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:	**0603-204-04**
APPLICANT:	Dynamic Development, LLC
COMMUNITY:	Joshua Tree/3rd Supervisorial District
LOCATION:	Bounded by 29 Palms Highway, Sunburst Avenue, Commercial Street, and Mountain View Street.
PROJECT NO:	P201100357/CUP
STAFF:	Ernest Perea, Contract Planner
REP('S):	Dynamic Development, LLC (Damon Porter)
PROPOSAL:	Conditional Use Permit to establish a 9,100 square foot general retail store on 1.45 acres.

USGS Quad:	Joshua Tree North
T, R, Section:	T1N, R6E, Sec.25
Thomas Bros.:	Page 4889 Grid: C7
Community Plan:	Joshua Tree
OLUD:	JT/CG
Overlays:	Open Space/Scenic Route SR-62

PROJECT CONTACT INFORMATION:

Lead agency: San Bernardino County
Land Use Services Department - Current Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Contact person: Ernest Perea, Contract Planner
Phone No: 909-387-8311 ***Fax No:*** (909) 387-3249
E-mail: eperea@romoplanninggroup.com
Project Sponsor: Dynamic Development, LLC
1725 21st Street, Santa Monica, CA 90404

RECIRCULATION:

The Draft Initial Study for the Joshua Tree General Retail Project bounded by 29 Palms Highway, Sunburst Avenue, Commercial Street, and Mountain View Street (County File No. P201100357/MUP) was circulated for public review from August 28, 2012 to September 26, 2012 through the State Clearinghouse (State Clearinghouse Number 2012081071) consistent with California Environmental Quality Act regulations and guidelines. In addition, copies of the Draft Initial Study/Negative Declaration were distributed to regional and local agencies, and interested organizations and individuals, for their review and comment.

Based on comments received and new information during the 30 day review period, the County decided to revise and recirculate the previous Draft Initial Study.

The following summary provides a brief description regarding the salient changes made to the original document. The complete analysis of the potential impacts and recommended mitigation measures is set forth in Section IV. Biological Resources and Section V. Cultural Resources of this document:

- Changed the type of land use entitlement from a Minor Use Permit to a Conditional Use Permit in compliance with County of San Bernardino Development Code Section 85.06.040 (b).

- Revised the Biological Resources analysis to address potential impacts to the Burrowing Owl and added Mitigation Measure BIO-1.

- Revised the Cultural Resources analysis to address potential impacts to the cultural resources and added Mitigation Measure CR-1.

- Changed the Environmental Determination from a "Negative Declaration" to a "Mitigated Negative Declaration."

PROJECT DESCRIPTION:

The proposed Project is a Conditional Use Permit to construct a 9,100 square foot general retail store on 1.45 acres with related site improvements such as parking and landscaping. The Project is bounded by 29 Palms Highway on the south, Commercial Highway on the north, Sunburst Avenue on the east, and Mountain View Street on the west. Access to the Project site is proposed by a driveway off Mountain View Street and Commercial Street.

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

The Project site is currently vacant and has been substantially disturbed as a result of previous human use. The Project site has little vegetation and consists of sparse creosote brush, burrobush, and cheesebrush. Based on the *Phase I Environmental Site Assessment* for the project prepared by Professional Service Industries Inc., no evidence of hazardous material usage or storage was observed on the subject property. The site is relatively flat and generally slopes from the southeast to the northwest with an elevation ranging from 2,734 feet above mean sea level at the southeast corner of the site to 2,730 feet above mean sea level at the northwest corner of the site.

The adjacent land uses and zoning are shown on Table 1 below.

Table 1. Existing Land Use and Zoning Surrounding the Project Site.

AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT
SITE	Vacant	JT/CG-SCp* (Joshua Tree- General Commercial).
North	Residential uses	JT/RM (Joshua Tree-Multiple Residential)
South	Residential use south of 29 Palms Highway	JT/CG-SCp* (Joshua Tree- General Commercial)
East	Vacant land east of Sunburst Avenue	JT/CG-SCp* (Joshua Tree- General Commercial)
West	Vacant land east of Mountain View Street	JT/CG-SCp* (Joshua Tree- General Commercial)
* The "SCp" is an overlay pertaining to billboards. The Project does not propose any billboards.		

Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):
Federal: None
State of California: Caltrans (encroachment permit)

County of San Bernardino: Land Use Services - Code Enforcement; Building and Safety, Public Health-Environmental Health Services, Public Works. County Fire and Sheriff
Local: None

EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on 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	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. Therefore, no impacts are identified or anticipated and no mitigation measures are required.
2. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required.
3. Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List mitigation measures)
4. Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are: (List 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 & 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:

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

☐ The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature (prepared by): Ernest Perea, Contract Planner — Date: 11-13-12

Signature: Terri Rahhal, Planning Director — Date: 11-13-12

APPENDICES (On Compact Disk)

A. Air Quality and Greenhouse Gas Emissions CalEEMod Output Sheets.

B. Biologist Letters (Ironwood Consulting)

C. Burrowing Owl Habitat Assessment

D. Archaeological Information Center- Historical Resources Review

E. Native American Heritage Commission Sacred Lands File Search

F. Geotechnical Report

G. Geotechnical Grading Plan Review

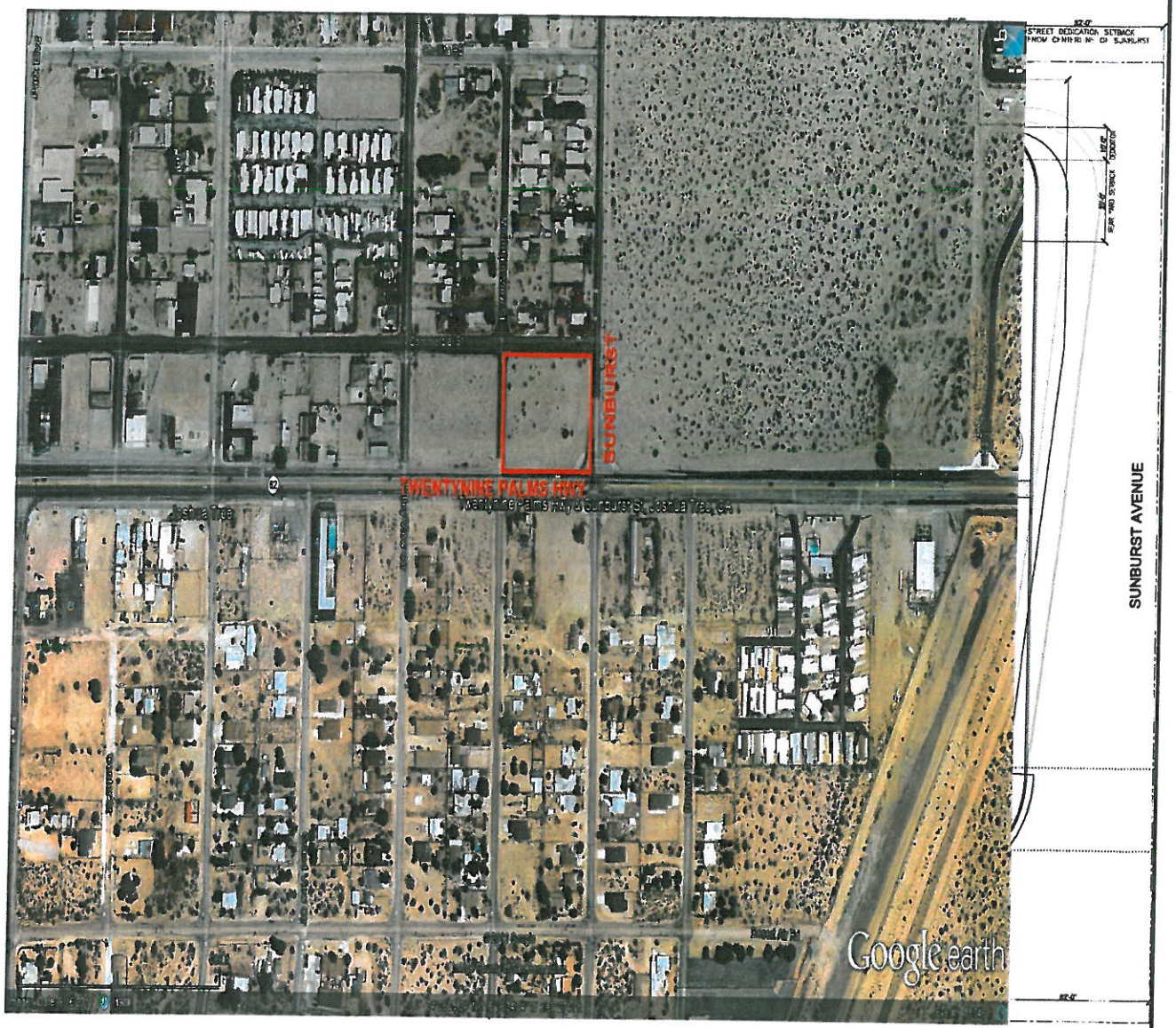
H. Preliminary Water Quality Management Plan

