithstanding, if any buried human remains are encountered during earthmoving activities, the project would be required to comply with MM CUL-3 and state law. Consistency with MM CUL-3 will ensure that construction shall stop in the vicinity of any discovery or recognition of any human remains until the significance of the resource is confirmed, and will ensure that any human remains are appropriately handled. With incorporation of mitigation, impacts associated with human remains would be less than significant.

Mitigation Measures:

MM CUL-3: In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code

Section 5097.94 and Section 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. Work shall stop in the immediate vicinity of the finds and the San Bernardino County Coroner shall be contacted immediately to conduct a site visit and examination. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the San Bernardino County Coroner has made determined if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD(s) shall then make recommendations within 48 hours, and engage in consultations with the landowner concerning the treatment of the remains as provided in Public Resources Code 5097.98.

2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:

    - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
    - The descendant identified fails to make a recommendation.
    - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
VI.	**GEOLOGY AND SOILS**—Would the project:				
a)	Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
	i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	☐	☐	☒	☐
	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 18-1-B 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?	☐	☐	☐	☒

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

A Geologic/Fault Investigation, dated March 24, 2016, was prepared by Terra Geosciences and is included as Appendix C. A response to comments letter, dated December 26, 2016, is included in Appendix I. A Subsurface Soils Investigation Report, dated April 10, 2016, was prepared by LOR Geotechnical Group, Inc. and is included as Appendix G.

The project site is located within Southern California, an area known to have had significant earthquake activity in the past. The Alquist-Priolo Earthquake Fault Zoning (AP) Act was passed into legislation following the destructive 1971 San Fernando earthquake. The AP Act is used as a mechanism for reducing losses from surface fault rupture. The California Geological Survey created a database in which AP fault zones are mapped throughout California. According to the Geologic/Fault Investigation prepared for the project, the project site is located within a State of

California AP Earthquake Fault Zone (Bryant and Hart 2007). The Morongo Valley Fault is the nearest fault to the site, which runs west to east and is approximately 1,600 feet to the southeast of the project site. There are other faults near the site including the Pinto Mountain Fault (approximately 2.5 miles north) and the San Andreas Fault (approximately 2.25 miles southwest). However, no "active" faults traverse either the project site or the adjacent property. Ground rupture will most likely occur along pre-existing faults. According to the Geologic/Fault Investigation, the possibility of ground rupture is considered very low.

Liquefaction occurs where there is a loss of strength or stiffness in the soils from repeated disturbances of saturated cohesionless soil. The Geologic/Fault Investigation points out that the depth of the groundwater table is currently 50 or more feet below the surface, with underlying sediments comprised of interbedded fine to coarse-grained unconsolidated to slightly consolidated sands and silty sands. There is currently no evidence of previous liquefaction activity, but considering the relatively shallow groundwater table and associated factors, the potential for liquefaction should be considered.

Soil compaction, low organic matter, loss of soil structure, poor internal drainage, salinization and soil acidity problems are other serious soil degradation conditions that can accelerate the soil erosion process. The project site contains unconsolidated alluvial or eroded deposits; the possibility of soil erosion is moderate.

According to the soils investigation conducted for the project included in Appendix G, the materials encountered were typically granular and considered to have a very low expansion potential. The community of Morongo Valley has not adopted its own Municipal Code. However, the County of San Bernardino requires that each development project, building permit, grading, and any other significant land-disturbing activity shall include the installation of erosion control measures in compliance with the San Bernardino County Development Code. According to the preliminary site plans prepared for the project, no septic tanks are proposed to be installed.

Furthermore, the County will require conditions of approval related to geology and soils, which are listed in Appendix I. Compliance with these mandatory conditions will ensure that impacts are less than significant, and no mitigation is required.

VI a) **i) Less than Significant.** As mentioned above, the project site is located within an Alquist-Priolo Fault Zone issued by the State Geologist for the Morongo Valley area. Although the project site is within an AP Fault Zone, the Geologic/Fault Investigation conducted for the project concluded that no known active faults are mapped, or are believed to traverse the site. The closest mapped fault to the project site is a possible branch of the Morongo Valley Fault, located approximately 400 feet to the southeast. In order to ensure that the project reduces the potential for impacts from earthquakes, the project would be required to comply with the San Bernardino County Development Code, Section 82.15.040 parts b. This section of the Development Code states that structures or critical facilities (dams, fuel storage facilities, power plants, etc.) shall be located 150 feet or farther from any active fault. Compliance with the County's Development Code would ensure that project impacts would be reduced to less than significant levels. As such, impacts would be less than significant.

ii) Less than Significant. As stated above, the project site is located within the vicinity of potentially active faults. This increases the possibility of strong seismic ground shaking affecting the project. According to the Geologic/Fault Investigation included in Appendix C, strong seismic ground shaking is primary geologic hazard that exists at the site. The Geologic/Fault Investigation provided

recommendations for the project to ensure that any ground shaking would result in less than significant impacts to structure or people. It is recommended that the structures be designed to at least meet the current California Building Code provisions. Compliance with the California Building Code requirements and designing the structure to be the maximum level possible would mitigate project impacts to less than significant levels. As such, impacts would be less than significant.

iii) Less than Significant. The Geologic/Fault Investigation for the project concluded that other that strong ground shaking, liquefaction, and ground failure are the only other potential impacts that could occur with respects to geology and soils. The San Bernardino Development Code outlines specific development standards with which all building projects must comply. Project compliance with the County Development Code and the California Building Code regulations would reduce project impacts to less than significant levels. Thus, impacts would be less than significant.

iv) Less than Significant. The project site is located within a relatively flat area with moderate slopes. The project site is developed with one commercial building in the center of the site and a row of trees located in the southern portion of the site. The project site is not located within a landslide hazard area as defined by the California Geological Survey. The nearest hills or mountains are located approximately 0.32 mile southwest of the project site. As such, impacts related to landslide potential would be less than significant.

VI b) **Less than Significant.** The project site would not be exposed to substantial soil erosion or loss of topsoil during any grading activities of construction. The project site is already occupied by an existing convenience market structure and associated parking. A soils report was conducted for the project and outlines certain recommendation to ensure that soil erosion impacts are less than significant. A qualified geotechnical engineer must be on-site prior to any clearing or grading activities. There shall be a pre-job meeting prior to all grading operations, and grading shall be performed in accordance with all applicable portions of the California Building Code. Compliance with all recommendations would reduce the project's impacts to less than significant levels. Thus, impacts would be less than significant.

VI c) **Less than Significant.** As mentioned above, the project site is located on soil that has the potential to be affected by liquefaction. Compliance with County Development Code requirements and other California Building Code regulations would reduce project impacts to less than significant levels.

VI d) **Less than Significant.** As mentioned above, the project site is located on typically granular soils and is considered to have a very low expansion potential. Thus, specialized construction procedures are not anticipated to be necessary in order to resist expansive soil activity. Therefore, impacts would be less than significant.

VI e) **No Impact.** The project does not propose the use of any septic tanks or any other alternative wastewater disposal system on-site, according to the proposed building plans. Thus, no impacts would occur.

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

SUBSTANTIATION

Environmental Setting

Climate change is a change in the average weather of the earth that is measured by alterations in wind patterns, storms, precipitation, and temperature. These changes are assessed using historical records of temperature changes occurring in the past, such as during previous ice ages. Many of the concerns regarding climate change use this data to extrapolate a level of statistical significance specifically focusing on temperature records from the last 150 years (the Industrial Age) that differ from previous climate changes in rate and magnitude.

Gases that trap heat in the atmosphere are referred to as GHGs. The effect is analogous to the way a greenhouse retains heat. Common GHGs include water vapor, carbon dioxide, methane, NO_x, chlorofluorocarbons, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, ozone, and aerosols. Natural processes and human activities emit GHGs. The presence of GHGs in the atmosphere affects the earth's temperature. It is believed that emissions from human activities, such as electricity production and vehicle use, have elevated the concentration of these gases in the atmosphere beyond the level of naturally occurring concentrations.

The State has begun the process of addressing pollutants referred to as short-lived climate pollutants. Senate Bill 605, approved by the Governor on September 14, 2014 requires the ARB to complete a comprehensive strategy to reduce emissions of short-lived climate pollutants by January 1, 2016. ARB will complete an emission inventory of these pollutants, identify research needs, identify existing and potential new control measures that offer co-benefits, and coordinate with other state agencies and districts to develop measures.

An Air Quality and Greenhouse Gas Analysis was prepared for the project (Appendix A). The analysis includes a list of International, federal, state, and local regulatory agencies and laws that help to limit the amount of GHGs emitted.

VII a) **Less than Significant.** The analysis prepared for the project was restricted to GHGs identified by AB 32, which include carbon dioxide, methane, NO_x, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride. The project would generate a variety of GHGs during construction and operation, including several defined by AB 32 such as carbon dioxide, methane, and NO_x.

The project may also emit GHGs that are not defined by AB 32. The project would emit nitrogen oxides and volatile organic compounds, which are ozone precursors. Ozone is a GHG; however, unlike the other GHGs, ozone in the troposphere is relatively short-lived and can be reduced in the troposphere on a daily basis. Stratospheric ozone can be reduced through reactions with other pollutants.

Certain GHGs defined by AB 32 would not be emitted by the project. Perfluorocarbons and sulfur hexafluoride are typically used in industrial applications, none of which would be used by the project. Therefore, it is not anticipated that the project would emit perfluorocarbons or sulfur hexafluoride.

Thresholds of Significance

The evaluation of an impact under CEQA requires measuring data from a project against both existing conditions and a "threshold of significance." With regard to establishing a significance threshold, the Office of Planning and Research's amendments to the CEQA Guidelines Section 15064.7(c) state that "[w]hen adopting thresholds of significance, a lead agency may consider thresholds of significance previously adopted or recommended by other public agencies, or recommended by experts, provided the decision of the lead agency to adopt such thresholds is supported by substantial evidence."

CEQA Guidelines Section 15064.4(a) further states, ". . . A lead agency shall have discretion to determine, in the context of a particular project, whether to: (1) Use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use . . . ; or (2) Rely on a qualitative analysis or performance based standards."

The San Bernardino County GHG emission Development Review Process (DRP) small project threshold for GHG emissions is 3,000 metric tons of carbon dioxide equivalents ($MTCO_2e$) per year. Small projects that do not exceed 3,000 $MTCO_2e$ per year will be considered consistent with the GHG Plan and determined to have a less than significant individual and cumulative impact for GHG emissions.

A project that is significant must reduce its impact to less than significant through the implementation of mitigation measures. A project that is unable to reduce its impact to less than significant must still implement all feasible mitigation measures.

Construction

The project would emit GHGs from upstream emission sources and direct sources (combustion of fuels from worker vehicles and construction equipment). As shown in Table 6, project construction equipment and worker vehicles are estimated to generate a total of approximately 223 $MTCO_2e$. The emissions are from all phases of construction activities. The emissions are amortized over the 30-year life of a project and added to the operational emissions.

Table 6: Construction Greenhouse Gas Emissions

Phase	Emissions ($MTCO_2e$ per year)		Total $MTCO_2e$ per year
	On-site	Off-site	
Demolition	22.41	1.1	23.51
Site Preparation	1.6	0.05	1.65
Grading	2.63	0.11	2.74
Building Construction	185.82	1.19	187.01
Paving	6.15	0.44	6.59
Architectural Coating	1.28	0	1.28
Total	—	—	222.78
Amortized over 30 years	—	—	7.43

Note:
$MTCO_2e$ = metric tons of carbon dioxide equivalents
Source: CalEEMod output (Appendix A).

The operational emissions for the project are shown in Table 7. Operational or long-term emissions occur over the life of the project. Sources of operational emissions include:

- Area. Refers to consumer products, architectural coatings used for periodic repainting of buildings, and landscaping equipment. Area emissions were estimated using CalEEMod.
- Energy. Refers to the GHG emissions generated by off-site power plants to supply electricity required for the project. On-site energy emissions are from natural gas usage for space and water heating.
- Mobile. Refers to motor vehicle/exhaust emissions from the employee and customer vehicles and heavy-duty trucks that would access the project site. Motor vehicle emissions were calculated using CalEEMod and project specific information based on the project traffic study.
- Water. Estimates the land uses contribution of GHG emissions associated with supplying and treating water and wastewater. Water emissions were estimated using applicant provided water use estimates and CalEEMod emission factors.
- Waste. Refers to the GHG emissions associated with disposal of solid waste into landfills. Waste emissions were estimated using CalEEMod.

