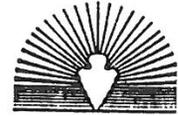




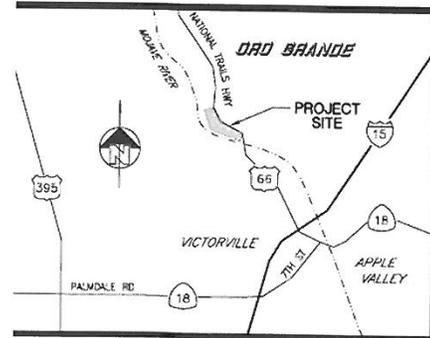
LAND USE SERVICES DEPARTMENT
PLANNING DIVISION
PLANNING COMMISSION STAFF REPORT



HEARING DATE: February 21, 2013
Project Description

AGENDA ITEM # 2
Vicinity Map

APN: 0468-281-26
Applicant: Cutting Edge Concrete Services, Inc. (Schullthess)
Community: Oro Grande/1st Supervisorial District
Location: Southwest side of National Trails Highway, approximately 115 feet south of Bartlett Avenue P201100453/CF
Project No:
Staff: Tracy Creason
Rep: Merrell-Johnson Companies
Proposal: A) General Plan Land Use Zoning District Amendment from RL (Rural Living) to IC (Community Industrial) on 6.77 acres; B) Conditional Use Permit to establish a 4955-square foot office in the footprint of the existing residence (to be demolished) and retain the existing 4000-square foot warehouse; C) Major Variance to permit reduced landscaping in the front setback



9 Hearing Notices Sent On: February 7, 2013

Report Prepared By: Tracy Creason

SITE INFORMATION

Parcel Size: 6.77 acres.
Terrain: Fairly level, with one drop-off and gradual slope toward Mojave River
Vegetation: Minimal due to historic and current uses and non-permitted fill

SURROUNDING LAND DESCRIPTION:

| AREA | EXISTING LAND USE | LAND USE ZONING DISTRICT / OVERLAYS |
|-------|---|--|
| Site | Cutting Edge Concrete Services, Inc. Warehouse & Office | RL – Rural Living / Biologic, Scenic, Wildlife Corridor, Dam Inundation Area |
| North | BNSF Railroad / National Trails Hwy. | City of Victorville |
| South | Intermountain Power Agency easement | RL – Rural Living / Biologic, Scenic, Wildlife Corridor, Dam Inundation Area |
| East | BNSF Railroad / National Trails Hwy. | City of Victorville |
| West | Vacant / Mojave River | RL – Rural Living / Biologic, Scenic, Wildlife Corridor, Dam Inundation Area |

| | AGENCY | COMMENT |
|---------------------------|---------------------|-----------------------------------|
| City Sphere of Influence: | City of Victorville | None received |
| Water Service: | CSA 42 | Will continue to serve |
| Sewer/Septic Service | CSA 42 | Septic exists; No sewer available |

In accordance with Section 85.01.030 of the Development Code, this item will be recommended to the Board of Supervisors for final action.

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VICINITY MAP



AERIAL VIEW



BACKGROUND:

In 2003, County Code Enforcement issued a Class III Home Occupation Permit (HOP) for a home-based concrete sawing and demolition business. Prompted by a public complaint, a Code Enforcement inspection of the site in 2007 found that the entire residence had been converted to office space. Since the business owner also no longer resided on-site, the HOP was subsequently revoked.

Because of the property location in an unincorporated peninsula surrounded by the City of Victorville, upon revocation of the HOP, the property owner sought annexation into the City. When annexation was determined infeasible, the representative began research into the land use zoning district needed to permit the concrete sawing and demolition business on the site.

To meet the intent of the applicant, a General Plan Land Use Zoning District Amendment (GPA), a Conditional Use Permit (CUP), and a Major Variance (Variance) are required. The GPA is to change the zoning on the 6.77-acre parcel from Rural Living (RL) to Community Industrial (IC). The CUP is to construct a 4,955-square foot office building, demolish the existing residence (which was converted to an office), and obtain approval of the existing 4,000-square foot warehouse (collectively “the Project”). The Project also includes limited outside storage areas, and provides paved access and parking. The Variance is requested to reduce the landscaping requirement in the front setback from 25 feet to 6 feet.

Location and Access: The site is on the southwest side of National Trails Highway, approximately 115 feet south of Bartlett Avenue in the sphere of influence of the City of Victorville, and within the First Supervisorial District. The boundary of the City of Victorville is adjacent to the east across National Trails Highway. The Project site will be accessed via National Trails Highway.

Public Input: Staff mailed Project notices to seven surrounding property owners, including the applicant and representative, to federal, state, county, and local agencies, and, in compliance with Government Code Section 65352.3, the Native American Heritage Commission and California Native American tribes. Staff received no comments from surrounding property owners. Where appropriate, Staff incorporated comments received from agencies into the Conditions of Approval (Exhibit C). Staff received a response from one tribe, the Soboba Band of Luiseño Indians. The tribe’s Cultural Resource Department concluded that the site is outside its existing reservation but within the bounds of its Tribal Traditional Use Areas. The tribe deferred to the San Manuel Band of Mission Indians to provide further comment, but none were received.

Environmental setting: The natural topography on the Project site includes a level area in the north and northeast portions of the property where development exists and is proposed. As a result of non-permitted fill, the southeast area of the site, where adjacent to National Trails Highway, contains a level area and at the edge of the fill area a slope of approximately 65 percent for 20 feet, and a gradual slope southwest toward the Mojave River. The areas of non-permitted fill, which include the level area and the slope, are delineated as “Non-buildable Areas” on the site plan. According to the Biological Reports prepared by RCA Associates in June 2012, the site supports very little native vegetation, with a few shrubs on the southwest portion of the site. The site contains an existing metal building and office; much of the remainder of the site is used for parking and equipment storage.

ANALYSIS: GENERAL PLAN AMENDMENT

Consistency with General Plan Policies: The Project site currently supports Cutting Edge Concrete Services, Inc., previously permitted with a Home Occupation Permit. The proposed Land Use Zoning District change from RL to IC is consistent with the County General Plan in that the site acreage exceeds the minimum 5-acre area required to establish the IC district, and it complies with the locational criteria

established for the IC land use zoning district. The County General Plan establishes IC in areas of existing industrial uses, buffered from adjacent uses in other land use categories, and having direct access to major arterial, major divided streets, or a freeway. Although the site is surrounded by residential zoning, several features isolate and buffer the site, including the BNSF railroad, the Intermountain Power Agency easement, and the Mojave River. The property is also bounded by and has access from National Trails Highway, a major highway.

Consistency with the Development Code: According to the Development Code, the IC “land use zoning district provides for light industrial uses such as light manufacturing uses, wholesale/warehouse services, contract/construction services, ...” with limited outside storage. The site exceeds the 5-acre minimum area required to establish the IC land use designation.

Consistency with the City of Victorville sphere of influence: The City of Victorville pre-zoning for the parcel is M-1, Light Industrial. According to the City’s General Plan, “this category of land use is characterized by industrial development ... in mixed-use areas. The main feature ... is that they do not require any significant site or structure requirements ... that would limit future use ... by another industrial activity.”

The Project proposes to establish a 4,955-square foot office building and obtain approval of the existing 4,000-square foot warehouse. Should the land use change, these structures would support another industrial activity on the site.

ANALYSIS: CONDITIONAL USE PERMIT

Aesthetics/Visual: The current visual character of the Project site is typical of development in the general area. The Cutting Edge Concrete Services, Inc. facility exists on the site. The proposed Project will demolish the existing office, originally constructed in 1952 as a single-family residence, and replace it with an office building. Landscaping will be installed along the National Trails Highway frontage, adjacent to the buildings, and along the northwestern portion of the property. Although the Project includes widening and improvement of National Trails Highway along the property frontage, the existing fencing will remain.

The hours of operation for the Project are Monday through Friday, from 7:30 AM to 5:00 PM. Minimal lighting for security purposes is proposed; there are no light poles associated with the Project. The lighting must comply with the County Development Code as it relates to the regulation of glare, outdoor lighting, and night sky protection in the desert region.

Biological Resources: Species considered in the Biological Reports include the desert tortoise (DT), burrowing owl (BUOW), and the Mohave ground squirrel (MGS). Although the property is within an area known to support these species, the lack of native vegetation substantially reduces the habitat potential for them.

The Biological Reports concluded that DT, BUOW, and MGS do not occur on the Project site. The results of the DT Survey were that the site does not support prime suitable habitat based on on-going and past human activities. The results of the Phase I BUOW habitat assessment were that the site supports very marginal habitat. During the Phase II BUOW burrow survey, no owls or occupiable burrows were observed. Results of the habitat assessment for the MGS were that the site does not support suitable habitat for the MGS.

The Project will not 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 CDFG or U.S. Fish and Wildlife Service (USFWS). No mitigation measures are required.

Cultural Resources: Analytic Archaeology, LLC prepared a Cultural Resources Assessment for the site. Because of identified cultural resources in the area and the lack of surface visibility on the site, the archaeologist recommended cultural monitoring during initial grading. Since development exists and new development is proposed in the footprint of an existing building, a condition of approval to require such monitoring is part of the Project.

Geology and Soils: Although the Project is not identified as being on a geologic unit, there is a potential that soil will be unstable due to the unpermitted fill on the site. The site plan includes a “Non-buildable Area”. No development is proposed in these areas. Before any future development can occur in these areas, a geology report must be submitted to the County Building and Safety Division for review and approval. The Project proposes development only in the north and northeast portions of the site, where there is natural soil without unpermitted fill.

Greenhouse Gas Emissions: In December 2011, the County adopted a Greenhouse Gas Emissions Reduction Plan (GHG Plan). The GHG Plan includes a review standard of 3,000 metric tons of carbon dioxide equivalent (MTCO₂e) and project square footage thresholds. For Low Density Manufacturing and Warehousing, the square footage threshold is 53,000-square feet. At 8,955 square feet, the Project is under that threshold and will generate less than 3,000 MTCO₂e. Therefore, no further review of GHG emissions is required.

Hydrology and Water Quality: Merrell-Johnson Companies prepared a Preliminary Water Quality Management Plan (WQMP) for the Project. As part of the Project WQMP, the applicant must install slope, berm, drainage pipe, riprap, and detention basin improvements. Adherence to the Best Management Practices outlined in the Preliminary WQMP is a condition of approval.

Traffic: There are four full-time office staff members, with two additional supervisors, managers, and employees rotating throughout the workday. Based on the Traffic Study letter report prepared by Albert Grover & Associates on December 29, 2011 and amended on January 12, 2012, the County Traffic Division determined that with the proposed new driveway location and proposed street improvements no adverse impacts to traffic would occur as a result of the Project. The Project site is within the Regional Transportation Facilities Fee Plan for the Victorville Subarea and within the Oro Grande/Helendale Local Transportation Facilities Fee Plan. Payment of these transportation fees is required as part of the Project approval.

As conditions of approval for the Project, additional road dedication and improvements to National Trails Highway are required. As part of the road improvement, the Project driveway will be redesigned to County standards.

ANALYSIS: MAJOR VARIANCE

Project Description: A variance to permit reduced landscaping in the front setback from 25 feet to 6 feet is requested. As mentioned previously, the Project site contains a level area next to National Trails Highway, a substantial drop-off, and then a gradual slope beyond that.

The Development Code requires setback areas to be landscaped. Due to topographic conditions on the site, landscaping the entire 25-foot front setback would result in a shift of the proposed office building and associated parking beyond the top of the slope. This would result in the need for substantial grading. The setback reduction from 25 feet to 6 feet will provide sufficient area to install efficient landscaping that is both visually attractive and appropriate for the Desert Regions. The granting of the Variance is compatible with the County General Plan and, therefore, Staff is recommending approval.

ENVIRONMENTAL REVIEW:

Staff prepared an Initial Study for the Project pursuant to County Guidelines under Ordinance 3040 and Section 15063 of the California Environmental Quality Act (CEQA) Guidelines. A Negative Declaration is proposed for the Project. A Notice of Availability (NOA) was distributed on November 21, 2012, and posted with the Initial Study on the County website for public review. Staff received one response to the NOA from the Department of Water and Power (DWP), City of Los Angeles, which stated that they had no objections to the Project. To summarize, the Initial Study concludes that the proposed Project will not have a significant effect on the environment and Staff recommends adoption of a Negative Declaration.