I. Report of Phase I Environmental Assessment

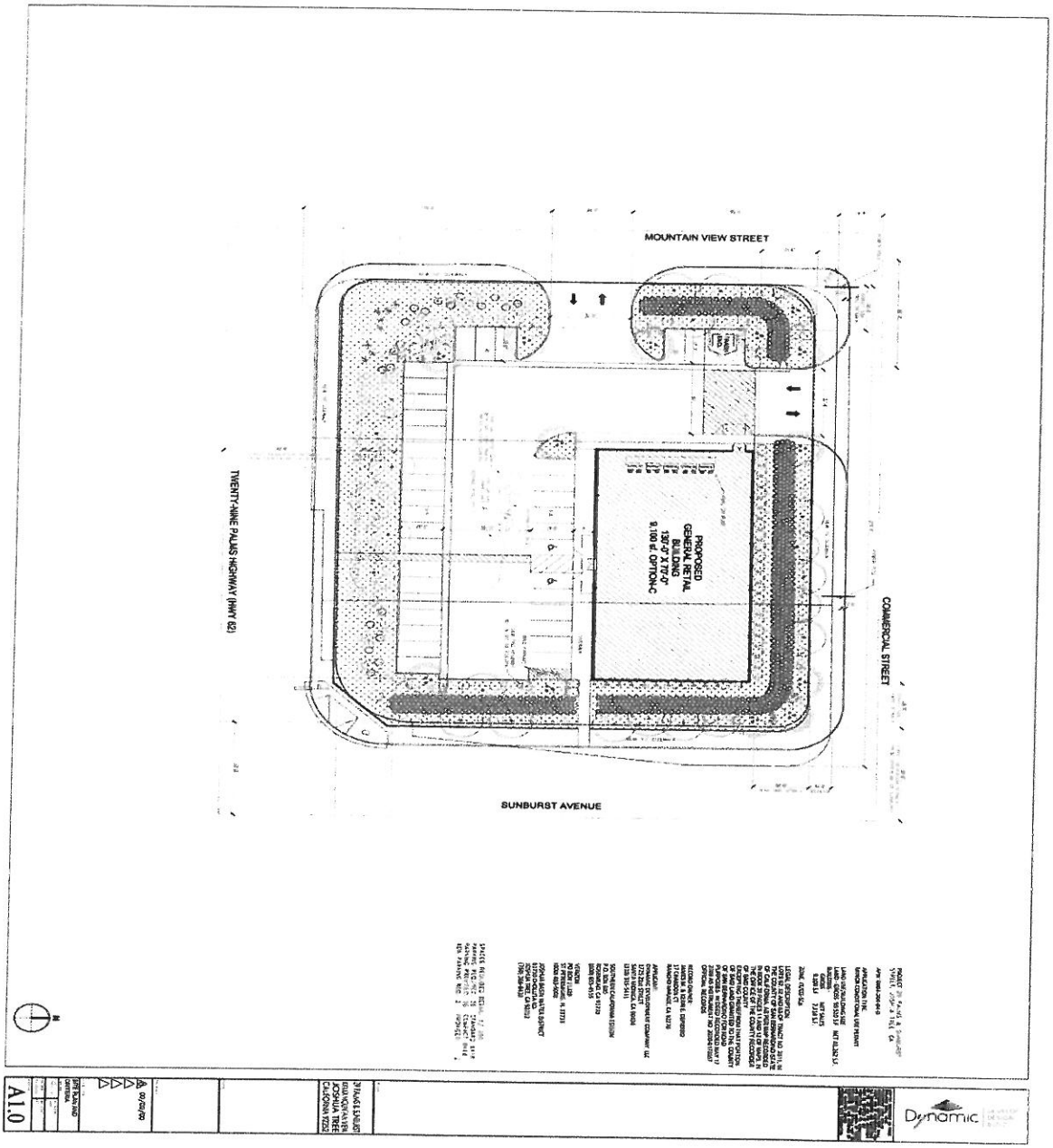
J. Traffic Generation Analysis

K. Joshua Basin Water District- Form W1 Public Water Service Certification

P201100357/CUP	Location Map	Exhibit 1



P201100357/CUP	Aerial Photo	Exhibit 2



P201100357/CUP	Site Plan	Exhibit 3

	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):

The Project site is located in a Scenic Resources/Scenic Route (SR-62) Overlay. The Scenic Overlay Area is with unique views of the County's desert, mountain and valley areas or any other aesthetic natural land formations and covers an area extending 200 feet on both sides of the ultimate road right-of-way of State and County designated Scenic Highways as identified in the General Plan. The area covered may vary to reflect the changing topography and vegetation along the right-of-way.

Features that may be considered scenic resources in the vicinity of the Project site are the Bartlett Mountains located approximately one mile northwest of the Project site and the northern most portion of the Joshua Tree National Park which is located approximately three quarters of a mile south of the Project site. Views of these resources from the Project Site are partially obstructed by existing development which is located in the vicinity of the Project site. (See Exhibit 2, Aerial Photo).

I a) **Less Than Significant Impact**. According to San Bernardino County General Plan Policy OS 5.1, features meeting the following criteria will be considered for designation as scenic resources (i.e. scenic vista):

- A roadway, vista point, or area that provides a vista of undisturbed natural areas.
- Includes a unique or unusual feature that comprises an important or dominant portion of the viewshed (the area within the field of view of the observer).
- Offers a distant vista that provides relief from less attractive views of nearby features (such as views of mountain backdrops from urban areas).

As noted above, features that may be considered scenic vistas in the vicinity of the Project site are the Bartlett Mountains located approximately one mile northwest of the Project site and the northern most portion of the Joshua Tree National Park which is located approximately three quarters of a mile south of the Project site. Views of these resources from the Project Site are partially obstructed by existing development which is located in the vicinity of the Project site. (See Exhibit 2, Aerial Photo).

Exhibits 4 through 12 provide a "before" and "after" view of the mass and scale of the proposed building from the following four vantage points. *Note: The images of the building depicted in Exhibits 4 through 12 are for purposes of evaluating the impacts of the building's mass and scale in terms of impacting views of scenic vistas. The exhibits are not meant to be representative of the architectural treatment and elements that will be proposed for the building.*

1. View from the Southeast Corner of the Project Site

Before

The view from this vantage point is primarily of the existing residential development on Commercial Street with the foothills of the Bartlett Mountains in the background.

After

With the construction of the proposed building, the views of the existing residential development on Commercial Street will be blocked to a large degree. The residential development is not considered a "scenic vista," so blocking of these views is not considered a significant impact.

The Project will result in a minor change to the existing view of the Bartlett Mountains. The views of the lower elevations of the Bartlett Mountains will be blocked to some degree. The higher elevations will remain visible. Impacts are considered less than significant.

2. View from the Southwest Corner of the Project Site

Before

The view from this vantage point is primarily of the existing residential development on Commercial Street in the foreground, above ground utility poles, and in the distance vacant land and residential development on Verbena Road. Views of the Bartlett Mountains are not visible from this vantage point.

After

With the construction of the proposed Project, the views of the existing residential development on Commercial Street will be blocked to a large degree. The residential development is not considered a "scenic vista," so blocking of these views is not

considered a significant impact.

3. View from the Northeast Corner of the Project Site

Before

The view from this vantage point is primarily of the existing residential development on the southside of 29 Palms Highway with the hills located on the northern portion of the Joshua Tree National Park in the background.

After

With the construction of the proposed Project, the views of the existing residential development on the southside of 29 Palms Highway will be blocked to a large degree for those viewers in close proximity to the building. The residential development is not considered a "scenic vista," so blocking of these views is not considered a significant impact.

The Project will result in a minor change to the existing view of the hills located on the northern portion of the Joshua Tree National Park. The views of the hills on the northern portion of the Joshua Tree National Park will be blocked to those in close proximity of the building (i.e. the residential unit located adjacent to Commercial Street). The higher elevations of the hills will remain visible. Impacts are considered less than significant because this location in not considered a significant viewshed available to a large number of people.

4. View from the Northwest Corner of the Project Site

The view from this vantage point is primarily of the existing residential development on the southside of 29 Palms Highway in the foreground with the hills located on the northern portion of the Joshua Tree National Park in the background.

After

With the construction of the proposed Project, the views of the existing residential development on the southside of 29 Palms Highway will be blocked to a large degree for those viewers in close proximity to the building. The residential development is not considered a "scenic vista," so blocking of these views is not considered a significant impact.

