



**LAND USE SERVICES DEPARTMENT
PLANNING DIVISION
PLANNING COMMISSION STAFF REPORT**



HEARING DATE: January 17, 2013

AGENDA ITEM # 2

Project Description

APN: 0603-204-04
APPLICANT: Dynamic Development, LLC
COMMUNITY: Joshua Tree/3rd Supervisorial District
LOCATION: Bounded by 29 Palms Highway, Sunburst Avenue, Commercial Street, and Mountain View Street

PROJECT NO: P201100357/CUP

STAFF: Gus Romo/Ernie Perea, Contract Planners

REP('S): Dynamic Development, LLC (c/o Jon Tanury)

PROPOSAL: Conditional Use Permit to establish a 9,100 square-foot general retail store on 1.45-acre site.

VICINITY MAP



80 Hearing Notices Sent: Dec. 31, 2012

Report Prepared By: Gus Romo

SITE INFORMATION:

Parcel Size: 1.45 acres
Terrain: Flat
Vegetation: Sparse native vegetation

SURROUNDING LAND DESCRIPTION:

AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
SITE	Vacant Land	JT/CG-SCp (Joshua Tree- General Commercial) ¹
North	Residential across Commercial St.	JT/RM (Joshua Tree-Multiple Residential)
South	Residential across 29 Palms Hwy.	JT/CG-SCp (Joshua Tree- General Commercial)
East	Vacant land across Sunburst Ave.	JT/CG-SCp (Joshua Tree- General Commercial)
West	Vacant land across Mountain View St.	JT/CG-SCp (Joshua Tree- General Commercial)

	<u>AGENCY</u>	<u>COMMENT</u>
City Sphere of Influence:	N/A	N/A
Water Service:	Joshua Basin Water District	None
Sewer Service:	Private septic system	N/A

STAFF RECOMMENDATION: That the Planning Commission **APPROVE** the Conditional Use Permit subject to the attached Conditions of Approval, **ADOPT** the Findings, and **FILE** a Notice of Determination.²

¹ The "SCp" is an overlay pertaining to billboards. The Project does not propose any billboards.

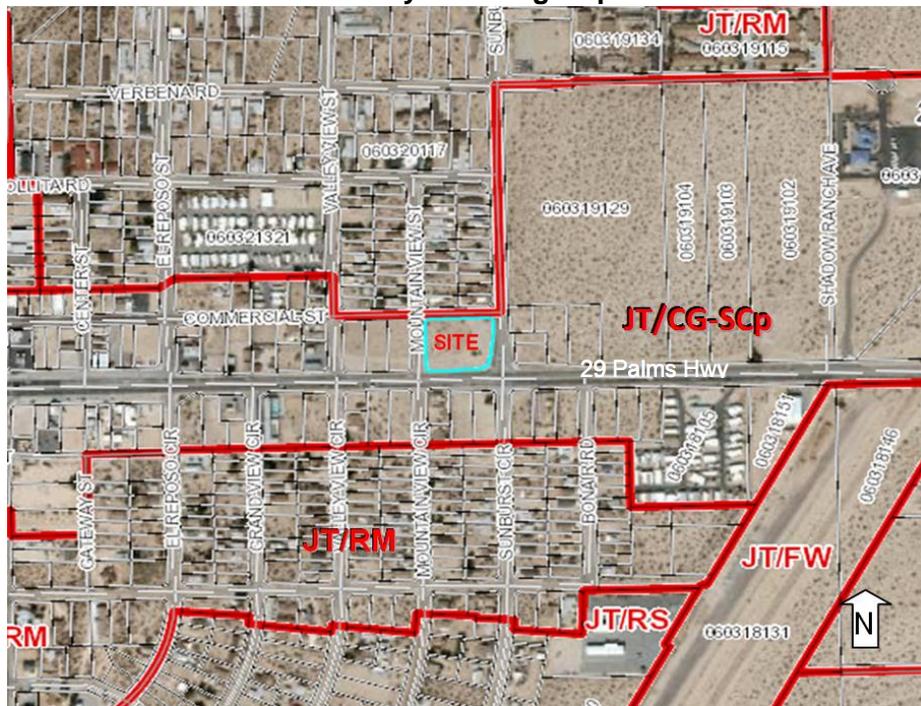
² In accordance with Section 86.08.010 of the Development Code, the action taken by the Planning Commission may be appealed to the Board of Supervisors within ten (10) calendar days after the Commission hearing.

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Regional Map



Vicinity & Zoning Map



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ANALYSIS

The Project complies with all County Development Code standards and the Joshua Tree Community Plan goals and policies. The Conditional Use Permit is analyzed in this section of the staff report. All pertinent factors identified by staff and the general public are identified (in no significant order):

- | | |
|---|---------------------------------|
| 1. Land Use Compatibility | 7. Parking |
| 2. Joshua Tree Community Plan Consistency | 8. Landscaping |
| 3. Development Standards Compliance | 9. Drainage Improvements |
| 4. Building Design/Elevations | 10. Water & Sewer Service |
| 5. Noise | 11. Outdoor Lighting |
| 6. Circulation/Traffic | 12. Community Comments |
| | 13. Environmental Determination |

1. Land Use Compatibility

The Project site is comprised of 1.45 acres and bordered completely by streets, one of which is a State highway (i.e., 29 Palms Highway, SR 62). Surrounding land uses consist of single-family residential uses located within commercial zoning to the south (across 29 Palms Highway), single-family residential uses within multi-family zoning to the north (across Commercial Street), vacant commercial land to the east (across Sunburst Avenue), and vacant commercial land to the west (across Mountain View Street). This area of 29 Palms Highway is designated for commercial development and intended to cater to pedestrian and vehicular traffic. The Project is considered a general retail use permitted within the JT/CG-SCp zoning designation subject to approval of a use permit. Therefore, the proposed development and retail use are considered compatible with the surrounding land uses and General Plan land use designations.

Aerial View of Project Site & Surroundings



Project Site looking northwest from SEC of 29 Palms & Sunburst



Residences north of Site across Commercial Street viewed from Sunburst Ave



Residence south of Site across 29 Palms Hwy viewed from Mountain View St



Motel & H&R tax office diagonal from Project Site on SEC of 29 Palms & Sunburst



2. Joshua Tree Community Plan Consistency

The Project, as proposed, is consistent with the goals and policies of the Joshua Tree Community Plan. Specifically, the Project meets the following goals:

Goal JT/LU 2: “Support development of the existing downtown commercial area of Joshua Tree as a focal point and core activity center within the community.”

Goal JT/LU 3: “Enhance commercial development within the plan area that is compatible in type and scale with the rural desert character, is located appropriately, and meets the needs of local residents and visitors.”

The Project is a standard retail store compatible in size and character with the development found within the community. Several of the comments from residents in opposition to the project claim it is comparable to “Big Box” development, which is discouraged by the Joshua Tree Community Plan. Per the American Planning Association’s definition, a “Big Box” is defined as a stand-alone store of at least 100,000 square feet in floor area. Investopedia, a prominent internet site devoted entirely to investing in education and owned by Forbes Magazine, a well-respected source for financial information, defines a “Big Box” retailer as, “...located in large-scale buildings of more than 50,000 square feet. The store is usually plainly designed and often resembles a large box. Wal-mart, Best Buy, and Ikea are examples of big-box retailers.” According to a report prepared by the School of Architecture, Preservation, and Planning at Columbia University³, a “Big Box” retailer “occupies more than 50,000 square feet of floor area, with typical ranges between 90,000-200,000 square feet.”

Based on staff’s experience and research, the Project is not a “Big Box” retailer, and no evidence exists otherwise to suggest that the development will have a negative economic impact on the community. Rather, based on the underserved commercial designations in the area, it is anticipated that the project will support future development of the existing downtown in line with Goal JT/LU 2 of the Joshua Tree Community Plan.

Further, the proposed architecture is compatible “in type and scale with the rural desert character” (Goal JT/LU 3), as identified in the building/design section of this staff report. The heavy timber wood frame with a sloping metal shed roof creates a rural “Small Town” theme, provides articulation, and is accented with decorative western light fixtures and small town elements consisting of horizontal wood banding, wood shutters, and wood corbels supporting the heavy timber cornice trim.

3. Development Standards Compliance

The Project is subject to the standards of the Joshua Tree General Commercial (JT-CG) zoning designation, which refer to the underlying General Commercial zone standards of the County Development Code. As shown in Table 1 on the following page, the Project meets or exceeds all required standards.

³ www.columbia.edu/itc/architecture/bass/newrochelle/.../big_box.html

Table 1. Development Standards⁴

Development Standards	Required	Provided
Setbacks (Minimum): <i>Building</i> <i>Front</i> <i>Side (west)</i> <i>Side (east)</i> <i>Rear</i> <i>Parking</i> <i>Landscaping</i>	25 feet 10 feet 10 feet None ⁵ 15 feet 25 feet	134 feet (29 Palms Highway) 108 feet (Mountain View) 32 feet (Sunburst Avenue) 30 feet (Commercial Street) 30 feet 30 feet
Maximum Building Height	60 feet (max.)	20-23 feet
Floor Area Ratio (FAR)	0.5 to 1 (max.)	0.14 to 1
Lot Coverage (net area)	80% (max.)	14%
Landscape	20% (12,632 sq. ft.)	37% (19,394 sq. ft.)
Parking Requirements:		
1 space per 250 sf Gross Floor Area	9,100 sf/250 = 36 spaces	36 spaces
<i>Handicap Accessible</i> 1 per 25 parking spaces	2 spaces	2 spaces
Parking Dimensions – Passenger Cars:		
<i>Regular Spaces</i> <i>Drive Aisle Width</i>	9'x19' 24 feet	10' x 22' 45'

4. Building Design/Elevations

The proposed architecture is intended to complement the surrounding community and structures with a rural, western “Mining Town” theme that is carried through on all sides of the building. The design was conceived with input from a community meeting that took place on November 11, 2011, and a follow-up meeting with a community member who was working on a committee to develop architectural design guidelines for the community. No architecture guidelines have been adopted, so the applicant attempted to portray a building design consistent with the themes being considered by the working group. The building design features a heavy timber frame with a prominent metal shed shade structure and parapet walls of varying heights, with decorative western light fixtures. The parapet walls will screen all rooftop mechanical equipment from view.

The front elevation will have a glass storefront, shaded by the metal shed canopy and decorative treatments with vine trellises integrated into the design of the façade. Building materials will be selected to represent the rural western architectural theme. The building will be enhanced by several accent elements, such as horizontal banding, shutters, corbels cornice trim, and the distinctive western light fixtures.

⁴ Standards are “minimum” unless otherwise noted.

⁵ Rear setback is required only when the adjacent property is not designated commercial or industrial.

Front & Rear Building Elevations



Side Building Elevations



5. Noise

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

Potential Noise Impacts w/Parapet Wall-Barrier

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

Based on the above calculations, noise levels will not exceed the County Standards. However, in order to minimize noise levels further for residential uses across Commercial Street, the Project has been designed so that loading and unloading takes place from the front of the store facing 29 Palms Highway. Further, a condition of approval has been included to ensure loading will take place on-site only (Refer to Exhibit B, Condition No. 21).

6. Circulation/Traffic

Off-Site Circulation: The Project will not take direct access off 29 Palms Highway, but 29 Palms Highway will serve as the major roadway providing access to the site via the driveways located off Mountain View Street and Commercial Street. CalTrans and the County’s traffic engineering staff have reviewed the existing off-site circulation and proposed improvements. Both agencies have indicated the Project will have no significant impacts with the design and improvements proposed.

On-Site Circulation: The project will have two (2) access points - one driveway off of Mountain View Street on the west side and one driveway off of Commercial Street on the north side. Both driveways will be 42 feet wide and consist of two-way drive aisles. A 45-foot wide two-way drive aisle is proposed within the vehicular parking area to provide sufficient access to the parking and loading area (located in front of the store entrance) and sufficient access for the Fire Department.

Street Improvements: A grant of easement, curb return dedications, and sidewalk improvements are required for the Project on all four streets abutting its boundaries (i.e., 29 Palms, Sunburst, Commercial, and Mountain View). The specific easements/dedications and improvements have been placed as a condition of approval to ensure they are designed per

County standards as well as Caltrans standards for SR 62 (i.e., 29 Palms Highway) (Refer to Exhibit B, Condition No. 58).

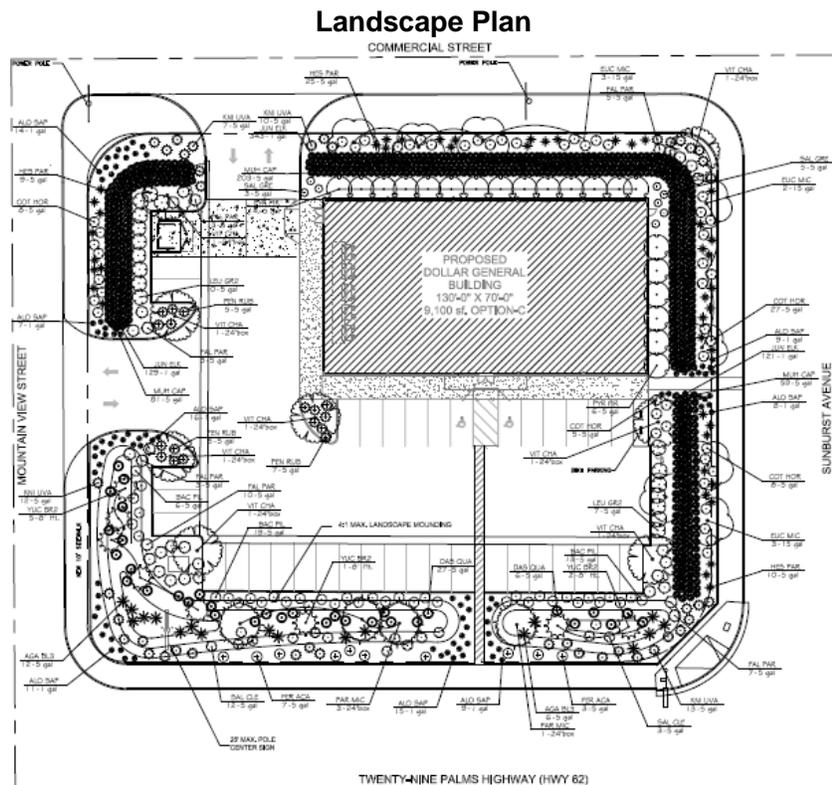
Traffic: According to the *Traffic Generation Analysis*, the Project will result in the addition of 443 total trips per day with 10 trips in the AM Peak Hour and 38 trips in the PM Peak Hour. Per the *Traffic Generation Analysis* and the Public Works Department/Land Development Division-Traffic Section, 29 Palms Highway is operating at an acceptable Level of Service. Because the Project is forecast to generate less than 50 Peak Hour Trips, it is not forecast to reduce the Level of Service on 29 Palms Highway or the surrounding street network, thereby maintaining the existing Level of Service.