CONCLUSION:

The proposed Project is consistent with County goals and policies regarding land use and economic development. Therefore, staff recommends approval of the Project.

RECOMMENDATION: That the Planning Commission make the following recommendations to the Board of Supervisors:

- 1) **ADOPT** a Negative Declaration and find that the Initial Study has been completed in compliance with CEQA, that it has been reviewed and considered prior to approving the Project and that the Initial Study / Negative Declaration reflects the independent judgment of San Bernardino County;
- 2) **ADOPT** the Findings for approval of a General Plan Amendment, a Conditional Use Permit, and a Major Variance, as contained in the Staff Report; and
- 3) **ADOPT** a General Plan Amendment from RL (Rural Living) to IC (Community Industrial) on 6.77 acres;
- 4) **APPROVE** a Conditional Use Permit to establish a new 4,955-square foot office in the footprint of the existing converted residence (to be demolished) and retain the existing 4000-square foot warehouse, to operate a construction contractor storage yard, subject to the conditions of approval contained in the Staff Report;
- 5) **APPROVE** a Major Variance to permit reduced landscaping in the front setback;
- 6) **FILE** a Notice of Determination.

ATTACHMENTS:

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

EXHIBIT A

FINDINGS

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FINDINGS – GENERAL PLAN AMENDMENT

General Plan Land Use Zoning District Amendment from RL (Rural Living) to IC (Community Industrial) on 6.77 acres.

1. **The proposed amendment is internally consistent with all other provisions of the respective plan, the General Plan, or an applicable specific plan.** It is consistent with the following goals and policies of the County General Plan:
 - **Goal LU 4 – The unincorporated communities within the County will be sufficiently served by industrial land uses.**
Goal Implementation: The amendment would agree with Goal LU 4 by permitting the continuation and expansion of an existing industrial land use.
 - **Goal D/LU 3 – Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.**
Goal Implementation: The amendment would agree with the Desert Region Goal D/LU 3 by retaining and expanding an existing industrial development that is compatible with the rural desert character. The original business was established as a Home Occupation, which thrived and outgrew the limits of the Home Occupation Permit. The business employs local residents.
2. **The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County.** The amendment facilitates the continuation of a Project, which incorporates appropriate conditions of approval to protect and enhance public health and safety, while providing ongoing employment opportunities in the community.
3. **The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised.** The proposed amendment enables the existing use to continue. A community benefit will continue from the retention of employment opportunities. Constraints to residential development exist on adjacent properties – the BNSF railroad and National Trails Highway are to the northeast, Intermountain Power Agency easements are to the southeast and northwest, and the Mojave River is to the south. Therefore, changing the land use designation of the site to IC, as proposed, will not conflict with adjacent residential uses. The land use zoning district change will permit the continuation and expansion of a development that will provide road improvements to National Trails Highway, which will serve the surrounding community.
4. **The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area.** The proposed amendment will create an IC land use zoning district. Although surrounded by RL zoning on three sides, the nearest residentially developed property boundary is approximately 250 feet to the southeast. As mentioned, there are constraints to residential development on adjacent properties. The site is in a peninsula of County property within the sphere of influence of the City of Victorville. The City of Victorville's pre-zoning for the area is M-1, Light Industrial, which is consistent with the proposed use of the site.
5. **The proposed land use zoning district change does not conflict with provisions of this Development Code.** The Project site conforms to the size and location criteria specified for the proposed IC land use zoning district. All development must comply with industrial development standards and land use regulations of the proposed IC land use district.

6. **The proposed land use zoning district change will not have a substantial adverse effect on surrounding property.** As noted in Finding #3, surrounding properties are zoned RL for Rural Living, but constraints on these properties preclude residential development. This limits the potential for industrial uses on the subject site to affect surrounding properties adversely. Development standards of the proposed IC land use district will also limit the potential for any adverse effects on surrounding properties.
7. **The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, etc.), to ensure that the proposed or anticipated uses and/or development would not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.** The site has water service from County Service Area 42 (CSA 42). CSA 42 completed a feasibility study and can provide water to the expanded business. The existing use has a septic system for waste water disposal, which will be certified as adequate for the expanded business. San Bernardino County Fire Department and Sheriff Department provide fire and police protection to the site. Solid waste disposal for the Project will occur at the Victorville Sanitary Landfill, which has sufficient permitted capacity to accommodate the Project's needs. The County Public Works Department evaluated site drainage and water quality associated with the Project. As part of development, the applicant must install slope, berm, drainage pipe, riprap, detention basin improvements, and the best management practices outlined in the Preliminary Water Quality Management Plan.
8. **The Environmental Initial Study has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the Project.** The Project will not have a significant adverse impact on the environment. There are no mitigation measures because the initial evaluation of the Project determined it could not have a significant effect on the environment. Adoption of a Negative Declaration will be part of the recommendation.

FINDINGS – CONDITIONAL USE PERMIT

Conditional Use Permit to establish a new 4955-square foot office in the footprint of the existing residence (to be demolished) and retain the existing 4000-square foot warehouse.

1. **The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other required features pertaining to the application.** The 6.77-acre site is adequate in size and shape to accommodate the proposed construction contractor storage yard and buildings. The site plan shows all aspects of the Project, which meets the required loading and parking areas, including accessible spaces, adequate drive aisles, required setbacks, and landscaping. With approval of the Major Variance to reduce landscaping in the front setback from 25 feet to 6 feet, the site will be adequate to accommodate the proposed use.
2. **The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use.** The project is adjacent to National Trails Highway, which provides legal and physical access to the site. The conditions of approval include additional road dedication and improvements to National Trails Highway. As part of these improvements, the Project driveway will be redesigned to County standards.
3. **The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance.** The proposed use is consistent with the development allowed in the Community Industrial (IC) land use zoning district. The Project incorporates landscaped building setbacks to provide a buffer for adjacent properties designated as Rural Living (RL). The majority of the site will remain undeveloped, which allows for the future ability to consider solar energy systems.
4. **The proposed use and manner of development are consistent with the goals, policies, standards and maps of the General Plan and any applicable specific plan or planning area.** The proposed construction contractor storage yard is consistent with the goals, policies, standards, and maps of the General Plan and the Development Code. The Project, together with the provisions for its design and improvement, are consistent with both the General Plan's goals and policies and is consistent with the development standards of the IC Land Use Zoning District. The Project is consistent with the following Goals and Policies of the General Plan:
 - **Goal LU 4 – The unincorporated communities within the County will be sufficiently served by industrial land uses.**
Goal Implementation: The Project proposes the continuation and expansion of an existing industrial land use.
 - **Goal D/LU 3 – Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.**
Goal Implementation: The Project proposes the retention and expansion of an existing industrial development that is compatible with the rural desert character. The original business was established as a Home Occupation, which thrived and outgrew the limits of the Home Occupation Permit. The business employs local residents.
5. **There is supporting infrastructure, existing or available, consistent with the intensity of development, to accommodate the proposed development without significantly lowering service levels.** Water will continue to be supplied by the CSA 42. Electricity is supplied by Southern California Edison. Wastewater will continue to be handled by an on-site wastewater treatment system which will require certification from County Environmental

Health Services based on the requirements of the Lahontan Regional Water Quality Control Board. A County maintained access road, National Trails Highway, is adjacent to the project site. Additional road dedication and improvements to National Trails Highway, redesign of the Project driveway, and payment into the Oro Grande / Helendale Local Transportation Facilities Fee Plan are conditions of approval.

6. **The lawful conditions stated in the approval are deemed necessary to protect the public health, safety, and general welfare.** All development issues have been evaluated by the appropriate agencies and County staff, and conditions of approval have been required to ensure compliance with applicable development standards, to protect the public health, safety and welfare.
7. **The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.** The proposed buildings do not cause excessive shadow that would impede the use of solar energy systems and their orientation will be conducive to utilizing available solar energy. Sufficient open space exists to consider the use of solar energy systems and passive or natural heating and cooling opportunities.
8. **An Environmental Initial Study / Negative Declaration has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the Project.** The Initial Study found that the project will not have a significant effect on the environment. There are no mitigation measures required, because the initial evaluation of the Project determined it could not have a significant effect on the environment. Adoption of a Negative Declaration will be part of the recommendation.

FINDINGS – MAJOR VARIANCE

Major variance to reduce front setback landscaping from 25 feet to 6 feet.

1. **The granting of this Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems.** The goal of the landscaping and setback requirements is to minimize visual impacts to the adjacent roadways and to the traveling public. The Project proposes to demolish the existing converted residence and replace it with a new office building. In doing so, the appearance of the site will improve while continuing to provide an industrial business that will benefit the community. The traveling public will benefit from the additional dedication and road improvements required of the Project. The setback reduction from 25 feet to 6 feet will provide sufficient area to install efficient landscaping that is both visually attractive and appropriate for the Desert Region. The design of the project will not substantially interfere with the present or future ability to use solar energy systems, because the facility will be designed and oriented so as to accommodate the installation of such systems.
2. **There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district.** The project site abuts National Trails Highway, which requires additional dedication of land area for the purpose of road improvements. This dedication will result in a loss of land area along the National Trails Highway frontage. Because the Project site contains a level area next to National Trails Highway, a substantial drop-off, and then a gradual slope toward the Mojave River, a landscaped area along the 25-foot front setback would shift development beyond the top of the slope. Development options for the site would be severely changed if the project were not granted the ability to design the facility's parking and circulation areas closer to the front property line.
3. **The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district.** The subject property contains a level area next to National Trails Highway, a substantial drop-off, and then a gradual slope toward the Mojave River. Additional right-of-way dedication will further decrease the distance between the front property line and the top of the slope, resulting in a reduced buildable area and limitations to the site's development potential. In reviewing the impacts related to the approval of the variance, no substantial environmental concerns were found and no mitigation measures are required to reduce any potential impacts.
4. **The granting of the Variance is compatible with the maps, objectives, policies, programs, and general land uses specified in the County General Plan and any applicable specific plan.** Specifically, the Project and associated Variance are compatible with the following goals and policies:
 - **Goal LU 4 – The unincorporated communities within the County will be sufficiently served by industrial land uses.**
Goal Implementation: The Project proposes the continuation and expansion of an existing industrial land use.
 - **Goal D/LU 3 – Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.**
Goal Implementation: The Project proposes the retention and expansion of an existing industrial development that is compatible with the rural desert character. The original business was established as a Home Occupation, which thrived and outgrew the limits of the Home Occupation Permit. The business employs local residents.

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EXHIBIT B

INITIAL STUDY

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**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: | 0468-281-26 |
| APPLICANT: | CUTTING EDGE CONCRETE (SCHULTHESS) |
| COMMUNITY: | ORO GRANDE/1 ST SUPERVISORIAL DISTRICT |
| LOCATION: | NATIONAL TRAILS HIGHWAY, SOUTHWEST SIDE; APPROXIMATELY 115 FEET SOUTH OF BARTLETT AVE P201100453/CF |
| PROJECT NO: | |
| STAFF: | TRACY CREASON |
| REP(S): | MERRELL-JOHNSON COMPANIES |
| PROPOSAL: | A) GENERAL PLAN LAND USE ZONING DISTRICT AMENDMENT FROM RL (RURAL LIVING) TO IC (COMMUNITY INDUSTRIAL) ON 6.77 ACRES; B) CONDITIONAL USE PERMIT TO ESTABLISH A NEW 4955-SQUARE FOOT OFFICE IN THE FOOTPRINT OF THE EXISTING RESIDENCE (TO BE DEMOLISHED) AND RETAIN THE EXISTING 4000-SQUARE FOOT WAREHOUSE; C) MAJOR VARIANCE TO PERMIT REDUCED LANDSCAPING IN THE FRONT SETBACK |

USGS Quad: VICTORVILLE
T, R, Section: T6N R4W Sec 29 SW ¼
Thomas Bros.: PAGE 4116 (4206); GRID B6
Planning Area: DESERT REGION
Zoning: RL
Overlays: FP-1, BIOLOGICAL, SCENIC CORRIDOR, WILDLIFE CORRIDOR, DAM INUNDATION AREA

PROJECT CONTACT INFORMATION:

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

Contact person: Tracy Creason, Senior Planner
Phone No: (760) 995-8143
E-mail: tcreason@lusd.sbcounty.gov

Fax No: (760) 995-8167

Project Sponsor: Merrell-Johnson Companies
 22221 Highway 18
 Apple Valley, CA 92307
 Phone: (760) 240-8000; Fax: (760) 240-1400

PROJECT DESCRIPTION:

The proposed project is a General Plan Land Use Zoning District Amendment from Rural Living (RL) to Community Industrial (IC) on a 6.77-acre parcel, a Conditional Use Permit to establish a new 4955-square foot office in the footprint of the existing residence (to be demolished) and retain the existing 4000-square foot warehouse, both of which are associated with a construction contractor storage yard, and a Major Variance to permit reduced landscaping in the front setback. As part of the construction contractor storage yard there is some outside storage of small trucks and equipment. According to their website, they specialize “in concrete and asphalt paving and general engineering endeavors”. They “also complete demolition, land clearing, earthwork, underground utility installation and removal, excavation and trucking, joint seal, airfield lighting, and pavements recycling.”