The Project will result in a minor change to the existing view of the hills located on the northern portion of the Joshua Tree National Park. The views of the hills on the northern portion of the Joshua Tree National Park will be blocked to those in close proximity of the building (i.e. the residential unit located adjacent to Commercial Street).The higher elevations of the hills will remain visible. Impacts are considered less than significant because this location in not considered a significant viewshed available to a large number of people.

Conclusion

The Project site is 1.45 acres with dimensions of approximately 257 feet by 270 feet. The proposed building is 9,100 square feet with dimensions of 130 feet by 70 feet and occupies approximately 14.4% of the site. The maximum building height ranges from 20 feet to 23 feet.

Given the small mass and scale of the building, views of scenic vistas will not be substantially blocked or degraded. Based on the above, impacts to scenic vistas will be less than significant.

I b) **Less Than Significant Impact.** According to the *San Bernardino County General Plan Land Use Plan Open Space Element,* 29 Palms Highway adjacent to the Project site is designated as a County Designated Scenic Route with a "Buffer Zone" located the south side of the highway. The Project site is not located within the "Buffer Zone" which is intended to regulate development proposed south of 29 Palms Highway and the Joshua Tree National Park located further to the south.

Although 29 Palms Highway in the vicinity of the Project site is designated as a County Scenic Route, it is not designated as a State Scenic Highway pursuant to the California Scenic Highway Program. Regardless of the official designation for 29 Palms Highway, the following analysis assesses the impacts to scenic resources along 29 Palms Highway.

The Following is an excerpt from *Chapter 27: Visual & Aesthetic Review* prepared by Caltrans and obtained from the Caltrans website on July 13, 2012:

"While there is no comprehensive list of specific features that automatically qualify as scenic resources, certain characteristics can be identified which contribute to the determination of a scenic resource. Following is a partial list of visual qualities and conditions which, if present, may indicate the presence of a scenic resource:

- *A tree that displays outstanding features of form or age;*
- *A landmark tree or a group of distinctive trees accented in a setting as a focus of attention;*
- *An unusual planting that has historical value;*
- *A unique, massive rock formation;*
- *An historic building that is a rare example of its period, style, or design, or which has special architectural features and details of importance;*
- *A feature specifically identified in applicable planning documents as having*

special scenic value;

- *A unique focus or a feature integrated with its surroundings or overlapping other scenic elements to form a panorama;*
- *An exceptional example of proportion, balance, rhythm, and variety - all of these are amenable attractions of a visual scene;*
- *A vegetative or structural feature that has local, regional, or statewide importance."*

The Project site has little vegetation and consists of sparse creosote brush, burrobush, and cheesebrush. (See Exhibit 2, Aerial Photograph). None of the features described above exist on the site. Therefore, the Project will not substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway or a County Scenic Route.

I c)

Less Than Significant Impact. The Project site has little vegetation and consists of sparse creosote brush, burrobush, and cheesebrush. (See Exhibit 2, Aerial Photograph). The Project would permanently alter the appearance of the site by replacing vacant land with a building and related improvements.

A project is generally considered to have a significant impact on visual character if it substantially changes the character of the project site such that it becomes visually incompatible or visually unexpected when viewed in the context of its surroundings.

The proposed Project is located on the edge of a commercially developed area along 29 Palms Highway, generally located between Sunburst Avenue and Sunset Road. This area is characterized by various types of commercial buildings interspersed by vacant commercial lots. 29 Palms Highway in this area is a four-lane roadway with a painted median and street lights.

Various types of commercial development including, a motel, gasoline service station, convenience store, food establishments, professional offices, and small retail specialty stores exist in this area. Many of the existing uses are adjacent to 29 Palms Highway and have no landscaped setback areas. Many uses have pole signs.

Development of the site will introduce a new structure into the area but it won't result in the site becoming visually incompatible or unexpected when viewed in the context of its surroundings because the site is located in a developed commercial area.

In addition, development of the site will be required to adhere to County design standards that regulate architectural design, landscaping, and signage. Compliance with these requirements is considered mandatory and not Mitigation Measures. With compliance with the mandatory requirements, impacts will be less than significant.

I d) **Less Than Significant Impact.** The regulatory framework for outdoor lighting is contained on the following:

Joshua Tree Community Plan:

"Policy JT/CO 8.1 Protect the Night Sky by providing information about and enforcing existing ordinances:

A. Provide information about the Night Sky ordinance and lighting restrictions with each land use or building permit application.

B. Review exterior lighting as part of the design review process.

Policy JT/CO8.2 All outdoor lighting, including street lighting, shall be provided in accordance with the Night Sky Protection Ordinance and shall only be provided as necessary to meet safety standards."

Chapter 83.07 of the County Development Code, "*Glare and Outdoor Lighting*" (i.e. "*Dark Sky Ordinance*).

This ordinance is intended to encourage outdoor lighting practices and systems that will:

(a) Minimize light pollution, glare, and light trespass;

(b) Conserve energy and resources while maintaining nighttime safety, visibility, utility, and productivity;

(c) Curtail the degradation of the nighttime visual environment.

Specifically, Section 83.07.040 (2) states:

"New permitted lighting for new construction, unless exempt in compliance with Subsection 83.07.040(e) (Exempt lighting and fixtures), below, shall be shielded in compliance with the requirements outlined in Table 83-7 (Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region), in order to preclude light pollution or light trespass on:

(A) Adjacent property;

(B) Other property within the line of sight (direct or reflected) of the light source; or

(C) Members of the public who may be traveling on adjacent roadways or rights-of-way."

A *Site Lighting Photometric Plan* prepared for the Project by Gausman & Moore Mechanical and Electrical Engineers describes the illuminance from the proposed

lighting on adjacent properties. Illuminance is the amount of light that lands on an object, typically measured in foot candles (fc). For reference, a foot candle is an evenly distributed illuminance of one lumen (or candle) over one square foot at a distance of 1 foot from the lumen source. The *Site Lighting Photometric Plan* submitted for the Project shows that the typical illuminance is 0.0fc to 0.1fc as measured at the property line. This amount of illuminance does not exceed the 0.5fc standard required by Section 83.07.030(c) of the County's Development Code. Typically, a maximum illuminance level of 0.1fc is recommended for areas with intrinsically dark landscapes such as exists in the area.

In addition, the outdoor lighting fixtures will be shielded in accordance with Table 83-7 "*Shielding Requirements For Outdoor Lighting in the Mountain Region and Desert Region*" of the County's Development Code (i.e. "Dark Sky" requirements).

Adherence to these policies and standards is mandatory per the County Development Code and will ensure that the project will not create a new source of substantial light or glare. Impacts are considered less than significant.

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

P201100357/CUP	View from Southeast Corner BEFORE	Exhibit 4

The image of the building depicted is for purposes of evaluating the impact of the building on scenic vistas. This exhibit is not representative of the architectural treatment and elements that will be proposed for the building.

P201100357/CUP	**View from Southeast Corner AFTER**	**Exhibit 5**

P201100357/CUP	View from Southwest Corner BEFORE	Exhibit 7

The image of the building depicted is for purposes of evaluating the impact of the building on scenic vistas. This exhibit is not representative of the architectural treatment and elements that will be proposed for the building.

P201100357/CUP	**View from Southwest Corner AFTER**	**Exhibit 8**

P201100357/CUP	View from Northeast Corner BEFORE	Exhibit 9

The image of the building depicted is for purposes of evaluating the impact of the building on scenic vistas. This exhibit is not representative of the architectural treatment and elements that will be proposed for the building.

P201100357/CUP	**View from Northeast Corner AFTER**	**Exhibit 10**

P201100357/CUP	View from Northwest Corner BEFORE	Exhibit 10

The image of the building depicted is for purposes of evaluating the impact of the building on scenic vistas. This exhibit is not representative of the architectural treatment and elements that will be proposed for the building.

P201100357/CUP	**View from Northwest Corner AFTER**	**Exhibit 10**

	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 Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104 (g))?	☐	☐	☐	☒
d) Result in 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):

II a) **No Impact**. The subject Property is not identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the Farmland Mapping and Monitoring Program Map prepared by the Department of Conservation. The proposed Project would thus have no impact to designated farmland.

II b) **No Impact**. The subject Property is zoned for General Commercial use by the Joshua Tree Community Plan. Therefore, proposed Project does not conflict with any zoning for agricultural land. There is no Williamson Act land conservation contract that covers the site.

II c) **No Impact.** The subject Property is zoned for General Commercial use by the Joshua Tree Community Plan. Therefore the proposed Project will not conflict with existing zoning for, or cause rezoning of forest land or timberland.