7. Parking

Parking consists of a total of 36 stalls, in compliance with the County Development Code standards for retail uses. Of the 36 spaces, 34 are standard stalls and two are for the handicapped at the closest points to the front entrance. The parking lot will consist entirely of asphalt and will be surrounded by landscaping.

8. Landscaping

The Project landscaping is proposed to complement landscaping found throughout Joshua Tree in an effort to maintain consistency with the community's identity. Thirty (30)-foot wide open landscaped areas are proposed in front of the parking and on all four sides of the site. The proposed landscaping exceeds the minimum 20% lot area landscaping and 25-foot setback required by the Code. The Project proposes a total of 37% site landscaping (i.e., 19,394 square feet). Further, standard conditions of approval are included to ensure the landscaping will comply with the County's water efficiency ordinance.



9. Drainage Improvements

The site sheet flows from the south to the north (i.e., from 29 Palms Highway to Commercial Street). The Project proposes the use of bioswales to provide stormwater treatment and detain the change in volume and flow rate anticipated for the site. These bioswales are located within the landscaped setback area adjacent to Sunburst Avenue, Commercial Street, and Mountain View Street. A preliminary Water Quality Management Plan (WQMP) was submitted to the County and has been reviewed and approved.

10. Water & Sewer Service

According to the Joshua Basin Water District, there are currently existing adequate source, storage and distribution capacities to provide potable water to the referenced site in sufficient quantities to satisfy domestic water service and fire protection requirements of the proposed use. The water mains to serve each proposed service connection are currently installed and operable.

With regards to waste water, the Project proposes an on-site septic system. The system is to have a capacity of 1,500 gallons, which is adequate for the Project as only two restrooms, one mop sink, and one drinking fountain are to be part of the Project. This has been determined acceptable by the County of San Bernardino Division of Environmental Health Services (DEHS) as long as plans are submitted to DEHS for review prior to the issuance of building permits to ensure that the septic system will not exceed waste discharge requirements. A condition of approval has been included to this effect (Refer to Exhibit B, Condition Nos. 69-72).

11. Outdoor Lighting

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

In addition, the outdoor lighting fixtures will be shielded in accordance with Table 83-7 "Shielding Requirements For Outdoor Lighting in the Mountain Region and Desert Region" of the County's Development Code (i.e. "Dark Sky" requirements). Adherence to these policies and standards is mandatory per the County Development Code and will ensure that the project will not create a new source of substantial light or glare.

12. Community Comments

Comments in favor and in opposition to the Project were received by staff during the public review period of the Initial Study (Environmental Assessment). The majority of the comments identify concerns over negative economic impacts. Some members of the community believe the Project is a "Big Box" regional commercial facility inconsistent with the Joshua Tree Community Plan. As stated in Section 2 of this staff report (Joshua Tree Community Plan Consistency), staff does not consider the Project "Big Box" development. This issue, as well as other community concerns identified below, is addressed in the Response to Comments exhibit attached to this staff report (Refer to Exhibit D):

1. Appropriateness of CEQA Document
2. Economic Impacts
3. Noticing of Mitigated Negative Declaration
4. Joshua Tree Community Plan consistency
5. Noise Impacts
6. Traffic Impacts
7. Law Enforcement Impacts
8. Utilities and Infrastructure to support project
9. Preservation of Dark Night Sky as a natural resource
10. Aesthetics

13. Environmental Determination

A Draft Initial Study/Mitigated Negative Declaration (IS/MND) was prepared for the project in accordance with the California Environmental Quality Act (CEQA). The IS/MND was circulated for public review from August 26, 2012 to September 26, 2012. Due to comments received from the State Department of Fish and Game and residents indicating lack of notification per specific individual request, the IS/MND was re-circulated from November 14, 2012 to December 13, 2012. Responses to comments have been prepared and included as an attachment to this report (Refer to Exhibit D). The IS/MND determined there would be no significant environmental impacts with the imposition of Mitigation Measure(s) contained in the IS/MND.

The Initial Study found two environmental factors requiring mitigation: *Biology & Cultural Resources*.

Biology. The project site is located adjacent to a busy intersection and is highly disturbed. The site shows evidence of previously being graded, being used as a shortcut for driver's avoiding the intersection, and being used as a temporary parking lot.

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

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

Based on the *Burrowing Owl Habitat Assessment*, the project site is not occupied by Burrowing Owl nor is it likely to be occupied as the site is disturbed and under constant human use. While the vegetative condition of the site is disturbed but nonetheless compatible and contiguous with formerly occupied habitat in the vicinity, a mitigation measure has been included to safeguard for potential Burrowing Owl occupation prior to construction.

In addition, the Department of Fish & Game via an email dated December 20, 2012 stated in part: "The Department has reviewed the Habitat Assessment that was provided in the Projects ISMND. The Department concurs with the results; however, the Department recommends pre-construction surveys be conducted prior to any ground-breaking disturbances. If a burrowing

owl is observed on the site, the Permittee shall contact the Department and mitigation measures will be negotiated at that time. All construction activities shall be halted until the proper avoidance measures are in place.” Mitigation Measure BIO-1 addresses this concern.

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

Based on the above, the project site is not considered suitable habitat for any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

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

CR-1: In the event archaeological and/or historical resources are uncovered during earthmoving activities, all work in that area shall cease immediately and a qualified archeologist shall be retained to access the findings, and if necessary provide appropriate disposition of the resources. Earthmoving shall be diverted temporarily around the deposits until they have been evaluated, recorded, excavated, and/or recovered as necessary. Earthmoving shall be allowed to proceed on the site when the archeologist, 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 the Project is approved, a Notice of Determination will be filed.

CONCLUSION

Based upon the findings of fact, overall building layout and design, Project compliance with the County’s development standards and Joshua Tree Community Plan, and applicant acceptance of the conditions of approval, it is staff’s opinion that the proposed project merits approval.

RECOMMENDATION: That the Planning Commission:

- 1) **ADOPT** the Findings as attached to the Staff Report (Exhibit A);
- 2) **ADOPT** the Mitigated Negative Declaration (Exhibit C);
- 3) **APPROVE** the Conditional Use Permit subject to conditions of approval (Exhibit B); and
- 4) **FILE** a Notice of Determination in compliance with the California Environmental Quality Act.

ATTACHMENTS:

Exhibit A: Findings
Exhibit B: Conditions of Approval
Exhibit C: Initial Study/Mitigated Negative Declaration
Exhibit D: Response to Comments for IS/MND

EXHIBIT A

FINDINGS

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CONDITIONAL USE PERMIT FINDINGS

Conditional Use Permit to establish a 9,100 square-foot general retail store on a 1.45-acre site.

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, open space, setbacks, walls and fences, yards, and other required features pertaining to the application. The 1.45-acre site is surrounded by on all four sides with improved streets. The project meets or exceeds all of the Development Code standards.
2. The site for the proposed use has adequate access, which means that the site design and proposed conditions of approval provide for the streets surrounding the site to be improved fully to provide legal and physical access to the site. The project is located within a fully developed site and has two points of public access. The proposal has been reviewed by all applicable County departments, including Public Works, and has been cleared with conditions of approval. As such, the development will provide adequate and necessary legal and physical access to the project site.
3. The proposed use will not have a substantial adverse effect on abutting properties or the allowed use of the abutting properties, meaning the use will not generate excessive noise, traffic, vibration, lighting, glare, or other disturbance. The site has been designed and conditions of approval have been included to ensure compatibility and prevent any impacts to surrounding properties.
4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the County General Plan and any applicable Community or Specific Plan. The proposed use, project design, and overall improvements are consistent with the County General Plan. The project, as proposed, is designed to be consistent with the goals of the Joshua Tree Community Plan. Specifically, the Project meets the following goals:

Goal JT/LU 2: Support development of the existing downtown commercial area of Joshua Tree as a focal point and core activity center within the community.

Goal JT/LU 3: Enhance commercial development within the plan area that is compatible in type and scale with the rural desert character, is located appropriately, and meets the needs of local residents and visitors.
5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed project without significantly lowering service levels. The Project site is a 1.45-acre parcel bordered on 4 sides by roadways, one of which is a major highway (i.e., 29 Palms Highway, SR 62). Surrounding land uses are residential to the north across Commercial Street, residential to the south across 29 Palms Highway, vacant commercial land to the east across Sunburst Avenue, and vacant commercial land to the west across Mountain View Street. All applicable service providers, including the San Bernardino County Fire Department, have cleared the project and/or provided standard conditions of approval.

6. The lawful conditions stated in the approval are deemed reasonable and necessary to protect the overall public health, safety and general welfare because the conditions of approval include measures to reduce air quality and other potential impacts and enforce performance standards.
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 development has been designed with green building measures in mind. Solar paneling, tankless water heaters, water-savings devices, light and ventilation energy-saving practices, and other passive or natural heating and cooling opportunities will be implemented, which meet or exceed Title 24 requirements.
8. Based on the Initial Study prepared for the project, the project does not have the potential to significantly degrade the overall quality of the region's environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory.

The project does not have impacts that are individually limited, but cumulatively considerable. The 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.

The project will not have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, as there are no such impacts identified by the studies conducted for this project or identified by review of other sources or by other agencies.

Implementation of the mitigation measures and adherence to mandatory requirements and standard conditions will ensure that impacts from the project are neither individually significant nor cumulatively considerable in terms of any adverse effects upon the region.

Therefore, if the Project is approved, a Notice of Determination will be filed.

EXHIBIT B

CONDITIONS OF APPROVAL

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CONDITIONS OF APPROVAL
Dynamic Development, LLC

CONDITIONAL USE PERMIT P201100357
NEW DEVELOPMENT OF 9,100 SF GENERAL RETAIL STORE

Northwest Corner of 29 Palms Highway and Sunburst Street
Joshua Tree, CA

GENERAL REQUIREMENTS

Conditions of Operation and Procedure

LAND USE SERVICES DEPARTMENT – Current Planning Division (909) 387-4115

1. Project Approval Description. This project is approved to be constructed and operated in compliance with the following conditions of approval and the approved site plan. This project consists of the development of a 9,100 square foot general retail store on a vacant 1.45-acre parcel with related on and off-site improvements including but not limited to parking, landscaping, curb and sidewalk as shown on the stamp-approved plans.
2. Project Location. The Project is located in the community of Joshua Tree and bounded by 29 Palms Highway on the south, Commercial Highway on the north, Sunburst Avenue on the east, and Mountain View Street on the west. Access to the Project site is proposed by a driveway off Mountain View Street and Commercial Street; Third Supervisorial District; APN: 0603-204-04; Project No. P201100357.
3. Development Standards. The project site is located within the Joshua Tree Community Plan and subject to the Desert Region Commercial General (CG) General Plan Zoning District and is within the Sign Control (SCp) Overlay District, which restricts the sign area of primary freestanding signs to a maximum of 18 square feet. The following Desert Region CG-SCp development standards shall apply to this project:
 - Minimum Yards/Building Setbacks Lines (BSL) are:
 - Front: 25 ft.
 - Side (Street): 10 ft.
 - Side (Interior): 10 ft.
 - Rear: None
 - Parking Setbacks: 15 ft.
 - Landscape Setbacks: 25 ft.
 - Maximum building height shall be 60 ft.
 - Maximum Floor Area Ratio (FAR) shall be 0.50:1. The Project FAR is 0.18:1
 - Maximum lot coverage (impervious) shall be 80% of net lot area. The Project lot coverage is 18% of net lot area.

- Minimum landscaping coverage shall be 20% of net lot area. The Project landscaping coverage is 19,394 square feet, which is 37% of net lot area. Additional Details are listed in SBCC 82.05.060.
4. Revisions. Any proposed change to the approved use/activity on the site (e.g. from retail to restaurant); 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 submitted to County Planning for review and approval.
 5. Indemnification. In compliance with San Bernardino County Development Code Section 81.01.070, the applicant shall agree, to defend, indemnify, and hold harmless the County or its agents, officers, and employees from any claim, action, or proceeding against the County or its agents, officers, or employees to attack, set aside, void, or annul an approval of the County, an advisory agency, appeal board or legislative body concerning the map or permit or any other action relating to or arising out of County approval. In the alternative the applicant may agree to relinquish such approval. Any condition of approval imposed in compliance with the County Development Code shall include a requirement that the County acts reasonably to promptly notify the applicant of any claim, action, or proceeding and that the County cooperates fully in the defense. The applicant shall reimburse the County, its agents, officers, or employees for any court costs and attorney's fees which the County, its agents, officers or employees 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 applicant of their obligations under this condition.
 6. 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.
 7. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees.
 8. Expiration. This project permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

extension of time is granted. The permit is deemed “exercised” when either 1) the permittee has commenced actual construction or alteration under a validly issued Building Permit, or 2) 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:

- Construction permits for all or part of the project are not issued or the construction permits expire before the structure is completed and a final inspection is approved.
- The land use is determined by the County to be abandoned or non-conforming.
- The land use is determined to be not operating in compliance with either these conditions of approval, the County Code, or other applicable laws, ordinances or regulations and the violation is not corrected and the land use is revoked.

PLEASE NOTE: This will be the **ONLY** notice given of the expiration date. The property owner is responsible for initiation of any extension request and the granting an extension is a discretionary action.