Table 7: Project Operational Greenhouse Gas Emissions (Annual)

Emissions Source	Emissions ($MTCO_2e$)/Year
Area	< 0.01
Energy	22.97
Mobile	1,846.29
Water	0.87
Amortized Construction Emissions	7.43
Total Project Emissions	1,877.56
Threshold	3,000
Significant?	No

Note:
$MTCO_2e$ = metric tons of carbon dioxide equivalent
Source of emissions: Appendix A: CalEEMod Output.
Source of threshold: MDAQMD CEQA Guidelines, 2011

The analysis conducted for the project indicated the annual GHG emissions will be 1,877.56 $MTCO_2e$ per year. This total is well below the threshold of 3,000 $MTCO_2e$ per year as established by San Bernardino County. This project total includes both direct (area source and amortized construction)

and indirect (electricity, solid waste and water usage) GHG emissions. As such, the project will not result in significant generation of GHGs, either directly or indirectly, and will not have a significant impact on the environment because of greenhouse gas emissions.

The County of San Bernardino has published its Greenhouse Gas Emissions Development Review Processes (DRP). The DRP was developed to support the County's GHG emission reduction plan by identifying strategies for reducing GHG emissions from development projects within the County. The DRP identifies a uniform set of performance standards applicable to all development projects including those whose GHG emissions are less than a 3,000 MT CO_2e threshold that the DRP indicates is an appropriate greenhouse gas threshold. As noted in the DRP, with the application of the GHG performance standards, projects that are exempt from CEQA and small projects that do not exceed 3,000 MTCO_2e PER YEAR will be considered to be consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions. The proposed project will not exceed 3,000 MTCO_2e PER YEAR, pursuant to Tables C and D, above, as described in Section III, Air Quality, above.

The GHG-reducing performance standards were developed by the County to improve the energy efficiency, water conservation, vehicle trip reduction potential, and other GHG reducing impacts from all new development approved within the unincorporated portions of San Bernardino County. As such, the following Performance Standards establish the minimum level of compliance that a development must meet to assist in meeting the 2020 GHG reduction target identified in the in the County GHG Emissions Reduction Plan. These Performance Standards apply to all Projects, including those that are exempt under CEQA, and will be included as Conditions of Approval for development projects.

The Performance Standards used for commercial and industrial projects in the county are provided below and are required to be included as part of the project's Conditions of Approval:

COMMERCIAL AND INDUSTRIAL PROJECTS

1. 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.
        a) 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.
        b) 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. The developer shall also provide to all tenants and require that the tenants shall display in their stores current transit route information for the project area in a visible and convenient location for employees and customers. The specific transit routes displayed shall include Omni Trans Route 8, San Bernardino-Mentone-Yucaipa.

c) 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.

2. GHG – Construction Standards. The "developer" shall submit for review and obtain approval from County Planning of a signed letter agreeing to include as a condition of all construction contracts/subcontracts requirements to reduce GHG emissions and submitting documentation of compliance. The developer/construction contractors shall do the following:

   a) Implement the approved Coating Restriction Plans.

   b) Select construction equipment based on low GHG emissions factors and high-energy efficiency. All diesel/gasoline-powered construction equipment shall be replaced, where possible, with equivalent electric or CNG equipment.

   c) Grading contractor shall provide the implement the following when possible:
      1) training operators to use equipment more efficiently.
      2) identifying the proper size equipment for a task can also provide fuel savings and associated reductions in GHG emissions
      3) replacing older, less fuel-efficient equipment with newer models
      4) use GPS for grading to maximize efficiency

   d) Grading plans shall include the following statements:
      - "All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration."
      - "All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes."

   e) Schedule construction traffic ingress/egress to not interfere with peak-hour traffic and to minimize traffic obstructions. Queuing of trucks on and off site shall be firmly discouraged and not scheduled. A flag person shall be retained to maintain efficient traffic flow and safety adjacent to existing roadways.

   f) Recycle and reuse construction and demolition waste (e.g. soil, vegetation, concrete, lumber, metal, and cardboard) per County Solid Waste procedures.

   g) The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew and educate all construction workers about the required waste reduction and the availability of recycling services.

3. GHG – Design Standards. The developer shall submit for review and obtain approval from County Planning that the following measures have been incorporated into the design of the project. These are intended to reduce potential project greenhouse gas (GHGs) emissions. Proper installation of the approved design features and equipment shall be confirmed by County Building and Safety prior to final inspection of each structure.

   a) Meet Title 24 Energy Efficiency requirements implemented July 1, 2014. The Developer shall document that the design of the proposed structures meets the current Title 24 energy-efficiency requirements. County Planning shall coordinate this review with the County Building and Safety. Any combination of the following design features may be used to fulfill this requirement, provided that the total increase in efficiency meets or exceeds the cumulative goal (100%+ of Title 24) for the entire project (Title 24, Part 6 of the

California Code of Regulations; Energy Efficiency Standards for Residential and Non Residential Buildings, as amended January 24, 2013; Cool Roof Coatings performance standards as amended January 24, 2013):

- Incorporate dual paned or other energy efficient windows,
- Incorporate energy efficient space heating and cooling equipment,
- Incorporate energy efficient light fixtures, photocells, and motion detectors,
- Incorporate energy efficient appliances,
- Incorporate energy efficient domestic hot water systems,
- Incorporate solar panels into the electrical system,
- Incorporate cool roofs/light colored roofing,
- Incorporate other measures that will increase energy efficiency.
- Increase insulation to reduce heat transfer and thermal bridging.
- Limit air leakage throughout the structure and within the heating and cooling distribution system to minimize energy consumption.

b) Plumbing. All plumbing shall incorporate the following:
- All showerheads, lavatory faucets, and sink faucets shall comply with the California Energy Conservation flow rate standards.
- Low flush toilets shall be installed where applicable as specified in California State Health and Safety Code Section 17921.3.
- All hot water piping and storage tanks shall be insulated. Energy efficient boilers shall be used.

c) Lighting. Lighting design for building interiors shall support the use of:
- Compact fluorescent light bulbs or equivalently efficient lighting.
- Natural day lighting through site orientation and the use of reflected light.
- Skylight/roof window systems.
- Light colored building materials and finishes shall be used to reflect natural and artificial light with greater efficiency and less glare.
- A multi-zone programmable dimming system shall be used to control lighting to maximize the energy efficiency of lighting requirements at various times of the day.

d) Building Design. Building design and construction shall incorporate the following elements:
- Orient building locations to best utilize natural cooling/heating with respect to the sun and prevailing winds/natural convection to take advantage of shade, day lighting and natural cooling opportunities.
- Utilize natural, low maintenance building materials that do not require finishes and regular maintenance.
- Roofing materials shall have a solar reflectance index of 78 or greater.
- All supply duct work shall be sealed and leak-tested. Oval or round ducts shall be used for at least 75 percent of the supply duct work, excluding risers.
- Energy Star or equivalent appliances shall be installed.
- A building automation system including outdoor temperature/humidity sensors will control public area heating, vent, and air conditioning units

e) Landscaping. The developer shall submit for review and obtain approval from County Planning of landscape and irrigation plans that are designed to include drought tolerant and smog tolerant trees, shrubs, and groundcover to ensure the long-term viability and to conserve water and energy. The landscape plans shall include shade trees around main buildings, particularly along southern and western elevations, where practical.

f) Irrigation. The developer shall submit irrigation plans that are designed, so that all common area irrigation areas shall be capable of being operated by a computerized irrigation system, which includes either an on-site weather station, ET gauge or ET-based controller capable of reading current weather data and making automatic adjustments to independent run times for each irrigation valve based on changes in temperature, solar radiation, relative humidity, rain and wind. In addition, the computerized irrigation system shall be equipped with flow sensing capabilities, thus automatically shutting down the irrigation system in the event of a mainline break or broken head. These features will assist in conserving water, eliminating the potential of slope failure due to mainline breaks and eliminating over-watering and flooding due to pipe and/or head breaks.

g) Recycling. Exterior storage areas for recyclables and green waste shall be provided. Where recycling pickup is available, adequate recycling containers shall be located in public areas. Construction and operation waste shall be collected for reuse and recycling.

h) Transportation Demand Management (TDM) Program. The project shall include adequate bicycle parking near building entrances to promote cyclist safety, security, and convenience. Preferred carpool/vanpool spaces shall be provided and, if available, mass transit facilities shall be provided (e.g. bus stop bench/shelter). The developer shall demonstrate that the TDM program has been instituted for the project or that the buildings will join an existing program located within a quarter mile radius from the project site that provides a cumulative 20% reduction in unmitigated employee commute trips. The TDM Program shall publish ride-sharing information for ride-sharing vehicles and provide a website or message board for coordinating rides. The Program shall ensure that appropriate bus route information is placed in each building.

4. 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.

VII b) Less than Significant. In January of 2012, the County of San Bernardino adopted a Greenhouse Gas Emissions Reduction Plan (GHG Plan), along with procedure for reviewing individual land use proposals to ensure the project-level impacts are evaluated to ensure incremental compliance with the countywide plan strategies. Total construction and operation GHG emissions were calculated with the CalEEMod, using project-specific inputs. As noted above, the calculated GHG emissions are below the level at which further design and operational measures would be required to reduce emissions and conform to the County's GHG Plan. Therefore, the project is consistent with the County's GHG Plan. The project would not conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

As such, the project would not exceed the San Bernardino GHG DRP small project threshold. The project will comply with statewide regulations that reduce GHG emissions and applicable San Bernardino County ordinances and standards. Therefore, the project does not conflict with any plans to reduce GHG emissions. Thus, impacts would be less than significant.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
VIII.	**HAZARDS AND HAZARDOUS MATERIALS**—Would the project:				
a)	Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials?	☐	☒	☐	☐
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)	For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g)	Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
h)	Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☒	☐

SUBSTANTIATION

VII a) **Short-term Construction Impacts**

Less than Significant with Mitigation Incorporated. During construction of the proposed project, hazardous or potentially hazardous materials would be routinely handled in small quantities on the project site. These hazardous materials would include gasoline, diesel fuel, lubricants, and other petroleum-based products used to operate and maintain construction equipment and vehicles. This handling of hazardous materials would be a temporary activity and coincide with the short-term

construction phase of the proposed project. Any handling of hazardous materials would be limited in both quantities and concentrations. Hazardous materials associated with operation and maintenance of construction equipment and vehicles may be stored on the project site. Only the amounts needed are anticipated to be kept on-site, and excessive amounts are not expected to be stored. Removal and disposal of hazardous materials from the project site would be conducted by a permitted and licensed service provider. Any handling, transporting, use, or disposal would comply with all applicable federal, state, and local agencies and regulations, including the EPA; the California Department of Transportation (Caltrans); the California Department of Toxic Substances Control (DTSC); the California Department of Industrial Relations (Cal/OSHA); the Resource Conservation and Recovery Act (RCRA); and the San Bernardino County Fire Department (SBCFD) (the Certified Unified Program Agency [CUPA] for San Bernardino County).

Because of the age of the existing convenience store located on the project site, there is a possibility that potentially hazardous buildings materials such as asbestos-containing materials (ACM), lead-based paint, PCBs, or mercury may be encountered during demolition of these structures. If present, removal of these materials from the project site would be conducted by contractors licensed and permitted to handle these materials in accordance with all applicable federal, state, and local regulations. As such, Mitigation Measure HAZ-1 would be required to reduce potential impacts to acceptable levels of significance. Therefore, with the implementation of mitigation, short-term construction impacts associated with the handling of hazardous materials would be less than significant.