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

The project site is in the unincorporated portion of San Bernardino County in the community of Oro Grande and is located on the southwest side of National Trails Highway (a.k.a. Historic Route 66), approximately 115 feet south of Bartlett Avenue. The project site is currently in use as a construction contractor storage yard, warehouse, and a residence converted to an office for Cutting Edge Concrete Services, Inc. The southeastern portion of the property contains non-permitted fill. As a result, the site topography where adjacent to National Trails Highway is fairly level, ranging from 2661 feet above mean sea level (AMSL) to 2655 feet AMSL. At the edge of the non-permitted fill area, the property slopes at approximately 65 percent for about 20 feet, then continues a gradual slope southwest toward the Mojave River. Vegetation on the site is minimal due to the historic and current uses, and the non-

permitted fill. The property is within the FP-1 flood overlay, a dam inundation area, a biological overlay, a scenic corridor, and adjacent to a wildlife corridor.

| AREA | EXISTING LAND USE | ZONING/OVERLAY DISTRICTS |
|-------|---|---|
| Site | Cutting Edge Concrete | RL / FP-1, Biological, Scenic, Wildlife corridor, Dam Inundation Area |
| North | BNSF Railroad / National Trails Highway | City of Victorville |
| South | Intermountain Power Agency easement | RL / FP-1, Biological, Scenic, Wildlife corridor, Dam Inundation Area |
| East | BNSF Railroad / National Trails Highway | City of Victorville |
| West | Vacant / Mojave River | RL / FP-1, Biological, Scenic, Wildlife corridor, Dam Inundation Area |

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

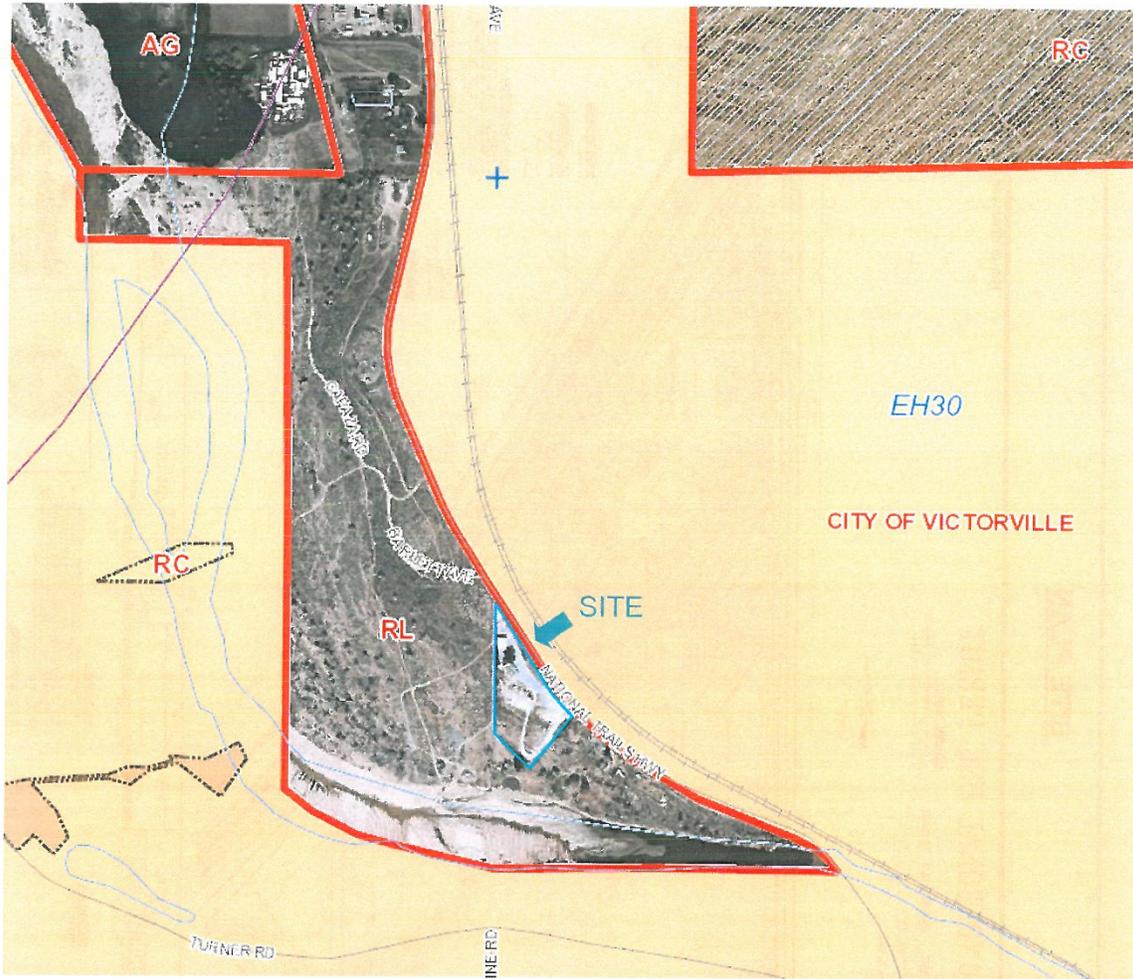
Federal: Army Corps of Engineers, Fish and Wildlife, Federal Aviation Administration

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

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

Local: City of Victorville

PROJECT LOCATION MAP



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EVALUATION FORMAT

This initial study is prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on 18 major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

| | | | |
|-----------------------------------|--|--------------------------|--------------|
| 1. Potentially Significant Impact | 2. Less than Significant with Mitigation | 3. Less than Significant | 4. No Impact |
|-----------------------------------|--|--------------------------|--------------|

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

1. Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts, which are (Listing the impacts requiring analysis within the EIR).
2. Possible significant adverse impacts have been identified or anticipated and the following mitigation measures are required as a condition of project approval to reduce these impacts to a level below significant. The required mitigation measures are: (List mitigation measures)
3. Therefore, no significant adverse impacts are identified or anticipated and no mitigation measures are required. (Optional mitigation may be added by stating: "As a precautionary measure to further reduce any potential for impacts, the following requirement shall apply"):
4. No impacts are identified or anticipated and no mitigation measures are required.

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

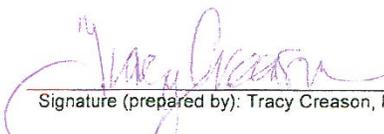
The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

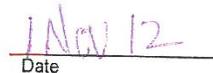
- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture / Forestry Resources | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology / Soils |
| <input type="checkbox"/> Greenhouse Gas | <input type="checkbox"/> Hazards & Hazardous Materials | <input type="checkbox"/> Hydrology / Water Quality |
| <input type="checkbox"/> Land Use/ Planning | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise |
| <input type="checkbox"/> Population / Housing | <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Transportation/Traffic | <input type="checkbox"/> Utilities / Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

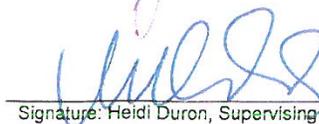
DETERMINATION: (To be completed by the Lead Agency)

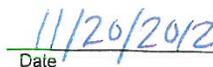
On the basis of this initial evaluation, the following finding is made:

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


Signature (prepared by): Tracy Creason, Project Planner


Date


Signature: Heidi Duron, Supervising Planner


Date

| Issues | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| I. AESTHETICS - Would the project | | | | |
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

- I a) **Less Than Significant Impact.** The proposed project is located within the view shed of National Trails Highway, a designated Scenic Corridor. Development already exists on the project site. The project is proposed on the site of the existing Cutting Edge Concrete Services, Inc. facility. Demolition of the existing residential structure, previously converted to office space, will occur as part of the project. A 4955-square foot replacement office structure will be built as part of the project. The existing 4000-square foot warehouse will remain. There will be an additional impact on the existing visual character of the site due to the size increase from the existing converted residential structure and the proposed office building. In order to improve the existing visual character of the site, landscaping along the National Trails Highway frontage, adjacent to the structures, and at the northwestern portion of the property is required as a condition of approval.
- I b) **Less Than Significant Impact.** The proposed project will not substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway, because there are no such resources on the project site.
- I c) **Less Than Significant Impact.** The proposed project will not substantially degrade the existing visual character or quality of the site and its surroundings. The project is consistent with the existing visual character of the area. There will be no additional impact on the existing visual character of the site. In order to improve the existing visual character of the site, landscaping along the National Trails Highway frontage, adjacent to the structures, and at the northwestern portion of the property is required as a condition of approval.
- I d) **Less Than Significant Impact.** The proposed project will not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Normal hours of operation are 7:30 to 5:00, Monday through Friday. There is only minimal lighting for security purposes proposed on site; no light standards are proposed. Any lighting must adhere to County Development Code Section 83.07.040, the Mountain and Desert Region Glare and Outdoor Lighting standards, also known as the Desert Night Sky Ordinance.

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

| Issues | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|---|--------------------------------|--|--------------------------|-------------------------------------|
| <p>II. AGRICULTURE AND FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Will the project:</p> | | | | |
| <p>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?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>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))?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>d) Result in the loss of forest land or conversion of forest land to non-forest use?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>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?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION (Check if project is located in the Important Farmlands Overlay):

- II a) **No Impact.** The subject property is not identified or designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. There are currently no agricultural uses on the site.
- II b) **No Impact.** The proposed use does not conflict with any agricultural land use or Williamson Act land conservation contract, as none exist on the site. The proposed Project site is currently developed with a Cottage Industry Permit use, which has exceeded the limits of that permit.

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- II c) **No Impact.** The proposed Project will not 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)). The proposed Project site is currently developed with a Cottage Industry Permit use, which has exceeded the limits of that permit. It is within the High Desert of Southern California and has never been designated as forest land or timberland.
- II d) **No Impact.** The proposed Project will not result in the loss of forest land or conversion of forest land to non-forest use. It is within the High Desert of Southern California and has never been designated as forest land or timberland.
- II e) **No Impact.** The proposed Project will not 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 the conversion of forest land to non-forest use. The current General Plan land use designation for the proposed Project area is Rural Living (RL) and the proposed zoning is Community Industrial (IC).

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

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

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

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

Based on the square footage of the Project (8955-square feet of building footprint) and the statistical analysis of projects run in the CalEEMOD air quality model, this project will generate less than 3000 metric tons of carbon dioxide equivalent (MTCO₂e). Using the model, Low Density Manufacturing and Warehousing less than 53,000 square feet in size are under the threshold.

The project will not contribute to the degradation of local or regional air quality. The site will be paved, dust proofed, and partially landscaped resulting in little or no wind-blown dust or particulate matter. There will be four full-time office staff employees, with two occasional supervisors, managers, and other employees at the site. There will be intermittent light vehicle storage at the site, but no heavy vehicle storage. As a condition of approval, a dust control plan (DCP) in compliance with MDAQMD's Rule 403 is required.