II d) **No Impact**. There is no forest or timberland located on the Project site. No impact could occur.

II e) **No Impact.** The Project site is not located in close proximity to Forest Land or Farmland. For this reason, the Project would not involve the disruption or damage of the existing environment that would result in the conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

Therefore, no significant adverse impacts are identified or anticipated for Agriculture and Forestry Resources and no mitigation measures are required.

	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?	☐	☐	☒	☐
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

III a) **Less Than Significant Impact**. The Project is within the Mojave Desert Air Basin and under the jurisdiction of the Mojave Desert Air Quality Management District. Under the Federal Clean Air Act the Mojave Desert Air Quality Management District has adopted a variety of attainment plans (i.e. "Air Quality Management Plans") for a variety of non-attainment pollutants. The Air Quality Management Plans applicable to the Project area are: *2004 Ozone Attainment Plan (State and Federal)*, *Triennial Revision to the 1991 Air Quality Attainment Plan*, *Mojave Desert Planning Area Federal Particulate Matter Attainment Plan*, *Post 1996 Attainment Demonstration and Reasonable Further Progress Plan*, *Reasonable Further Progress Rate-Of- Progress Plan*, and the *1991 Air Quality Attainment Plan.*

The Mojave Desert Air Quality Management District is responsible for maintaining and ensuring compliance with the above described Air Quality Management Plans which were developed for the primary purpose of controlling emissions to maintain all federal and state ambient air standards... A project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable Mojave Desert Air Quality Management District rules and regulations, complies with all proposed control measures that are not yet adopted from the

applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan). Conformity with growth forecasts can be established by demonstrating that the Project is consistent with the land use plan that was used to generate the growth forecast.

The Project is consistent with the zoning and land use classifications (i.e. General Commercial) that were used to prepare the Mojave Desert Air Quality Management Plans.

In addition Project-generated emissions were modeled using the California Emissions Estimator Model (CalEEMod). Project generated emissions were modeled based on Project specific information and/or default information contained in CalEEMod, The Project's air pollutant emissions generated during all phases of the Project will not exceed construction or operational emission thresholds. (See Tables 3 and 4). Therefore, the Project's emissions are in compliance with the thresholds established by the Mojave Desert Air Quality Management District. The Project will not significantly increase local air emissions and therefore would not conflict with or obstruct implementation of the Mojave Desert Air Quality Management Plans.

Based on the consistency analysis presented above, the proposed Project will not conflict with the applicable Mojave Desert Air Quality Management Plans.

III b) **Less Than Significant Impact With Mitigation Incorporated**. The CEQA Guidelines indicate that a significant impact would occur if the proposed Project would violate any air quality standard or contribute significantly to an existing or projected air quality violation. The applicable thresholds of significance for air emissions generated by the Project are established by the Mojave Desert Air Quality Management District (MDAQMD) and are described in Table 2.

Table 2. MDAQMD Significant Emission Thresholds

Criteria Pollutant	Daily Threshold (pounds)
Carbon Monoxide (CO)	548
Oxides of Nitrogen (NOx)	137
Volatile Organic Compounds (VOC)	137
Oxides of Sulphur (SOx)	137
Particulate Matter (PM10)	82
Particulate Matter (PM2.5)	82
Source: Mojave Desert Air Quality Management District	

Emissions generated by the Project for both construction and operation were modeled using the using the California Emissions Estimator Model (CalEEMod). The results are shown in Tables 3 and 4 below.

Table 3. Project Construction Emissions (Unmitigated)

Pollutant	Maximum Unmitigated (lbs/day)	Mojave Desert Air Quality Management District Threshold	Exceeds Threshold?
CO	30.08	548	**NO**
NOx	42.13	137	**NO**
VOC	26.14	137	**NO**
PM 10	7.19	82	**NO**
PM 2.5	4.50	82	**NO**
SOx	0.05	137	**NO**

Table 4. Project Operational Emissions (Unmitigated)

Pollutant	Maximum Unmitigated (lbs/day)	Mojave Desert Air Quality Management District Threshold	Exceeds Threshold?
CO	42.10	548	**NO**
NOx	24.57	137	**NO**
VOC	4.95	137	**NO**
PM 10	4.16	82	**NO**
PM 2.5	0.94	82	**NO**
SOx	0.05	137	**NO**

As shown in Tables 3 and 4, Project emissions will not exceed Mojave Desert Air Quality Management District thresholds even without implementing mitigation measures.

Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates (PM_{10} and $PM_{2.5}$ (State)). To limit dust production, the Project

proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to the following Best Available Control Measures:

1. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.

   I. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.

   II. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.

   III. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_X and PM_{10} levels in the area. Although the Project would not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent would be required to implement the following requirements:

2. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.

3. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.

4. The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures.

Less Than Significant Impact. A project's air pollution emissions although individually

III c) limited, may be cumulatively considerable when taken in combination with past, present, and future development projects. In order to be considered significant, a project's air pollutant emissions must exceed the emission thresholds established by the Mojave Desert Air Quality Management District and be inconsistent with growth associated with regional projections.

The results of the CalEEMod computer model prepared for the Project determined that the thresholds for criteria pollutants will not be exceeded by the Project. (See Tables 3 and 4). In addition, the Project does not involve a change in land use. The land use designation of General Commercial will remain and is consistent with the growth projections contained in the County of San Bernardino General Plan and the Joshua Tree Community Plan. Therefore, impacts from the Project are not cumulatively considerable when included with other past, present, and future probable projects.

III d) **Less Than Significant Impact**. According to the Mojave Desert Air Quality Management District, residences, schools, daycare centers, playgrounds and medical facilities are considered sensitive receptor land uses. The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor must not expose sensitive receptors to substantial pollutant concentrations.

- Any industrial project within 1000 feet;
- A distribution center (40 or more trucks per day) within 1000 feet;
- A major transportation project (50,000 or more vehicles per day) within 1000 feet;
- A dry cleaner using perchloroethylene within 500 feet;
- A gasoline dispensing facility within 300 feet.

The Project does not propose any of the above described uses. In addition, The Project's air pollutant emissions generated by the Project will not exceed construction or operational emission thresholds. (See Tables 3 and 4). Therefore, the Project's emissions are in compliance with the thresholds established by the Mojave Desert Air Quality Management District. Therefore, it will not expose sensitive receptors to substantial pollutant concentrations.

e) No Impact. According to the CEQA Air Quality Handbook, land uses associated with odor complaints include agricultural operations, wastewater treatment plants, landfills, and certain industrial operations (such as manufacturing uses that produce chemicals, paper, etc.). The proposed use is a 9,100 square foot retail store within an enclosed building. This type of use does not produce odors that would affect a substantial number of people.

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

	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

The following analysis is based in part on the *Burrowing Owl Habitat Assessment* dated October 25, 2012 prepared by AMEC Environment & infrastructure, Inc., *Results of Desert Tortoise Assessment-Proposed General Retail Store, Joshua Tree, San Bernardino County, California* prepared by Ironwood Consulting, Inc. August 14, 2012, and Response to Comments-General Retail Store, *San Bernardino County, California* prepared by Ironwood Consulting, Inc. August 14, 2012. (See Appendix B and C).

IV a) **Less Than Significant Impact With Mitigation Incorporated.** The project site, located adjacent to a busy intersection, is highly disturbed and appears to be used as a shortcut for driver's avoiding the intersection. In addition, parked vehicles indicate that it is also used as a temporary parking lot.

A search of the California Natural Diversity Database revealed one record of desert tortoise within 5 miles of the site. This record was located within a large wash approximately 2 miles northwest of the site. A site survey was conducted by a qualified biologist in October, 2011 and found that desert tortoises were absent from the site during the survey and were not expected to occupy the site in the future due to the level of surrounding development and isolation from regionally occupied desert tortoise habitat.

The California Natural Diversity Data Base reports Burrowing Owls and burrows approximately 2.5 miles north of the project site in 2005. Habitat in that area is characterized as "creosote bush – white bursage series dominated by creosote bush and white bursage" and is distant but largely contiguous with the project site.

Based on the *Burrowing Owl Habitat Assessment*, the project site is not occupied by Burrowing Owl nor is it likely to be occupied as the site is disturbed and under constant human use. While the vegetative condition of the site is disturbed but nonetheless compatible and contiguous with (at least formerly) occupied habitat in the vicinity, the project site is not suitable for Burrowing Owl occupation.

Based on the above, the project site is not considered suitable habitat for 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. However, in order to mitigate potential impacts to the Burrowing Owl to the maximum extent feasible, the following mitigation measure is recommended:

BIO-1: If project ground-breaking does not occur prior to February 15, 2013, a one visit pre-construction survey shall be conducted within 30 days of groundbreaking.