Long-term Operational Impacts

Less than Significant. During the operation phase of the project, hazardous or potentially hazardous materials would be routinely handled, stored, and dispensed on the project site. Since the proposed project includes a gas station, an underground storage tank (UST) will store gas and diesel fuel on the project site. The UST would consist of double-walled, fiberglass fuel storage tank with leak detection sensors. Because of the nature of the proposed project, and in particular the gas station, the project would be subject to routine inspection by federal, state, and local regulatory agencies with jurisdiction over fuel dispensing facilities. In order to remain operational, the proposed project, including the UST and all associated fuel delivery infrastructure (i.e., gas pumps), would be required to comply with all applicable federal, state, and local regulation, including but not limited to those provisions established by Section 2540.7, Gasoline Dispensing and Service Stations, of the California Occupational Safety and Health Regulations; Chapter 38, Liquefied Petroleum Gases, of the California Fire Code; RCRA; and the SBCFD. Collectively, the routine inspection of the gas station, the UST, and all associated fuel delivery infrastructure along with the continued mandated compliance with all federal, state, and local regulations would ensure that the proposed project is operated in a non-hazardous manner. Therefore, long-term impacts associated with handling, storing, and dispensing of hazardous materials would be less than significant.

VIII b) **Less than Significant with Mitigation Incorporated.** As addressed in Impact 8a), any handling, storing, or dispensing activities associated with hazardous or potentially materials would comply with all applicable federal, state, and local agencies and regulations. Both short-term construction and long-term operation of the proposed project would comply with all applicable federal, state, and local agencies and regulations with the policies and programs established by agencies such as the EPA, Caltrans, DTSC, Cal/OSHA, RCRA, and the SBCFD. Adherence with the applicable policies and programs of these agencies would ensure that any transport or interaction with hazardous materials would occur in the safest possible manner, reducing the opportunity for the accidental release of

hazardous materials into the environment. Any handling of hazardous materials would be limited in both quantities and concentrations. As mandated by the U.S. Occupational Safety and Health Administration (OSHA), all hazardous materials stored on-site would be accompanied by a Material Safety Data Sheet (MSDS), which, in the case of accidental release, would inform on-site personnel as to the necessary remediation procedures.

However, because of the age of the existing convenience store located on the project site, there is a possibility that potentially hazardous buildings materials such as ACM, lead-based paint, PCBs, or mercury may be encountered during demolition of these structures. If present, removal of these materials from the project site would be conducted by contractors licensed and permitted to handle these materials in accordance with all applicable federal, state, and local regulations. As such, Mitigation Measure HAZ-1 would be required to reduce potential impacts to acceptable levels of significance. Therefore, with the implementation of mitigation, impacts associated with the release of hazardous materials would be less than significant.

VIII c) **Less than Significant.** The Morongo Valley Elementary School (10951 Hess Boulevard, Morongo Valley) is located approximately 0.5 mile northwest of the project site. As previously addressed, the handling and transport of all hazardous or potentially hazardous materials would comply with all applicable federal, state, and local agencies and regulations with the policies and programs established by agencies such as the EPA, Caltrans, DTSC, Cal/OSHA, RCRA, and the SBCFD. Adherence with the applicable policies and programs of these agencies will ensure that any interaction with hazardous materials would occur in the safest possible manner, reducing the opportunity for the accidental release of hazardous materials into the environment. As such, the possibility of an accidental release of hazardous or potentially hazardous materials on the project affecting the Morongo Valley Elementary School site is remote. Therefore, impacts associated with the handling of hazardous materials within 0.25 mile of a school would be less than significant.

VIII d) **No Impact.** According to a records search using the California Department of Toxic Substances Control's (DTSC) EnviroStor database, the project site is not identified as a hazardous materials site. Additionally, no such site is located adjacent to the project site or within the general project area. Therefore, there would be no impact associated with hazardous materials sites.

VIII e) **No Impact.** The project site is not located within the area covered by an airport land use plan, and there is no public airport within 2 miles of the project site. The closest airport to the project site is the Roy Williams Airport, located approximately 20.4 miles northeast of the project site. Therefore, the project would not create a safety hazard to the people residing or working in the project area, and no impacts would occur.

VIII f) **No Impact.** There are no private airstrips located within the project vicinity. Therefore, no impact associated with private airstrip hazards will occur.

VIII g) **Less than Significant.** The project would not interfere with the County's Emergency Operations Plan because it does not contain any features that would prohibit the execution of such plans. The project would provide access via two driveways along Twentynine Palms Highway and Senilis Avenue, and would contain adequate access and circulation for emergency equipment on-site. Evaluation and approval of the proposed site plan by the San Bernardino County Fire Department would be required to ensure adequacy of emergency access. Thus, impacts to an emergency response plan would be less than significant.

VIII h) **Less than Significant.** According to the San Bernardino County Land Use Plan Hazards Overlays Map, the project area is located in Fire Safety Area 2. Fire Safety Area 2 (FS2) includes those lands just to the north and east of the mountain FS1 area in the mountain-desert interface. These areas have gentle to moderate sloping terrain and contain light to moderate fuel loading. These areas are periodically subject to high wind conditions that have the potential of dramatically spreading wildland fires. Development proposed in the FS1, FS2, or FS3 Overlays is required to comply with all applicable requirements of Section 82.13.060 of the County of San Bernardino Development Code. By complying with the Development Code, project impacts would be less than significant.

Mitigation Measures:

MM HAZ-1: Prior to the demolition of the existing convenience store located on the project site, the structures shall be evaluated for the presence of asbestos-containing material (ACM), lead-based paints, PCBs, or mercury prior to their demolition. The evaluation shall be conducted by a Cal-OSHA certified ACM and lead-based paint contractor. Any ACM or lead identified as a result of the evaluation shall be removed by a Cal-OSHA certified ACBM and lead-based paint contractor and be transported and disposed of off-site in accordance with regulatory requirements.

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

SUBSTANTIATION (Check ☐ if project is located in the Flood Hazard Overlay District):

A Preliminary Hydrology Study was prepared by Greenberg Farrow, dated April 25, 2016, included as Appendix D.

Environmental Setting

The proposed project is located at the northeast corner of the intersection of Twentynine Palms Highway and Senilis Avenue in Morongo Valley, San Bernardino County, California. San Bernardino County detention requirements mandate that the proposed project detain post-development peak flow rates to less than 90 percent of the pre-development peak flow rates for the 2-, 10-, 25-, and 100-year storm events, as determined by the Preliminary Hydrology Report (Appendix D).

By definition, wastewater is any water that has been adversely affected in quality by anthropogenic influence. Wastewater can originate from a combination of domestic, industrial, commercial or agricultural activities, surface runoff, or stormwater and from sewer inflow or infiltration. According to Golden State Water Company (GSWC), two water systems serve the Morongo Valley area: the Morongo del Sur System and the Morongo del Norte System, both of which rely upon groundwater pumped from the Morongo Valley portion of the Morongo Basin.

According to GSWC's website, the local conservation standard has been adjusted for Morongo Valley's water system. Customers may now water outdoor landscapes up to 3 days per week, with a new reduction goal of 20 percent. GSWC has implemented local conservation standards for its water systems, reflecting the State Water Board's revised emergency regulations.

By definition, impervious surfaces are mainly structures such as pavements (roads, sidewalks, driveways, and parking lots) that are recovered by impenetrable materials such as asphalt, concrete, brick, stone and rooftops. Soils compacted by urban development are also highly impervious. Pervious pavement is designed to allow infiltration of stormwater through the surface into the soil below where the water is naturally filtered and pollutants are removed.[2] There are four main types of stormwater pollution: litter, chemical pollution, natural pollution, and sediment pollution. An aboveground detention basin will be constructed to the southeast of the proposed convenience store to reduce post-development peak flow rates. Stormwater flows from the detention basin will exit the site through a parkway drain to Senilis Avenue at the southeast corner of the site. According to the Federal Emergency Management Agency (FEMA), Morongo Valley is located in flood map boundary Number 0671C8850H, effective August 28, 2008.

The 42 natural disasters that have occurred in San Bernardino County exceed the U.S. average of 12; 18 of these were floods.3 By definition, a seiche is a temporary disturbance or oscillation in the water level of a lake or partially enclosed body of water, especially one caused by changes in atmospheric pressure. A tsunami is a long, high sea wave caused by an earthquake, submarine, landslide, or other disturbance. A mudflow is an avalanche, fluid, or hardened stream of mud. None of these occurrences have affected the project site in the past.

IX a) **Less than Significant.** Construction of the proposed project, including grading and excavation activities may result in temporary impacts to surface water quality. When disturbance to underlying soils occurs, the surface runoff that flows across the site may contain sediments that are ultimately discharged into the storm drainage system, thereby causing sediment pollution. As the project is

[2] http://www.lakesuperiorstreams.org/stormwater/toolkit/paving.html
[3] http://www.city-data.com/city/Morongo-Valley-California.html

anticipated to disturb more than one acre of soil, it will require implementation and consistency with a Storm Water Pollution Prevention Plan (SWPPP). Furthermore, Section 85.11.030(a) provides that no land disturbance or construction activity may take place without first obtaining approval of erosion control measures to ensure that erosion would not reasonably be expected to occur. Best management practices (BMPs) are required be implemented at all land disturbance sites, regardless of the area of disturbance. BMPs may include temporary erosion control measures (such as fiber rolls, staked straw bales), landscaping, and sediment basins. Compliance with SWPPP and Chapter 85.11 of the County Development Code will ensure that impacts are less than significant.

IX b) **Less than Significant.** The project proposes to build a retail fueling station with a mini-market on the project site, which will result in similar water usage as the existing convenience market on the site. The project does not propose to build any facilities on site that could substantially deplete the groundwater supplies or interfere with groundwater recharge (e.g., a retail carwash, large-scale residential uses, high number of restrooms, or significantly increasing the percentage of impervious surfaces on-site). As such, the project would have less than significant impacts related to groundwater supplies and groundwater recharge.

IX c) **Less than Significant.** According to the Preliminary Hydrology Report prepared by Greenberg Farrow (2016), the proposed development will reduce post-development peak storm flows to less than the allowable maximum rates. The detention basin for the site was designed to reduce the post-development peak flow rates for the 2-, 10-, 25- and 100-year storm events to less than 90 percent of the 2-, 5-, 10-, and 25-year storm events. Table 9 shows the pre and post-development rate comparison for the proposed project, with post-development decreasing flow rates decreasing to approximately 26 percent lower values. The project site is not located within the vicinity of a stream or river, and would not result in substantial erosion on- or off-site. As such, impacts would be less than significant.

Table 9: Pre- and Post-Development Runoff Rate Comparison

Storm Years	Pre-development Flow Rate (cfs)	Post-development Max. Flow (cfs)	Post-development Detention Outflow (cfs)
2-year storm	1.88	1.67	1.35
10-year storm	2.94	2.22	2.08
25-year storm	3.55	2.65	2.52
100-year storm	4.46	3.20	3.11

Note:
cfs = cubic feet per second

IX d) **Less than Significant.** As mentioned above, the proposed project will decrease the existing drainage pattern of the site, but does not propose to alter the drainage pattern of the site in a manner that would increase runoff or result in flooding. Site plans include a proposed detention basin in the southeastern section of the site. Compliance with Chapter 85.11 of the County Development Code will ensure that impacts would be less than significant.

IXl e) **Less than Significant.** The topography of the site is relatively flat and there are no bodies of water located on the property or within its vicinity. Although flow patterns will be slightly decreased as mentioned above, the proposed project does not have the potential to exceed the capacity of existing stormwater drainage systems. The addition of fuel pumps and underground storage tanks could potentially contribute vehicle fuels to storm runoff. However, these uses would be subject to County of San Bernardino and Colorado River Basin Regional Water Quality Control Board regulations and

permit requirements to ensure that they do not result in a substantial increase of polluted runoff. Thus, impacts would be less than significant.

IX f) **Less than Significant**. During project construction, the project would result in an initial net increase of temporary impacts to water quality; however, impacts would not be sufficient to substantially degrade water quality over time, and a National Pollution Discharge Elimination System discharge permit will not be required. As discussed above, compliance with County Development Code Chapter 85.11 of the County Development Code will ensure that impacts to water quality would be less than significant.