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- III b) **Less Than Significant Impact.** The project will not violate any air quality standard or contribute substantially to an existing or projected air quality violation, because the proposed use(s) do not exceed established thresholds of concern as established by the District. A DCP will be required as a condition of approval to regulate operation activities that could create windblown dust.
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- III c) **Less Than Significant Impact.** The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors), because the proposed uses do not exceed established thresholds of concern. As mentioned previously, the project must comply with MDAQMD's Rule 403 regarding fugitive dust during construction, as well as all requirements contained in the DCP.
- III d) **Less Than Significant Impact.** The project will not expose sensitive receptors to substantial pollutant concentrations, because there are no identified concentrations of substantial pollutants and the project is not located within ¼ mile of a use considered a sensitive receptor. The site is approximately 1.5 miles south of the nearest sensitive receptor, Oro Grande Elementary School.
- III e) **Less Than Significant Impact.** The project will not create odors affecting a substantial number of people because there are no identified potential uses that will result in the production of objectionable odors.

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

| Issues | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| IV. BIOLOGICAL RESOURCES - Would the project: | | | | |
| a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc...) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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

RCA Associates, LLC prepared a *Focused Desert Tortoise Survey*, a *Habitat Assessment for Mohave Ground Squirrel*, and a *Habitat Assessment & Focused Burrowing Owl Survey* between June 1, 2012 and June 4, 2012. Actual site surveys took place May 21, 2012.

IV a) **Less Than Significant Impact.** Although the property is within an area known to support Desert Tortoise, Mohave Ground Squirrel, and Burrowing Owl, the lack of native vegetation substantially reduces the habitat potential for these species. Results of the Desert Tortoise Survey concluded that "the site does not support prime suitable habitat for the desert tortoise based on on-going and past human activities; furthermore, no tortoises or tortoise sign (burrows, scats, carcasses, etc.) were observed on the site." Results of the Habitat Assessment for Mohave Ground Squirrel determined "the site does not support suitable habitat for the Mohave ground squirrel based on several criteria outlined in the following sections. Based on the results of the assessment, the proponent will not be required to mitigate for potential impacts to the species." The results of the Habitat Assessment & Focused Burrowing Owl Survey state "the site supports very marginal habitat for burrowing owls based on the Phase I survey (habitat assessment) conducted on the site; however, no owls or occupiable burrows were observed during the Phase II survey (burrow survey). Based on the results of the Phase I and Phase II surveys, a Phase III survey (i.e., census and mapping of owls) was deemed unnecessary as per the survey protocol guidelines established by the California Burrowing Owl Consortium."

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- IV b) **Less Than Significant Impact.** This project will not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service. Although the Mojave River exists south and west of the project site, the project does not impact it or encroach into it.
- IV c) **Less Than Significant Impact.** This project will not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means, because the project is not within an identified protected wetland. As mentioned in IV b), the Mojave River is south and west of the project site, but it does not exist on the site.
- IV d) **Less Than Significant Impact.** This project will not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, because the existing use of the property incorporates open spaces that allow wildlife to traverse the site. Additionally, the Mojave River Wildlife Corridor Proposed Regional Trail alignment mirrors the Mojave River, which exists south and west of the site.
- IV e) **Less Than Significant Impact.** This project will not conflict with any local policies or ordinances protecting biological resources, because the site has been previously disturbed and there are no identified biological resources that are subject to such regulation.
- IV f) **Less Than Significant Impact.** This project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan, because no such plan has been adopted in the area of the project site. The site is within the proposed boundary of the West Mojave Plan, which covers 9.3 million acres in the western portion of the Mojave Desert. This interagency habitat conservation plan remains under review.

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

| Issues | | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|-----------|--|--------------------------------|--|-------------------------------------|--------------------------|
| V. | CULTURAL RESOURCES - Would the project | | | | |
| a) | Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) | Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) | Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

Analytic Archaeology, LLC prepared a *Cultural Resources Assessment for APN 0468-281-26, Town of Oro Grande, San Bernardino County, California* in March 2012.

- V a) **Less Than Significant Impact.** This project will not cause a substantial adverse change in the significance of a historical resource, because the survey found no such resources on the site. Because of the identified cultural resources in the area and the lack of surface visibility during the site-specific assessment, the project includes a condition of approval to require monitoring during initial grading.
- V b) **Less Than Significant Impact.** This project will not cause a substantial adverse change to an archaeological resource, because there are no such resources identified on the site. Because of the identified cultural resources in the area and the lack of surface visibility during the site-specific assessment, a condition of approval to require monitoring during initial grading is included. To further reduce the potential for impacts, a condition shall be added to the project that requires the developer to contact the County Museum for determination of appropriate mitigation measures, if any finds are made during project construction.
- V c) **Less Than Significant Impact.** This project will not directly or indirectly destroy a unique paleontological resource or site or unique geologic feature, because no such resources have been identified on the site. Because of the identified cultural resources in the area and the lack of surface visibility during the site-specific assessment, a condition of approval to require monitoring during initial grading is included. To further reduce the potential for impacts, a condition shall be added to the project that requires the developer to contact the County Museum for determination of appropriate mitigation measures, if any finds are made during project construction.
- V d) **Less Than Significant Impact.** This project will not disturb any human remains, including those interred outside of formal cemeteries, because no such burials grounds are identified on this project site. Because of the identified cultural resources in the area and the lack of surface visibility during the site-specific assessment, a condition of approval to require monitoring during initial grading is included. If any human remains are discovered, during construction of this project, the developer is required to contact the County Coroner, County Museum for determination of appropriate mitigation measures and a Native American representative, if the remains are determined to be of Native American origin.

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

| <i>Issues</i> | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|---|--------------------------------|--|-------------------------------------|--------------------------|
| VI. GEOLOGY AND SOILS - Would the project: | | | | |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42 | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii. Strong seismic ground shaking? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii. Seismic-related ground failure, including liquefaction? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv. Landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001) creating substantial risks to life or property? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

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

- VI a) **Less Than Significant Impact.** (i-iv) The project will not 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, ii) strong seismic ground shaking, iii) seismic-related ground failure, including liquefaction or iv) landslides. There are no such geologic hazards identified in the immediate vicinity of the project site. The project will be reviewed and approved by County Building and Safety with appropriate seismic standards implemented in the construction of the project to insure that structures can endure a seismic event.
- VI b) **Less Than Significant Impact.** The project will not result in substantial soil erosion or the loss of topsoil. Such erosion occurred previously as a result of the existing operations. Erosion control plans will be required to be submitted, approved, and implemented.
- VI c) **Less Than Significant Impact.** The project is not identified as being located on a geologic unit. Due to unpermitted fill on the site, there is a potential that soil will be unstable. Because of this unpermitted fill, the project includes a "non-buildable area". The project proposes no development in these areas. Before any future development can occur in these areas, in addition to the appropriate land use application, a geology report is required to be reviewed and approved by the County Building and Safety Geologist, who will require implementation of appropriate measures.
- VI d) **Less Than Significant Impact.** The project site is not located on expansive soil, as defined in Table 18-1-B of the California Building Code (2001) creating substantial risks to life or property.

-
- VI e) **Less Than Significant Impact.** The project is required to hire a professional to certify that the existing septic system functions effectively, including verification of adequate percolation. Approvals from County Environmental Health Services and the Lahontan Regional Water Quality Control Board are required.

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

| <i>Issues</i> | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|--|--------------------------------|--|-------------------------------------|-------------------------------------|
| VII GREENHOUSE GAS EMISSIONS - Would the project: | | | | |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

SUBSTANTIATION:

- a) **Less Than Significant Impact.** In January of 2012, the County of San Bernardino adopted a Greenhouse Gas Emissions Reduction Plan (GHG Plan). The GHG Plan establishes a GHG emissions reduction target for 2020 of 15 percent below 2007 emissions, consistent with Assembly Bill 32 (AB32) and sets the County on a path to achieve more substantial long-term reduction in the post-2020 period. Achieving this level of emissions will ensure that the contribution to greenhouse gas emissions from activities covered by the GHG Plan will not be cumulatively considerable.

In 2007, the California State Legislature adopted Senate Bill 97 (SB97) requiring that the CEQA Guidelines be amended to include provisions addressing the effects and mitigation of GHG emissions. New CEQA Guidelines have been adopted that require: inclusion of a GHG analyses in CEQA documents; quantification of GHG emissions; a determination of significance for GHG emissions; and, adoption of feasible mitigation to address significant impacts. The CEQA Guidelines [Cal. Code of Regulations Section 15083.5 (b)] also provide that the environmental analysis of specific projects may be tiered from a programmatic GHG plan that substantially lessens the cumulative effect of GHG emissions. If a public agency adopts such a programmatic GHG Plan, the environmental review of subsequent projects may be streamlined. A project's incremental contribution of GHG emissions will not be considered cumulatively significant if the project is consistent with the adopted GHG plan.

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

As stated in the Air Quality section of this document, the proposed project contains 8955 square feet of low density manufacturing and warehousing structures. The project size threshold that generates 3,000 MTCO₂e is 53,000 square feet.

- b) **No Impact.** As noted in the response to a), above, in January of 2012, the County of San Bernardino adopted a GHG Plan, along with procedures for reviewing individual land use proposals to ensure that project-level impacts are evaluated to ensure incremental compliance with the countywide plan strategies. Based upon statistical analysis of projects run in the CalEEMod model, total construction and operational GHG emissions are well below the level at which further design and operational measures would be required to reduce emissions and conform to the County's GHG Plan. The Project is consistent with the County's GHG Plan.

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

| <i>Issues</i> | Potentially Significant Impact | Less than Significant with Mitigation Incorporated | Less than Significant | No Impact |
|--|--------------------------------|--|-------------------------------------|--------------------------|
| VIII. HAZARDS AND HAZARDOUS MATERIALS - Would the project: | | | | |
| a) Create a significant hazard to the public or the Environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Be located on a site, which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

SUBSTANTIATION

- VIII a) **Less Than Significant Impact.** The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, because no use approved on the site is anticipated to be involved in such activities. If such uses are proposed on-site in the future, they will be subject to permit and inspection by the Hazardous Materials Division of the County Fire Department and in some instances additional land use review. As a condition of approval, a business emergency contingency plan is required.
- VIII b) **Less Than Significant Impact.** The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because any proposed use or construction activity that might use hazardous materials is subject to permit and inspection by the Hazardous Materials Division of the County Fire Department. As mentioned above, a business emergency contingency plan is required as a condition of approval.

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- VIII c) **Less Than Significant Impact.** The project uses will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school, because the project does not propose the use of hazardous materials and all existing and proposed schools are more than one-quarter mile away from the project site. Oro Grande Elementary School is located approximately 1.5 mile to the north of the project site.
- VIII d) **Less Than Significant Impact.** The project site is not included on the San Bernardino County list of hazardous materials sites compiled pursuant to Government Code 65962.5 and therefore, will not create a significant hazard to the public or environment.
- VIII e) **Less Than Significant Impact.** The project site is not within the vicinity or approach/departure flight path of a public airport. The nearest public airport is Southern California Logistics Airport, located approximately 2.5 miles to the northwest of the project site.
- VIII f) **Less Than Significant Impact.** The project site is not within the vicinity or approach/departure flight path of a private airstrip. The Osborne private airstrip is located approximately 3.6 miles to the northeast of the project site.
- VIII g) **Less Than Significant Impact.** The project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the project has adequate access from two directions.
- VIII h) **Less Than Significant Impact.** The project will not expose people or structures to a significant risk of loss, injury or death involving wild land fires, because there are no wild lands adjacent to this site.

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

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

Merrell-Johnson Companies prepared a *Preliminary Water Quality Management Plan (WQMP)* for the project, which County Public Works found acceptable on 10/2/12.

- IX a) **Less Than Significant Impact.** The project will not violate any water quality standards or waste discharge requirements. The project is served by CSA 42 for water and an on-site septic system. As part of this project, the applicant must install slope, berm, drainage pipe, riprap, and detention basin improvements, as shown on the site plan. Adherence with the Best Management Practices (BMPs) as outlined in the Preliminary WQMP is a condition of approval.
- 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. CSA 42 provides water to the site. As mentioned in IX a, on-site detention basins will permit on-site water percolation.