IV b) **No Impact.** The site contains sparse creosote brush, burrobush. According to Section 88.01.050 (Tree or Plant Removal Permits) of the County's Development Code, the following desert native plants or any part of them, except the fruit, shall not be removed except under a Tree or Plant Removal Permit:

(1) The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:

(A) Dalea spinosa (smoketree).

(B) All species of the genus Prosopis (mesquites).

(2) All species of the family Agavaceae (century plants, nolinas, yuccas).

(3) Creosote Rings, 10 feet or greater in diameter.

(4) All Joshua trees.

(5) Any part of any of the following species, whether living or dead:

(A) Olneya tesota (desert ironwood).

(B) All species of the genus Prosopis (mesquites).

(C) All species of the genus Cercidium (palos verdes).

Based on a site evaluation conducted by Ironwood Consulting Inc., the site does not contain any of the above described native desert plants nor a creosote ring greater than 10 feet in diameter The site also does not contain any features that can be defined as "riparian habitat".

IV c) **No Impact.** Section 404 of the Clean Water Act defines wetlands as "those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas." [Ref. EPA Regulations listed at 40 CFR 230.3(t)].

The California Department of Fish and Game found the U.S. Fish and Wildlife Service (Section 404 definition above) wetland definition and classification system to be the most biologically valid. The Department of Fish and Game staff uses this definition as a guide in identifying wetlands. Based on a field survey, the site does not contain any features that meet the definition of "wetlands."

IV d) **No Impact.** Wildlife corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human development. Corridors effectively act as links between different populations of a species. Interference with the movement of native resident migratory fish or wildlife species occurs through the fragmentation of open space areas caused by urbanization

Wildlife nursery sites are areas that provide valuable spawning and nursery habitat for fish and wildlife. Wildlife nursery sites occur in a variety of settings, such as trees, wetlands, rivers, lakes, forests, woodlands and grasslands to name a few. The use of a nursery site would be impeded if the use of the nursery site was interfered with directly or indirectly by a Project's development or activities.

As noted in the responses to Questions IV a-c above, the site does not have habitat or features that would support a wildlife corridor or a wildlife nursery site. In addition, the site is surrounded on all four sides by roadways and does not link together any suitable habitat on any kind.

IV e) **No Impact.** As noted in the responses to Questions IV a-d above, the site does not support sensitive biological resources or trees and therefore will not be in conflict with local policies or ordinances protecting biological resources, including a tree protection ordinance.

IV f) **No Impact** As noted in the responses to Questions IV a-d above, the site does not support sensitive biological resources and therefore would not be in conflict with the California Desert Conservation Area Plan (West Mojave Plan).

Therefore, no significant adverse impacts are identified or anticipated for Biological Resources with the implementation of Mitigation Measure BIO-1.

	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):

The following analysis is based in part on the *Historical Resources Review for the County of San Bernardino Land Use Services Department* dated July 17, 2012 prepared by Archaeological Information Center, San Bernardino County Museum and the *Native American Heritage Commission Sacred Lands File Search*, October 5, 2012. (See Appendix D and E).

V a) **No Impact**. The Project will not impact an above ground historical resource because the site is not listed on the California Historic Resources Inventory; California Historical Landmarks; California Points of Historic Interest; and/or National Register of Historic Places. In addition, there are no structures on the site.

V b) **Less Than Significant Impact With Mitigation Incorporated.**

A Sacred Lands File Search conducted by the Native American Heritage Commission determined that cultural resources were not identified within one-half mile of the project site. However, this area is known to the Native American Heritage Commission to be culturally sensitive and the Sacred Lands File Inventory is not exhaustive and does not preclude the discovery of cultural resources during project ground breaking activity. In order to mitigate potential impacts to cultural resources to the maximum extent feasible, the following mitigation measure is recommended:

CR-1: In the event archaeological and/or historical resources are uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings, and if necessary provide

appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s) and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.

V c) **Less Than Significant Impact.** The Project site is not located within a Paleontologic Resources (PR) Overlay according to the *Paleontological Resources Sensitivity Map* prepare by the County. thus no field surveys are required. Should paleontological resources be found during grading or excavation activities, the Project is subject to the County's standard condition of approval regarding paleontological resources that requires the developer to halt work and to retain a qualified paleontologist approved by the County to assess the significance of the resource(s) and to identify appropriate management recommendations. This is a mandatory requirement and not considered a Mitigation Measure.

V d) **Less Than Significant Impact**. In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 dictates that no further disturbances shall occur until the County Corner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resources Code Section 5097.98. This is a mandatory requirement and no mitigation measures are required.

Therefore, no significant adverse impacts are identified or anticipated for Cultural Resources with the implementation of Mitigation Measure CR-1.

	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?	☐	☐	☒	☐
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):

The following analysis is based in part on the *Geotechnical Engineering Services Report, Proposed Dollar General Store, NW Corner Twentynine Palms Highway (California SR 62) & Sunburst Street, Joshua Tree San Bernardino County, California* dated July 6, 2011

prepared by Professional Services Industries, Inc. (See Appendix F).

ai) **Less Than Significant Impact**. The Project site is not located within an Alquist-Priolo Fault Hazard Zone or a County Designated Fault Zone. However, the site is located in the vicinity of an Alquist-Priolo Fault Hazard Zone located approximately 1,800 feet to the north. The *Geotechnical Engineering Services Report* determined the hazard associated with a surface rupture to be "low." (Ref. Table 2 of *Geotechnical Engineering Services Report).*

aii) **Less Than Significant Impact.** Seismic ground shaking is influenced by the proximity of the site to an earthquake fault, the intensity of the seismic event, and the underlying soil composition. An earthquake produced from the fault located 1,800 feet to the north or other nearby faults could result in ground shaking; however, the Project will be reviewed and approved by County Building and Safety Department with appropriate seismic standards implemented. Adherence to standards and requirements contained in the Building Code for the design of the proposed structure will ensure that any impacts are less than significant. Compliance with the Building Code is a mandatory requirement.

aiii) **Less Than Significant Impact**. The Project will not expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction, because the *Geotechnical Engineering Services Report* determined the hazard associated with liquefaction to be "low." (Ref. Table 2 of *Geotechnical Engineering Services Report).* In addition, the County's *Geologic Hazards Overlay Map* did not identify the site being within a liquefaction hazard area.

aiv) **No Impact**. According to the County *Geologic Hazards Overlay Map* the Project is not located in an area susceptible to landslides. In addition, the Project site is relatively flat and no new significant slopes will be created that would contribute to a landslide.

VI b) **Less Than Significant Impact**. The Project will not result in substantial soil erosion or the loss of topsoil, because the site will be paved and landscaped after it is developed. To control soil erosion during construction the Project proponent is required to comply with the National Pollutant Discharge Elimination System permit applicable to the Project area and prepare a Storm Water Pollution Prevention Plan. In addition, a Water Quality Management Plan is required which addresses post-construction soil erosion. Preparation and implementation of these plans is a mandatory requirement.

VI c) **Less Than Significant Impact**. Lateral spreading is a term referring to landslides that commonly form on gentle slopes and that have rapid fluid-like flow movement, like water. As noted in the response to Question VI (aiv) above, the site is not susceptible to landslides thus the impacts from lateral spreading are considered less than significant.

According to the *Geotechnical Engineering Services Report*, the Project is not located in an area that is susceptible to liquefaction or subsidence.

Adherence to standards and requirements contained in the Building Code for the design of

the proposed structure will ensure that any impacts are less than significant. Compliance with the Building Code is a mandatory requirement.

VI d) **No Impact**. The project site is not located in an area that has been identified by the County Building and Safety Geologist as having the potential for expansive soils.

VI e) **No Impact.** Joshua Basin Water District does not operate a waste water treatment plant that could provide service to this area. A septic system or onsite wastewater treatment system is required. Typically, sandy type soils are suitable for septic systems. The *Geotechnical Engineering Services Report* indicated that the site consists of loose to medium dense SAND and Silty SAND. These type of soils are capable of adequately supporting the use of septic tanks

Prior to the issuance of a building permit, the Project proponent will be required to obtain approval of the septic system from the County of San Bernardino Division of Environmental Health services. This is a mandatory requirement and not considered a Mitigation Measure.

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

	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 an applicable plan, policy, or regulation adopted for the purposes of reducing the emissions of greenhouse gases.	☐	☐	☒	☐

SUBSTANTIATION

VII a) **Less Than Significant Impact**. Project-generated Greenhouse Gas Emissions (GHG) were modeled using the California Emissions Estimator Model (CalEEMod). Project generated operational emissions were modeled based on Project specific information and/or default information contained in CalEEMod, The Project is estimated to generate 263.45 MTCO2e (Metric Tonne (ton) Carbon Dioxide Equivalent). Table 5 below compares the Project's GHG emissions against the thresholds established by the *San Bernardino County Greenhouse Gas Emissions Reduction Plan* adopted in September, 2011 and thresholds established by the Mojave Desert Air Quality Management District.