9. Extension of Time. Extensions of time to the expiration date (listed above or as otherwise extended) may be granted in increments each not to exceed an additional three (3) years beyond the current expiration date. An Extension of Time may be granted upon a successful review of an Extension of Time application, which includes a justification of the delay in construction, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to expiration date.
10. Development Impact Fees. Additional fees may be required prior to issuance of development permits. Fees shall be paid as specified in adopted fee ordinances.
11. NOD/CDFG Fees. The California Environmental Quality Act (CEQA) requires the County prepare an initial study for this project. This was completed and a Mitigated Negative Declaration (MND) will be issued indicating that all impacts were found to be mitigated below a level of significance. A Notice of Determination (NOD) of this finding is required to be filed with a fee (currently \$50). The California Department of Fish and Game (CDFG) requires that an additional fee (\$2,156.25 as of January 1, 2013) be paid with the NOD filing. The applicant must ensure that adequate deposit is available in the Project Account to ensure the combined fees (\$2,206.25) are transferred to the Clerk of the Board with the NOD filing immediately following project action and no later than five (5) days from the effective date in order to meet the 30-day CEQA appeal statute of limitations.
12. Project Account. The Job Costing System (JCS) account number is P201100357. 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 \$1,000.00 must be in the project account at the time the

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

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).

13. Condition Compliance. In order to obtain construction permits for grading, building, final inspection and 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 Certificate of Occupancy inspection after an on-site compliance inspection by County Planning.

14. 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: None Identified
 - b) STATE: Regional Water Quality Control Board, California Department of Transportation (Caltrans), and Air Quality Management District (South Coast)
 - c) COUNTY: Land Use Services-Building and Safety/Code Enforcement, County Fire; Public Health-Environmental Health Services, Public Works, County Fire, AND
 - d) LOCAL: None Identified

15. 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 inspections shall be conducted for all structures, fencing/walls, walks, parking lots, driveways, and signs to assure proper structural, electrical and mechanical safety and a properly operating irrigation system.
 - Graffiti and debris shall be removed immediately with weekly maintenance.

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

- Landscaping shall be maintained 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.
 - Erosion control measures shall be maintained to reduce water run off, siltation, and promote slope stability.
 - External Storage, loading, recycling and trash storage areas shall be kept neat and orderly and fully screened from public view. *Outside storage shall not exceed the height of the screening walls. OR The height of outside storage shall*
 - Metal Storage Containers are NOT allowed in loading areas or other areas unless specifically approved by this or subsequent land use approvals.
 - Screening shall be visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.
 - Signage. All on-site signs, including posted area signs (e.g. “No Trespassing”) shall be maintained in a clean readable condition at all times and all graffiti and vandalism shall be removed and repaired on a regular basis.
 - Parking and on-site circulation requirements, including surfaces, all markings and traffic/directional signs shall be maintained in an unfaded 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, unfaded and legible, these include parking spaces, disable space and access path of travel, directional designations and signs, stop signs, pedestrian crossing, speed humps “No Parking” “carpool” and “Fire Lane” designations.
 - Fire Lanes. All markings required by the Fire Department including “No Parking” designations, and “Fire Lane” designations shall be clearly defined and shall be maintained in good condition at all times.
16. Performance Standards. The approved land uses shall operate in compliance with the general performance standards listed in the County Development Code Chapter 83.01, regarding air quality, electrical disturbance, fire hazards (storage of flammable or other hazardous materials), heat, noise, vibration and the disposal of liquid waste. 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 from any project source shall be emitted of a greater density than that described in No. 2 on the Ringelmann Chart (as published currently by the United States Bureau of Mines)
 - 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.

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

17. Lighting. Lighting shall comply with Table 83-7 "*Shielding Requirements for Outdoor Lighting in the Mountain Region and Desert Region*" of the County's Development Code (i.e. "Dark Sky" requirements). The glare from any luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. All lighting shall be limited to that necessary for maintenance activities and security purposes. This is to allow minimum obstruction of night sky remote area views. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic. All signs proposed by this project shall only be lit by steady, stationary, shielded light directed at the sign, by light inside the sign, by direct stationary neon lighting or in the case of an approved electronic message center sign alternating no more than once every five seconds.
18. Clear Sight Triangle. Signs and other structures located within the clear sight triangle, shall comply with the height and location requirements specified by the County Development Code or as otherwise required by County Traffic.
19. Underground Utilities. There shall be no new above ground power or communication lines extended to the site. All new utilities shall be placed underground in a manner, which avoids disturbing any existing/natural vegetation or the site appearance.
20. Air Quality. Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates (PM₁₀ and PM_{2.5} (State)). To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to, the following Best Available Control Measures. Compliance with Rules 402 and 403 are mandatory requirements and, thus, not considered mitigation measures:
 - a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 1. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 2. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
 3. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_x and PM₁₀ levels in the area. Although the Project would not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent would be required to implement the following requirements:

1. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
2. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
3. The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

21. Loading/Unloading. Loading and unloading shall be conducted on-site only.

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

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

PUBLIC HEALTH – Environmental Health Services [DEHS] (909) 387-4666

24. Noise. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, please call DEHS at 909-387-4666.

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

25. The septic system shall be maintained so as to not create a public nuisance and shall be serviced by a DEHS permitted pumper. For information, please call DEHS/Wastewater Section at (909) 387-4666.
26. Refuse Containers. 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 1 time, and refuse containing garbage shall be removed from the premises at least 2 times per week to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.081 et. seq. For information, please call DEHS/LEA at: 909-387-4655.

COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8400

27. Jurisdiction. The above referenced project is under the jurisdiction of the San Bernardino County Fire Department herein (“Fire Department”). Prior to any construction occurring on any parcel, the applicant shall contact the Fire Department for verification of current fire protection requirements. All new construction shall comply with the current Uniform Fire Code requirements and all applicable statutes, codes, ordinances and standards of the Fire Department. [F-1]

PUBLIC WORKS - LAND DEVELOPMENT ENGINEERING – Drainage (909) 387-8145

28. 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.
29. Tributary Drainage. Adequate provisions should be made to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.
30. Additional Drainage Improvements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.
31. Continuous BMP Maintenance. The property owner 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.

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

32. BMP Enforcement. In the event the property owner (including any successors or assigns) fails to accomplish the necessary BMP maintenance within five (5) 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, 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 (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.

**PRIOR TO ISSUANCE OF GRADING PERMITS
OR LAND DISTURBING ACTIVITY
THE FOLLOWING SHALL BE COMPLETED**

LAND USE SERVICES DEPARTMENT - Building and Safety Division (909) 387-4226

34. Soils Report. When earthwork quantities exceed 5,000 cubic yards, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.
35. Grading Plans. Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance.
36. Building Permits. Submit plans and obtain separate building permits for any required walls, retaining walls or trash enclosures.
37. Geology Report. When earthwork quantities exceed 5,000 cubic yards, an engineering geology report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.
38. Notice of Intent. An NPDES permit - Notice of Intent (NOI) - is required on all grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics.
39. Regional Board 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 (1) acre of land total.

LAND USE SERVICES DEPARTMENT – Current Planning Division (909) 387-4115

40. Construction Security Lighting. During construction, on-site security measures shall include the provision of low-level security lighting. Additional measures may include the provision of private security personnel during hours when construction activities are not being performed and/or the securing of all machinery and related equipment.

COUNTY FIRE DEPARTMENT – Community Safety Division (909) 386-8400

41. Water System. Prior to any land disturbance, the water systems shall be designed to meet the required fire flow for this development and shall be approved by the Fire Department. The required fire flow shall be determined by using Appendix IIIA of the Uniform Fire Code. Standard 903.1

The Fire Flow for this project shall be:

2,500 GPM for a 2 Hour duration at 20-psi residual operating pressure.

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

Fire Flow based on 35,000 sq.ft. Structure.

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

42. Drainage 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.
43. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.
44. Grading Plans. Grading plans shall be submitted to Land Development Engineering, Drainage Section for review and approval. A \$520 deposit for grading plan review will be collected upon submittal to the Land Development Division.
45. WQMP. A completed water Quality Management Plan (WQMP) shall be submitted for review and approval obtained. A \$2,500 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
46. WQMP Inspection Fee. The developer shall deposit an inspection fee for WQMP in the amount of **\$3,600** to Land Development Division.

PUBLIC WORKS- Solid Waste Management Division (909) 386-8762

47. Waste/Recycling Management Plan: The developer shall complete Solid Waste Management Division's (SWMD) "Construction and Demolition Waste Reduction and Recycling Plan- Part I", listing the types and volumes of solid waste materials expected to be generated from grading and construction, as well as the types and volumes of materials actually diverted from landfill disposal for reuse and/or recycling. A minimum of 50% by volume must be diverted from the landfill. The form for the plan can be obtained from SWMD. The completed plan shall be submitted to SWMD for review and approval.

PRIOR TO ISSUANCE OF BUILDING PERMITS

The Following Shall Be Completed

LAND USE SERVICES DEPARTMENT - Building and Safety Division (909) 387-4226

48. 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.
49. Occupancy Separation. Occupancy separation between the fuel dispensing station and the "M" occupancy group(s) shall comply with the Building Code.
50. Path of Travel. Provide a path of travel from the disabled parking spaces up to the primary entrance of the building.
51. Disabled Parking. Provide van accessible parking spaces for the disabled. One in every eight accessible spaces, but not less than one, 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.**

LAND USE SERVICES DEPARTMENT – Current Planning Division (909) 387-4115

52. Architecture. Architectural elevations are considered conceptual. Final details with colors and material samples shall be submitted to the Planning Division for approval prior to building plan check submittal.
53. Landscape and Irrigation Plan. The developer shall submit and obtain approval from County Planning and County Public Works of four (4) copies of a Landscape and Irrigation Plan prepared by a registered landscape architect. The plan shall indicate the location of all existing and proposed landscape materials. The installation details for the permanent irrigation system shall be shown on a separate sheet. The landscape and irrigation plans shall detail and adhere to the following requirements:
 - a) Minimum Land Area. The minimum landscaping required for this project is twenty percent (20%) of the net lot area. Only landscape areas five feet (5') or wider shall be considered in calculating the minimum landscaping requirement. The landscape plan shall provide at minimum the equivalent of one tree for every thirty (30) linear feet of building in addition to those required for parking areas and streets. Wall expanses shall be protected from graffiti by adjacent plantings of shrubs and vines.
 - b) Plan Contents. The plans shall show the size, type, number, planting specifications and locations of all existing and proposed plant material. Landscaping shall promote erosion control, reduce water consumption and increase slope stability. Where possible, the plan shall utilize indigenous

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

landscaping or locally adaptable drought-tolerant cultivars, trees and turf capable of surviving the local climate and soil conditions with a minimum of supplemental water maintenance once established. The plan shall also detail the location and design of all hardscape elements such as patterned brick decorative rock or other surface treatments proposed for entry drives and walkways. The detail of proposed walls and fences shall be shown with elevations. Any additional landscape elements such as boulders, water features, outside furniture and other fixtures shall be shown. Maximum corner sight distance shall be shown for all trees, walls, and other objects at intersections of driveways and roadways.

- c) Irrigation plans – professionally prepared. Irrigation plans shall be prepared by a landscape professional to design an efficient irrigation system, which minimizes water loss (runoff/ evaporation) and maximizes water delivery to reach plant roots. The irrigation plans shall indicate: 1) consumption in gallons per minute (GPM) 2) static pounds per square inch (psi) on the delivery side of the service backflow device and 3) the GPM and psi of the irrigation system located on the longest distance from the delivery service. The plans shall include the following:
- Drip, bubbler or other non-aerial water serving methods
 - Timers and moisture sensors for controlled application.
 - All mainline connections, backflow valves and other mainline inline devices shall be the same size or larger than the delivery service connection
 - Suitable temporary irrigation methods may be substituted upon written approval by County Planning for drought/fire resistant plantings.
- d) Screening. Voltage boxes, mailboxes, trash enclosures, maintenance structures, backflow devices, automatic controls, air conditioning/heating units, etc., shall be screened with landscaping and/or decorative walls and fencing. All walls visible to the public shall be decorative and incorporate features such as tree planter wells, columns, or other features.
- Parking areas. Parking areas shall be densely screened with landscaping or walls to a minimum of three feet high to defuse headlights. The view from surrounding streets of truck and trailer parking areas and any loading and outside storage areas shall be fully screened with a combination of screenwalls, fencing and dense landscaping.
 - Walls. All walls and fences (existing and proposed) must be clearly shown on the landscape plans and shall be specifically approved by County Planning prior to construction. Show the location, elevation and materials proposed for use on all walls and fences, including retaining walls. All walls required by this approval shall require building permits.
 - Wall Screening. Where landscaping is used to screen or cover walls/fences it shall achieve 90% coverage within three (3) years of building occupancy. Failure to accomplish this objective shall require additional corrective measures, as determined by County Code Enforcement and extension the required Special Use Permit.
 - Refuse Areas. A six (6) foot high masonry wall shall be constructed around all refuse collection areas and shall be sized to hold a minimum of two

dumpsters (trash and recycling). Trash enclosures shall have solid wood or metal doors. Trash enclosures shall be covered with a rainproof roof to prevent pollution of storm water. There shall be a hose bib within 10 feet of the trash enclosure for cleanout. Graffiti shall be discouraged through landscaping with shrubs and vines along masonry walls.