- IX c) **Less Than Significant Impact.** The project will not substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site. The project does not propose any substantial alteration to a drainage pattern, stream, or river. The project is required to submit and implement an erosion control plan.
- IX d) **Less Than Significant Impact.** The project will not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. The project does not propose any substantial alteration to a drainage pattern, stream, or river. County Public Works has reviewed the proposed project drainage and all necessary drainage improvements both on and off site are required as conditions of approval for the project.
- IX e) **Less Than Significant Impact.** The project will not 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. County Public Works reviewed the proposed project drainage and determined that the proposed systems are adequate to handle anticipated flows. There will be adequate capacity in the local and regional drainage systems so that downstream properties are not negatively impacted by any increases or changes in volume, velocity or direction of storm water flows originating from or altered by the project.
- IX f) **Less Than Significant Impact.** The project will not otherwise substantially degrade water quality, because appropriate measures relating to water quality protection, including BMPs and erosion control measures have been required.
- IX g) **Less Than Significant Impact.** The project will not place unprotected 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. Although the site is within a floodway, Flood Zone AE and X-unshaded according to FEMA Panel 5805H, County Public Works reviewed the project and conditioned it accordingly. The project does not propose any housing.
- IX h) **Less Than Significant Impact.** The project will not place within a 100-year flood hazard area structures that would impede or redirect flood flows. County Public Works, Land Development Division evaluated the proposal and determined that the potential for flooding is less than significant.
- IX i) **Less Than Significant Impact.** The project will not expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam. Although the project site is within the dam inundation overlay, the portion of the site proposed for development is at an elevation above any identified path of a potential inundation flow that might result in the event of a dam or levee failure or that might occur from a river, stream, lake or sheet flow situation.
- IX j) **Less Than Significant Impact.** The project will not be impacted by inundation by seiche, tsunami, or mudflow, because the project is not adjacent to any body of water that has the potential of seiche or tsunami nor is the project site in the path of any potential mudflow.

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

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

SUBSTANTIATION

- X a) **Less Than Significant Impact.** The project will not physically divide an established community, because the project is a logical and orderly extension of the existing and planned land uses and the established development within the surrounding area. The City of Victorville, within whose sphere of influence the property is located, pre-zoned the property Light Industrial. The community of Oro Grande does not contain a centralized district that would be divided by the project.
- X b) **Less Than Significant Impact.** The project will not 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, because the project is consistent with all applicable land use policies and regulations of the County Code and General Plan. The General Plan Amendment from RL (Rural Living) to IC (Community Industrial) is consistent with the City's pre-zoning and would allow the existing Cutting Edge Concrete Services facility to continue and expand operations. The project complies with all Overlay District regulations.
- X c) **No Impact.** The project will not conflict with any applicable habitat conservation plan or natural community conservation plan, because there is no habitat conservation plan or natural community conservation plan within the area surrounding the project site and no habitat conservation lands are required to be purchased as mitigation for the proposed project. The site is within the proposed boundary of the West Mojave Plan, which covers 9.3 million acres in the western portion of the Mojave Desert. This interagency habitat conservation plan remains under review.

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

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

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

The site is within the MRZ-4, which is defined as an area of unknown mineral resource significance, with no known mineral occurrence.

XI a) **No Impact.** The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

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

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

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

SUBSTANTIATION (Check if the project is located in the Noise Hazard Overlay District or is subject to severe noise levels according to the General Plan Noise Element):

- XII a) **Less Than Significant Impact.** The project will not expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies, because the project is required to comply with the noise standards of the County Development Code and no noise exceeding these standards is anticipated to be generated by the proposed uses. Landscaped building setbacks are required to be installed. An acoustical review sheet is required to be submitted to County Environmental Health Services prior to issuance of building permits to evaluate potential noise impacts further. Hours and days of operation will be limited to Monday through Friday, 7:30 AM to 5:00 PM.
- XII b) **Less Than Significant Impact.** The project will not create exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels, because the project is required to comply with the vibration standards of the County Development Code. No vibration exceeding these standards is anticipated to be generated by the proposed uses.
- XII c) **Less Than Significant Impact.** The project will not generate a substantial permanent increase in ambient noise levels in the project vicinity above levels existing or allowed without the project. The project is required to comply with the noise standards of the County Development Code and no noise exceeding these standards is anticipated to be generated by the project. An acoustical review sheet is required to be submitted to County Environmental Health Services prior to issuance of building permits to further evaluate potential noise impacts. Landscaped building setbacks are required to be installed. Hours and days of operation will be limited to Monday through Friday, 7:30 AM to 5:00 PM.

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- XII d) **Less Than Significant Impact.** The project will not generate a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing or allowed without the project, because the demolition of the existing office and the construction of its replacement will occur during weekday, daytime hours. Temporary or periodic increases in noise may occur during construction, but these must adhere to County standards. Landscaped building setbacks are required.
- XII e) **No Impact.** The project is not located within an airport land use plan area or within two miles of a public/public use airport. The nearest public airport is Southern California Logistics Airport, located approximately 2.5 miles to the northwest of the project site.
- XII f) **No Impact.** The project is not within the vicinity of a private airstrip. The Osborne private airstrip is located approximately 3.6 miles to the northeast of the project site.

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

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

SUBSTANTIATION

- XIII a) **No Impact.** The project will not induce substantial population growth in an area either directly or indirectly. The Cutting Edge Concrete Services, which employs four full-time employees, currently exists. This project will not generate any new jobs or employment opportunities.
- XIII b) **No Impact.** The proposed use will not displace substantial numbers of existing housing units, necessitating the construction of replacement housing. The existing residential structure was previously converted into office space. Demolition of this converted structure will not result in the loss of housing units.
- XIII c) **No Impact.** The proposed use will not displace substantial numbers of people necessitating the construction of replacement housing elsewhere because the project will not displace any existing housing or existing residents.

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

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

SUBSTANTIATION

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

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

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

SUBSTANTIATION

- XV a) **Less Than Significant Impact.** This project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The project will not generate any new residential units and the impacts generated by the four full-time employees of this project will be minimal.
- XV b) **Less Than Significant Impact.** This project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment because the type of project proposed will not result in an increased demand for recreational facilities.

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

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

SUBSTANTIATION

- XVI a) **Less Than Significant Impact.** The County Traffic Division found that there would be no adverse impacts on traffic because of the proposed project. The project will generate no additional trips. As mentioned in the GHG Section of this Initial Study, the project will not result in an increase in the number of vehicle trips over what currently exists. The volume to capacity ratio on roads and the congestion level at intersections will continue to remain below the planned thresholds for those facilities. The project falls within the Regional Transportation Facilities Fee Plan for the Victorville Subarea. Payment to this fund is required prior to issuance of any building permits. Additionally, the project falls within the Oro Grande/Helendale Transportation Facilities Fee Plan. Payment to this fund is required prior to occupancy of any additional structure. Payments to this fund will be used for future road improvements in the area. Required road improvements to National Trails Highway are in the conditions of approval for this project.
- XV b) **No Impact.** The project will not exceed, either individually or cumulatively, a level of service [LOS] standard established by the county congestion management agency for designated roads or highways, because County Public Works – Traffic Division has reviewed the traffic generation of the proposed project and anticipates that traffic service will remain at an LOS of “C” or better, as required by the County General Plan.
- XV c) **No Impact.** The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks because there are no airports in the vicinity of the project and there is no anticipated notable impact on air traffic volumes by passengers or freight generated by the proposed uses and no new air traffic facilities are proposed.

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- XV d) **Less Than Significant Impact.** The project will not substantially increase hazards due to a design feature or incompatible uses because the project site is adjacent to an established road that is accessed at points with good site distance and properly controlled intersections. Required road improvements to National Trails Highway are in the conditions of approval for this project. There are no incompatible uses proposed by the project that will impact surrounding land uses.
- XV e) **Less Than Significant Impact.** The project will not result in inadequate emergency access, because there are a minimum of two access points.
- XV f) **Less Than Significant Impact.** The project would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The Victor Valley Transit Authority (VVTA) provides bus transportation to the Oro Grande area. The project will not impact this existing service.

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

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

SUBSTANTIATION

In October 2011, So & Associates Engineers, Inc., the engineer for the County Special Districts Department, completed an updated water feasibility study for this project.

- XVII a) **Less Than Significant Impact.** The proposed project does not exceed wastewater treatment requirements of the Regional Water Quality Control Board, Lahontan Region, as determined by County Public Health – Environmental Health Services.
- XVII b) **Less Than Significant Impact.** The proposed project will not require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, as there is sufficient capacity in the existing systems for the proposed use.
- XVII c) **Less Than Significant Impact.** The proposed project will not require or result in the construction of new storm water drainage facilities or expansion of existing facilities that cause significant environmental effects. County Public Works determined that site improvements related to drainage and adherence with the BMPs contained in the Preliminary WQMP will reduce any impacts to less than significant.
- XVII d) **Less Than Significant Impact.** County Service Area (CSA) 42 provides water to the site. Based on the results of the feasibility study, CSA 42 intends to serve the proposed project.
- XVII e) **Less Than Significant Impact.** The proposed project will use an existing on-site septic system, which must be certified by a qualified professional as adequate to serve the proposed project. Certification must be provided to County Environmental Health Services.

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- XVII f) **Less Than Significant Impact.** The proposed project is served by the Victorville Sanitary Landfill, which has sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- XVII g) **Less Than Significant Impact.** The proposed project is required to comply with federal, state, and local statutes and regulations related to solid waste. The applicant must submit a Construction and Demolition Solid Waste Management Plan. Part I requires projects to estimate the amount of tonnage to be disposed and diverted during demolition and construction. Part II requires projects to show and verify the actual tonnage diverted and disposed during demolition and construction.

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

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

SUBSTANTIATION

- XVIII a) **Less Than Significant Impact.** The project does not appear to have the potential to significantly degrade the overall quality of the region's environment or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. Although the property is within an area known to support Desert Tortoise, Mohave Ground Squirrel, and Burrowing Owl, the lack of native vegetation substantially reduces the habitat potential for these species. This project will not have a substantial adverse effect, 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, because the project site is currently developed and no such biological resources are known to exist or have been identified on the site. Because of the identified cultural resources in the area and the lack of surface visibility during the assessment, a condition of approval to require monitoring during initial grading is included. To further reduce the potential for impacts, a condition shall be added to the project that requires the developer to contact the County Museum for determination of appropriate mitigation measures, if any finds are made during project construction.
- XVIII b) **Less Than Significant Impact.** The project does not have impacts that are individually limited, but cumulatively considerable. The sites of projects in the area to which this project would add cumulative impacts have either existing or planned infrastructure that is sufficient for all planned uses. These sites either are occupied or are capable of absorbing such uses without generating any cumulatively significant impacts.
- XVIII c) **Less Than Significant Impact.** The project will not result in environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly. The general plan amendment from RL to IC and the continuing operation of the existing Cutting Edge Concrete Services facility will not cause any additional substantial environmental effects. The project is required to meet the conditions of approval in order for the project to be implemented. It is anticipated that all such conditions of approval will insure that no potential for adverse impacts will be introduced by existing or proposed activities authorized by the project approval.