IX g) **No Impact.** According to FEMA's Flood Rate Insurance Map (FIRM) for the project area (FIRM Community Panel Number 06071C8850H) the project site is located in "Zone X," designated an area of 0.2 percent annual chance of flooding; area of 1 FEMA annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1 percent annual chance flood. Because of proposed project site's location, the site would not be affected by the possibility of flooding. The project does not propose any housing development that would subject people to the risk of a potential flooding event. As such, no impacts would occur related to placing housing within a 100-year flood hazard area.

IX h) **No Impact.** As described in Impact g, the project site is located in a FEMA-designated 100-year flood zone. However, the proposed project's location and site plans will retain the same drainage patterns as those of the current convenience market on-site. As such, impacts would be less than significant.

IX i) **No Impact.** The project site is not located within a dam hazard inundation area. The closest dam to the project site is the Big Bear Dam, located approximately 26 miles northwest of the proposed project site. The project would not expose people or structures to risk of loss, injury, of death involving flooding because of its location. Thus, the project would have no impacts on levees or dams.

IX j) **No Impact.** Given the location of the project site in relatively flat terrain and the fact that it is not near any body of water, the project would not expose people to a seiche, tsunami, or mudflow events. As such, no impacts would occur.

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

SUBSTANTIATION

A Phase I Environmental Site Assessment Report was prepared by Blaes Environmental Management, Inc., dated August 23, 2015, for the project site and is included in Appendix F.

Environmental Setting

Morongo Valley's Community Plan includes goals and policies that address the unique land use issues that are not included in the Countywide General Plan. With the ongoing development in many of the County's rural areas, the significance of harnessing valuable natural resources, habitats and preserving open space has become significantly important to community residents. Protection of nearby habitat, preservation of existing communities, and the provision of spaces for organized expansion of the Morongo Valley community are some of the County's main goals. According to the Morongo Community Plan Land Use Plan, the project site is designated General Commercial. According to the County's Zoning Code, the surrounding zoning districts to the project site include Morongo Valley Single Residential—10,000-square-foot minimum boundary (MV/RS-10M) and Morongo Valley General Commercial (MV/CG) zones. The Morongo Valley plan area also contains Multiple Residential, Office Commercial, Neighborhood Commercial, General Commercial, Service Commercial, Community Industrial, and Institutional land use districts. However, these uses make up only a small percentage of the total plan area.[4]

Both the Morongo Valley Community Plan and San Bernardino General Plan project population growth in the upcoming years from enormous quantities of rural land yet to be developed. Both plans have policies intended to preserve and protect these rural lands from being developed. The Jurisdictional Control designation for the project site is Private Unincorporated Land, according to the County of San Bernardino Land Use Zoning Districts.[5] This allows for a wide range of commercial activity, including commercial uses that serve the residents of Morongo Valley and nearby areas.

The site is located at the intersection of Twentynine Palms Highway (SR-62) and Senilis Avenue. The County of San Bernardino Development Code outlines a variety of regulations and policies to which buildings must adhere. The project is a proposed commercial development on a previously disturbed

4 http://www.sbcounty.gov/Uploads/lus/CommunityPlans/MorongoCP.pdf
5 http://cms.sbcounty.gov/lus/Planning/ZoningOverlayMaps/ZoningMaps.aspx

and developed property. There is currently no adopted Habitat Conservation Plan or Community Conservation Plan for the County of San Bernardino or the Morongo Valley planning area.

X a) **No Impact.** The physical division of an established community typically refers to the construction of a linear feature, such as an interstate highway or railroad tracks, or removal of a means of access, such as a local bridge, that would impact mobility within an existing community between a community and its outlying area. The project does not involve any such features, and would not remove any means of access or impact mobility. The proposed project would involve construction and operation of a convenience store/gas station on a previously developed property established for similar uses. The project site is privately owned, and the implementation of the project would not eliminate access, reduce connectivity, or otherwise physically divide an existing community. As such, no impacts would occur.

X b) **Less than Significant.** The project would not conflict with the County's General Plan or Development Code. As part of the project approvals, the project applicant is seeking to change the General Plan designation of a portion of the site (0.24 acre) from MV/RS-10M (Single Residential—10,000-square-foot minimum parcel size) to MV/CG (General Commercial). This will serve to reconcile inconsistencies between the General Plan designation and the proposed project. The project represents the beneficial re-use of a site that was previously developed for a similar use. The project will be required to comply with all applicable provisions of the County Development Code. Therefore, impacts would be less than significant.

X c) **No Impact.** As stated above, there are currently no adopted Habitat Conservation Plans or Natural Communities Conservation Plans within San Bernardino County or the Morongo Valley planning area. This precludes the possibility of the project having an impact with regard to an HCP or NCCP. Thus, no impacts would occur.

Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XI. MINERAL RESOURCES—Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
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):

Environmental Setting

The project site is a census-designated place (CDP) located on Twentynine Palms Highway (SR-62) in San Bernardino County. The project site is approximately 1.2 acre, currently developed with a market/deli, with pavement to the northeast of the building. The proposed Circle K will be 4,968 square feet. Morongo Valley contains 18,554 nearby mines (all of which are claims), including 1,846 active and 16,706 closed mines. However, there is one active mineral recovery site located approximately 1.22 miles from the project site.[6] The project site is not located within one of these mining areas.

XI a) **No Impact.** As described above, the project site is located on a previously renovated lot. The project site is not located on an active or dormant mine. The construction of this project would not result in the loss of any known mineral resources, thereby precluding the possibility of impacts as a result of the project. As such, no impacts would occur.

XI b) **No Impact.** Although there is a high concentration of active mine claims in the area of the project site, the completion of this project would not disrupt the availability of locally important mineral recovery sites. The project site is not located on an active or dormant mine and would not restrict the availability of any natural resources. Thus, no impacts would occur.

[6] https://thediggings.com/places/ca0712408870

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XII.	**NOISE**—Would the project:				
a)	Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b)	Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c)	A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
d)	A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☒	☐	☐
e)	For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f)	For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

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 ☐):

Environmental Evaluation

The following section is based, in part, on the information contained within the December 4, 2015 Acoustical Analysis prepared for the proposed project by WJV Acoustics, Inc., included as Appendix E of this document.

Characteristics of Noise

Noise is defined as unwanted sound. Sound levels are usually measured and expressed in decibels (dB) with 0 dB corresponding roughly to the threshold of hearing. Most of the sounds that we hear in the environment do not consist of a single frequency, but rather a broad band of frequencies, with each frequency differing in sound level. The intensities of each frequency add together to generate a sound. Noise is typically generated by transportation, specific land uses, and ongoing human activity.

The standard unit of measurement of the loudness of sound is the decibel (dB). The 0 point on the dB scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Changes of 3 dB or less are only perceptible in laboratory environments. A change of 3 dB is the

lowest change that can be perceptible to the human ear in outdoor environments, while a change of 5 dBA is considered the minimum readily perceptible change to the human ear in outdoor environments.

Since the human ear is not equally sensitive to sound at all frequencies, the A-weighted decibel scale (dBA) was derived to relate noise to the sensitivity of humans. The scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Furthermore, the A-weighted sound level is the basis for a number of various sound level metrics, including the day/night sound level (L_{dn}) and the Community Noise Equivalent Level (CNEL), both of which represent how humans are more sensitive to sound at night. In addition, the equivalent continuous sound level (L_{eq}) is the average sound energy of time-varying noise over a sample period and the L_{max} is the maximum instantaneous noise level occurring over a sample period.

Regulatory Framework

Section 83.01.080 (Noise) of the San Bernardino County Development Code establishes noise compatibility standards for stationary noise sources. The Development Code (Code) addresses the statistical distribution of noise over time and allows for progressively shorter periods of exposure to levels of increasing loudness. Table 10 summarizes the applicable exterior noise level standards of the code. The standards are to be applied during any one-hour time period of the day or night and the standards are 10 dB more restrictive during the nighttime hours of 10:00 p.m. to 7:00 a.m. The standards of the noise ordinance may be adjusted upward (made less restrictive) if existing ambient noise levels without the source of concern already exceed the code noise standards. The Code states "If the measured ambient level exceeds any of the first four noise limit categories in Subsection (d)(2), the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category in Subsection (d)(2), the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level." The categories described in Subsection (d)(2) of the Code are summarized numerically in Table 10.

Table 10: Existing Noise Levels Compared to Exterior Stationary Noise Level Standards, dBA San Bernardino County Development Code

Category	Cumulative # Min/Hr. (Ln)[1]	Daytime (7 am-10 pm)		Nighttime (10 pm-7 am)	
		Standard	Existing	Standard	Existing
1	Average (L_{eq})	55	63	45	57
2	15 (L_{25})	60	62	50	56
3	5 ($L_{8.3}$)	65	65	55	61
4	1 ($L_{1.7}$)	70	67	60	65
5	0 (L_{max})	75	83	65	76

Note:
[1] In layman's terms, the noise level standards shown may not be exceeded for more than the specified number of minutes within any 1-hour time period. The L_n value shown in parenthesis indicates the percent of the time during an hour that a particular noise level may not be exceeded. For example, the L_{50} represents 50% of the hour, or 30 minutes.
Source: San Bernardino County Development Code.

Existing Noise Conditions

A site inspection and noise monitoring were conducted on November 19, 2015 to evaluate the acoustical characteristics of the site and quantify existing ambient noise levels within the project area. Existing

sources of noise near the project site include vehicular traffic on Twentynine Palms Highway and Senilis Avenue, and noise related to activities from nearby commercial and retail activities.

Ambient noise monitoring equipment consisted of a Larson-Davis Laboratories Model LDL 820 sound level analyzer equipped with a Bruel & Kjaer (B&K) Type 4176 ½" microphone. The monitor was calibrated with a B&K Type 4230 acoustical calibrator to ensure the accuracy of the measurements. The equipment complies with applicable specifications of the American National Standards Institute (ANSI) for Type 1 (precision) sound level meters.

Ambient noise measurements were conducted for a continuous 24-hour period using the automated sound level meter. The ambient noise monitoring site was located along the property line, between the project site and the closest existing residence.

Table 10 provides the average hourly daytime and average hourly nighttime noise levels over the 24-hour measurement period, described in terms of the applicable noise metrics established in the code. Table 10 indicates that average existing daytime (7:00 a.m. to 10:00 p.m.) ambient noise levels in the project vicinity are approximately 63 dB L_{eq}, with average hourly L_{max} levels of approximately 83 dB. Average existing nighttime (10:00 p.m. to 7:00 a.m.) ambient noise levels in the project vicinity are approximately 57 dB L_{eq}, with average hourly L_{max} levels of approximately 76 dB. It should be noted that existing ambient noise levels (without the project) equal or exceed the Code standards in all but one of the daytime statistical categories, and exceed the statistical Code standards in all five nighttime statistical categories.

XII a) **Less than Significant**. The proposed convenience store and vehicle fueling station would operate 24 hours per day, 365 days per year. Potential sources of project-related noise include roof-mounted HVAC units, delivery truck movements, parking lot activities and idling refrigeration trucks. According to the project applicant, the project would not include a loading dock or trash/cardboard compactor. Additionally, the project will include the construction of a 6-foot concrete masonry wall along the northern and eastern property line. The wall will provide acoustical shielding from ground-level project-related noise sources to the nearby residential land uses.

HVAC Units

The project would include roof-mounted HVAC units on the retail store space that could be audible at existing residential land uses to west. Based upon reference data from similar stores, it is estimated that noise levels from roof-mounted HVAC units at the closest homes to the project site would be in the range of 35 dBA to 40 dBA. This includes consideration of acoustic shielding provided by the building structure and roof parapets on the west side of building closest to existing homes. With regard to compliance with the code noise standards, the L_{eq} standard would apply. For the purpose of this analysis it was assumed the HVAC units could be in constant and continuous operation during any given hour. Noise levels produced by roof-mounted HVAC units would not exceed the applicable L_{eq} daytime standard of 55 dBA or the applicable L_{eq} nighttime standard of 45 dBA at nearby noise-sensitive land uses.

Slowly Moving Trucks

Delivery trucks would enter the project site either via Twentynine Palms Highway or Senilis Avenue, and would likely park along the southern portion of the project site. Slowly moving delivery trucks are not likely to pass within 150 feet of the closest existing residential land use.