- e) Landscape Requirements for Parking Area. The following standards shall apply to parking areas adjacent to roadways or exposed to public view from freeways, roadways or adjacent parcels:
- Berms. Landscaped berms, or a combination of berms, landscaping and/or wall treatments of sufficient height to substantially screen parking and truck storage areas, shall be provided between the parking area and right-of-way.
 - Planters. All double row parking spaces shall be separated by a five (5) foot wide planter or by planter boxes. Planters shall be enclosed by a six (6) inch, continuous, poured in place concrete curb.
 - Tree size. Trees with a trunk height of not less than six (6) feet shall be installed in the planters at each end of an aisle, at three (3) space intervals throughout the lot, and at twenty (20) foot intervals along the periphery of the lot. Within parking lot areas, trees may be clustered in groups to achieve a more natural setting provided the total number meets the previous planting requirements.
 - Evergreens. At least fifty percent (50%) of the trees shall be an evergreen variety and shall be evenly distributed throughout the lot.
 - Plant Selection. Planter areas shall also contain ground cover and/or flowering shrubs. Drought tolerant planting is encouraged.
 - Parking Planter Overhang. Where automobile bumpers overhang landscaped planters, two (2) feet of clear area unobstructed by trees or shrubs shall be provided for overhang.
 - Street Tree Spacing. For safety purposes, trees shall be planted not less than:
 - twenty-five (25) feet from beginning of curb returns at intersections;
 - ten (10) feet from street lights
 - ten (10) feet from fire hydrants
 - Ten (10) feet from driveways.
 - All corner sight distances shall be maintained at intersections of roadways and driveways.
 - Street Tree Requirements. Street trees shall have a minimum caliper of 1" trunk diameter measured 12" above the base and minimum container size of fifteen (15) gallon. Palm trees shall have a minimum brown trunk height of ten (10) feet and be spaced no more than 20 feet apart. Any trees in any median or within any parkway that is located between the curb and sidewalk, shall have a maximum mature trunk size of no more than eight (8) inches.
54. Signs. All proposed on-site signs shall be shown on a separate plan, including, location, scaled and dimensioned elevations of all signs with lettering type, size, and copy. Scaled and dimensioned elevations of buildings that propose signage shall

also be shown. The applicant shall submit sign plans to County Planning for all existing and proposed signs on this site. The applicant shall submit for approval any additions or modifications to the previously approved signs. All signs shall comply with County Code Section 83.13, Sign Regulations, and the Sign Control (SCp) Overlay District, Code Section 82.21, in addition to the following minimum standards:

1. All signs shall be lit only by steady, stationary shielded light; exposed neon is acceptable.
 2. All sign lighting shall not exceed one-half (0.5) foot-candle.
 3. No sign or stationary light source shall interfere with a driver's or pedestrian's view of public right-of-way or in any other manner impair public safety.
 4. Monument signs shall not exceed four (4) feet above ground elevation and shall be limited to one sign per street frontage.
55. The Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates (PM₁₀ and PM_{2.5} (State)). To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. Compliance with Rules 402 and 403 are mandatory requirements. This would include, but not be limited to the following Best Available Control Measures:
- a. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 - (1) The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 - (2) The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
 - (3) The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.
 - b. Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_x and PM₁₀ levels in the area. Although the Project would not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent would be required to implement the following requirements:
 - (1) All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

- (2) The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
 - (3) The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.
56. Lighting Plans. The developer shall submit for review and approval to County Planning a photometric study demonstrating that the project light does not spill onto the adjacent properties, or public streets. Lighting fixtures shall be oriented and focused to the onsite location intended for illumination (e.g. walkways). Lighting shall be shielded away from adjacent sensitive uses, including the adjacent residential development, to minimize light spillover. The glare from any luminous source, including on-site lighting, shall not exceed one-half (0.5) foot-candle at the property line. This shall be done to the satisfaction of County Planning, in coordination with County Building and Safety. [Mitigation Measure I-1] - Prior to Building Permits.

MORONGO BASIN TRANSIT AUTHORITY – Operations (760) 366-2986

57. Bus Stop/Bench/Shelter. The developer shall install a bus stop, including a bench and shelter on the Twentynine Palms Highway (SR 62) frontage. The Morongo Basin Transit Authority shall be consulted on the design and location, and improvement plans shall be submitted for review and approval and issuance of an encroachment permit by CalTrans. Any impact on the on-site improvements as shown on the approved site plan shall not affect the approval of the site plan or the use permit.

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

58. Road Dedication/Improvement. The developer shall submit for review and obtain approval from the County Public Works of 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. Phone: (909) 387-8145.

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

Sunburst Avenue (Major Highway – 104')

Road Dedication. A grant of easement is required to provide a half-width right-of-way of 52'.

Curb Return Dedication. A 50 foot radius return grant of easement is required at the intersections of Sunburst Ave with Commercial St and SH-62.

Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.

Sidewalks. Design sidewalks per County Standard 109 type C.

Sidewalk Ramp. Design sidewalk ramp per County Standard 110.

Curb Returns. Curb Returns shall be designed per County Standard 110.

Commercial Street (Collector – 66')

Road Dedication. A 13 foot grant of easement is required to provide a half-width right-of-way of 33.

Curb Return Dedication. A 35 foot radius return grant of easement is required at the intersections of Commercial St and Mountain View St.

Street Improvements. Design curb and gutter with match up paving 22 feet from centerline.

Sidewalks. Design sidewalks per County Standard 109 type C.

Sidewalk Ramp. Design sidewalk ramp per County Standard 110.

Curb Returns. Curb Returns shall be designed per County Standard 110.

Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per Standard 130 .

Mountain View Street (Local – 60')

Curb Return Dedication. A 50 foot radius return grant of easement is required at the intersections of Mountain View St & SH-62.

Street Improvements. Design curb and gutter with match up paving 18 feet from centerline.

Sidewalks. Design sidewalks per County Standard 109 type C.

Sidewalk Ramp. Design sidewalk ramp per County Standard 110.

Curb Returns. Curb Returns shall be designed per County Standard 110.

Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per Standard 130.

SH-62 (Major Highway – 104')

Road Dedication. A grant of easement is required to provide a half-width right-of-way of 52'.

Caltrans Approval. Obtain comments, approval and permits from Caltrans for access requirements and working within their right-of-way.

Caltrans Dedications. Dedication/right-of-way reservation shall be granted on SH-62 as necessary to concur with the Master Plan of Highways. This dedication/right-of-way reservation is to be coordinated with Caltrans.

59. 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.
60. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction.
61. Utilities. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County.
62. Encroachment Permits. Prior to installation of road and drainage improvements, a permit is required from County Public Works, Transportation Operations Division, Permit Section, (909) 387-8039, as well as other agencies prior to work within their jurisdiction.
63. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.

64. Open Roads/Cash Deposit. Existing County roads, which will require reconstruction, shall remain open for traffic at all times, with adequate detours, during actual construction. A cash deposit shall be made to cover the cost of grading and paving prior to issuance of road encroachment permit. Upon completion of the road and drainage improvement to the satisfaction of the Department of Public Works, the cash deposit may be refunded.
65. 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.
66. Street Gradients. Road profile grades shall not be less than 0.5% unless the engineer at the time of submittal of the improvement plans provides justification to the satisfaction of County Public Works confirming the adequacy of the grade.

PUBLIC HEALTH -Environmental Health Services [DEHS] (909) 387-4666

67. Water Purveyor. Water purveyor shall be Joshua Basin WD, or DEHS approved.
68. 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. This letter shall reference the File Index Number (P201100357/CUP) and Assessor's Parcel Number.
69. Sewer Service. Method of sewage disposal shall be Joshua Basin WD, or if not available, DEHS approved on-site wastewater treatment system (OWTS).
70. Applicant shall procure a verification letter from the sewerage agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewerage agency. This letter shall reference the File Index Number (P201100357/CUP) and Assessor's Parcel Number.
71. If sewer connection and/or service are unavailable, an on-site wastewater treatment system (OWTS) will be permitted under the following conditions: A soil percolation report shall be submitted to DEHS for review and approval. A plot plan showing the location of the septic system may be required by DEHS prior to the issuance of building permits. If the percolation report cannot be approved, the project may require an alternative OWTS, designed to satisfy the performance criteria necessary to comply with all federal, state, and County regulations related to sewage and wastewater treatment.. For information, please contact the Wastewater Section at (909) 387-4655.

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

72. Written clearance from the Colorado River Basin Regional Water Quality Control Board may be necessary if the project wastewater effluent exceeds 5,000 gallons per day. Contact the Water Board at (760) 346-7491 or mail at 73-720 Fred Waring Dr., Suite 100, Palm Desert, CA 92260. A copy of the clearance must be forwarded to DEHS.
73. Acoustical Information. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), San Bernardino Development Code Section 87.0905(b). The purpose is to evaluate potential future on-site and/or adjacent off-site noise sources. If preliminary information cannot demonstrate compliance to noise standards, a project specific acoustical analysis shall be required. Submit information/analysis to DEHS for review and approval. For information and acoustical checklist, contact DEHS at (909) 387-4655.

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

74. Access. The development shall have a minimum of 2 points of vehicular access. These are for fire/emergency equipment access and for evacuation routes. Standard 902.2.1 [F-41]
75. Single Story Road Access Width. All buildings shall have access provided by approved roads, alleys and private drives with a minimum twenty six (26) foot unobstructed width and vertically to fourteen (14) feet six (6) inches in height. Other recognized standards may be more restrictive by requiring wider access provisions.
76. Multi-Story Road Access Width. Buildings three (3) stories in height or more shall have a minimum access of thirty (30) feet unobstructed width and vertically to fourteen (14) feet six (6) inches in height.
77. Building Plans. Not less than two (2) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. [F-42]
78. Turnaround. An approved turnaround shall be provided at the end of each roadway one hundred and fifty (150) feet or more in length. Cul-de-sac length shall not exceed six hundred (600) feet; all roadways shall not exceed a 12 % grade and have a minimum of forty five (45) foot radius for all turns. In the FS1, FS2 or FS-3 Fire Safety Overlay District areas, there are additional requirements. Standard 902.2.1 [F-43]
79. Access. 150+ feet. Roadways exceeding one hundred fifty (150) feet in length shall be approved by the Fire Department. These shall be extended to within one hundred fifty (150) feet of and shall give reasonable access to all portions of the exterior walls of the first story of any building. Standard 902.2.1 [F-45]

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

80. Combustible Vegetation. Combustible vegetation shall be removed as follows:
- Where the average slope of the site is less than 15%, combustible vegetation shall be removed a minimum distance of thirty (30) feet from all structures or to the property line, whichever is less.
 - Where the average slope of the site is 15% or greater, combustible vegetation shall be removed a minimum of one hundred (100) feet from all structures or to the property line, whichever is less. County Ordinance #3586 [F-52]
81. Water System Certification. The applicant shall provide the Fire Department with a letter from the serving water company, certifying that the required water improvements have been made or that the existing fire hydrants and water system will meet distance and fire flow requirements. Fire flow water supply shall be in place prior to placing combustible materials on the job-site. [F-57]
82. Fire Sprinkler-NFPA #13. An automatic fire sprinkler system complying with NFPA Pamphlet #13 and the Fire Department standards is required. The applicant shall hire a Fire Department approved fire sprinkler contractor. The fire sprinkler contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The plans (minimum 1/8" scale) shall include hydraulic calculations and manufactures specification sheets. The contractor shall submit plans showing type of storage and use with the applicable protection system. The required fees shall be paid at the time of plan submittal. Standard 101.1 [F-59]
83. Roof Certification. A letter from a licensed structural (or truss) engineer shall be submitted with an original wet stamp at time of fire sprinkler plan review, verifying the roof is capable of accepting the point loads imposed on the building by the fire sprinkler system design. [F-59A]
84. Fire Alarm. An automatic monitoring fire alarm system complying with the California Fire Code, NFPA and all applicable codes is required for 100 heads or more. The applicant shall hire a Fire Department approved fire alarm contractor. The fire alarm contractor shall submit three (3) sets of detailed plans to the Fire Department for review and approval. The required fees shall be paid at the time of plan submittal. Standard 1007.1.1FA. [F-62]
85. High-Piled Storage. The applicant shall submit an application for high-piled storage (internal storage over 12 feet in height), three (3) sets of detailed plans and a commodity analysis report to the Fire Department for review and approval. The applicant shall submit the approved plan to Building and Safety for review with building plans. If the occupancy classification is designated as S-2, commodities to be stored will be limited to products of light hazard classification only. The required fees shall be paid at the time of plan submittal. Standard 8101. [F66]

86. Hydrant Marking. Blue reflective pavement markers indicating fire hydrant locations shall be installed as specified by the Fire Department. In areas where snow removal occurs or non-paved roads exist, the blue reflective hydrant marker shall be posted on an approved post along the side of the road, no more than three (3) feet from the hydrant and at least six (6) feet high above the adjacent road. Standard 901.4.3. [F80]
87. Commercial Addressing. Commercial and industrial developments of 100,000 sq. ft or less shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarter (3/4) inch stroke. The street address shall be visible from the street. During the hours of darkness, the numbers shall be electrically illuminated (internal or external). Where the building is two hundred (200) feet or more from the roadway, additional non-illuminated contrasting six (6) inch numbers shall be displayed at the property access entrances. Standard 901.4.4 [F82]
88. 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. Standard 902.4 [F85]
89. Fire Extinguishers. Hand portable fire extinguishers are required. The location, type, and cabinet design shall be approved by the Fire Department. [F88]
90. Fire Lanes. The applicant shall submit a fire lane plan to the Fire Department for review and approval. Fire lane curbs shall be painted red. The “No Parking, Fire Lane” signs shall be installed on public/private roads in accordance with the approved plan. Standard 901.4 [F93]

PRIOR TO FINAL INSPECTION OR OCCUPANCY

The Following Shall Be Completed

LAND USE SERVICES DEPARTMENT - Building and Safety Division (909) 387-4226

91. Van Accessible Parking. Provide van accessible parking spaces for the disabled as shown on the approved site plan. One in every eight accessible spaces, but not less than one, 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.**
92. Disable Access. Provide a path of travel from the disabled parking spaces up to the primary entrance of the building.
93. Sign Lighting. Sign lighting shall comply with California Energy regulations.
94. Outdoor Lighting. Submit an outdoor lighting plan and obtain permits prior to installation of lighting standards.
95. Building Occupancy. Any building without specified tenants and uses may receive final inspection for construction purposes only. A Tenant Improvement that identifies the tenant and proposed uses shall be submitted and approved prior to occupancy being granted.

LAND USE SERVICES DEPARTMENT – Current Planning (909) 387-4115

96. Parking and on-site circulation requirements shall be installed as follows:
 - All vehicular access drives shall be surfaced with all weather paving with a minimum of three (3) inches asphalt and three (3) inches of base or greater as determined by Building and Safety.
 - All primary vehicular access drives shall be twenty-six feet (26') wide or greater.
 - All parking lot vehicular aisle widths shall be twenty-four feet (24') wide or greater.
 - All paved parking stalls shall be clearly striped and permanently maintained.
 - All paved access drives shall have all circulation markings clearly painted and permanently maintained including arrows painted to indicate direction of traffic flow.
 - All internal on-site pedestrian crosswalks will be delineated with a minimum 3" white or yellow painted line. All pedestrian crossings in public right-of-way shall be delineated per County Standards
 - All internal parking lot stops shall be installed with a painted limit line and shall have either a breakaway pole sign and/or painted "STOP" lettering on the paving.