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

XIX. MITIGATION MEASURES

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

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

NONE

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

- Alquist-Priolo Special Studies Zone Act Map Series (PRC 27500)
- Bryant, W. and E. Hart. 2007. *Special Publication 42: Fault-Rupture Hazard Zones in California*. California Geological Survey. Sacramento, California. <ftp://ftp.consrv.ca.gov/pub/dmg/pubs/sp/Sp42.pdf>
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- County of San Bernardino Museum, Archaeological Information Center
- County of San Bernardino, Circulation and Infrastructure Background Report, February 21, 2006
- County of San Bernardino, Countywide Integrated Waste Management Plan, 2007 Fire-Year Review Report, December 2007
- County of San Bernardino. 2007. *County of San Bernardino 2007 Development Code*. <http://cms.sbcounty.gov/lus/Planning/DevelopmentCode.aspx>
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- County of San Bernardino Identified Hazardous Materials Waste Sites List, April 1998
- County of San Bernardino, *San Bernardino County Storm Water Program, Model Water Quality Management Plan Guidance*, May 1, 2012.
- County of San Bernardino Road Planning and Design Standards, http://www.co-san-bernardino.ca.us/dpw/transportation/tr_standards.asp
- Environmental Impact Report, San Bernardino County General Plan, 2007
- Federal Emergency Management Agency Flood Insurance Rate Map and Flood Boundary Map
- Mojave Desert Air Quality Management District, *Mojave Desert Planning Area – Federal Particulate Matter (PM₁₀) Attainment Plan*, July 1995

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

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

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

PROJECT SPECIFIC REFERENCES (List author or agency, date, title)

Analytic Archaeology, LLC, *Cultural Resources Assessment for APN 0468-281-26, Town of Oro Grande, San Bernardino County, California*, March 2012

Cutting Edge Concrete Services, Inc. website, <http://cecsinc.net/index.html>

Merrell-Johnson Companies, *Preliminary Water Quality Management Plan*, 03/23/2012, amended 10/01/2012

RCA Associates, LLC, *Focused Desert Tortoise Survey, Cutting Edge Concrete, Conditional Use Permit, P201100453, APN 0468-281-26*, June 4, 2012

RCA Associates, LLC, *Habitat Assessment and Focused Burrowing Owl Survey, Cutting Edge Concrete, P201100453, APN 0468-281-26*, June 1, 2012

RCA Associates, LLC, *Habitat Assessment for Mohave Ground Squirrel, Cutting Edge Concrete, Conditional Use Permit, P201100453, APN 0468281-26 [sic]*, June 2, 2012

So & Associates Engineers Inc., *County Service Area 42, (Oro Grande) – Water Feasibility Study for APN 0468-281-26, Cutting Edge Concrete (Kirk A. and Leticia M. Schulthess: Owners)*, October 6, 2011

EXHIBIT C

CONDITIONS OF APPROVAL

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CONDITIONS OF APPROVAL

GENERAL REQUIREMENTS

Conditions of Operation and Procedure

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

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

1. Project Description. The County conditionally approves the proposed General Plan Land Use Zoning District Amendment (GPA) from Rural Living (RL) to Community Industrial (IC) on 6.77 acres, the proposed Conditional Use Permit (CUP) to establish a new 4955-square foot office in the footprint of the existing residence (to be demolished) and retain the existing 4000-square foot warehouse, both of which are associated with a construction contractor storage yard, and the proposed Major Variance to permit reduced landscaping in the front setback at the Cutting Edge Concrete Services facility in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the California Fire Code (CFC), the following conditions of approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). As part of the construction contractor storage yard there is some outside storage of small trucks and equipment.

The developer shall provide a copy of the approved conditions and the site plan to every current and future project tenant, lessee, and property owner to facilitate compliance with these conditions of approval and continuous use requirements for the Project Site with APN: 0468-281-26 and Project Number: P201100453.

2. Project Location. The project site is located on the southwest side of National Trails Highway, approximately 115 feet south of Bartlett Avenue in the unincorporated community of Oro Grande and within the City of Victorville Sphere; First Supervisorial District.
3. Development Standards/IC. The project site is located in the Desert Region and will be within the Community Industrial (IC) land use zoning district. SBCC Section 82.06.060 lists the IC Development Standards.
4. Revisions. Any proposed change to the approved use/activity on the site; or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures, building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants (clients and/or employees); or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be approved by the County. The developer shall prepare, submit with fees, and obtain approval of the application prior to implementing any such revision or modification. (SBCC §86.06.070)
5. Continuous Effect/Revocation. All conditions of approval applied to this project shall be effective continuously throughout the operative life of the project for the approved use. Failure of the property owner, tenant, applicant, developer or any operator to comply with any or all of the conditions at any time may result in a public hearing and revocation of the approved land use, provided adequate notice, time and opportunity is provided to the property owner or other party to correct the non-complying situation.
6. Developer Defined. The term “developer” as used in these conditions of approval for this project and for any development of this project site, includes all of the following: the applicant, the property owner, the subdivider and any lessee, tenant or sub-tenant, operator and/or any other agent or other interested party of the subject project and/or project site and/or any heir or any other successor in interest in the project site or project land use by sale or by lease of all or of a portion of the project site or project land uses and/or any other right given to conduct any land use in any or all of the project structures or any area on the project site.

7. Indemnification. In compliance with SBCC §81.01.070, the developer shall agree to defend, indemnify and hold harmless the County or its "indemnities" (herein collectively the County's elected officials, appointed officials [including Planning Commissioners], Zoning Administrator, agents, officers, employees, volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action or proceeding against the County or its indemnitees to attack, set aside, void or annul an approval of the County by an indemnitee concerning the map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the developer may agree to relinquish such approval.

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

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

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

8. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three years of the effective date of this approval, unless an extension of time is granted. The permit is deemed exercised when either
- the permittee has commenced actual construction or alteration under a validly issued Building Permit, or
 - the permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit. [SBCC 86.06.060]

Occupancy of completed structures and operation of the approved exercised land use remains valid continuously for the life of the project and the approval runs with the land, unless one of the following occurs:

- Building and Safety does not issue construction permits for all or part of the project or the construction permits expire before the completion of the structure and the final inspection approval.
- The County determines the land use to be abandoned or non-conforming.
- The County determines that the land use is not operating in compliance with these conditions of approval, the County Code, or other applicable laws, ordinances or regulations. In these cases, the land use may be subject to a revocation hearing and possible termination.

PLEASE NOTE: This will be the ONLY notice given of the expiration date. The developer is responsible for initiation of any Extension of Time application.

9. Extension of Time. County staff may grant extensions of time to the expiration date (listed above or as otherwise extended) in increments each not to exceed an additional three years beyond the current expiration date. The developer may file an application to request consideration of an extension of time with appropriate fees no less than 30 days before the expiration date. County staff may grant extensions of time based on a review of the Time application, which must include a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.

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11. Project Account. The Job Costing System (JCS) account number is P201100453. This is an actual cost project with a deposit account to which hourly charges are assessed. The developer shall maintain a positive account balance at all times. A minimum balance of \$1000 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use. There shall be sufficient funds remaining in the account to properly fund file closure and any other required post-occupancy review and inspection (e.g. landscape performance).
 12. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and/or tenant occupancy for each approved building, the developer shall process a Condition Compliance Release Form (CCRF) for each respective building and/or phase of the development through County Planning in accordance with the directions stated in the Approval letter. County Planning shall release their holds on each phase of development by providing to County Building and Safety the following:
 - Grading Permits - a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
 - Building Permits - a copy of the signed CCRF for building permits and three "red" stamped and signed approved copies of the final approved site plan.
 - Final Occupancy - a copy of the signed CCRF for final inspection of each respective building or use of the land, after an on-site compliance inspection by County Planning.
 13. Additional Permits. The property owner, developer, and land use operator are all responsible to ascertain and comply with all laws, ordinances, regulations and any other requirements of Federal, State, County and Local agencies as are applicable to the development and operation of the approved land use and project site. These include:
 - a) FEDERAL: US Fish & Wildlife, Army Corps of Engineers, Federal Aviation Administration
 - b) STATE: State Fish & Game, Lahontan RWQCB, Mojave Desert AQMD,
 - c) COUNTY: Land Use Services – Planning, Building and Safety, Code Enforcement; Public Health – Environmental Health Services; Special Districts; Public Works; County Fire; and Hazardous Materials
 - d) LOCAL: City of Victorville
 14. Continuous Maintenance. The project property owner shall continually maintain the property so that it is visually attractive and not dangerous to the health, safety and general welfare of both on-site users (e.g. employees) and surrounding properties. The property owner shall ensure that all facets of the development are regularly inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:
 - Annual maintenance and repair. The developer shall conduct inspections for any structures, fencing/walls, driveways, and signs to assure proper structural, electrical, and mechanical safety.
 - Graffiti and debris. The developer shall remove graffiti and debris immediately through weekly maintenance.
 - Landscaping. The developer shall maintain landscaping in a continual healthy thriving manner at proper height for required screening. Drought-resistant, fire retardant vegetation shall be used where practicable. Where landscaped areas are irrigated it shall be done in a manner designed to conserve water, minimizing aerial spraying.
 - Dust control. The developer shall maintain dust control measures on any undeveloped areas where landscaping has not been provided.
 - Erosion control. The developer shall maintain erosion control measures to reduce water runoff, siltation, and promote slope stability.
 - External Storage. The developer shall maintain external storage, loading, recycling and trash storage areas in a neat and orderly manner, and fully screened from public view. Outside storage shall not exceed the height of the screening walls.
 - Metal Storage Containers. The developer shall NOT place metal storage containers in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - Screening. The developer shall maintain screening that is visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
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- Signage. The developer shall maintain all on-site signs, including posted area signs (e.g. "No Trespassing") in a clean readable condition at all times. The developer shall remove all graffiti and repair vandalism on a regular basis. Signs on the site shall be of the size and general location as shown on the approved site plan or subsequently a County-approved sign plan.
 - Lighting. The developer shall maintain any lighting so that they operate properly for safety purposes and do not project onto adjoining properties or roadways. Lighting shall adhere to applicable glare and night light rules.
 - Parking and on-site circulation. The developer shall maintain all parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs in an un-faded condition as identified on the approved site plan. Any modification to parking and access layout requires County Planning review and approval. The markings and signs shall be clearly defined, un-faded and legible; these include parking spaces, disabled space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps and "No Parking", "Carpool", and "Fire Lane" designations.
 - Fire Lanes. The developer shall clearly define and maintain in good condition at all times all markings required by the Fire Department, including "No Parking" designations and "Fire Lane" designations.
15. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in SBCC Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration, and the disposal of liquid waste. In addition to these, none of the following shall be perceptible without instruments at any point outside the project boundaries at adjoining property lines:
- Odors: No offensive or objectionable odor.
 - Emissions: No emission of dirt, dust, fly ash and other forms of particulate matter.
 - Smoke: No smoke of a greater density than that described in No. 2 on the Ringelmann Chart, as published currently by the United States Bureau of Mines, shall be emitted from any project source.
 - Radiation: No dangerous amount of radioactive emissions.
 - Toxic Gases: No emission of toxic, noxious or corrosive fumes of gases.
 - Glare: No intense glare that is not effectively screened from view at any point outside the project boundary.
16. Clear Sight Triangle. Signs and other structures located within the clear sight triangle, shall comply with the height and location requirements specified by the SBCC or as otherwise required by the County Traffic Division.
17. Water Conservation. Structures shall incorporate interior and exterior water conservation measures (low-flow plumbing, water efficient landscaping, drip irrigation, minimization of turf areas, etc.) as required by the SBCC.
18. Construction Hours. Construction will be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday in accordance with the SBCC standards. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.
19. Signs. This conditional approval does not include signs. The developer must apply for any free-standing or attached sign, which must be permitted in accordance with SBCC Chapter 7, Sign Regulations and in compliance with the conditions of approval.

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

20. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the County will charge the property owner for such enforcement activities in accordance with the SBCC Schedule of Fees.
21. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

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

22. Permits. Submit plans and obtain separate building permits for any required walls, retaining walls or trash enclosures.

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

23. Noise. Noise level shall be maintained at or below County Development Code Standards, Section 83.01.080. For information, contact DEHS at (800) 442-2283.
24. Septic Systems. The septic system shall be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, contact DEHS/Wastewater Section at (800) 442-2283.
25. Refuse Storage/Removal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that visual or other impacts and environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least one time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least two times per week, or as often as necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with SBCC Chapter 8, Section 33.0830 et. seq. For information, call DEHS/LEA at (800) 442-2283.

PUBLIC WORKS – Land Development Division – Drainage (909) 387-8145

26. Infrequent Flood Hazards. The site may be subject to infrequent flood hazards by reasons of overflow, erosion, and debris deposition in the event of a major storm.
27. FEMA Flood Zone. Portions of this property lie within a floodway, Flood Zone AE and X-unshaded according to Federal Emergency Management Agency (FEMA) Panel Number 5805H, dated 08/28/2008. In compliance with FEMA and San Bernardino County regulations the following shall apply: No construction will be permitted within the floodway. The building pad is to be elevated a minimum of one foot above the highest known flood elevation if the project lies in flood zone AE (an Elevation Certificate is required). There are no elevation requirements for building in a flood zone X-unshaded area. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of a grading permit.
28. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off-site/on-site drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties at the time the site is developed.
29. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
30. Additional Drainage Requirements. In addition to drainage requirements stated herein, other on-site and/or off-site improvements may be required that cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
31. Continuous BMP Maintenance. The property owner/developer is required to provide periodic and continuous maintenance of all Best Management Practices (BMP) devices/facilities listed in the County approved Water Quality Management Plan (WQMP) for the project. This includes but is not limited to, filter material replacement and sediment removal, as required to assure peak performance of all BMPs. Furthermore, such maintenance activity will require compliance with all Local, State or Federal laws and regulations, including those pertaining to confined space and waste disposal methods in effect at the time such maintenance occurs.