Table 5. Greenhouse Gas Emissions (Annual)

Project MTCO2e Emissions/Yr.	San Bernardino County Threshold MTCO2e/Yr.	Mojave Desert Air Quality Management District Threshold MTCO2e/Yr.	Exceeds Threshold?
263.45	3,000	100,000	**NO**

According to the *San Bernardino County Greenhouse Gas Emissions Reduction Plan*, small projects that do not exceed 3,000 MTCO2e per year will be considered to be consistent with the Plan and determined to have a less than significant individual and cumulative impact for GHG emissions. As shown on Table 5, the Project's annual operational emissions are 263.45 MTCO2e per year which does not exceed the 3,000 MTCO2e threshold.

In addition, the Mojave Desert Air Quality Management District has established a threshold of 100,000 tons of MTCO2e per year. The Project's emissions are 263.49 MTCO2e per year which does not exceed the 100,000 MTCO2e threshold.

Therefore, the Project's GHG emissions are not anticipated to exceed established GHG emissions thresholds. A less than significant impact is forecast.

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 development must meet to assist in meeting the 2020 GHG reduction target identified in the in the *San Bernardino County Greenhouse Gas Emissions Reduction Plan*. These Performance Standards apply to all projects, including those that are emit less than 3,000 MTCO2e per year, and will be included as Conditions of Approval for development of the Project.

The following are the Performance Standards (Conditions of Approval) that are applicable to the Project:

1. 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) 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.

b) 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.

c) 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.

VII b) **Less Than Significant Impact.** The state and local regulatory programs for GHG emissions and climate change are described in the response to Question VIIa above. The performance standards described above will ensure that there would be no conflict with any applicable plan, policy, or regulation; therefore, impacts will be less than significant, and no mitigation would be required.

Therefore, no significant adverse impacts are identified or anticipated for Greenhouse Gas Emissions and no mitigation measures are required.

	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

The following analysis is based in part on the *Report of Phase I Environmental Assessment, Proposed Dollar General NWC Highway 62 and Sunburst Street, Joshua Tree, San Bernardino County, CA* prepared by Professional Services Industries, Inc., July 5, 2011. (See Appendix I).

VIII a) **Less Than Significant Impact**. The Project does not have the potential to pose a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials because the Project is not considered a 'hazardous waste generator" as defined by the U.S. Environmental Protection Agency. A hazardous waste generator would routinely transport, use, or dispose of hazardous materials.

Small quantities of hazardous materials in the form of cleaning solvents and agents will be on the premises and will be packaged in containers suitable for use in households by individuals. The type and quantity of these materials is not considered a significant hazard.

VIII b) **Less Than Significant Impact**. The Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because the project is a retail store and does not store or process large quantities of hazardous materials.

VIII c) **No Impact**. The Project site is located approximately ½ mile south of the Joshua Tree Elementary School and is therefore not located within ¼ mile of an existing or proposed school. The project, as proposed, will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste.

VIII d) **No Impact**. Based on the *Cortese List Data Resources* webpage maintained by the California Environmental Protection Agency accessed on July 27, 2012, the Project site is not included on the list of hazardous materials sites compiled in accordance with Government Code No. 65962.5.

VIII e) **Less Than Significant Impact**. The Project site is not located within the area covered by an airport land use plan nor is there a public airport within the 2 miles of the Project site. The Roy Williams Airport is located approximately 3 miles northeast of the Project site.

VIII f) **No Impact**. The Project site is not within the vicinity or approach/departure flight path of a private airstrip.

VIII g) **Less Than Significant Impact**. The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the Project will not result in any substantial alteration to road design or capacity that would affect implementation of evacuation procedures nor result in any substantial increase in natural or man-made hazards that would increase the potential for evacuation. In addition, the Project has adequate emergency access via 29 Palms Highway and the adjacent streets.

VIII h) **No Impact**. As shown on San Bernardino County General Plan, *Hazards Overlay Map* for Joshua Tree, the Project site is not located within a Fire Safety Overlay District. Therefore, the Project will not result in any safety hazard impacts from wild fires.

Therefore, no significant adverse impacts are identified or anticipated for Hazards and Hazardous Materials and no mitigation measures are required.

	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 storm water 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 structure 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

The following analysis is based in part on the *Preliminary Water Quality Management Plan for Joshua Tree, California, 29 Palms & Sunburst* prepared by Agoura Civil Engineering and Survey Company, December 12, 2011. (See Appendix H).

IX a) **Less Than Significant Impact**. The Project will not violate any water quality standards or waste discharge requirements, because the Project's design incorporates design features to diminish impacts to water quality to an acceptable level as required by state and federal regulations. These features, as identified in the *Preliminary Water Quality Management Plan* prepared for the Project, include the utilization of bioswales to mitigate treatment of flow to improve stormwater before leaving the site to existing streets and downstream properties. This will reduce the impact downstream and reduce any potential water quality concerns.

In addition, the Project is required to prepare a Storm Water Pollution Prevention Plan to determine the project's potential impacts on water quality caused by storm event runoff during construction. Since Project construction will encompass an area greater than an acre, the Project will be subject to a General Construction Permit under the National Pollutant Discharge Elimination System permit program of the federal Clean Water Act. As required under the General Construction Permit, the Project applicant (or contractor) will prepare and implement a Storm Water Pollution Prevention Plan. The Storm Water Pollution Prevention Plan requires submittal of a Notice of Intent to the Colorado River Regional Water Quality Control Board prior to construction activities. Implementation of the Storm Water Pollution Prevention Plan will begin with the commencement of construction and continue though the completion of the Project. The objectives of a Storm Water Pollution Prevention Plan are to identify pollutant sources (such as sediment) that may affect the quality of storm water discharge and to implement Best Management Practices to reduce pollutants in storm water.

The Project will be served by the Joshua Basin Water District for potable water services which is subject to independent regulation by local and state agencies that ensure compliance for water quality standards. The Project proposes a septic system. Prior to the issuance of building permits, the County of San Bernardino Environmental Health Services Department shall review and ensure that the septic system will not exceed waste discharge requirements.

All of the above are mandatory requirements and not considered Mitigation Measures.

IX b) **Less Than Significant Impact** The Project will not substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level, because according to the Joshua Basin Water District "*There are currently existing adequate source, storage and distribution line capacities to provide potable water to the referenced site in sufficient quantities to satisfy domestic water service and fire protection requirements of the proposed use. The water mains to serve each proposed service connection are currently installed and operable.*" (Ref. Joshua Basin Form W1 Public Water Certification, dated July 20, 2012).

IX c)**Less Than Significant Impact** The Project will not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site, because the Project does not propose any substantial alteration to a drainage pattern, stream or river and the Project is required to submit and implement an Water Quality Management Plan and a Storm Water Pollution Prevention Plan as discussed in Subsection IXa above.

IX d) **Less Than Significant Impact**. The existing site drains south (29 Palms Hwy) to north (Commercial Street) via sheet flow. The Project proposes the use of bioswales to provide stormwater treatment and to detain the change in volume and flow rate anticipated for the site. These bioswales are located within the landscaped setback area adjacent to Sunburst Avenue, Commercial Street, and Mountain View Street.

Therefore, the Project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site, because the Project does not propose any substantial alteration to a drainage pattern, stream or river. In addition, prior to the issuance of a grading permit, the County Public Works Department will review detailed plans that implement the above described improvements and ensure that adjacent and downstream properties are not negatively impacted. This is a mandatory requirement and not considered a Mitigation Measure.

IX e) **Less Than Significant Impact**. The site is surrounded by four existing streets, 29 Palms Highway, Commercial Street, Mountain View Street and Sunburst Avenue. No offsite storm water enters the property from any direction as all the storm water is directed through the existing street. The site as examined has no visible existing water quality problems. The Storm water from this site will eventually discharge into the Colorado River Basin. According to the *Preliminary Water Quality Management Plan* prepared for the Project, the following water quality management practices will be incorporated into the Project:

- Increase the landscaped area of the overall project site. Natural landscaped slopes will be used to
  increase pervious surfaces and bio-swales are proposed as a part of the development of this project. The Bio-Swales are proposed to treat water before leaving project site. Catch basin inserts are to be used to filter unwanted material and prevent it from going downstream.

- Use of paving materials or permeable surfaces in walkways to maximize discharge of storm water back into the ground.

- Roof drains will be directed to landscaped areas

- Sidewalks, walkways and hardscape areas are designed to drain to landscape areas and proposed bio-swales.