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

97. Disabled Access. Disabled access parking spaces shall be clearly marked and said markings shall be maintained in good condition at all times.
98. 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 and in compliance with Chapter 83.07 of the County Development Code, "Glare and Outdoor Lighting" (i.e. "Dark Sky Ordinance).
99. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.

PUBLIC WORKS - Land Development Engineering/Drainage (909) 387-8145

100. Drainage and WQMP Improvements. All required drainage and WQMP improvements shall be completed by the applicant, inspected and approved by County Public Works.
101. WQMP Final File. An electronic file of the final and approved WQMP shall be submitted to Land Development Division, Drainage Section.

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

102. Road Improvements. The developer has two options in this category:
 - Option 1: All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works.
 - Option 2: Complete the required road improvements on Sunburst Ave, Mountain View St and SH-62 (If required by Caltrans), and defer improvements on Commercial St. If the applicant elects to defer the paving requirements on Commercial St, the applicant shall enter into a Road and Drainage Construction Agreement with County Public Works with an acceptable form of surety in accordance with the County Development Code in an amount equal to the engineer's estimated cost, based on the Land Development Division's unit price of all required public road and drainage improvements (Refer to Condition 19 pertaining to undergrounding of utilities).
103. 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.
104. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on public right-of-way shall be approved by County Public Works and

ENVIRONMENTAL MITIGATION MEASURES SHOWN IN ITALICS

Current Planning and shall be maintained by the adjacent property owner or other County-approved entity.

PUBLIC WORKS - Surveyor (909) 387-8145

105. Record of Survey/Corner Record. The following conditions are for the occasion where the monuments of record can not be located and the boundary must be determined for construction purposes. A Record of Survey/Corner Record shall be filed in the following instances:
- Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
 - Monuments set to mark the property lines.
 - Pursuant to applicable sections of the Business and Professions Code.

PUBLIC WORKS- Solid Waste Management Division (909) 386-8762

106. Waste/Recycling Management Report: The developer shall complete Solid Waste Management Division's (SWMD) "Construction and Demolition Waste Reduction and Recycling Report- Part II", detailing the actual types and volumes of solid waste materials generated from grading and construction diverted from the landfill disposal for reuse and/or recycling. A minimum of 50% by volume must be diverted from the landfill. The form for the report can be obtained from SWMD. Upon completion of grading and construction the applicant shall submit the completed report to SWMD for review and approval prior to the final inspection.
107. Recycling Material Space Allocation: The developer shall provide space for storage of recycling materials equal to the space required and provided for refuse storage and appropriate storage. [As per the Development Code, 84.24.040; 84.24.050, and 84.24.060(e)].

END OF CONDITIONS – P201100357/CUP

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EXHIBIT C

**INITIAL STUDY/
MITIGATED NEGATIVE DECLARATION**

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

USGS Quad: Joshua Tree North
T, R, Section: T1N, R6E, Sec.25
Thomas Bros.: Page 4889 Grid: C7

Community Plan: Joshua Tree
OLUD: JT/CG

Overlays: Open Space/Scenic Route SR-62

PROJECT CONTACT INFORMATION:

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

Contact person: Ernest Perea, Contract Planner
Phone No: 909-387-8311
E-mail: eperea@romoplanninggroup.com

Project Sponsor: Dynamic Development, LLC
1725 21st Street, Santa Monica, CA 90404

Fax No: (909) 387-3249

RECIRCULATION:

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

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

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

- Changed the type of land use entitlement from a Minor Use Permit to a Conditional Use Permit in compliance with County of San Bernardino Development Code Section 85.06.040 (b).
- Revised the Biological Resources analysis to address potential impacts to the Burrowing Owl and added Mitigation Measure BIO-1.

- Revised the Cultural Resources analysis to address potential impacts to the cultural resources and added Mitigation Measure CR-1.
- Changed the Environmental Determination from a “Negative Declaration” to a “Mitigated Negative Declaration.”

PROJECT DESCRIPTION:

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

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

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

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

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

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

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

Federal: None

State of California: Caltrans (encroachment permit)

APN: 0603-205-04

Dynamic Development, LLC

P201100357/CUP ENVIRONMENTAL INITIAL STUDY

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November 6, 2012

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

November 6, 2012

EVALUATION FORMAT

This Initial Study is prepared in compliance with the California Environmental Quality Act (CEQA) Guidelines. This format of the study is presented as follows. The project is evaluated based upon its effect on seventeen (17) major categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study Checklist provides a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant with Mitigation	Less than Significant	No Impact
--------------------------------	---------------------------------------	-----------------------	-----------

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

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

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- | | | |
|---|---|---|
| <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 Emissions | <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:

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

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



Signature (prepared by): Ernest Perea, Contract Planner

11-13-12
Date



Signature: Terri Rahhal, Planning Director

11-13-12
Date

APPENDICES (On Compact Disk)

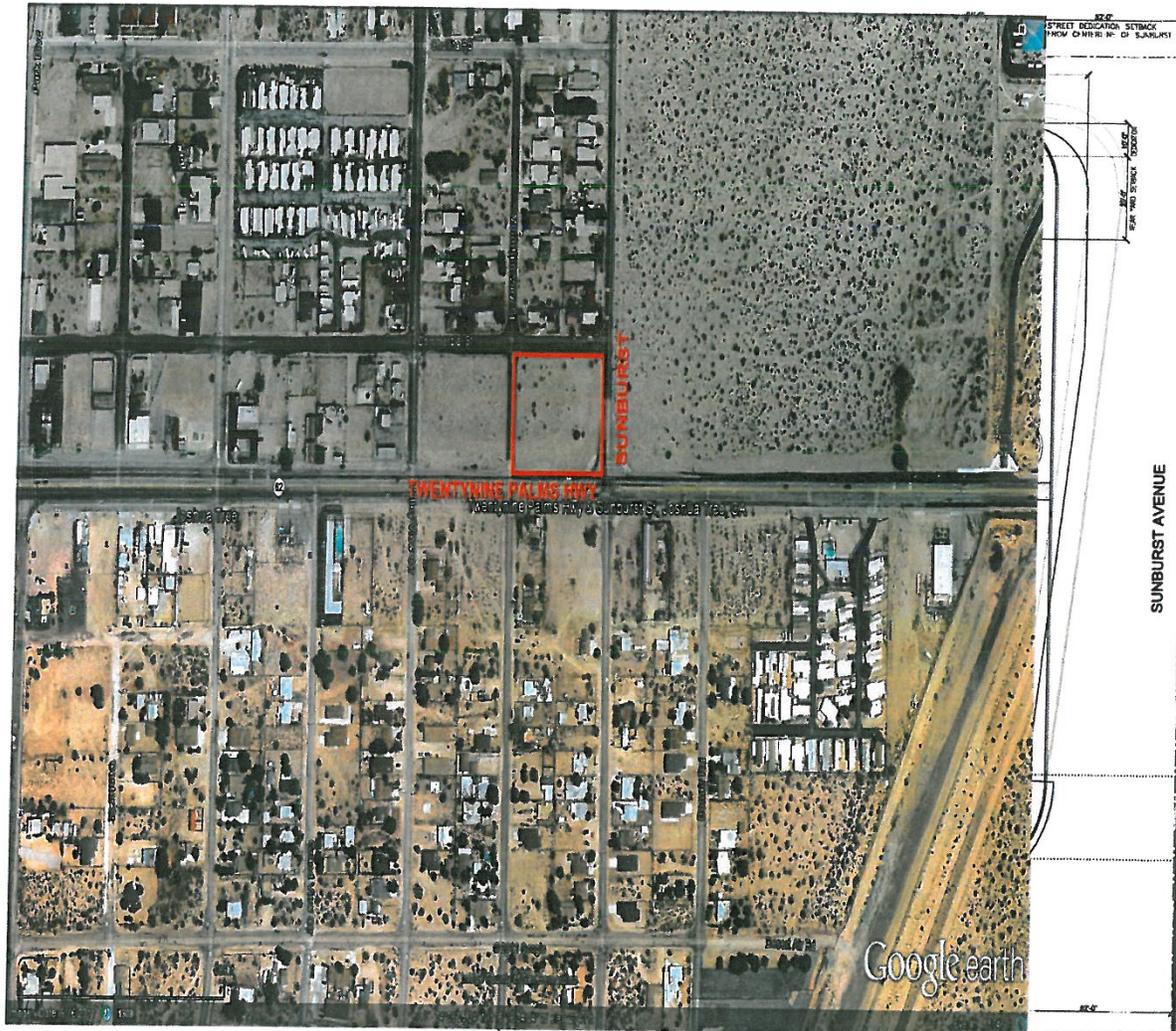
- A.** Air Quality and Greenhouse Gas Emissions CalEEMod Output Sheets.
- B.** Biologist Letters (Ironwood Consulting)
- C.** Burrowing Owl Habitat Assessment
- D.** Archaeological Information Center- Historical Resources Review
- E.** Native American Heritage Commission Sacred Lands File Search
- F.** Geotechnical Report
- G.** Geotechnical Grading Plan Review
- H.** Preliminary Water Quality Management Plan
- I.** Report of Phase I Environmental Assessment
- J.** Traffic Generation Analysis
- K.** Joshua Basin Water District- Form W1 Public Water Service Certification



P201100357/CUP

Location Map

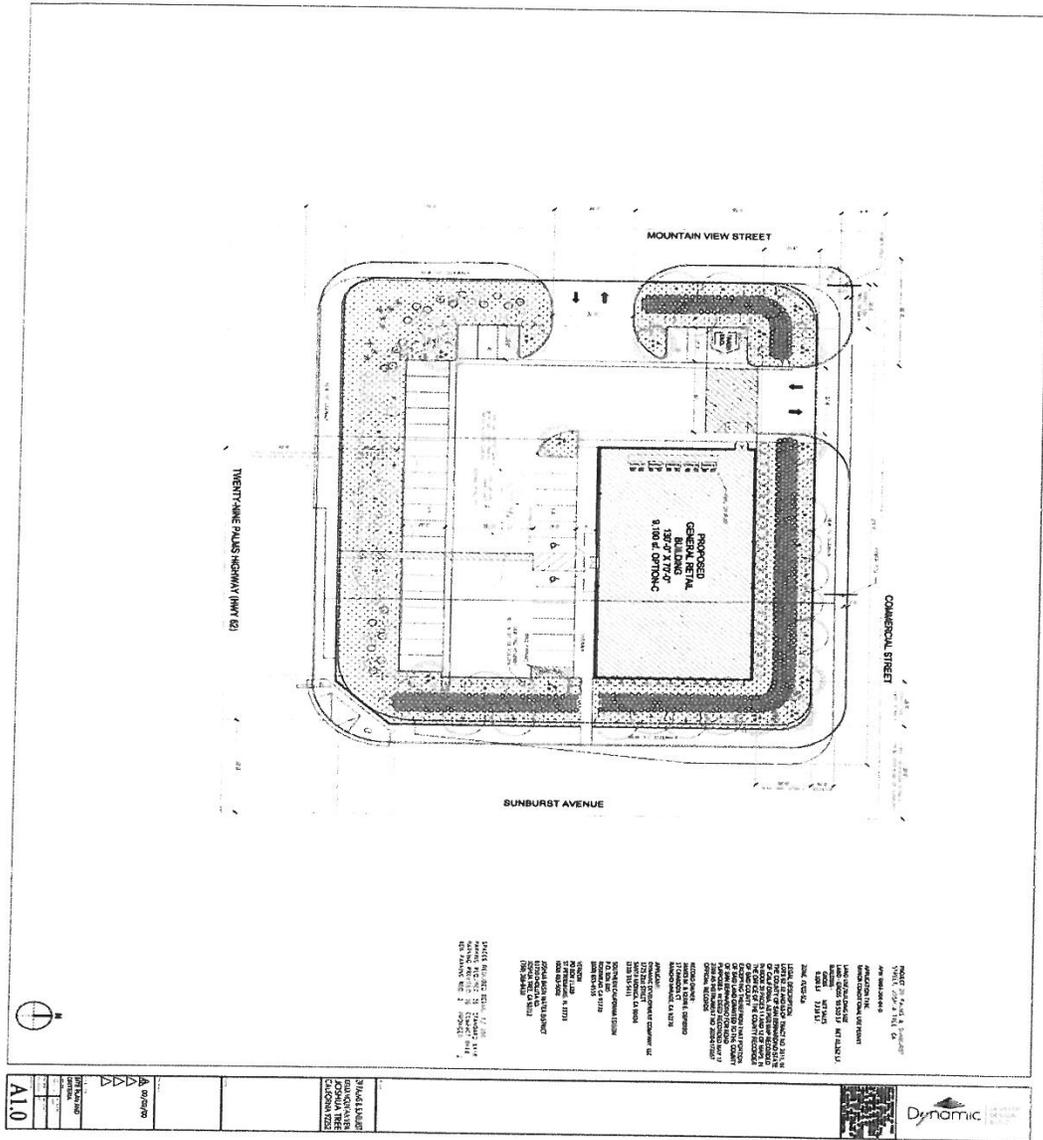
Exhibit 1



P201100357/CUP

Aerial Photo

Exhibit 2



P201100357/CUP

Site Plan

Exhibit 3

November 6, 2012

	Potentially Significant Impact	Less than Significant with Mitigation Incorpor.	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 type="checkbox"/>	<input checked="" 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):

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

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

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

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

November 6, 2012

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

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

1. View from the Southeast Corner of the Project Site

Before

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

After

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

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

2. View from the Southwest Corner of the Project Site

Before

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

After

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

considered a significant impact.

3. View from the Northeast Corner of the Project Site

Before

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

After

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

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

4. View from the Northwest Corner of the Project Site

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

After

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

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

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Conclusion

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

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

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

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

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

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

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

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special scenic value;

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

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

1 c)

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

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

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

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

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

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

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

Joshua Tree Community Plan:

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

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

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

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

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

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

- (a) Minimize light pollution, glare, and light trespass;
- (b) Conserve energy and resources while maintaining nighttime safety, visibility, utility, and productivity;
- (c) Curtail the degradation of the nighttime visual environment.