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- 32. BMP Enforcement. In the event the property owner/developer (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five days of being given written notice by County Public Works, then the County shall cause any required maintenance to be done. The entire cost and expense of the required maintenance shall be charged to the property owner and/or developer, including administrative costs, attorney's fees, and interest thereon at the rate authorized by the County Code from the date of the original notice to the date the expense is paid in full.

PUBLIC WORKS – Land Development Division – Roads Section (909) 387-8145

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

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

- 34. Recycling Storage Capacity. The developer shall provide adequate space and storage bins for both refuse and recycling materials. This requirement is to assist the County in compliance with the recycling requirements of AB 2176.

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190

- 35. Fire Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department, herein "Fire Department". Prior to any construction occurring on any parcel, the developer shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current California Fire Code requirements and all applicable statutes, codes, ordinances, and standards of the Fire Department.
- 36. Additional Requirements. This review did not include analysis of any rack or high piled combustible storage to be present. If there is to be any high piled or rack storage present (including plastics storage greater than six feet), the developer must provide storage plans and a letter to identify the commodities to be present.
- 37. Fire Sprinkler Modifications. Any required fire sprinkler installations/modifications necessitated by this construction must be made under fire protection plans approved by the Fire Department under a separate permit.
- 38. FACP. The use of a smoke detector over the Fire Alarm Control Panel (FACP) is not recommended unless the FACP is located in an enclosed room separated from the warehouse. If not separated, it is recommended that the smoke detector over the FACP be replaced with a rate of rise hear detector to prevent unwanted alarms.
- 39. Separate Permit. Any required fire sprinklers, fire hydrant, fire main, and fire alarm system installations necessitated by this construction must be made under separate detailed fire protection plans approved by the Fire Department prior to installation.

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

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

- 40. Demolition Permit. Obtain a demolition permit for any building or structure to be demolished. Underground structures must be broker in, back-filled and inspected before covering.
- 41. Geotechnical Report. The developer shall submit a geotechnical (soil) report to the Building and Safety Division for review and approval prior to issuance of grading permits.
- 42. Geology Report. The developer shall submit an engineering geology report to the Building and Safety Division for review and approval prior to issuance of grading permits.

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43. Storm Water Management Plan. The developer shall submit a San Bernardino County Storm Water Management Plan to the Building and Safety Division for review and approval prior to issuance of grading permits.
 44. SWPPP. The developer shall submit a Storm Water Pollution Prevention Plan (SWPPP) to the Building and Safety Division prior to issuance of grading permits.
 45. Erosion Control Plan. The developer shall submit an erosion control and sediment plan and permit application to the Building and Safety Division for review and approval prior to any land disturbance.
 46. Tree Removal Plan. A preconstruction inspection, tree removal plan and permit in compliance with the County's Plant Protection and Management Ordinance, shall be approved prior to any land disturbance and/or removal of any trees or plants.
 47. Septic Systems. Prior to land disturbance or issuance of any permit, the developer shall provide the location of septic system for verification of setback to property lines and structures.
 48. Grading Plans. The developer shall submit grading plans to the Building and Safety Division for review and approval prior to grading and/or land disturbance.
 49. NPDES Permit. A National Pollutant Discharge Elimination System (NPDES) permit – Notice of Intent (NOI) is required on all grading of one acre or more prior to issuance of a grading/construction permit. Contact the Regional Water Quality Control Board (RWQCB), Lahontan Region, for specifics.
 50. RWQCB Permit. Prior to permit issuance, CONSTRUCTION projects involving one or more acres must be accompanied by a copy of the Regional Board permit letter with the WDID#. Construction activity includes clearing, grading, or excavation that results in the disturbance of at least one acre of land total.

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

51. Cultural Monitor. Because of identified cultural resources in the area and the lack of surface visibility during the site-specific assessment, a cultural monitor must be on the site during initial grading. Provide verification of the contractual agreement with a qualified cultural monitor prior to issuance of grading permits.
52. Cultural Resources. The project is not expected to have an impact on cultural or paleontological resources. However, the following procedures shall be implemented in the event that potentially sensitive cultural resources are uncovered during earthmoving and/or construction. The developer/property owner shall submit a letter to County Planning agreeing to adhere to the following requirements and shall include a note on the grading plans and in all construction contracts/subcontracts a provision that the project contractors shall also adhere to the following requirements:
 - In the event archaeological, paleontological and/or historical resources, including pottery, middens or human remains, are uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archaeologist, in consultation with the appropriate Native American Tribe(s) and the County of San Bernardino Museum, determines the resources are recovered to their satisfaction.
 - If possible human remains are encountered during any earthmoving activities, all work shall stop in the area in which the find(s) are present, and the San Bernardino County Coroner must be notified. State law dictates that the Native American Heritage Commission (NAHC) shall be notified in the event that remains are determined to be human and of Native American decent, in accordance with California Public Resources Code Section 5097.98.
53. Grading Plans. The developer shall submit three sets of grading plans to the Planning Division for review and approval.
54. DCP. The developer shall submit a Dust Control Plan (DCP) to County Planning, which meets the requirements of the Mojave Desert Air Quality Management District (MDAQMD) and which the MDAQMD has approved.

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55. MDAQMD. The developer shall submit verification to County Planning that project design and construction adhere with the requirements of the MDAQMD, including compliance with all MDAQMD regulations (i.e., Rules 201, 203, 401, 403.2, 404), proper maintenance of vehicles, implementation of the MDAQMD-approved DCP, and suspension of all construction during high wind or second stage smog events.
56. GHG. The developer shall submit verification to County Planning that project design and construction adhere to the requirements contained in the January 2012 County of San Bernardino Greenhouse Gas Emissions Reduction Plan [GHG Plan] (found at <http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHG.pdf>).

PUBLIC WORKS – Land Development Division – Drainage Section (909) 387-8145

57. Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner that will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A \$520 deposit for drainage review will be collected upon submittal to the Land Development Division.
58. Drainage Easements. Adequate San Bernardino County Drainage Easements (minimum 15 feet wide) shall be provided over the natural drainage courses, drainage facilities or concentration of runoff from the site to dewater into private property.
59. FEMA Flood Zone. Portions of this property lie within a floodway, Flood Zone AE and X-unshaded according to Federal Emergency Management Agency (FEMA) Panel Number 5805H, dated 08/28/2008. In compliance with FEMA and San Bernardino County regulations the following shall apply: No construction will be permitted within the floodway. The building pad is to be elevated a minimum of one foot above the highest known flood elevation if the project lies in flood zone AE (an Elevation Certificate is required). There are no elevation requirements for building in a flood zone X-unshaded area. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of a grading permit.
60. Topo Map. The developer shall provide a topographic map to facilitate the design and review of necessary drainage facilities.
61. Grading Plans. The developer shall submit grading plans to the Land Development Division, Drainage Section for review and obtain approval. The Land Development Division will collect a \$520 deposit for grading plan review at the time of submittal.
62. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.
63. WQMP. The developer shall submit a completed Water Quality Management Plan (WQMP) for review and obtain approval. A \$2500 deposit for WQMP review will be collected upon submittal to the Land Development Division. Copies of the WQMP guidance and template can be found at: http://www.sbcounty.gov/dpw/land/environmental_mgmt.asp
64. WQMP Inspection Fee. The developer shall deposit an inspection fee for WQMP in the amount of \$3600 to Land Development Division.

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190

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

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PUBLIC WORKS – Surveyor (909) 387-8149

- 66. Record of Survey. A Record of Survey per Section 8762 of the Business and Professions Code is required. The Site Plan indicated bearings and distances around the subject property which are not of record and appear to be based upon a field survey.

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

- 67. C&D Plan – Part 1. The developer shall prepare, submit, and obtain approval from Solid Waste Management Division (SWMD) of a “Construction Waste Management Recycling Plan (C&D Plan), Part I”. The C&D Plan shall list the types and volumes of solid waste materials expected to be generated from demolition, grading, and construction. The Plan shall include options to divert materials for reuse or recycling from landfill disposal by a minimum of 50 percent of total volume. A \$165 review fee must be submitted with the C&D Plan.

Upon completion of construction, the developer shall complete SWMD’s C&D Plan Part 2. This summary shall provide documentation of diversion of materials including but not limited to receipts or letters from diversion facilities or certification reuse of materials on site.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed

SPECIAL DISTRICTS DEPARTMENT (760) 955-9885

- 68. Feasibility Study. This parcels lies within the boundaries of County Service Area (CSA) 42. Completion and/or updating of a Feasibility Study is/are a condition of permit issuance. Please contact County Water and Sanitation at (760) 955-9885 for additional information regarding a Feasibility Study.

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

- 69. Geotechnical Report. The developer shall submit a geotechnical (soil) report to the Building and Safety Division for review and approval prior to issuance of building permits.
- 70. Erosion Control Devices. Prior to issuance of building permits, the developer shall install erosion control devices at all perimeter openings and slopes. No sediment is to leave the job site.
- 71. Erosion Control Plantings. The developer shall install all erosion control planting, landscaping and devices upon completion of rough grading.
- 72. Site Drainage/Runoff. The developer shall ensure that all runoff be held to pre-development levels, per Section 82.13.080 of the San Bernardino County Development Code.
- 73. Compaction Report. Upon completion of rough grading and prior to footing excavations, the developer shall submit a compaction report to the Building and Safety Division for review and approval.
- 74. Building Plans. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans approved by the Building and Safety Division.
- 75. Wall Plans. Submit plans and obtain permits for all fences greater than six feet in height and for any walls required by the Planning Division.
- 76. Disabled Path of Travel. Provide a path of travel from the disabled parking spaces up to the primary entrance of each accessible building or area.

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77. Disabled Parking Spaces. Provide van accessible parking spaces for the disabled. One in every eight accessible spaces, but not less than one in each parking area, shall be served by an access aisle 96 inches wide and shall be designated Van Accessible. The words “**NO PARKING**” shall be painted on the ground within each eight-foot loading area as specified in the California Building Code.
78. Green Building Measures. The developer shall design all new buildings to include the “Green Building Measures” as outlined in the California Green Building Standards Code.

PUBLIC WORKS – Land Development Division – Roads (909) 387-8145

79. Road Dedication and Improvements. Prior to issuance of building permits, the developer shall submit for review and obtain approval from the Department of Public Works the following dedications, plans, and permits for the listed required improvements, designed by a Registered Civil Engineer (RCE), licensed in the State of California. These shall be submitted to the Department of Public Works (DPW), located at 825 E. Third Street, San Bernardino, CA 92415-0835. Telephone (909) 387-8145.

National Trails Highway (Major Highway – 104’)

80. Road Dedication. A 12-foot grant of easement is required to provide a half-width right-of-way of 52 feet.
81. Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.
82. Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and locate per Standard 130.
83. Road Design. Road sections within and/or bordering the project site shall be designed and constructed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the Master Plan of Highways.
84. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction.
85. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole that would affect construction, and any such utility shall be relocated as necessary without cost to the County.
86. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division-Permit Section. Telephone (909) 387-8039. Permits shall be required from other agencies as well, prior to work within their jurisdictions.
87. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill and all sub-grades shall be performed at no cost to San Bernardino County. A written report shall be submitted to the Transportation Operations Division – Permit Section of County Public Works, prior to any placement of base materials and/or paving.
88. Transitional Improvements. Right-of-way and improvements (including off-site) to transition traffic and drainage flows from proposed to existing, shall be required as necessary.
89. Open Roads/Cash Deposit. Existing County roads that will require reconstruction shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.

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90. Street Gradients. Road profile grades shall not be less than 0.5 percent unless the engineer, at the time of submittal of the improvement plans, provides justification to the satisfaction of the Department of Public Works confirming the adequacy of the grade.