WJV Acoustics has conducted measurements of the noise levels produced by slowly moving trucks for a number of studies. Such truck movements would be expected to produce noise levels in the range of 60 dBA to 66 dBA at a distance of 150 feet. The 6-foot concrete masonry wall would provide a minimum of 5 dBA reduction to the residential uses to the west, with the resulting truck movement noise levels in the range of 55 dBA to 61 dBA as measured at this nearest noise-sensitive receptor. The range in measured truck noise levels is due to differences in the size of trucks, their speed of movement, and whether they have refrigeration units in operation during the pass-by. Because of the infrequent nature of project-related truck deliveries, the L_{max} standard would apply. Truck movements would not exceed the daytime L_{max} standard of 75 dBA or the nighttime L_{max} standard of 65 dBA. Furthermore, it is unlikely that truck deliveries would occur between the nighttime hours of 10:00 p.m. and 7:00 a.m.

Refrigeration Trucks

WJV Acoustics conducted measurements of the noise levels produced by idling refrigeration trucks for a study in 2009. Noise levels were measured at a reference distance of 100 feet from the refrigeration unit, in multiple directions in order to document the loudest angle from the unit. The refrigeration unit utilized for reference noise level measurements was a Thermo King "Whisper Edition" Model SBIII-SR+. The refrigeration unit ran continuously at the high setting during the tests because the trailer had been sitting empty and the interior of the trailer was warmer than would occur with a loaded trailer. Typically, refrigeration units run at the high setting for only a few minutes before switching to the low setting. Noise level measurements obtained at eight separate angles from the unit were in the range of 51 dBA to 54 dBA. Taking into consideration the distance between any possible idling refrigeration trucks to the closest home, and the 6-foot concrete masonry wall, noise levels associated with a truck refrigeration unit would be expected to be approximately 42 dBA to 45 dB at the closest existing homes to the project site. Such levels would not exceed any of the noise performance standards of the Code.

Therefore, as none of the operational noise levels would exceed the applicable noise performance standards of the Code, noise impacts would be less than significant and no mitigation would be required.

XII b) **Less than Significant**. The proposed project is a relatively small development consisting of a 4,968-square-foot convenience store and a covered motor vehicle fuel station on a 1.2-acre site. Grading and construction activities would not require the type and amount of equipment that would cause excessive groundborne noise and vibration. Of the variety of equipment used during construction, small vibratory rollers that are anticipated to be used in the site preparation phase of construction would produce the greatest groundborne vibration levels. Impact equipment such as pile drivers is not expected to be used during construction of this project. Small vibratory rollers produce groundborne vibration levels ranging up to 0.101 inch per second (in/sec) peak particle velocity (PPV) at 25 feet from the operating equipment. The nearest off-site receptor to the proposed construction areas where heavy construction equipment would operate is residential land use west of the project on Senilis Avenue. This receptor is located approximately 25 feet from the nearest construction footprint where heavy construction equipment would potentially operate. At this distance, groundborne vibration levels could range up to 0.101 PPV from operation of a small vibratory roller. This is below the County's vibration standard of 0.2 PPV as measured at the nearest off-site receptor. Therefore, construction-related groundborne vibration impacts would be considered less than significant.

Upon completion of construction, the project would not include any permanent sources of groundborne vibrations other than those generated by occasional truck deliveries. However, the project is required to maintain vibration and groundborne levels at or below County Standards identified in Development Code Section 83.01.090. As this is a mandatory requirement, it is not considered a mitigation measure. Therefore, project-related groundborne vibration impacts would be less than significant.

XII c) **Less than Significant.** As addressed in the noise impact analysis discussion above, once operational, the proposed project will require delivery of gasoline, diesel, and convenience store goods approximately five to six times a week. Commercial truck delivery activities are not known at this time. Truck access to the project site will be via either Twentynine Palms Highway or Senlis Avenue. Low speed and idling trucks would be expected to produce noise levels in the range of 60 dBA to 66 dBA L_{max} at a distance of 150 feet. The 6-foot concrete masonry wall would provide a minimum of 5 dBA reduction to the residential uses to the west, with the resulting truck movement noise levels in the range of 55 dBA to 61 dBA L_{max}. Sources of noise from parking lots will also be audible at nearby receptors, including tire noise, slamming of doors, and pedestrians. It is typical for a passing car in a parking lot to produce a maximum noise level of 60 dBA to 65 dBA L_{max} at a distance of 50 feet, which is comparable to the level of a raised voice. For this project, the majority of parking would be located at least 150 feet from the closest existing home. Additionally, parking lot noise would be acoustically shielded by the store building and the proposed 6-foot concrete masonry wall. General parking lot noise would not be expected to exceed 45 dBA L_{max} at the closest homes.

Similarly, the noise impact analysis discussion shows that anticipated noise levels from idling refrigeration trucks would range from approximately 42 dBA to 45 dBA L_{max} at the closest existing sensitive receptors to the project site.

The daytime average hourly maximum noise levels at the project site measured up to 83 dB L_{max}; and the nighttime average hourly maximum noise levels measured up to 76 dB L_{max}. These project-related operational noise levels are below the measured existing average hourly daytime and nighttime maximum noise levels. Therefore, noise levels from these project-related noise sources would not result in a substantial permanent increase in ambient noise levels in the project vicinity compared with conditions existing without the project.

XII d) **Less than Significant With Mitigation Incorporated.** As discussed in Impacts 12a and 12c, operational noise levels associated with implementation of the proposed project would comply with all applicable San Bernardino County Development Code noise standards and would not result in a substantial increase above existing measured noise levels in the project vicinity.

Project-related construction activities could result in high intermittent noise levels at the closest noise-sensitive land uses surrounding the project site. However, although the construction of the project would temporarily increase ambient noise levels (primarily due to equipment use during grading and building construction activities), construction-related noise is exempt from County Noise Standards during 7:00 a.m. to 7:00 p.m., except Sundays and federal holidays. Therefore, by restricting the permissible hours of construction activities, and by implementing the best management noise reduction techniques and practices outlined in MM NOI-1, potential short-term construction noise impacts on sensitive receptors in the project vicinity would be reduced to less than significant.

XII e) **No Impact.** The project site is not located within the area covered by an airport land use plan that identifies noise impacts, and there is no public airport within the 2 miles of the project site. The closest airport to the project site is the Roy Williams Airport, located approximately 20.4 miles northeast of the

project site. As such, the project would not expose people residing or working in the project area to excessive noise levels.

XII f) **No Impact.** The project is not located within two miles of a private airstrip and therefore would not expose people to excessive noise levels from aircraft operations from private airstrips.

Mitigation Measures:

MM NOI-1: In accordance with County standards, implementation of the following multi-part mitigation measure for project construction would reduce potential construction period noise impacts to less-than-significant levels:

- The construction contractor shall limit all noise producing construction-related activities, including haul truck deliveries or warming up and idling of heavy construction equipment, to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction shall be allowed on Sundays and federal holidays.
- The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction and placed so that emitted noise is directed away from adjacent residences.
- The construction contractor shall ensure all construction equipment utilize noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
- The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.
- The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

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

SUBSTANTIATION

Environmental Setting

Morongo Valley has experienced an increase of population growth since 2000, growing annually at a rate of 1.4 percent. Today, the population in Morongo Valley is approximately 3,552 people. Morongo Valley's goal is to preserve the existing rural desert environment and the rural town character of the community. The Morongo Valley plan area is anticipated to experience growth as the desert region develops further. The rural nature and availability of vacant land will continue to attract development to the plan area. As the plan area develops, it will be important to ensure that the rural features of the area are preserved. The total number of household in the Morongo Valley area in 2000 was 1,455. The projected population by the year 2030 is estimated to be around 5,103. This would result in an increase of 3,315 total households, with an annual growth rate of 2.8 percent. Of the roughly 3,000 residents that reside in Morongo Valley, about 300 of them are currently employed. This number is projected to increase by an annual growth of 2 percent, according to Morongo Valley's Community Plan.[7] These numbers imply that the plan area will reach between 20 to 30 percent of its potential population and household capacity by the year 2030.

The Morongo Valley Community Plan establishes goals of enhancing development within the existing downtown commercial area of Morongo Valley and avoiding building in outer areas.

XIII a) **Less than Significant.** The project would not result in a substantial direct increase in the population in Morongo Valley area. The project would replace an existing convenience market use with a new, improved facility. Construction workers employed on the project site would likely be from the surrounding area, and given the short duration of construction, it is not anticipated that any construction workers would relocate to the area due to employment opportunities created by the project. Likewise, any additional persons employed by the project would likely live nearby, and any increase in employees at the site would be nominal compared with the existing number of persons employed on the project site and the community's planned growth. The project proposes to build a Circle K Gas Station with a convenience store and does not propose any residential development. As such, impacts would be less than significant with respect to population growth.

[7] http://www.sbcounty.gov/Uploads/lus/CommunityPlans/MorongoCP.pdf

XIII b) **No Impact.** The project site does not contain any vacant housing or housing that is currently occupied. This precludes the possibility of the project having impacts that would displace housing. As such, no impacts would occur.

XIII c) **No Impact.** The project site does not contain any vacant housing or housing that is currently occupied. Therefore, the project does not propose any activity that would result in the displacement of a substantial number of people. As such, no impacts would occur.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XIV.	**PUBLIC SERVICES**				
	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:				
a)	Fire Protection?	☐	☐	☒	☐
b)	Police Protection?	☐	☐	☒	☐
c)	Schools?	☐	☐	☐	☒
d)	Parks?	☐	☐	☐	☒
e)	Other Public Facilities?	☐	☐	☐	☒

SUBSTANTIATION

Environmental Setting

The Morongo Valley Fire Department (MVFD) provides fire protection services to the community of Morongo Valley. MVFD is located 0.1 mile from the project site. The mission of the MVFD is to save lives and protect residents from wildfires. MVFD covers an area of approximately 30 square miles and provides services to an estimated population of around 5,000 citizens. The MVFD is governed by a locally elected community service board consisting of five officials. The MVFD senior command structure consists of a Fire Chief, two Fire Captains, three Engineers and unpaid Apprentice Firefighters. Wildfires in Morongo Valley are categorized in the "highest" risk category by the State of California, making wildfires a threat in the area to those that occupy it. Prime wildfire season tends to fall anywhere between the middle of May lasting until October. Morongo Valley neighbors Federal, State and County wildlands (San Bernardino National Forest and Joshua Tree National Monument) forming an "Urban Interface Risk." MVFD has recently upgraded its equipment to maintain its status as a medic unit.

The San Bernardino County Sheriff's Department, Morongo Basin Station (MBS), provides police protection services in Morongo Valley. The MBS station is the third largest Sheriff's station in both area and number of overall calls for law enforcement services in San Bernardino County. MBS is located in Joshua Tree, California, which is roughly 18.4 miles from the project site. MBS relies on the numerous human resources of the community who are willing to join with the department in its public safety mission, resulting in nearly 200 members in its various Volunteer Forces organizations. These forces consist of Uniformed Patrol Reserves, Search and Rescue, Mounted Equestrian Search and Rescue, Explorer Scouts, and seven separate Citizen Patrol Units who work in support of uniformed patrol deputies to provide a dynamic and community-based law enforcement service.

The community of Morongo Valley belongs to the Morongo Unified School District (MUSD). MUSD includes 11 elementary schools and five secondary schools (high schools) totaling 16 schools in the district. The closest school to the project site is Morongo Valley Elementary, located approximately 0.4 mile northeast of the project site. Neither the Morongo Valley Community Plan nor the San Bernardino County General Plan contains student generation rates. However, the project does not propose any housing development that would generate new student enrollment.

The Morongo Valley Community Plan area contains a variety of different wilderness and recreation areas within and surrounding the community. The Sawtooth Mountains to the north, Joshua Tree National Park to the east, and the San Bernardino Mountain Range to the west. The plan area also contains the Big Morongo Canyon Preserve, which is approximately 0.35 mile east of the project site. The Preserve offers amenities such as hiking, ecology, and nature study opportunities. Park facilities provide recreation opportunities to serve the entire region, while emphasizing local park facilities to serve the Morongo Valley community. Additionally, Covington Park was established in 1962 when the Covington Family deeded the land to the community for use as a park. Covington Park is buffered by 35 acres leased from the County of San Bernardino, which borders the Big Morongo Canyon Preserve area of critical concern. The park contains a tennis court, beach volleyball court, baseball fields, basketball courts, The Children's Library, and numerous youth programs including summer camps and a softball league.