Therefore, the Project will not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

IX f) **Less Than Significant Impact**. The Project will not otherwise substantially degrade water quality, because appropriate measures relating to water quality protection, including erosion control measures have been included in the Project design as described in Subsection IXa above. The Project is not anticipated to result in any other water quality impacts that are not otherwise regulated by local, state, or federal regulations.

IX g) **No Impact**. According to the County Public Works Department the Project site is located within Flood Zone X according to FEMA Panel Number 8145H dated August 28, 2008. This is not a 100 year flood hazard area. The Project is a retail store and does not include any housing so no housing will be placed within a 100 year flood hazard area.

IX h) **No Impact**. The Project will not place within a 100-year flood hazard area structures which would impede or redirect flood flows, because the site is not within an identified FEMA designated flood hazard area. (Also see Subsection IXg above).

IX i) **No Impact.** According to the *County of San Bernardino Hazards Overlay Map* for Joshua Tree, the Project site and surrounding area is not located within a designated dam inundation area. The proposed Project would not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam, as no levee or dam is proposed as part of the this Project and none are located in the vicinity of the Project.

IX j) **No Impact.** The Project will not be impacted by inundation by seiche, tsunami, or mudflow, because the project is not adjacent to any body of water that has the potential to create a seiche or tsunami. Based on the responses to Sections VI (a) and VI(c) of this Initial Study Checklist, the Project site is not located in an area prone to landslides, soil slips, or slumps. Therefore, the proposed project would have no impacts from mudflows.

Therefore, no significant adverse impacts are identified or anticipated for Hydrology and Water Quality and no mitigation measures are required.

		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

X a) **Less Than Significant Impact.** The Project will not physically divide an established community because the Project site is a 1.45 acre site bordered of 4 sides by roadways, one of which is a major highway (29 Palms Highway, SR 62).

X b) **Less Than Significant Impact.** The analysis contained in this Initial Study Checklist addresses the potential conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect. Based on this analysis, it is determined that the Project will not have a significant impact on any of the environmental resources described in this Initial Study Checklist. Based on the above, it can be determined that the Project is not in conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect.

X c) **No Impact**. The Project is subject to and in conformance with the California Desert Conservation Area Plan (West Mojave Plan). As discussed in Section IV. Biological Resources of this Initial Study Checklist, no impacts to biological resources were identified. Therefore, the Project's activities will be in compliance with the California Desert Conservation Area Plan (West Mojave Plan).

Therefore, no significant adverse impacts are identified or anticipated and for Land Use and Planning and no mitigation measures are required.

	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

XI a) **No Impact.** The Project will not result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state, because there are no identified important mineral resources on the Project site and the site is not within a Mineral Resource Zone Overlay.

XI b) **No Impact.** The Project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, because there are no identified locally important mineral resources on the Project site.

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XII. NOISE - Would the project result in:				
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

XII a) **Less Than Significant Impact**. Noise-sensitive land uses shall include residential uses, schools, hospitals, nursing homes, religious institutions, libraries, and similar uses. The proposed retail store is not a sensitive receptor to noise. The Project is required to maintain noise levels at or below County Standards identified in Development Code Section 83.01.080. This is a mandatory requirement and not considered a Mitigation Measure.

XII b) **Less Than Significant Impact**. The Project is a relatively small development consisting of a 9,100 square foot retail store on a 1.45 acre site. As such, grading and construction activities will not require the type and amount of equipment that would cause excessive groundborne noise and vibration. Because of the small size of the store, the Project will not expose persons to or generate excessive groundborne vibration or groundborne noise associated with truck deliveries. In addition, the Project is required to maintain vibration and groundborne levels at or below County Standards identified in Development Code Section 83.01.090. This is a mandatory requirement and not considered a Mitigation Measure.

XII c) **Less Than Significant Impact**. Ambient noise levels will increase to some extent because of the Project. Typical noise associated with the Project would occur from the use of rooftop mechanical ventilation systems and delivery truck traffic (including unloading). Typical noise generated by the proposed Project was calculated using an Extech Intergrating Sound Level Datalogger Model 407780. Table 6 shows the typical noise generation from a project similar to the proposed Project.

Table 6. Typical Noise Generation for Similar Project

Noise Source	Distance from Source	Noise Level (Leg dBA)
Rooftop Ventilation System	5-feet	80.8
Delivery Truck	10-feet	65.5

To determine the potential impacts of the noise sources on sensitive receptors (residential development located approximately 130 feet north of the rear of the proposed building across Commercial Street) the noise levels were calculated for attenuation over distances of 50, 100, and 200-feet from the noise source. These calculations assume that the line of sight to the noise source is unobstructed. Table 7 shows the estimated noise levels for the Project taking into account that the Project has a 6 foot high parapet wall to screen the roof mounted heating and cooling equipment.

Table 7. Potential Noise Impacts w/Parapet Wall-Barrier

Receptor Distance from Noise Source	Rooftop Ventilation System	Delivery Truck
50-feet	41.6 dBA	41.1 dBA
100-feet	45.0 dBA*	35.0 dBA
200-feet	29.5 dBA	29.0 dBA
County Standards	55 dBA 7:00 am to 10:00pm and 45 dBA from 10:00 pm to 7:00 am.	55 dBA 7:00 am to 10:00pm and 45 dBA from 10:00 pm to 7:00 am.
Exceeds Standards?	**NO**	**NO**
* **Note:** Rooftop equipment is located approximately 120 feet from the closest residential dwelling. Additionally the mechanical rooftop ventilation systems will cycle on/off as needed to maintain the interior temperature and as such will not present a constant noise source.		

In addition, truck loading and unloading will take place in the front of the building to lessen impacts to the residential uses to the north. Based on the above, noise levels will not exceed the County Standards.

XII d) **Less Than Significant Impact**. Construction of the proposed Project will temporarily increase ambient noise levels primarily due to equipment use during grading and building construction activities. Construction noise is exempt from County Noise Standards during 7:00am and 7:00pm except Sundays and federal holidays. Temporary noise impacts will be less than significant.

XII e) **Less Than Significant Impact**. The Project site is not located within the area covered by an airport land use plan which identifies noise impacts nor is there a public airport within

the 2 miles of the Project site. Roy Williams Airport is located approximately 3 miles northeast of the Project site, therefore the Project will not expose persons to excessive noise levels from aircraft operations from public use airports.

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

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

	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

XIII a) **Less Than Significant Impact.** The Project will not induce substantial population growth in the area directly (because it does not propose any housing) or indirectly (because it does not create a significant number of new jobs). Although the Project will generate new jobs and employment opportunities, it is anticipated that employees will most likely live in the area and the existing housing stock should accommodate the housing needs for those employed by the jobs generated by the Project. Therefore, the potential for the project to generate substantial population growth in the area is less than significant.

XIII b) **No Impact.** The proposed use will not displace substantial numbers of existing housing units, necessitating the construction of replacement housing, because the Project site is currently vacant.

XIII c) **No Impact.** The proposed use will not displace substantial numbers of people necessitating the construction of replacement housing elsewhere, because the Project site is currently vacant.

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

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

SUBSTANTIATION

XIV a) **Less Than Significant Impact.**

The proposed Project will not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services, including fire and police protection, schools, parks or other public facilities.

The Project is a small retail development consisting of a 9,100 square foot building located on 1.45 acres and is considered in-fill development. It is located within the existing developed core of Joshua Tree and it does not induce new growth by extending infrastructure and locating a development into an outlying undeveloped area, thus affecting the ability of local service providers to provide service within acceptable service times.

As discussed in the response to Question XIII (*Population and Housing*), the Project does not result in a substantial amount of population growth thus creating the need for new for new or physically altered governmental facilities. The Project is zoned for commercial development and does not propose a change in zoning (e.g. from commercial to residential) that would result in increased population and thus the potential need for new or physically altered governmental facilities.

The San Bernardino County Fire Department has reviewed the Project and has provided conditions of approval for building construction and operation.

The San Bernardino County Sheriff's Department has indicated that adequate police protection services can be provided for the Project. (Ref. Email communication with Sergeant James Porter, Morongo Basin Station, Administrative Sergeant on July 24, 2012).

Based on the above, the Project will not have a significant impact on the maintenance of acceptable service ratios, response times or other performance objectives for any of the public services described above.

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

	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 Impact.** The Project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, because the Project will not generate any new residential units and the impacts to parks generated by the employees of the Project will be minimal.

XV b) **Less Than Significant Impact.** The 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 type of Project proposed will not result in an increased demand for recreational facilities. Impacts are considered less than significant.

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

	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

The following analysis is based in part on the *Traffic Generation Analysis for the Proposed General Retail Store Project, Joshua Tree, San Bernardino County, CA* prepared by Linscott Law & Greenspan, August 2, 2011. (See Appendix J).