PUBLIC WORKS – Traffic Division (909) 387-8186

91. Road Design. Provide taper and pocket lengths in accordance with Caltrans Design Manual on National Trails Highway at the driveway access road. This may involve improving National Trails Highway beyond the project frontage.
92. Regional Fee. This project falls within the Regional Transportation Facilities Fee Plan for the Victorville Subarea. This fee shall be paid by cashier's check to the Department of Public Works Business Office. The Regional Transportation Fee Plan can be found at: http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp

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

93. Water. Water purveyor shall be County Service Area (CSA) 42.
94. Water Letter. The applicant shall procure a verification letter from the water agency with jurisdiction. This letter shall state whether or not water connection and service shall be made available to the project by the water agency. The letter shall reference Assessor's Parcel Number (APN): 0468-281-26. For projects with current active water connections, a copy of water bill with the project address may suffice. For information, contact the Water Section at (800) 442-2283.
95. Sewer. The method of sewage disposal shall be a DEHS approved onsite wastewater treatment system (OWTS).
96. Certification. The existing septic system can be used if the developer provides certification from a qualified professional [i.e., Professional Engineer (P.E.), Registered Environmental Health Specialist (REHS), C42 contractor, Certified Engineering Geologist (C.E.G.), etc.] that the system functions properly, meets code, and has the capacity required for the proposed project. Applicant shall provide documentation outlining the methods used in determining function.
97. Acoustical Study. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standards, San Bernardino Development Code Section 83.01.080. The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If the preliminary information cannot demonstrate compliance with noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to the Division of Environmental Health Services (DEHS) for review and approval. For information and acoustical checklist, contact DEHS at (800) 442-2283.

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190

98. Fire Department Access. The development shall have a minimum of two points of vehicular access. These are for fire/emergency equipment access and for evacuation routes.
99. Single Story Road Access. All buildings or structures shall have access provided by approved roads, alleys and private drives with a minimum 26-foot unobstructed width and vertically to 14 feet 6 inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
100. Multi-Story Road Access. Buildings or structures three stories in height or more shall have a minimum access of 30 feet unobstructed width and vertically to 14 feet 6 inches in height.
101. Fire Flow Test. The developer shall submit a flow test report to establish whether the public water supply is capable of meeting the fire flow demand of the project. If the current flow test report from the water purveyor does not demonstrate that the fire flow demand is satisfied, the developer must install an approved fire sprinkler system.

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102. Fire Alarm. A manual, automatic, or manual and automatic fire alarm system complying with the California Fire Code, NFPA, and all applicable codes is required. The developer shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal.
103. Street Sign. This project is required to have an approved street sign (temporary or permanent). The street sign shall be installed on the nearest street corner to the project. Installation of the temporary sign shall be prior to any combustible material being placed on the construction site. Prior to final inspection and occupancy of the first structure, the permanent street sign shall be installed.
104. Building Plans – Hazardous Materials Approval. The developer shall contact the San Bernardino County Fire Department/Hazardous Materials Division, (909) 386-8401, for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

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

105. Cultural Monitor. Because of identified cultural resources in the area and the lack of surface visibility during the site-specific assessment, a cultural monitor was on the site during initial grading. Provide a copy of the monitoring results report from the qualified cultural monitor prior to issuance of building permits.
106. Elevations. In order to reduce visual impacts along the scenic route, National Trails Highway, the developer shall submit exterior elevations of the proposed office building for review and approval by the Planning Division.
107. Landscape Plans. The applicant shall submit to the Planning Division for review and obtain approval of three sets of a Landscape Documentation Package, prepared by a Certified Landscape Professional in compliance with SBCC Chapter 83.10, Landscape Standards. At a minimum, landscaping shall be along National Trails Highway, adjacent to the structures, within the parking lots, and at the northwestern portion of the property. Planting plans shall utilize indigenous plant material, when possible, to minimize water consumption. The required planting plans and irrigation plans shall comply with Regional Landscaping Standards for the Desert Region.
108. MDAQMD. The developer shall provide verification of compliance with the MDAQMD Best Available Control Technology (BACT) to County Planning. These BACT must offset any new emissions so that there is no net gain in emissions within the air basin.
109. GHG. The developer shall submit verification to County Planning that project design and construction adhere to the requirements contained in the January 2012 County of San Bernardino Greenhouse Gas Emissions Reduction Plan [GHG Plan] (found at <http://www.sbcounty.gov/Uploads/lus/GreenhouseGas/FinalGHG.pdf>).

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

SPECIAL DISTRICTS DEPARTMENT (760) 955-9885

110. Feasibility Study. This parcels lies within the boundaries of County Service Area (CSA) 42. Compliance with the requirements of the Feasibility Study is a condition of water and sewer service. Please contact County Water and Sanitation at (760) 955-9885 for additional information regarding a Feasibility Study.

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

111. Lighting Plans. The developer shall submit an outdoor lighting plan and obtain permits prior to installation of lighting standards.

112. Sign Lighting. Sign lighting shall comply with California Energy regulations.

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

PUBLIC WORKS – Land Development Division – Drainage Section (909) 387-8145

114. Drainage and WQMP Improvements. All required drainage and WQMP improvements shall be completed by the applicant and inspected and approved by County Public Works.

115. WQMP Final File. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

116. Elevation Certificate. If a structure is placed in Flood Hazard Zone AE, an Elevation Certificate of structure shall be completed, approved, and on file with County Building and Safety. Submit verification to County Public Works.

PUBLIC WORKS – Land Development Division – Roads Section (909) 387-8145

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

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

PUBLIC WORKS – Traffic Division (909) 387-8186

119. Local Fee. This project falls within the Helendale/Oro Grande Local Area Transportation Fee Plan. This fee shall be paid by a cashier’s check to the Department of Public Works Business Office or to the Building and Safety Division.

COUNTY FIRE DEPARTMENT – Community Safety Division (760) 995-8190

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

121. Commercial Addressing. Commercial and industrial developments of 100,000 square feet or less shall have the street address installed on the building with numbers that are a minimum six inches in height and with a three-quarter inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be

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electrically illuminated (internal or external). Where the building is 200 feet or more from the roadway, additional non-illuminated, contrasting six inch numbers shall be displayed at the property access entrances.

122. Key Box. An approved Fire Department key box is required. The key box shall be provided with a tamper switch and shall be monitored by a Fire Department approved central monitoring service. In commercial, industrial and multi-family complexes, all swing gates shall have an approved Fire Department Knox[®] Lock.
123. Fire Extinguishers. Hand portable fire extinguishers are required. The Fire Department shall approve the location, type, and cabinet design.
124. Fire Lanes. The developer shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The "No Parking, Fire Lane" signs shall be installed on public and/or private roads in accordance with the approved plan.
125. Permanent Street Sign. Prior to final inspection and occupancy of the first structure, a permanent street sign shall be installed.

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

126. Emergency/Contingency Plan. Prior to occupancy, the operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and wastes or a letter of exemption. For information, contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.
127. Permits. Prior to occupancy, the applicant/operator shall be required to apply for one or more of the following: a Hazardous Material Handler Permit, a Hazardous Waste Generator Permit and/or an Underground Storage Tank Permit. For information, contact the Office of the Fire Marshal, Hazardous Materials Division at (909) 386-8401.

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

128. C&D Plan – Part 2. The developer shall complete SWMD's C&D Plan Part 2. This summary shall provide documentation of diversion of materials including but not limited to receipts or letters from diversion facilities or certification of reuse of materials on site. The C&D Plan – Part 2 shall provide evidence to the satisfaction of County Solid Waste that demonstrates that the project has diverted from landfill disposal materials for reuse or recycling by a minimum of 50 percent of total volume of all construction waste.

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

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

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

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

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

131. Landscaping Installed. All landscaping, dust control measures, all walls/fences, pedestrian walkways, irrigation systems, etc. as delineated on the approved landscape plan shall be installed. The developer shall submit verification as required in SBCC Section 83.10.100. Supplemental verification may include photographs.
132. Air Quality & GHG. The developer shall submit evidence to County Planning that all air quality requirements and greenhouse gas reduction measures have been properly installed and implemented.
133. On-site Improvements; Parking and on-site circulation requirements shall be installed per SBCC Section 83.17, Parking and Loading Standards; including the following:
 - All required off-street parking and loading areas and vehicular access drives shall be surfaced with a minimum of two inches of asphaltic concrete paving to the satisfaction of the Building and Safety Division.
 - All primary vehicular access drives shall be a minimum of 26 feet wide.
 - All parking lot vehicular aisle widths shall be a minimum of 24 feet wide for two-way circulation, 12 feet wide for one-way circulation and 17 feet wide for 60-degree angled parking stalls.
 - All paved parking stalls shall be clearly striped with double or hairpin stripes and permanently maintained.
 - All paved access drives shall have all circulation markings clearly painted and permanently maintained; including arrows painted to indicate the direction of traffic flow.
 - All internal on-site pedestrian crosswalks will be delineated with a minimum 3-inch white or yellow painted line. All pedestrian crossings in public rights-of-way shall be delineated per County Standards.
134. Disabled Access. Disabled access parking spaces shall be clearly marked as disabled spaces and said markings shall be maintained in good condition at all times.
135. Shield Lights. Any lights used to illuminate the site shall be hooded and designed so as to reflect away from adjoining properties and public thoroughfares.
136. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.
137. Trash/Recyclables Receptacles. All trash and recyclables receptacles shall be in compliance with Public Works, Solid Waste Management standards. They shall be enclosed by six-foot high masonry walls with steel gates. A concrete apron equal to the width of the gate and outward from the enclosure a minimum of six feet shall be provided.
138. Fees Paid. Prior to final inspection by the Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, all fees required under actual cost job number P201100453 shall be paid in full.

END OF CONDITIONS

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EXHIBIT D

CORRESPONDENCE

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Department of Water and Power



the City of Los Angeles

ANTONIO R. VILLARAIGOSA
Mayor

Commission
THOMAS S. SAYLES, *President*
ERIC HOLOMAN, *Vice President*
RICHARD F. MOSS
CHRISTINA E. NOONAN
JONATHAN PARFREY
BARBARA E. MOSCHOS, *Secretary*

RONALD O. NICHOLS
General Manager

January 22, 2013

Ms. Tracy Creason
Senior Planner
County of San Bernardino
Land Use Services Department
Planning Division
15900 Smoke Tree Street, Suite 131
Hesperia, CA 92345

Subject: Cutting Edge Concrete (Schulthess), Project No. P201100453/CF

Dear Ms. Creason:

Thank you for the opportunity to review the Notice of Availability and Notice of Intent to Adopt an Initial Study/Negative Declaration for the Cutting Edge Concrete Services facility. This project appears to be outside the Intermountain Power Project's (IPP) transmission line right of way, but is directly adjacent to property owned by IPP. The Los Angeles Department of Water and Power as operating agent for IPP has no objections to the proposed project, as no infrastructure exists in this right-of-way at this time. IPP property may be subject to development in the future and would require certain clearances when working near and around high voltage lines to be met under the State of California, Public Utilities Commission, General Order No. 95 and CALOSHA.

If you have any questions or need further information, please contact Ms. Julie Van Wagner of my staff at (213) 367-5295.

Sincerely,

Charles C. Holloway
Manager of Environmental Planning and Assessment

JVW:lr
c: Ms. Julie Van Wagner

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Recyclable and made from recycled waste.

February 27, 2012

Attn: Tracy Creason, City Planner
Land Use Services Department/Planning Division
San Bernardino County
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182



**Re: Project number P201100453/CF
APN 0468-281-26, National Trails Highway, in the Community of Oro Grande**

The Soboba Band of Luiseño Indians appreciates your observance of Tribal Cultural Resources and their preservation in your project. The information provided to us on said project(s) has been assessed through our Cultural Resource Department, where it was concluded that although it is outside the existing reservation, the project area does fall within the bounds of our Tribal Traditional Use Areas. At this time the Soboba Band does not have any specific concerns regarding this project, but wishes to defer to the San Manuel Band of Mission Indians (909-864-8933).

[SPECIAL NOTE (for projects other than cell towers): If this project is associated with a city or county specific plan or general plan action it is subject to the provisions of SB18-Traditional Tribal Cultural Places (law became effective January 1, 2005) and will require the city or county to participate in **formal, government-to-government** consultation with the Tribe. If the city or county are your client, you may wish to make them aware of this requirement. By law, they are required to contact the Tribe.

Sincerely,

Joseph Ontiveros
Soboba Cultural Resource Department
P.O. Box 487
San Jacinto, CA 92581
Phone (951) 654-5544 ext. 4137
Cell (951) 663-5279
jontiveros@soboba-nsn.gov

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