Specifically, Section 83.07.040 (2) states:

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

(A) Adjacent property;

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

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

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

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

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

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

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



P201100357/CUP

View from Southeast Corner
BEFORE

Exhibit 4



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

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

View from Southwest Corner
BEFORE

Exhibit 7



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

P201100357/CUP

**View from Southwest Corner
AFTER**

Exhibit 8



P201100357/CUP	View from Northeast Corner BEFORE	Exhibit 9
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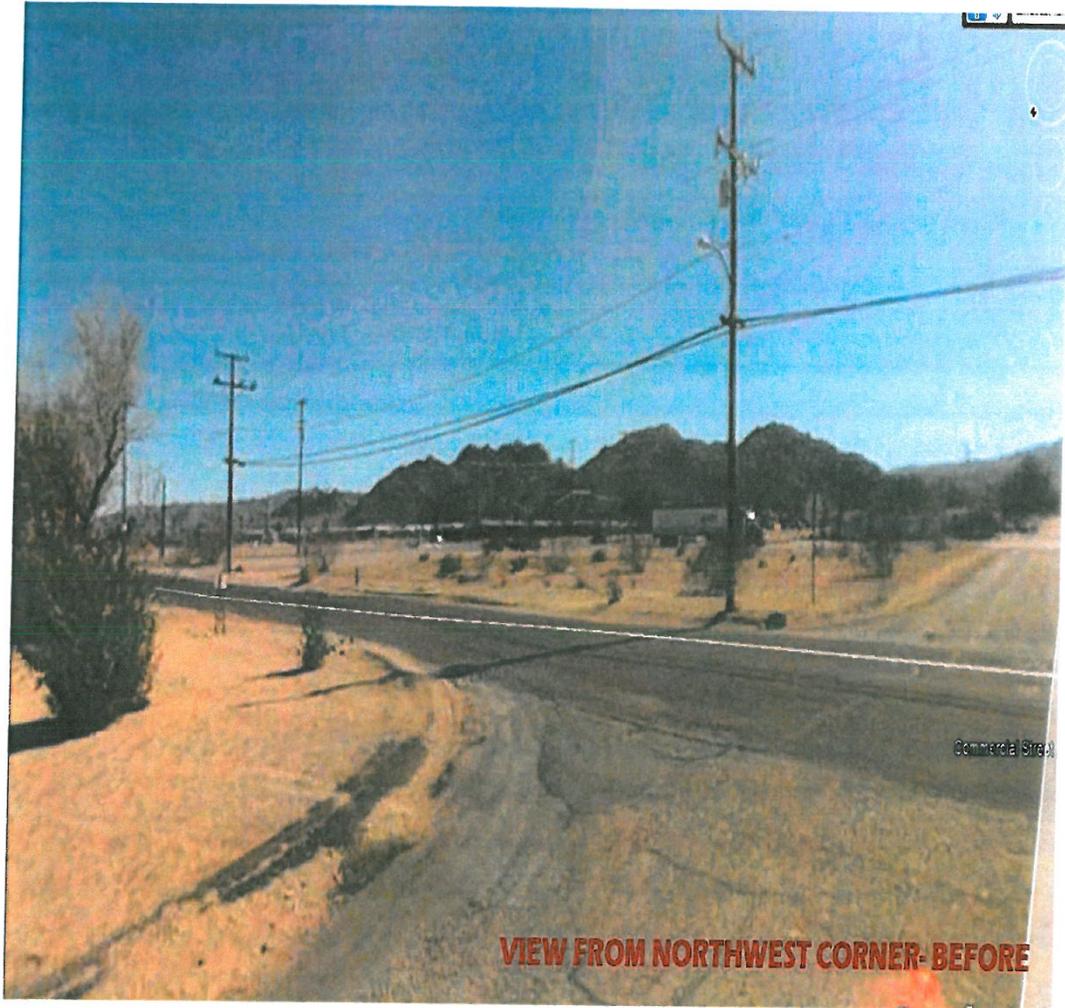


The image of the building depicted is for purposes of evaluating the impact of the building on scenic vistas. This exhibit is not representative of the architectural treatment and elements that will be proposed for the building.

P201100357/CUP

View from Northeast Corner
AFTER

Exhibit 10



P201100357/CUP	View from Northwest Corner BEFORE	Exhibit 10
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The image of the building depicted is for purposes of evaluating the impact of the building on scenic vistas. This exhibit is not representative of the architectural treatment and elements that will be proposed for the building.

P201100357/CUP

View from Northwest Corner
AFTER

Exhibit 10

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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II. AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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))? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Result in loss of forest land or conversion of forest land to non-forest use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| 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? | <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 as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on the Farmland Mapping and Monitoring Program Map prepared by the Department of Conservation. The proposed Project would thus have no impact to designated farmland.
- II b) **No Impact.** The subject Property is zoned for General Commercial use by the Joshua Tree Community Plan. Therefore, proposed Project does not conflict with any zoning for agricultural land. There is no Williamson Act land conservation contract that covers the site.
- II c) **No Impact.** The subject Property is zoned for General Commercial use by the Joshua Tree Community Plan. Therefore the proposed Project will not conflict with existing zoning for, or cause rezoning of forest land or timberland.

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

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

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

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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
<p>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:</p>				
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 type="checkbox"/>	<input checked="" type="checkbox"/>

SUBSTANTIATION

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

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

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

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

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

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

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

Table 2. MDAQMD Significant Emission Thresholds

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

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

Table 3. Project Construction Emissions (Unmitigated)

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

Table 4. Project Operational Emissions (Unmitigated)

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

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

Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates (PM₁₀ and PM_{2.5} (State)). To limit dust production, the Project

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

1. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 - I. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 - II. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
 - III. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_x and PM₁₀ levels in the area. Although the Project would not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent would be required to implement the following requirements:

2. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
3. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
4. The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

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

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

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

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

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

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

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

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

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

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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
IV. BIOLOGICAL RESOURCES - Would the project:				
a) Have substantial adverse effects, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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

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

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

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

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

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

Based on the above, the project site is not considered suitable habitat for any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. However, in order to mitigate potential impacts to the Burrowing Owl to the maximum extent feasible, the following mitigation measure is recommended:

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

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

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

(A) *Dalea spinosa* (smoketree).

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

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

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

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- (4) All Joshua trees.
- (5) Any part of any of the following species, whether living or dead:
 - (A) Olneya tesota (desert ironwood).
 - (B) All species of the genus Prosopis (mesquites).
 - (C) All species of the genus Cercidium (palos verdes).

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

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

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

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

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

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

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

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

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

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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
V. CULTURAL RESOURCES - Would the project				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input 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):

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

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

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

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

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

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

- V c) **Less Than Significant Impact.** The Project site is not located within a Paleontologic Resources (PR) Overlay according to the *Paleontological Resources Sensitivity Map* prepare by the County. thus no field surveys are required. Should paleontological resources be found during grading or excavation activities, the Project is subject to the County's standard condition of approval regarding paleontological resources that requires the developer to halt work and to retain a qualified paleontologist approved by the County to assess the significance of the resource(s) and to identify appropriate management recommendations. This is a mandatory requirement and not considered a Mitigation Measure.
- V d) **Less Than Significant Impact.** In the event of an accidental discovery or recognition of any human remains, California State Health and Safety Code Section 7050.5 dictates that no further disturbances shall occur until the County Corner has made the necessary findings as to origin and disposition pursuant to CEQA regulations and Public Resources Code Section 5097.98. This is a mandatory requirement and no mitigation measures are required.

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

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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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? | <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 type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" 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 type="checkbox"/> | <input checked="" type="checkbox"/> |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SUBSTANTIATION

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

Table 5. Greenhouse Gas Emissions (Annual)

Project MTCO ₂ e Emissions/Yr.	San Bernardino County Threshold MTCO ₂ e/Yr.	Mojave Desert Air Quality Management District Threshold MTCO ₂ e/Yr.	Exceeds Threshold?
263.45	3,000	100,000	NO

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

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

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

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The GHG reducing performance standards were developed by the County to improve the energy efficiency, water conservation, vehicle trip reduction potential, and other GHG reducing impacts from all new development approved within the unincorporated portions of San Bernardino County. As such, the following Performance Standards establish the minimum level of compliance that development must meet to assist in meeting the 2020 GHG reduction target identified in the in the *San Bernardino County Greenhouse Gas Emissions Reduction Plan*. These Performance Standards apply to all projects, including those that are emit less than 3,000 MTCO_{2e} per year, and will be included as Conditions of Approval for development of the Project.

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

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

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

b) All construction equipment engines shall be properly tuned and maintained in accordance with the manufacturers specifications prior to arriving on site and throughout construction duration.

c) All construction equipment (including electric generators) shall be shut off by work crews when not in use and shall not idle for more than 5 minutes.

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

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

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VIII. HAZARDS AND HAZARDOUS MATERIALS -
 Would the project:

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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 wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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SUBSTANTIATION

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

- VIII a) **Less Than Significant Impact.** The Project does not have the potential to pose a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials because the Project is not considered a "hazardous waste generator" as defined by the U.S. Environmental Protection Agency. A hazardous waste generator would routinely transport, use, or dispose of hazardous materials.
- Small quantities of hazardous materials in the form of cleaning solvents and agents will be on the premises and will be packaged in containers suitable for use in households by individuals. The type and quantity of these materials is not considered a significant hazard.
- VIII b) **Less Than Significant Impact.** The Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because the project is a retail store and does not store or process large quantities of hazardous materials.
- VIII c) **No Impact.** The Project site is located approximately ½ mile south of the Joshua Tree Elementary School and is therefore not located within ¼ mile of an existing or proposed school. The project, as proposed, will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste.
- VIII d) **No Impact.** Based on the *Cortese List Data Resources* webpage maintained by the California Environmental Protection Agency accessed on July 27, 2012, the Project site is not included on the list of hazardous materials sites compiled in accordance with Government Code No. 65962.5.
- VIII e) **Less Than Significant Impact.** The Project site is not located within the area covered by an airport land use plan nor is there a public airport within the 2 miles of the Project site. The Roy Williams Airport is located approximately 3 miles northeast of the Project site.
- VIII f) **No Impact.** The Project site is not within the vicinity or approach/departure flight path of a private airstrip.
- VIII g) **Less Than Significant Impact.** The Project will not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan, because the Project will not result in any substantial alteration to road design or capacity that would affect implementation of evacuation procedures nor result in any substantial increase in natural or man-made hazards that would increase the potential for evacuation. In addition, the Project has adequate emergency access via 29 Palms Highway and the adjacent streets.

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

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

	Potentially Significant Impact	Less than Significant with Mitigation Incorpor.	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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" 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?
- j) Inundation by seiche, tsunami, or mudflow?

SUBSTANTIATION

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

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

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

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

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

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

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

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

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

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

- Increase the landscaped area of the overall project site. Natural landscaped slopes will be used to increase pervious surfaces and bio-swales are proposed as a part of the development of this project. The Bio-Swales are proposed to treat water before leaving project site. Catch basin inserts are to be used to filter unwanted material and prevent it from going downstream.
- Use of paving materials or permeable surfaces in walkways to maximize discharge of storm water back into the ground.
- Roof drains will be directed to landscaped areas
- Sidewalks, walkways and hardscape areas are designed to drain to landscape areas and proposed bio-swales.

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

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

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

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

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

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

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

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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
X. LAND USE AND PLANNING - Would the project:				
a) Physically divide an established community?	<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 site is a 1.45 acre site bordered of 4 sides by roadways, one of which is a major highway (29 Palms Highway, SR 62).
- X b) **Less Than Significant Impact.** The analysis contained in this Initial Study Checklist addresses the potential conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect. Based on this analysis, it is determined that the Project will not have a significant impact on any of the environmental resources described in this Initial Study Checklist. Based on the above, it can be determined that the Project is not in conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect.
- X c) **No Impact.** The Project is subject to and in conformance with the California Desert Conservation Area Plan (West Mojave Plan). As discussed in Section IV. Biological Resources of this Initial Study Checklist, no impacts to biological resources were identified. Therefore, the Project's activities will be in compliance with the California Desert Conservation Area Plan (West Mojave Plan).

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

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

- XI a) **No Impact.** The Project will not result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state, because there are no identified important mineral resources on the Project site and the site is not within a Mineral Resource Zone Overlay.
- XI b) **No Impact.** The Project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan, because there are no identified locally important mineral resources on the Project site.

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

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	Potentially Significant Impact	Less than Significant with Mitigation Incorpor.	Less than Significant	No Impact
XII. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne 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 checked="" type="checkbox"/>	<input 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

- XII a) **Less Than Significant Impact.** Noise-sensitive land uses shall include residential uses, schools, hospitals, nursing homes, religious institutions, libraries, and similar uses. The proposed retail store is not a sensitive receptor to noise. The Project is required to maintain noise levels at or below County Standards identified in Development Code Section 83.01.080. This is a mandatory requirement and not considered a Mitigation Measure.
- XII b) **Less Than Significant Impact.** The Project is a relatively small development consisting of a 9,100 square foot retail store on a 1.45 acre site. As such, grading and construction activities will not require the type and amount of equipment that would cause excessive groundborne noise and vibration. Because of the small size of the store, the Project will not expose persons to or generate excessive groundborne vibration or groundborne noise associated with truck deliveries. In addition, the Project is required to maintain vibration and groundborne levels at or below County Standards identified in Development Code Section 83.01.090. This is a mandatory requirement and not considered a Mitigation Measure.

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

Table 6. Typical Noise Generation for Similar Project

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

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

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

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

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

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

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

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

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

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

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	Potentially Significant Impact	Less than Significant with Mitigation Incorpor.	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 checked="" type="checkbox"/>	<input 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) **Less Than Significant Impact.** The Project will not induce substantial population growth in the area directly (because it does not propose any housing) or indirectly (because it does not create a significant number of new jobs). Although the Project will generate new jobs and employment opportunities, it is anticipated that employees will most likely live in the area and the existing housing stock should accommodate the housing needs for those employed by the jobs generated by the Project. Therefore, the potential for the project to generate substantial population growth in the area is less than significant.
- XIII b) **No Impact.** The proposed use will not displace substantial numbers of existing housing units, necessitating the construction of replacement housing, because the Project site is currently vacant.
- XIII c) **No Impact.** The proposed use will not displace substantial numbers of people necessitating the construction of replacement housing elsewhere, because the Project site is currently vacant.