The Quimby Act was adopted into legislation in the year 1975 to ensure adequate open space acreage in jurisdictions adopting Quimby Act Standards. The Quimby Act's main purpose is to push developers to mitigate the impacts of property improvements. It forces special districts to work with cities and/or counties to receive parkland dedication and/or in-lieu fees. The Community of Morongo Valley does not contain a library, except for Covington Park, nor does it contain a community or senior center.

XIV a) **Less than Significant.** The project would involve the construction of a new Circle K Gas Station with a convenience store which would replace an existing commercial building. The project would be constructed in accordance with current Building Code requirements, including those related to fire safety. Any increased demand for fire protection services would be minimal when compared with the demand of the existing building on the project site. The project would not require constriction of a new MVFD facilities or the expansion of existing facilities to accommodate new staff or equipment. Thus, impacts would be less than significant.

XIV b) **Less than Significant.** The project proposes to build a new Circle K convenience store, which would replace an existing commercial building that is currently used for similar purposes. Because the project represents the continuation of an existing use, it is not anticipated to result in a significant increase in calls for police services beyond what are typically associated with convenience store uses (such as theft and loitering). The project would not require the construction of new police facilities or the expansion of existing facilities to accommodate new staff or equipment. Therefore, impacts to police protection would be less than significant.

XIV c) **No Impact.** As mentioned above, the project would not result in a direct increase in population growth, and would not result in additional student enrollment at any area schools. The project would not result in a substantial increase in the student population that would require a new school facility to be built. As such, no impacts would occur.

XIV d) **No Impact.** The project would not result in a direct increase in population that would heavily impact the nearby parkland in the area, as it does not propose to develop residential uses. Any indirect

increase in population would be nominal and would not result in new park facilities being built. Therefore, there would be no impact on local and nearby parks.

XIV e) **No Impact.** Morongo Valley is a small town consisting of only 3,000 to 4,000 residents with limited public resources available. However, the community takes pride in its parks system, which offers a majority of the town's amenities. There is a children's library that is part of Covington Park, which is located 0.36 mile from the project site. Since the project would not create a direct increase in the town's population, no new public facilities would need to be created, and no significant effect on the environment would occur.

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

XV a) **Less than Significant.** The proposed project is a convenience store with a motor fuel station. The project would not increase the use of existing neighborhood and region parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, because the proposed project would not generate any new residential units. Therefore, the impacts to parks generated by the employees of the project would be minimal.

XV b) **Less than Significant.** The proposed project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment, because the proposed project would not result in an increased demand for recreational facilities. Therefore, impacts would be less than significant.

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

SUBSTANTIATION

A Traffic Impact Study prepared by RK Engineering Group, Inc., dated October 9, 2015, is included as Appendix H.

Environmental Evaluation

The project site is currently developed with a market/deli and pavement to the northeast of the building.

Furthermore, the County will require conditions of approval related to transportation, which are listed in Appendix I. Compliance with these mandatory conditions will ensure that impacts are less than significant.

XVI a) **Less than Significant.** As shown on Table 11, all study area intersections are currently operating at an acceptable level of service (LOS) (LOS D or better).

Table 11: Intersection Analysis for Existing Conditions

Intersection	Traffic Control[3]	Intersection Approach Lane(s)[1] Northbound L	Northbound T	Northbound R	Southbound L	Southbound T	Southbound R	Eastbound L	Eastbound T	Eastbound R	Westbound L	Westbound T	Westbound R	Delay[2] (secs) AM	Delay[2] (secs) PM	Level of Service AM	Level of Service PM
Twentynine Palms Highway SR-62 (NS) at West Drive/Mountain View Drive (EW)	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0.0	1!	0.0	0.0	1!	0.0	15.9	13.6	C	B
Twentynine Palms Highway SR-62 (NS) at Park Avenue (EW)	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0.0	1!	0.0	0.0	1!	0.0	21.3	28.2	C	D
Twentynine Palms Highway SR-62 (NS) at Senills Avenue (EW)	TS	1.0	1.5	0.5	1.0	1.5	0.5	0.0	1!	0.0	0.0	1!	0.0	11.2	11.7	B	B
Twentynine Palms Highway SR-62 (NS) at San Jacinto Street (EW)	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0	1!	0.0	0.0	1!	0.0	9.7	13.5	A	B
Twentynine Palms Highway SR-62 (NS) at Hess Boulevard (EW)	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0	1!	0.0	0.0	1!	0.0	14.7	11.7	B	B

Notes:
[1] When a right turn lane is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes. Where "1" is indicated for the through movement and "0"s are indicated for R/L movements, the R and/or L turns are shared with the through movement.
L = Left; T = Through; R = Right; > = Right Turn Overlap; >> = Free Right Turn; Bold = Improvement
[2] Analysis Software: Traffix, Version 8.0. In accordance with the 2000 Highway Capacity Manual, overall average intersection delay and level of service are shown for intersections with traffic signal or all-way stop control. For intersections with cross-street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.
[3] TS = Traffic Signal CSS = Cross-Street Stop

Table 12, depicts the trip generation rates used to forecast existing and proposed trips, and summarizes the project's daily, AM peak hour, and PM peak-hour trip generation potential. The project site is currently occupied by a 1,788-square-foot market, and therefore, existing land use trip credits are applicable for this site. Traffic generated by the existing use has been credited against the overall increase in new trips generated by the proposed development. Existing land use trip credits account for vehicles already on the road as a result of the existing use. The existing land use trip credit was reviewed by the County of San Bernardino and Caltrans during the scoping process. The Institute of Transportation Engineers (ITE) Trip Generation, 9th Edition (2012) was utilized to provide the trip generation rates for the proposed land uses.

Table 12: Trip Generation Rates[1]

Land Use	ITE Trip Code	Units[2]	Peak Hour AM In	AM Out	AM Total	PM In	PM Out	PM Total	Daily
Supermarket (Existing)	850	TSF	2.11	1.29	3.40	4.83	4.65	9.48	102.24
Convenience Market With Gas Pumps (proposed)	853	FP	8.29	8.28	16.57	9.54	9.54	19.07	842.60

Notes:
[1] Source: Institute of Transportation Engineers (ITE), Trip Generation, 9th Edition, 2012
[2] TSF = Thousand Square Feet FP = Fueling Positions

Table 13 summarizes the trip generation for the existing site and the project. The project would generate up to 6,058 net daily trips, including up to 68 net new trips produced in the AM peak hour and up to 62 new trips in the PM peak hour.

Table 13: Project Trip Generation

Land Use	Quantity	Units[1]	Peak Hour						Daily
			AM			PM			
			In	Out	Total	In	Out	Total	
Supermarket (Existing)[2]	1.755	TSF	-4	-2	-6	-8	-8	-16	-179
Convenience Market With Gas Pumps (proposed)	12.000	FP	99	99	198	114	114	228	6,511
Pass-By Trip Reduction (AM = 63%, PM = 66%)[3]			-62	-62	-124	-75	-75	-150	-274
Project Trip Generation (Net New Trips Without Pass-By Reduction)			95	97	192	106	106	212	6,332
Project Trip Generation (Net New Trips With Pass-By Reduction)			33	35	68	31	31	62	6,058

Notes:
[1] TSF = Thousand Square Feet
[2] Existing land use trip credits are consistent with LADOT policy for trip generation calculation.
[3] Trip reduction credits are referenced from ITE Trip Generation Manual. ITE does not provide daily pass-by reduction rates for Land Use 853; therefore only the AM and PM peak hours are credited towards the daily pass-by.

Opening Year Cumulative Plus project Traffic Conditions

To account for area wide growth on roadways, project completion (year 2017) volumes have been calculated based on a 1 percent annual growth rate of existing traffic volumes over a two-year period. It is estimated that there would be an approximate 2 percent increase in traffic under Opening Year (2017) conditions. As shown in Table 14, all study area intersections are anticipated to continue to operate at acceptable LOS under Opening Year traffic conditions.

Table 14: Intersection Analysis for Opening Year (2017) With Ambient Traffic Conditions Without Project

Intersection	Traffic Control[3]	Intersection Approach Lane(s)[1]												Delay (secs)[2]		Level of Service	
		Northbound			Southbound			Eastbound			Westbound						
		L	T	R	L	T	R	L	T	R	L	T	R	AM	PM	AM	PM
Twentynine Palms Highway SR-62 (NS) at West Drive/ Mountain View Drive (EW)	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0.0	1!	0.0	0.0	1!	0.0	16.2	13.9	C	B
Twentynine Palms Highway SR-62 (NS) at Park Avenue (EW)	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0.0	1!	0.0	0.0	1!	0.0	21.8	27.1	C	D
Twentynine Palms Highway SR-62 (NS) at Senilis Avenue (EW)	TS	1.0	1.5	0.5	1.0	1.5	0.5	0.0	1!	0.0	0.0	1!	0.0	11.3	11.7	B	B
Twentynine Palms Highway SR-62 (NS) at San Jacinto Street (EW)	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0	1!	0.0	0.0	1!	0.0	9.7	13.6	A	B
Twentynine Palms Highway SR-62 (NS) at Hess Boulevard (EW)	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0	1!	0.0	0.0	1!	0.0	16.0	11.8	B	B

Notes:
[1] When a right turn lane is designated, the lane can either be striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes. Where "1" is indicated for the through movement and "0"s are indicated for R/L movements, the R and/or L turns are shared with the through movement.
L = Left; T = Through; R = Right; > = Right Turn Overlap; >> = Free Right Turn; Bold = Improvement
[2] Analysis Software: Traffix, Version 8.0. In accordance with the 2000 Highway Capacity Manual, overall average intersection delay and level of service are shown for intersections with traffic signal or all-way stop control. For intersections with cross-street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.
[3] TS = Traffic Signal CSS = Cross-Street Stop

As shown in Table 15, the addition of project-related traffic is not anticipated to significantly impact any of the five key study intersections under opening year traffic conditions. All of the key study

intersections would operate at an acceptable LOS during the AM and PM peak hours in the Year 2017, with project implementation.

Table 15: Intersection Analysis for Project Opening Year (2017) With Ambient Traffic and Proposed Project Conditions

Intersection	Traffic Control[3]	Intersection Approach Lane(s)[1]												Delay (secs)[2]		Level of Service	
		Northbound			Southbound			Eastbound			Westbound						
		L	T	R	L	T	R	L	T	R	L	T	R	AM	PM	AM	PM
Twentynine Palms Highway SR-62 (NS) at West Drive/ Mountain View Drive (EW)4	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0.0	1!	0.0	0.0	1!	0.0	16.2	13.8	C	B
Twentynine Palms Highway SR-62 (NS) at Park Avenue (EW)[4]	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0.0	1!	0.0	0.0	1!	0.0	21.9	27.1	C	D
Twentynine Palms Highway SR-62 (NS) at Senilis Avenue (EW)	TS	1.0	1.5	0.5	1.0	1.5	0.5	0.0	1!	0.0	0.0	1!	0.0	12.4	12.6	B	B
Twentynine Palms Highway SR-62 (NS) at San Jacinto Street (EW)	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0	1!	0.0	0.0	1!	0.0	9.6	13.7	A	B
Twentynine Palms Highway SR-62 (NS) at Hess Boulevard (EW)	CSS	1.0	1.5	0.5	1.0	1.5	0.5	0	1!	0.0	0.0	1!	0.0	15.6	13.0	C	B
Twentynine Palms Highway SR-62 (NS) at Project Access 1 (EW)	CSS	1.0	1.5	0.5	1.0	2.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	12.3	17.3	B	C
Project Access 2 (NS) at Senilis Avenue (EW)	CSS	0.0	0.0	0.0	0.5	0.0	0.5	0.5	0.5	0.0	0.0	0.5	0.5	8.6	8.7	A	A

Notes:
1 When a right turn lane is designated, the lane can be either striped or unstriped. To function as a right turn lane there must be sufficient width for right turning vehicles to travel outside the through lanes. Where "1" is indicated for the through movement and "0"s are indicated for R/L movements, the R and/or L turns are shared with the through movement.
L = Left; T = Through; R = Right; > = Right Turn Overlap; >> = Free Right Turn; Bold = Improvement; ! = Shared Left-Through-Right Turn Lane
2 Analysis Software: Traffix, Version 8.0. In accordance with the 2000 Highway Capacity Manual, overall average intersection delay and level of service are shown for intersections with traffic signal or all-way stop control. For intersections with cross-street stop control, the delay and level of service for the worst individual movement (or movements sharing a single lane) are shown.
3 TS = Traffic Signal CSS = Cross-Street Stop
4 Occasionally, HCM analysis software will calculate lower vehicle delay with the addition of project traffic, even though the volume of the intersection increases. This is typically attributed to the numerous iterations the model computes of lane utilization and gap acceptance. In such cases, the difference is typically negligible and the results are adjusted to show no change in delay.