XVI a) **Less Than Significant Impact.** According to the *Traffic Generation Analysis*, the Project will result in the addition of 443 total trips per day with 10 trips in the AM Peak Hour and 38 trips in the PM Peak Hour. The Project will not take direct access off 29 Palms Highway but 29 Palms Highway will serve as the major roadway providing access to the site via the driveway located off Mountain View Street. According to the *Traffic Generation Analysis* and the Public Works Department/Land Development Division-Traffic Section, 29 Palms Highway is operating at an acceptable Level of Service. Because the Project is forecast to generate less than 50 Peak Hour Trips it is not forecast to reduce the Level of Service on

29 Palms Highway or the surrounding street network.

XVI b) **Less Than Significant Impact.** *The County of San Bernardino Congestion Management Program, 2007 Update* established a Level of Service (LOS) E, or the current level, whichever is farthest from LOS A, as the LOS standard for intersections or segments on the Congestion Management Program system of roadways. According to the *Traffic Generation Analysis,* the Project is forecast to generate less than 50 Peak Hour Trips which will not reduce the existing LOS for 29 Palms Highway in the vicinity of the Project. The Public Works Department/Land Development Division-Traffic Section concurs with this conclusion.

XVI c) **No Impact.** The Project site is not located within the area covered by an airport land use plan nor is there a public airport within the 2 miles of the Project site. The Roy Williams Airport is located approximately 3 miles northeast of the Project site. Therefore, the Project will not alter air traffic patterns and will therefore not result in substantial safety risks.

XVI d) **Less Than Significant Impact.** The Project does not propose any changes to the existing roadway alignment or lane configurations that will result in sharp curves or dangerous intersections.

In addition, the Project is a retail use that is proposed to be located in the core area of Joshua Tree. There are no incompatible uses, such as agricultural uses, that will result in the roadways being used by farm equipment or other similar vehicles.

XVI e) **Less Than Significant Impact.** The Project will not result in inadequate emergency access, because the site is surrounded on all 4 sides by public roadways.

XV f) **Less Than Significant Impact.** The Project will be required to construct roadway improvements on all 4 adjacent rights-of-way. With the construction of these improvements, access for alternative transportation (i.e., public transit, pedestrian, bicycle) can be accommodated. Therefore, the Project will not decrease the performance of existing alternative transportation facilities or be in conflict with policies, plans, or programs supporting alternative transportation.

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

	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

XVII a) **Less Than Significant Impact.** The Project proposes a septic system. Prior to the issuance of building permits, the County of San Bernardino Environmental Health Services Department shall review and ensure that the septic system will not exceed waste discharge requirements. This is a mandatory requirement and not a Mitigation Measure.

XVII b) **Less Than Significant Impact.** The proposed Project will not require or result in the construction of new wastewater facilities or expansion of existing wastewater facilities because the Project proposes to use a septic system. The system is proposed to have a capacity of 1,500 gallons which is adequate for the Project as only two small restrooms, one mop sink and one drinking fountain are to be included in the Project.

The proposed Project will not require or result in the construction of new water facilities or expansion of existing facilities because according to the Joshua Basin Water District "*There*

are currently existing adequate source, storage and distribution line capacities to provide potable water to the referenced site in sufficient quantities to satisfy domestic water service and fire protection requirements of the proposed use. The water mains to serve each proposed service connection are currently installed and operable." (Ref. Joshua Basin Form W1 Public Water Certification, dated July 20, 2012).

XVII c) **Less Than Significant Impact.** As discussed in Section VIII, *Hydrology and Water Quality*, the proposed Project will not increase storm flow rates from the site and will therefore not create any additional impacts on downstream storm drain facilities that will necessitate expansion of existing facilities or construction of new facilities.

XVII d) **Less Than Significant Impact.** The proposed Project will have sufficient water supplies because according to the Joshua Basin Water District "*There are currently existing adequate source, storage and distribution line capacities to provide potable water to the referenced site in sufficient quantities to satisfy domestic water service and fire protection requirements of the proposed use. The water mains to serve each proposed service connection are currently installed and operable.*" (Ref. Joshua Basin Form W1 Public Water Certification, dated July 20, 2012).

XVII e) **Less Than Significant Impact.** Joshua Basin Water District does not operate a waste treatment plant. Septic tank pumpers most likely will utilize the septage disposal facilities at the Landers Landfill. Therefore, the proposed Project will have adequate wastewater treatment available.

XVII f) **Less Than Significant Impact.** Solid waste is disposed at the Landers Sanitary Landfill. According to *CalRecycle* webpage *(accessed on July 10, 2012)* the landfill has a remaining capacity of 785,098 cubic yards and is not expected to close until 2018. There is adequate capacity to accommodate the Project's solid waste disposal needs.

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

Therefore, no significant adverse impacts are identified or anticipated for Utilities and Service Systems and no mitigation measures are required.

	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 Impact With Mitigation Incorporated**. The Project does not have the potential to significantly degrade the overall quality of the region's environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. There are no rare or endangered species or other species of plants or animals or habitat identified as being significantly and negatively impacted by the Project. There are no identified historic or prehistoric resources identified on this site. If any archaeological or paleontological resources are identified during construction, the Project is conditioned to stop and identify appropriate authorities, who properly record and/or remove for classification any such finds. With the implementation of Mitigation Measures BIO-1 and CR-1, impacts will be less than significant.

XVIII b) **Less Than Significant Impact**. The analysis in this Initial Study Checklist demonstrates that the Project is in compliance with all applicable regional plans including but not limited to, water quality control plan, air quality maintenance plan, and plans or regulations for the reduction of greenhouse gas emissions. Compliance with these regional plans serves to reduce impacts on a regional basis so that the Project will not produce impacts, that considered with the effects of other past, present, and probable future projects, will be cumulatively considerable.

XVIII c) **Less Than Significant Impact.** As discussed this Initial Study Checklist, the Project will not expose persons to adverse impacts related to Air Quality, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, or Transportation/Traffic hazards. These impacts are identified to have no impacts or less than significant impacts.

Therefore, no significant adverse impacts are identified or anticipated with respect to the Mandatory Findings of Significance with the implementation of Mitigation Measures BIO-1 and CR-1.

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)

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

Mitigation Measure BIO-1: If project ground-breaking does not occur prior to February 15, 2013, a one visit pre-construction survey shall be conducted within 30 days of groundbreaking.

Mitigation Measure CR-1: In the event archaeological and/or historical resources are uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s) and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.

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

CEQA Guidelines, Appendix G

County of San Bernardino Development Code, 2007.

County of San Bernardino General Plan, *County of San Bernardino General Plan*, 2007.

County of San Bernardino Hazard Overlay Maps.

Joshua Tree Community Plan, April 12, 2007.

Department of Toxic Substances Control ENVIRSTOR website accessed July, 2012.

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

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

PROJECT SPECIFIC STUDIES:

Geotechnical Engineering Services Report, Proposed Retail/Commercial Development, NW Corner Twentynine Palms Highway (California SR 62) & Sunburst Street, Joshua Tree San Bernardino County, California prepared by Professional Services Industries, Inc., July 6, 2011.

Water Quality Management Plan for Joshua Tree, California, 29 Palms & Sunburst prepared by Agoura Civil Engineering and Survey Company, December 12, 2011.

Traffic Generation Analysis for the Proposed General Store Retail Project, Joshua Tree, San Bernardino County, CA prepared by Linscott Law & Greenspan, August 2, 2011.

Results of Desert Tortoise Assessment-Proposed General Retail Store, Joshua Tree, San Bernardino County, California prepared by Ironwood Consulting, Inc. August 14, 2011.

Grading Plan Review, Proposed Retail/Commercial Development, NW Corner Twentynine Palms Highway & Sunburst Street, Joshua Tree, California prepared by Professional Services Industries, Inc., May 11, 2012.

Report of Phase I Environmental Assessment, Proposed Commercial Development NWC Highway 62 and Sunburst Street, Joshua Tree, San Bernardino County, CA prepared by Professional Services Industries, Inc., July 5, 2011.

Response to Comments-Proposed General Retail Store, San Bernardino County, California prepared by Ironwood Consulting, Inc. August 14, 2012.

Form W1 Public Water Service Certification, Joshua Basin Water District, July 20, 2012...

Historical Resources Review for the County of San Bernardino Land Use Services Dept. prepared by Archaeological Information Center, San Bernardino County Museum, July 17, 2012.

General Retail Store Project Burrowing Owl Habitat Assessment prepared by AMEC Environment and Infrastructure, Inc., October 25, 2012.

Sacred Lands File Search prepared by the Native American Heritage Commission, October 5, 2012.