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

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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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.

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

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

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

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

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

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

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XV. RECREATION

Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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- a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUBSTANTIATION

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

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

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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XVI. TRANSPORTATION/TRAFFIC - Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<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 checked="" type="checkbox"/>	<input 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

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

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

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29 Palms Highway or the surrounding street network.

- XVI b) **Less Than Significant Impact.** *The County of San Bernardino Congestion Management Program, 2007 Update* established a Level of Service (LOS) E, or the current level, whichever is farthest from LOS A, as the LOS standard for intersections or segments on the Congestion Management Program system of roadways. According to the *Traffic Generation Analysis*, the Project is forecast to generate less than 50 Peak Hour Trips which will not reduce the existing LOS for 29 Palms Highway in the vicinity of the Project. The Public Works Department/Land Development Division-Traffic Section concurs with this conclusion.
- XVI c) **No Impact.** The Project site is not located within the area covered by an airport land use plan nor is there a public airport within the 2 miles of the Project site. The Roy Williams Airport is located approximately 3 miles northeast of the Project site. Therefore, the Project will not alter air traffic patterns and will therefore not result in substantial safety risks.
- XVI d) **Less Than Significant Impact.** The Project does not propose any changes to the existing roadway alignment or lane configurations that will result in sharp curves or dangerous intersections.

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

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

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

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	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XVII. UTILITIES AND SERVICE SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<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

- XVII a) **Less Than Significant Impact.** The Project proposes a septic system. Prior to the issuance of building permits, the County of San Bernardino Environmental Health Services Department shall review and ensure that the septic system will not exceed waste discharge requirements. This is a mandatory requirement and not a Mitigation Measure.
- XVII b) **Less Than Significant Impact.** The proposed Project will not require or result in the construction of new wastewater facilities or expansion of existing wastewater facilities because the Project proposes to use a septic system. The system is proposed to have a capacity of 1,500 gallons which is adequate for the Project as only two small restrooms, one mop sink and one drinking fountain are to be included in the Project.

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

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

- XVII c) **Less Than Significant Impact.** As discussed in Section VIII, *Hydrology and Water Quality*, the proposed Project will not increase storm flow rates from the site and will therefore not create any additional impacts on downstream storm drain facilities that will necessitate expansion of existing facilities or construction of new facilities.
- XVII d) **Less Than Significant Impact.** The proposed Project will have sufficient water supplies because according to the Joshua Basin Water District "*There are currently existing adequate source, storage and distribution line capacities to provide potable water to the referenced site in sufficient quantities to satisfy domestic water service and fire protection requirements of the proposed use. The water mains to serve each proposed service connection are currently installed and operable.*" (Ref. Joshua Basin Form W1 Public Water Certification, dated July 20, 2012).
- XVII e) **Less Than Significant Impact.** Joshua Basin Water District does not operate a waste treatment plant. Septic tank pumpers most likely will utilize the septage disposal facilities at the Landers Landfill. Therefore, the proposed Project will have adequate wastewater treatment available.
- XVII f) **Less Than Significant Impact.** Solid waste is disposed at the Landers Sanitary Landfill. According to *CalRecycle* webpage (*accessed on July 10, 2012*) the landfill has a remaining capacity of 785,098 cubic yards and is not expected to close until 2018. There is adequate capacity to accommodate the Project's solid waste disposal needs.
- XVII g) **Less Than Significant Impact.** The proposed Project is required to comply with mandatory federal, state, and local statutes and regulations related to solid waste.

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

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Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
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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 checked="" type="checkbox"/> | <input 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 With Mitigation Incorporated.** The Project does not have the potential to significantly degrade the overall quality of the region’s environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. There are no rare or endangered species or other species of plants or animals or habitat identified as being significantly and negatively impacted by the Project. There are no identified historic or prehistoric resources identified on this site. If any archaeological or paleontological resources are identified during construction, the Project is conditioned to stop and identify appropriate authorities, who properly record and/or remove for classification any such finds. With the implementation of Mitigation Measures BIO-1 and CR-1, impacts will be less than significant.
- XVIII b) **Less Than Significant Impact.** The analysis in this Initial Study Checklist demonstrates that the Project is in compliance with all applicable regional plans including but not limited to, water quality control plan, air quality maintenance plan, and plans or regulations for the reduction of greenhouse gas emissions. Compliance with these regional plans serves to reduce impacts on a regional basis so that the Project will not produce impacts, that considered with the effects of other past, present, and probable future projects, will be cumulatively considerable.

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

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

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XIX. MITIGATION MEASURES

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

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

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

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

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

CEQA Guidelines, Appendix G

County of San Bernardino Development Code, 2007.

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

County of San Bernardino Hazard Overlay Maps.

Joshua Tree Community Plan, April 12, 2007.

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

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

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

PROJECT SPECIFIC STUDIES:

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

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

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

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

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

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

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

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

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

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

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

EXHIBIT D

RESPONSE TO COMMENTS FOR IS/MND

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Exhibit D

**RESPONSE to COMMENTS
for the
Joshua Tree General Retail Project
RECIRCULATED MITIGATED NEGATIVE DECLARATION
P201100357/CUP**

**County of San Bernardino
Land Use Services Department**

January 10, 2013

BACKGROUND

The Draft Initial Study/Mitigated Negative Declaration (MND) for the Joshua Tree General Retail Project (Project) was circulated for public review from August 28, 2012 to September 26, 2012 through the State Clearinghouse (State Clearinghouse Number 2012081071) consistent with California Environmental Quality Act (CEQA) regulations and guidelines. In addition, copies of the MND were distributed to regional and local agencies, and interested organizations and individuals, for their review and comment. Included in this distribution was Mr. David Fick of the Joshua Tree Municipal Advisory Council (MAC) who requested notification so he could provide information at a MAC meeting on the status of the project.

RECIRCULATION OF THE MND

Due to comments received from the State Department of Fish and Game, the Native American Heritage Commission, and residents indicating lack of notification per specific request, the MND was re-circulated from November 14, 2012 to December 13, 2012. The following summary provides a brief description regarding the salient changes made to the original MND.

- Changed the type of land use entitlement from a Minor Use Permit to a Conditional Use Permit in compliance with County of San Bernardino Development Code Section 85.06.040 (b).
- Revised the Biological Resources analysis to address potential impacts to the Burrowing Owl and added Mitigation Measure BIO-1 in response to comments made by the California Department of Fish & Game.
- Revised the Cultural Resources analysis to address potential impacts to Native American cultural resources and added Mitigation Measure CR-1 in response to comments made by the Native American Heritage Commission.
- Changed the Environmental Determination from a “Negative Declaration” to a “Mitigated Negative Declaration.”

RESPONSE TO COMMENTS

An MND is the CEQA document prepared when it has been determined that, with the inclusion of specified mitigation measures, a project will not have a significant effect on the environment.

Prior to the adoption of an MND, the lead agency must allow the public an opportunity to review the document and comment on the document’s content and conclusions. CEQA Guidelines §15204(a) provides some direction for CEQA commenters, stating that in

reviewing the MND persons and public agencies should focus on the sufficiency of the MND in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated.

CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made.

This Response to Comments document provides responses to comments received on the sufficiency of the Recirculated MND in identifying and analyzing the possible impacts of the Project on the environment and ways in which the significant effects of the Project might be avoided or mitigated.

It should be noted that comments received for the original MND are not addressed herein because the comments pertained to not receiving the Notice of Intent to Adopt the MND, or the as in the case of the comments received by the Department of Fish & Game and the Native American Heritage Commission, the MND was revised as described above to address the comments.

COMMENTS RECEIVED ON THE RECIRCULATED INITIAL STUDY AND RESPONSE FORMAT

Comment letters and emails were received during the public review period(s) on the sufficiency of the MND in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the Project might be avoided or mitigated are identified as follows:

State Agencies

California Department of Fish & Game
Department of Toxic Substances Control

Individuals

Kerri Tuttle
Celeste Doyle
Daniel Ferro
Shauna Tucker
Bernard Liebov
Ronald Amos
Kim Belletti
Michael Cicero
Louise Mathias
Patricia & Clarence Glover
Thomas Fjallstam
Ulla, Nicholas, and Jenny Holmes
David Fick
JB Wells
Jay Babcock & Stephanie Smith
Keri McParland
David Scheffler
Andrea Zittel
Julia & Douglas Buckley
Peter Marshall Spur
Georgeanne Deen
Dr. Karen Tracy
Jill Giegerich
Jean McLaughlin

Responses to each comment are provided on the following pages. The County's responses to the comments immediately follow the comment letter or email and are identified as "**COUNTY RESPONSE.**"

MASTER RESPONSES:

The County of San Bernardino released the *Joshua Tree Retail Project Initial Study* on for public review from November 14, 2012 through December 13, 2012. The Initial Study analyzed potential impacts of the proposed *Joshua Tree General Retail Project*. The County received 24 comment letters/emails in response to the Draft Initial Study. Many of the comments express similar thoughts and concerns, and rather than repeat the same response to each of those comments, the County prepared nine Master Responses that comprehensively address broad issues raised in similar comments by multiple individuals. These areas are as follows:

- Master Response 1: Appropriate CEQA Document: Initial Study/Mitigated Negative Declaration or Environmental Impact Report
- Master Response 2: Economic Impacts
- Master Response 3: Noticing of Mitigated Negative Declaration
- Master Response 4: Joshua Tree Community Plan Consistency
- Master Response 5: Noise Impacts
- Master Response 6: Traffic Impacts
- Master Response 7: Impacts on Law Enforcement
- Master Response 8: Utilities and Infrastructure to Support the Project
- Master Response 9: Preserve the Dark Night Sky as a Natural Resource
- Master Response 10: Aesthetics

The County also prepared individual responses for issues that are not covered by the Master Responses.

MASTER RESPONSE 1:

APPROPRIATE CEQA DOCUMENT: MITIGATED NEGATIVE DECLARATION OR EIR.

Several commenter's stated that the California Environmental Quality Act (CEQA) requires that instead of a mitigated negative declaration (MND), an Environmental Impact Report (EIR) should be prepared for the Project.

County Response: The County of San Bernardino (County) followed CEQA regulations in preparing an Initial Study for the Project. The County also correctly determined that, based on the substantial evidence presented in the Initial Study, an MND is the appropriate environmental document for the Project.

Regulations for CEQA are set forth in California laws known as the CEQA Statutes (California Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 et seq.)(CEQA Guidelines). Together, these regulations provide a clear, structured process for determining what type of environmental document should be prepared.

Pursuant to CEQA Guidelines Section 15063, Initial Study, the purpose of an Initial Study is as follows:

- (1) **Provide the lead agency with information to use as the basis for deciding whether to prepare an EIR or negative declaration;**
[emphasis added]
- (2) Enable an applicant or lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a negative declaration;
- (3) Assist in the preparation of an EIR, if one is required, by:
 - a. focusing the EIR on the effects determined to be significant;
 - b. identifying the effects determined not to be significant;
 - c. explaining the reasons for determining that potentially significant effects would not be significant; and
 - d. identifying whether a program EIR, tiering, or another appropriate process can be used for analysis of the project's environmental effects

- (4) Facilitate environmental assessment early in the design of a project;
- (5) Provide documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment;
- (6) Eliminate unnecessary EIRs;
- (7) Determine whether a previously prepared EIR could be used with the project.

CEQA Guidelines Section 15064 “Determining the Significance of the Environmental Effects Caused by a Project,” provides guidance to the County in determining whether an EIR is required. CEQA Guidelines Section 15064(f) (1) notes that if there is substantial evidence that any aspect of a project may cause a significant effect on the environment, the lead agency shall prepare an EIR. CEQA Guidelines Section 15064(f) (3) directs a lead agency to prepare a negative declaration if there is no substantial evidence that the project or any of its aspects may cause a significant effect on the environment.

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

CEQA Guidelines Section 15064(f) (5) notes that “argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts.”

The analysis conducted as part of the Initial Study, which is incorporated by reference into this response, found that there was no substantial evidence that the Project, as proposed, would result in a significant effect on the environment that could not be mitigated to a less-than-significant level. The Initial Study did find that the Project would result in potentially significant impacts in several areas; however, the mitigation included in the Initial Study would reduce all identified impacts to a less-than-significant level.

Pursuant to the directives provided in the CEQA statutes and guidelines, and the substantial evidence presented in the Initial Study, an EIR is not warranted for this Project.

MASTER RESPONSE 2: ECONOMIC IMPACTS

Several commenters stated that:

CEQA requires consideration of potential economic impacts of retail development projects if such impacts have the potential to indirectly result in adverse physical changes to the environment. Adverse physical changes to the environment from economic effects generally manifest themselves in the form of urban decay. The term “urban decay” is generally defined as “visible symptoms of physical deterioration that invite vandalism, loitering, and graffiti that is caused by a downward spiral of business closures and long-term vacancies.” The outward manifestation of urban decay includes, but is not limited to, boarded doors and windows, dumping of refuse, deferred maintenance of structures, unauthorized use of buildings and parking lots, littering, and dead or overgrown vegetation.

Recent court decisions (*Bakersfield Citizens for Local Control v. City of Bakersfield*; *Panama 99 Properties, LLC, and Castle & Cooke Commercial-CA, Inc.*; and *Anderson First Coalition, et al. v. City of Anderson, et al. and FHK Companies, et al.*) have made clear that CEQA review must assess the possibility of urban decay and deterioration and indirect physical impacts on the environment resulting from the economic impacts of the project. Currently this is not addressed anywhere in the Initial Study, but should be.

County Response: CEQA Guidelines Section 15131 provides some guidance on economic effects of a project with respect to EIR’s and that can be applied to an Initial Study/Mitigated Negative Declaration.