The County of San Bernardino Draft Interim Traffic Impact Study Guidelines state that the following criteria shall be used to determine if the addition of project traffic should be considered to have a significant impact, and whether feasible measures must be identified to mitigate the impacts:

1. Signalized Intersections: Any study intersection that is operating at LOS A, B, C, or D for any study scenario without project traffic in which the addition of project traffic causes the intersection to degrade to LOS E or F shall mitigate the impact to bring the intersection back to at least LOS D. Any study intersection that is operating at LOS E or F for any study scenario without project traffic shall mitigate any impacts so as to bring the intersection back to the overall level of delay established prior to project traffic being added.

2. Unsignalized Intersections: An impact is considered significant if the study determines that either section a) or both sections b) and c) occur.
   a) The addition of project related traffic causes the intersection to move from LOS D or better to LOS E or worse OR
   b) The project contributes additional traffic to an intersection that is already projected to operate at LOS E or F with background traffic AND
   c) One or both of the following conditions are met:
      1. The project adds ten (10) or more peak-hour trips to any approach.
      2. The intersection meets the peak-hour traffic signal warrant after the addition of the project traffic.

As shown in the above tables, the proposed project does not cause any study intersection to degrade to LOS E or F. The project would not conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system. The project would result in less than significant impacts on traffic/circulation and the surrounding roadway network.

XVI b) **Less than Significant.** The purpose of the Congestion Management Program (CMP) is to develop a coordinated approach to managing and decreasing traffic congestion by linking the various transportation, land use, and air quality planning programs throughout the County, consistent with that of the Southern California Association of Governments (SCAG). The CMP requires review of substantial individual projects, which might on their own impact the CMP transportation system. A CMP traffic impact analysis is not required for this project based on the project's trip generation. The proposed development is projected to generate less than the 250-trip-per-hour threshold necessary for requiring a CMP traffic impact analysis (as shown on Table 13). This project will have access to a state highway facility and Caltrans has been consulted during the scoping process of this report. Impacts would be less than significant.

XVI c) **No Impact.** The project site is not located within the area covered by an airport land use plan, and there is no public airport within the 2 miles of the project site. The closest airport to the project site is the Roy Williams Airport, located approximately 20.4 miles northeast of the project site. As such, the project would not result in a change air traffic patterns and would not result in any substantial safety risks.

XVI d) **Less than Significant.** One of the most important aspects in the design and construction of new development along an arterial highway is the safety and efficiency of vehicles entering and exiting the site. The presence and maintenance of adequate sight distance is crucial in ensuring the satisfactory operation of project driveways. The project will take access to Twentynine Palms Highway (SR-62) which is classified as Major Highway in the County of San Bernardino Circulation Plan. Sight distance at all project access points shall comply with the following County of San Bernardino and Caltrans standards:

a. The minimum sight distance for the access onto Twentynine Palms Highway is 580 feet.

b. The minimum sight distance for the access onto Senilis Avenue is 200 feet.

c. The project shall maintain a limited use area, to be kept clear of all obstructions over 30 inches high, including signage and vegetation.

d. Sight distance at all project access points should be reviewed with respect to Caltrans and County of San Bernardino sight distance standards at the time of preparation of final grading, landscape, and street improvement plans.

Stopping sight distance is the minimum distance required by a highway user, traveling at a given speed, to bring a vehicle or bicycle to a stop after an object 0.5-foot high (or higher) on the road becomes visible. Stopping sight distance is the sum of two distances: (a) the distance travelled by a vehicle from the instant the driver sights an object necessitating a stop to the instant the brakes are applied (brake reaction distance); and (b) the distance needed to stop the vehicle from the instant

brake application begins (braking distance). Stopping sight distance requirements are based on the design speed of the highway, not the actual posted speed limit.

Twentynine Palms Highway (SR-62) is designated a Major Highway in the County of San Bernardino Circulation Plan and the minimum design speed is 60 miles per hour (mph). Senilis is an unclassified local road with minimum design speed of 30 mph. Based on Table 201.1 of the Caltrans Highway Design Manual 2012, the minimum required stopping sight distance to be provided for the project access driveway on Twentynine Palms Highway is 580 feet, and the required stopping sight distance for the project access driveway on Senilis Avenue is 200 feet.

Senilis Avenue is partially located along the inside of a horizontal curve. The project construction will remove existing trees that would potentially constrain sight distance. It is expected that adequate sight distance can be accommodated at this driveway.

In order to ensure adequate sight distance is provided, the project will maintain a limited use area, to be kept clear of all obstructions over 30 inches high, including signage and vegetation.

In addition, the proposed project would provide one restricted access driveway on Twentynine Palms Highway (right-in/right-out only) and one full access driveway on Senilis Avenue. Project driveways shall be designed to accommodate truck turning movements (WB-62 minimum) so that trucks may access the site from the nearest lane adjacent to curb without swinging into the adjacent travel lane or into opposing traffic. The project does not propose any changes to the existing roadway alignment or lane configurations that would result in sharp curves or dangerous intersections. In addition, the project does not include the use of any incompatible vehicles or equipment on-site, such as farm equipment. Impacts would be less than significant.

XVI e) **Less than Significant.** The proposed project would not result in inadequate emergency access as the project would provide a full access driveway on Twentynine Palms Highway and a full access driveway on Senilis Avenue. Impacts would be less than significant.

XVI f) **Less than Significant.** An existing bus stop on Twentynine Palms Highway, south of the project driveway and northeast of Senilis Avenue, has the potential to interfere with sight distance during times when a bus is stopped. The current bus stop is located approximately five feet southwest of the first driveway. Review of the bus service schedule for this area showed that the Morongo Basin Transit Authority (MBTA) operates two bus lines along this route. Route 12 runs on weekdays and provides three service times per day. Route 15 runs Friday through Sunday and provides one service time on Friday and two service times on Sunday. Based on the limited service of the bus stop, fewer than three times per day, it is not expected that buses will significantly interfere with driveway operation. Sidewalks currently exist along Twentynine Palms Highway, on the western border of the project. The intersection of Twentynine Palms and Senilis Avenue is currently constructed with crosswalks on all legs of the intersection. The project does not to propose to alter any pedestrian facilities. There are currently no bike lanes in the project vicinity. As such, the project will have a less than significant impact on public transit, bicycle, and pedestrian facilities. The site plan has been designed to incorporate a bus turnout consistent with Morongo Basin Transit Authority requirements and Caltrans' recommendations. The bus turnout is proposed to be located in front of the project site along Twentynine Palms Highway. The bus turnout includes a bus stop and shelter, front and rear ADA loading area.

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

SUBSTANTIATION

Environmental Setting

According to the 2007 Morongo Valley Community Plan (MGVC), Golden State Water Company provides water services for the areas at and around the proposed project site, and obtains water for and from their own wells. The company has a reservoir storage capacity totaling 0.492 million gallons, with 835 water connections. The amount of water that supplied to the community is amount to be approximately 320 million gallons. Regarding wastewater, the entire Morongo Valley community is developed with septic tanks and leachfield systems, with an unknown number of private systems, as some properties have multiple systems. The MGVC notes that current regulations do not require single-family residences of less than five units to report on domestic sewage use and maintenance. The MGVC also noted that for larger, non-residential systems, the Colorado River Regional Water Quality Control Board requires that "no part of the subsubsurface disposal systems shall be closer than 150 feet to any water well or closer than 100 feet to any stream, channel, or other water source." The board also requires that there must be a sufficient number of proposed developments for the possibility of a complete replacement of the septic system. The proposed project would comply with this agreement.

Burrtec operates as the waste transportation company that services Morongo Valley and nearby locations along Twentynine Palms Highway. The closest landfill is Landers Landfill, approximately 17 miles from the project site; however, Trail's End Transfer Station is located in Morongo Valley (approximately 1.2 miles from the project site) and has a maximum permitted throughput of 95 tons per day, with a total capacity of 99 tons. Landers Sanitary Landfill (36-AA-0057) contained a maximum permitted capacity of 3,083,500 cubic yards as of September 30, 2013 and has a remaining capacity of 466,471 cubic yards, according to CalRecycle.[8]

California highly values its water resources, which are significantly limited in quantity and quality. San Bernardino County will coordinate and cooperate with governmental agencies at all levels to ensure safe, reliable, and high quality water supply for all residents and ensure prevention of surface and ground water pollution.

According to CalRecycle, California's new waste division goal is the 75 percent initiative, a strategy to achieve 75 percent of solid waste generated to be source-related, recycled, and composted by the year 2020. Morongo Valley does not have a construction and debris ordinance or a waste diversion ordinance; however, Burrtec does have a material recovery facility located in San Bernardino.

XVII a) **Less than Significant.** As noted above, the Morongo Valley is developed with septic tanks and leachfield systems. If the Applicant submits project plans which require a waste treatment, it will comply with all applicable requirements and guidelines set in place by the Colorado River Regional Water Quality Control Board(CRGWQC) that are related to the On-site Wastewater Treatment Systems Policy. As such, impacts to wastewater treatment requirements would be less than significant.

XVII b) **Less than Significant.** As noted above, the proposed project will retain similar land uses consistent with a similar market/convenience store facility, which would result in a nominal increase to Morongo Valley's existing wastewater generation. The Applicant has procured a "Will Serve Letter," located in Appendix J, noting that the GSWC facilities will be able to supply the proposed project's eventual buildout and operation, thereby complying with county requirements. As noted above, the proposed project will comply with the requirements of the CRGWQC for on-site wastewater treatment systems. Thus, the implementation of the proposed project would not require the construction of new water treatment facilities or expansion of existing facilities. Therefore, less than significant impacts would occur.

XVII c) **Less than Significant.** According the preliminary hydrology report, stormwater flows from the detention basin will exit the site through a parkway drain to Senilis Avenue at the southeast corner of the site. Drainage patterns for the project generally flow from west to east with stormwater traveling as overland flow. However, the proposed development will reduce post-development peak storm flows to less than the allowable maximum rates, according to the "Detention Basin Design Criteria for San Bernardino County." The detention basin for the site was designed to reduce the post-development peak flows for the 2-, 10-, 25- and 100-year storm events to less than 90 percent of the 2-, 5-, 10- and 25-year storm events. Therefore, the project would not require new stormwater drainage and treatment facilities or the expansion of existing facilities. Thus, the project would have a less than significant impact with respect to stormwater facilities.

XVII d) **Less than Significant.** The project would require water for the daily needs of customers as well as for landscaping, maintenance, and the operation of the facility. The project would be consistent with

[8] http://www.calrecycle.ca.gov/SWFacilities/Directory/36-AA-0057/Detail

the existing use of the site, thus, resulting in a nominal increase of water supply use. The Applicant has procured a "Will Serve Letter," located in Appendix J, which states that the GSWC facilities will be able to supply the proposed project's eventual buildout and operation. The proposed project would not require new or expanded entitlements in order to operate for these reasons. Therefore, less than significant impacts would occur.

XVII e) **Less than Significant.** Currently, all residents and businesses within the Morongo Valley community use septic systems and subsurface disposal systems to treat and dispose of domestic wastewater. The project would result in a nominal increase in wastewater compared to the existing use on the site. Thus, impacts would be less than significant.

XVII f) **Less than Significant.** As mentioned above, the project site would be serviced by the Landers Sanitary Landfill, located approximately 17 miles from the project site. The proposed project would consist of a similar use as the existing land use, thereby resulting in a nominal increase to waste generation. The proposed project is designed to accommodate its potential solid waste disposal needs. Landers landfill had a remaining capacity of 466,471 cubic yards as of September 30, 2013. The proposed site plan includes on-site trash cans for disposal of waste that will be discarded in the transfer station location approximately 2 miles away. Thus, waste disposal impacts would be less than significant.

XVII g) **Less than Significant.** All collection, transportation, and disposal of any solid waste generated by the proposed project will comply with provisions stated in the 2013 CalGreen Building Code, as well as all applicable federal, state, and local statutes, and regulations. Furthermore, consistent with provisions stated in the 2013 CalGreen Building Code, any hazardous materials collected on the project site during either construction or operation of the project would be transported and disposed of by a permitted and licensed hazardous materials service provider at a facility permitted to accept such hazardous materials.

Waste would be generated by customers disposing of garbage while filling up their vehicles, food and beverage packaging from convenience store items, and by project employees. The project would be required to comply with all federal, state, and local statutes concerning solid waste disposal. Thus, the project impacts would be less than significant.

	Issues	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XVIII.	**MANDATORY FINDINGS OF SIGNIFICANCE:**				
a)	Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☐	☒	☐
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

XVIII a) **Less than Significant.** The project would involve the redevelopment of a previously developed site to construct and operate a retail fueling station and Circle-K Market. There are no existing historic structures on the site and mitigation would be required to avoid the accidental destruction or disturbance or previously undiscovered cultural resources during groundbreaking activities. Given the age of the site and its previous use, mitigation would be required to avoid exposure to asbestos-containing materials and other toxic contaminants that may be present in the existing structure on-site. Mitigation would be required to reduce potential noise impacts to the surrounding residences. As such, the project would not have the potential to degrade the quality of the environment and, overall, impacts would be less than significant with the proper implementation of mitigation.

XVIII b) **Less than Significant with Mitigation Incorporated.** With approval of the General Plan Amendment for a portion of the site, the proposed project will be consistent with the County of San Bernardino General Plan and its projected growth. Impacts associated with countywide growth were analyzed in the County General Plan EIR, and as such, the project's cumulative growth-related impacts were analyzed and mitigated in that context. Potentially significant impacts to previously undiscovered paleontological resources, asbestos-containing materials, and noise would be mitigated to a less than significant level with the implementation of MMs CUL-1, CUL-2, CUL-3, HAZ-1, and NOI-1. With the implementation of these mitigation measures, the project's contribution to any associated cumulative impacts would be less than significant.

XVIII c) **Less than Significant.** The project would not result in significant adverse environmental impacts with the implementation of the identified mitigation measures and compliance with County General Plan policies and conditions of approval. Construction would cause temporary disturbance of developed land as well as an irreversible and irretrievable commitment of resources; however, the project would remain

consistent with the existing use of the site and provide additional amenities beyond what is currently offered. Compliance with the existing regulations would ensure that the project would not result in adverse effects on human beings, including effects related to seismic and geologic hazards, hazardous materials, noise, and vibration. Therefore, impacts would be less than significant.

XIX. MITIGATION MEASURES

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

V a) **MM CUL-1:** It is always possible that ground-disturbing activities during construction may uncover previously unknown, buried cultural resources. In the event that buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Potentially significant cultural resources consist of but are not limited to stone, bone, fossils, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the project area should be recorded on appropriate Department of Parks and Recreation (DPR) forms, and evaluated for significance in terms of CEQA criteria.

If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping, incorporation of the site in green space, parks, or open space, or data recovery excavations of the finds.

No further grading shall occur in the area of the discovery until the Lead Agency approves the measures to protect these resources. Any archaeological artifacts recovered as a result of mitigation shall be donated to a qualified scientific institution approved by the Lead Agency, where they would be afforded long-term preservation to allow future scientific study.

V c) **MM CUL-2:** During earthmoving activities within areas underlain by older Quaternary alluvium (identified as the entirety of the project area), the developer shall retain a qualified project Paleontologist to oversee the implementation of applicable mitigation measures.

The project Paleontologist, or their qualified representative (paleontological monitor), will employ paleontological monitoring for all excavation activities conducted at or below 10 feet in depth.

The paleontological monitor, with permission from the construction superintendent or foreman, shall be allowed to slow, divert, or halt grading and excavations in the area of a potential exposure to facilitate screening, testing, sampling, and evaluation as need.

Because the underlying sediments may contain abundant fossil remains that can only be recovered by a screening and picking matrix, periodic screening through 1/8- to 1/20-inch mesh screens will be employed by the paleontological monitor at his or her discretion and logged in daily field journals. If small fossils are encountered, additional sediment samples (up to 1,000 pounds) may be collected and processed through 1/20-inch mesh screens to recover additional fossils.

Paleontological inspections shall begin once earthmoving reaches 10 feet below the current ground surface. If no significant fossil remains are found after 50 percent of earthmoving has been completed, monitoring can be reduced or discontinued based on uncovered stratigraphic profiles and at the

project Paleontologist's discretion. If fossil remains are found at any point during earthmoving activities, full-time paleontological monitoring will continue for the duration of project-related ground disturbance.

If the paleontological monitor discovers significant vertebrate or invertebrate paleontological deposits, earthmoving shall be diverted temporarily around the finds until the deposits have been thoroughly examined. If resources are suspected, the monitor will create a buffer zone of at least 20 feet around the furthest margins of the find with lath and yellow tape or safety cones. Earthmoving shall be allowed to proceed elsewhere on-site during the analysis, but activities through the area of the find may continue only after the project Paleontologist determines that all identified items have been recovered and/or the site has been mitigated appropriately.

Any recovered fossil remains will be prepared to the point of identification and identified to the lowest practical taxonomic level by either the project Paleontologist or other specialized paleontologists. The remains then will be curated (assigned and labeled with repository fossil specimen numbers and corresponding fossil site numbers, as appropriate; placed in specimen trays and, if necessary, vials with completed specimen data cards) and catalogued. Associated specimen data and corresponding geologic and geographic site data will be archived (specimen and site numbers and corresponding data entered into appropriate repository catalogs and computerized data bases) at the repository by a laboratory technician. The remains then will be added into the repository fossil collection, where they will be stored and maintained. Repositories preliminarily identified as geographically and institutionally appropriate to house finds recovered from this project site are the San Bernardino County Museum (in the City of Redlands, San Bernardino County, CA) or the Western Science Center (in the City of Hemet, Riverside County, California).

A final report of findings shall be prepared by the project Paleontologist for submission to the Client, and to the County, indicating compliance with mitigation measures contained herein. The report will briefly describe the paleontological background of the project area, summarize field observations, and detail procedure followed if any inadvertent finds were encountered. If potentially significant fossilized materials are encountered, this report will detail the process of collection, identification, and analysis utilized. This monitoring report will accompany any recovered paleontological materials when they are donated to the appropriate scientific repository.

In the event that any fossil remains are encountered by earthmoving when the inspector is not present, earthmoving contractor will be instructed through the overall site manager to divert ground-disturbing activities around the fossil site. The project Paleontologist or designated monitor shall be called to the location immediately to assess the significance of the resource and recover the resource if necessary.

V d) **MM CUL-3:** In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. If during the course of project development there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. Work shall stop in the immediate vicinity of the finds and the San Bernardino County Coroner shall be contacted immediately to conduct a site visit and examination. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the San Bernardino County Coroner has made determined if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage

Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD(s) shall then make recommendations within 48 hours, and engage in consultations with the landowner concerning the treatment of the remains as provided in Public Resources Code 5097.98.

2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
   - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
   - The descendant identified fails to make a recommendation.
   - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

VIII a-b) **MM HAZ-1:** Prior to the demolition of the existing convenience store located on the project site, the structures shall be evaluated for the presence of asbestos-containing material (ACM), lead-based paints, PCBs, or mercury prior to their demolition. The evaluation shall be conducted by a Cal-OSHA certified ACM and lead-based paint contractor. Any ACM or lead identified as a result of the evaluation shall be removed by a Cal-OSHA certified ACBM and lead-based paint contractor and be transported and disposed of off-site in accordance with regulatory requirements.

XII d) **MM NOI-1:** In accordance with County standards, implementation of the following multi-part mitigation measure for project construction would reduce potential construction period noise impacts to less-than-significant levels:

- The construction contractor shall limit all noise producing construction-related activities, including haul truck deliveries or warming up and idling of heavy construction equipment, to the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No construction shall be allowed on Sundays and federal holidays.
- The construction contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.
- The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction and placed so that emitted noise is directed away from adjacent residences.
- The construction contractor shall ensure all construction equipment utilize noise reduction features (e.g., mufflers and engine shrouds) that are no less effective than those originally installed by the manufacturer.
- The construction contractor shall ensure that unnecessary idling of internal combustion engines (i.e., idling in excess of 5 minutes) is prohibited.

The construction contractor shall utilize "quiet" models of air compressors and other stationary noise sources where technology exists.

GENERAL REFERENCES

California Department of Conservation. 1987. "CGS Information Warehouse." CGS Information Warehouse. California Department of Conservation, n.d. Website: ftp://ftp.consrv.ca.gov/pub/dmg/pubs/fer/185/080787.pdf.

County of San Bernardino. 2006. "Final Environmental Impact Report and Appendices." February. County of San Bernardino 2006 General Plan Program. Website: http://www.sbcounty.gov/Uploads/lus/GeneralPlan/FinalEIR2007.pdf.

County of San Bernardino. 2007. Morongo Valley Community Plan. April 12. Website: http://www.sbcounty.gov/Uploads/lus/CommunityPlans/MorongoCP.pdf.

Golden State Water Company. 2016. "Morongo Valley Service Area." Website: http://www.gswater.com/morongo-valley/.

URS Corporation. "County of San Bernardino 2007 Development Code." San Bernardino County. San Bernardino County Land Use Services Division, n.d. Web. 01 Oct. 2016.

URS Corporation. "County of San Bernardino 2007 General Plan." County of San Bernardino 2007 General Plan. County of San Bernardino Land Use Services Division, n.d. Web. 01 Oct. 2016.

PROJECT-SPECIFIC STUDIES/APPENDICES:

Appendix A—FirstCarbon Solutions. 2015. Air Quality and Greenhouse Gas Analysis Report, Circle K Convenience Store and Gas Station—Morongo Valley County of San Bernardino, California. December 23.

Appendix B.1—FirstCarbon Solutions. 2016. Phase I Cultural Resources Assessment and Paleontological Review, Circle K Morongo Valley Unincorporated Morongo Valley, San Bernardino County, California. January 28.

Appendix B.2—FirstCarbon Solutions. 2016. Circle K Morongo Valley Paleontological Monitoring Negative Findings Report. April 11.

Appendix C—Consulting Engineering Geology & Geophysics. 2016. Geological/Fault Investigation Circle K Store Project NEC of Twentynine Palms Highway & Senilis Avenue Morongo Valley San Bernardino County, California. March 24.

Appendix D—Greenberg Farrow. 2016. Preliminary Hydrology Study for Circle K Twentynine Palms Hwy. and Senilis Ave. Morongo Valley, San Bernardino County, California. April 25.

Appendix E—WJV Acoustics, Inc. 2015. Acoustical Analysis Proposed Circle K Convenience Store Twentynine Palms Highway and Senilis Avenue Morongo Valley, California. December 4.

Appendix F—Blaes Environmental Management, Inc. 2015. Phase I Environmental Site Assessment Report Proposed Circle K Store 49727 Twentynine Palms Highway Morongo Valley, California. August 23.

Appendix G—LOR Geotechnical Group, Inc. 2016. Subsurface Soils Investigation Proposed Circle K Store NEC of Twentynine Palms Highway (Hwy 62) and Senilis Avenue Morongo Valley San Bernardino, California. April 10.

Appendix H—RK Engineering Group, Inc. 2015. APN 0583-212-01 Circle K Morongo Valley Traffic Impact Study County of San Bernardino, California. October 9.