CEQA Guidelines Section 15131 (a) states:

Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

CEQA Guidelines Section 15131(b) states:

Economic or social effects of a project may be used to determine the significance of physical changes caused by the project. For example, if

the construction of a new freeway or rail line divides an existing community, the construction would be the physical change, but the social effect on the community would be the basis for determining that the effect would be significant. As an additional example, if the construction of a road and the resulting increase in noise in an area disturbed existing religious practices in the area, the disturbance of the religious practices could be used to determine that the construction and use of the road and the resulting noise would be significant effects on the environment. The religious practices would need to be analyzed only to the extent to show that the increase in traffic and noise would conflict with the religious practices. Where an EIR uses economic or social effects to determine that a physical change is significant, the EIR shall explain the reason for determining that the effect is significant.

For the purpose of this response, urban decay is defined as, among other characteristics, visible symptoms of physical deterioration that invite vandalism, loitering, and graffiti that is caused by a downward spiral of business closures and multiple long term vacancies. This physical deterioration to properties or structures is so prevalent, substantial, and lasting for a significant period of time that it impairs the proper utilization of the properties and structures, or the health, safety, and welfare of the surrounding community. The manifestations of urban decay include such visible conditions as plywood-boarded doors and windows, parked trucks and long term unauthorized use of the properties and parking lots, extensive gang and other graffiti and offensive words painted on buildings, dumping of refuse on site, overturned dumpsters, broken parking barriers, broken glass littering the site, dead trees and shrubbery together with weeds, lack of building maintenance, abandonment of multiple buildings, homeless encampments, and unsightly and dilapidated fencing.

With respect to the comments that development of the Project will result in urban decay (a physical change in the environment), the degree to which urban decay may occur will be dependent upon many factors, including the degree to which property owners cannot adequately maintain their properties. The degree to which individual property owners can sustain a decline in revenue associated with increased vacancy will also be a factor in the potential emergence of urban decay, if they do not have the financial wherewithal to provide proper maintenance.

However, the Commenters have provided no evidence to suggest that the Project will contribute to or cause urban decay. There is no factual evidence that development of the subject site with a small retail store would result in the closing of businesses resulting in urban decay. The two court decisions referenced by the Commenter were in regard to the preparation of environmental documents for "big-box" stores and other large retail projects. The proposed Project is a 9,100 square foot retail store on a 1.45 acre site and is not of the size, scope, and scale of a "big-box" retail stores; so to compare the economic impacts of the Project to the impacts associated with a "big-box" retail store that can be as large as 150,000 square feet plus is not an accurate comparison.

**MASTER RESPONSE 3:
NOTICING OF MITIGATED NEGATIVE DECLARATION**

Several commenters have claimed that the County failed to provide proper notice of the Mitigated Negative Declaration (MND).

County Response: The Draft Initial Study for the Joshua Tree General Retail Project (Project) was circulated for public review from August 28, 2012 to September 26, 2012 through the State Clearinghouse (State Clearinghouse Number 2012081071) consistent with California Environmental Quality Act (CEQA) regulations and guidelines. In addition, copies of the Draft Initial Study/Negative Declaration were distributed to regional and local agencies, and interested organizations and individuals, for their review and comment. Included in this distribution was Mr. David Fick of the Joshua Tree Municipal Advisory Council (MAC) who requested notification so he could provide information at a MAC meeting on the status of the Project.

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

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

- Changed the type of land use entitlement from a Minor Use Permit to a Conditional Use Permit in compliance with County Development Code Section 85.06.040 (b).
- Revised the Biological Resources analysis to address potential impacts to the Burrowing Owl and added Mitigation Measure BIO-1.
- Revised the Cultural Resources analysis to address potential impacts to the cultural resources and added Mitigation Measure CR-1.
- Changed the Environmental Determination from a "Negative Declaration" to a "Mitigated Negative Declaration."

Due to comments received from the State Department of Fish and Game and residents indicating lack of notification per specific request, the IS/MND was re-circulated from November 14, 2012 to December 13, 2012.

The noticing procedures followed by the County were consistent with CEQA Guidelines Section 15072 which outlines the following noticing procedures:

- (a) A lead agency shall provide a notice of intent to adopt a negative declaration or mitigated negative declaration to the public, responsible agencies, trustee agencies, and the county clerk of each county within which the proposed project is located, sufficiently prior to adoption by the lead agency of the negative declaration or mitigated negative declaration to allow the public and agencies the review period provided under Section 15105.
- (b) The lead agency shall mail a notice of intent to adopt a negative declaration or mitigated negative declaration to the last known name and address of all organizations and individuals who have previously requested such notice in writing and shall also give notice of intent to adopt a negative declaration or mitigated negative declaration by at least **one** of the following procedures to allow the public the review period provided under Section 15105:
 - (1) Publication at least one time by the lead agency in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas. **[Note: The County published an ad in the San Bernardino County Sun newspaper].**
 - (2) Posting of notice by the lead agency on and off site in the area where the project is to be located.
 - (3) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

With respect to mailing a Notice of Intent to Adopt a Negative Declaration or Mitigated Negative Declaration to the last known name and address of all organizations and individuals who have previously requested such notice in writing, the County relied upon correspondence in the Project files from individuals who had requested such notice. It should be noted that it is standard County procedure to send out a notice advising persons within 300 feet of the Project site that an application has been submitted and to seek early comments from the public. If people have concerns about the Project they can submit written comments and request a notice of any upcoming public hearing. This request for notification is not the CEQA notification identified in Section 15072 (a) above. Unless the person specifically requested a CEQA notice, the only notice they would receive is a public hearing notice which is different than a CEQA notice.

In any event, when members of the Joshua Tree Community became aware that an Initial Study was being prepared and circulated, the County received emails and letters from individuals requesting a CEQA notice. A CEQA notice was then mailed to those persons.

It was claimed by some that they did not receive a CEQA notice despite the County's compliance with the notice provisions set forth above. For those persons who claimed not to have received notice and advised the County of that fact, the County immediately sent a notice by email or mail

Several commenters have stated that the Initial Study documents were not readily available in the Joshua Tree Community. In order to rectify this, the County provided a complete set of Recirculated Initial Study documents for review at the County Building & Safety office located in Joshua Tree.

**MASTER RESPONSE 4:
JOSHUA TREE COMMUNITY PLAN -- CONSISTENCY**

Several commenters have claimed that the Joshua Tree General Retail Project (Project) is not consistent with the Joshua Tree Community Plan.

County Response: According to Section JT1.1 of the Joshua Tree Community Plan, the primary purpose of the Joshua Tree Community Plan is to guide the future use and development of land within the Joshua Tree Community Plan area in a manner that preserves the character and independent identity of the community. By setting goals and policies for the Joshua Tree Community that are distinct from those applied countywide, the Community Plan outlines how the County of San Bernardino (County) will manage and address growth while retaining the attributes that make Joshua Tree unique. (Ref. Joshua Tree Community Plan page 7).

For purposes of a California Environmental Quality Act (CEQA) Initial Study, the County relies upon Appendix G of the CEQA Guidelines which provides a comprehensive framework for preparing an Initial Study. As it pertains to environmental issues, Appendix G asks a question under the Land Use and Planning Section as follows:

X. LAND USE AND PLANNING. Would the project:

.....

- 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? (emphasis added).**

The Joshua Tree Community Plan contains the following goals and policies as they pertain to environmental effects and are the subject of the CEQA review of the Project.

Section JT1.3.3 COMMUNITY PRIORITIES

The community's common priorities that have influenced the goals and policies included within this Community Plan are in part:

• **ENVIRONMENT**

A key consideration in developing this Plan has been acknowledging the potential impacts that future development will have on the area's natural resources. The goals and policies included in this Community Plan emphasize the protection of these sensitive resources, the integration of natural vegetation, open space and development designed to enhance the natural surroundings. In public workshops held to develop the General Plan and this Community Plan, the public has identified the following principal planning issues and concerns to be addressed in the Plan:

- A. Preservation of open space.
- B. Conservation and protection of native wildlife and vegetation.
- C. Protect and conserve water resources.
- D. Visual and physical harmony between the natural and manmade environment.

The Project as proposed is consistent with the above stated principal planning issues A-D and therefore can be considered consistent with the Joshua Tree Community Plan with respect to environmental issues. All other applicable goals and policies would be evaluated for consistency as part of the Conditional Use Permit process as part of the Planning Commission's review of the Project.

In addition to general comments about the alleged inconsistency of the Project with the Joshua Tree Community Plan, a number of commenters stated that the Project is not consistent with Policy JT/LU 3.6 which states "*Discourage regional commercial facilities within Joshua Tree. To avoid "big box" commercial developments that are out of character with the rural desert community, establish development standards that restrict the size and scale of retail buildings.*"

The American Planning Association defines a "big-box" store as a stand-alone store of at least 100,000 square feet. Investopedia one of the Internet's largest sites devoted entirely to investing education owned by Forbes Magazine and a well-respected source for financial information, defines a "big-box" retailer as: "Located in large-scale buildings of more than 50,000 square feet, the store is usually plainly designed and often resembles a large box. Wal-mart, Best Buy and Ikea are examples of big-box retailers." And according to a report prepared by the School of Architecture, Preservation, and Planning at Columbia University¹, a "Big Box" retailer "occupies more than 50,000 square feet of floor area, with typical ranges between 90,000-200,000 square feet."

The Project consists of 9,100 square feet on 1.45 acres and does not technically meet the definition of a "big-box" store. However, whether or not the Project is considered a 'big-box" store will be determined by the Planning Commission as part of their review of the Conditional Use Permit. Also, it should be noted that no development standards restricting the size of retail buildings have ever been adopted for the Joshua Tree community.

¹ www.columbia.edu/itc/architecture/bass/newrochelle/.../big_box.html

**MASTER RESPONSE 5:
NOISE/VIBRATION IMPACTS**

Some of the comments submitted discuss the potential impacts of the Joshua Tree General Retail Project (Project) from noise and, to a lesser extent, vibration.

County Response: Section XII of the Initial Study fully analyzed impacts related to noise and vibration. Because that analysis was comprehensive on these subjects and adequately addresses the concerns raised in the comments, it is summarized here.

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

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

Typical Noise Generation for Similar Project

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

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

Potential Noise Impacts w/Parapet Wall-Barrier

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

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

Construction of the proposed Project will temporarily increase ambient noise levels primarily due to equipment use during grading and building construction activities. Construction noise is exempt from County Noise Standards during 7:00 a.m. and 7:00 p.m. except Sundays and federal holidays. Temporary noise impacts will be less than significant.

MASTER RESPONSE 6: TRAFFIC IMPACTS

Many of the commenters expressed concerns about the traffic impacts that would be generated by the Joshua Tree General Retail Project (Project).

County Response: Section XVI of the Initial Study fully analyzed impacts related to traffic. Because that analysis was comprehensive on these subjects and adequately addresses the concerns raised in the comments, it is summarized here.

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

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

In addition, the following improvements are required of the Project and included in the Conditions of Approval.

Sunburst Avenue (Major Highway – 104')

Road Dedication. A grant of easement is required to provide a half-width right-of-way of 52 feet.

Curb Return Dedication. A 50 foot radius return grant of easement is required at the intersections of Sunburst Ave with Commercial St and SH-62.

Street Improvements. Design curb and gutter with match up paving 40 feet from centerline.

Sidewalks. Design sidewalks per County Standard 109 type C.

Sidewalk Ramp. Design sidewalk ramp per County Standard 110.

Curb Returns. Curb Returns shall be designed per County Standard 110.

Commercial Street (Collector – 66')

Road Dedication. A 13 foot grant of easement is required to provide a half-width right-of-way of 33 feet.

Curb Return Dedication. A 35 foot radius return grant of easement is required at the intersections of Commercial St and Mountain View St.

Street Improvements. Design curb and gutter with match up paving 22 feet from centerline.

Sidewalks. Design sidewalks per County Standard 109 type C.

Sidewalk Ramp. Design sidewalk ramp per County Standard 110.

Curb Returns. Curb Returns shall be designed per County Standard 110.

Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per Standard 130.

Mountain View Street (Local – 60')

Curb Return Dedication. A 50 foot radius return grant of easement is required at the intersections of Mountain View St & SH-62.

Street Improvements. Design curb and gutter with match up paving 18 feet from centerline.

Sidewalks. Design sidewalks per County Standard 109 type C.

Sidewalk Ramp. Design sidewalk ramp per County Standard 110.

Curb Returns. Curb Returns shall be designed per County Standard 110.

Driveway Approach. Design driveway approach per San Bernardino County Standard 129B, and located per Standard 130.

SH-62 (Major Highway – 104')

Road Dedication. A grant of easement is required to provide a half-width right-of-way of 52 feet.

Caltrans Approval. Obtain comments, approval and permits from Caltrans for access requirements and working within their right-of-way.

Caltrans Dedications. Dedication/right-of-way reservation shall be granted on SH-62 as necessary to concur with the Master Plan of Highways. This dedication/right-of-way reservation is to be coordinated with Caltrans.

**MASTER RESPONSE 7:
LAW ENFORCEMENT IMPACTS**

Several commenters expressed concern that adequate law enforcement services not available to serve the Project.

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

**MASTER RESPONSE 8:
UTILITY AND INFRASTRUCTURE TO SUPPORT THE PROJECT.**

Several commenters expressed concerns that the infrastructure and utility systems were not adequate to serve the Project.

County Response: Section XVI of the Initial Study fully analyzed impacts related to utilities and infrastructure. Because that analysis was comprehensive on these subjects and adequately addresses the concerns raised in the comments, it is summarized here.

The Project proposes a septic system. Prior to the issuance of building permits, the County of San Bernardino Environmental Health Services Department shall review and ensure that the septic system will not exceed waste discharge requirements. This is a mandatory requirement and not a mitigation measure.

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

The proposed Project will have sufficient water supplies and will not require or result in the construction of new water facilities or expansion of existing facilities because according to the Joshua Basin Water District: *“There are currently existing adequate source, storage and distribution line capacities to provide potable water to the referenced site in sufficient quantities to satisfy domestic water service and fire protection requirements of the proposed use. The water mains to serve each proposed service connection are currently installed and operable.”* (Ref. Joshua Basin Form W1 Public Water Certification, dated July 20, 2012).

As discussed in Section VIII [of the Initial Study], *Hydrology and Water Quality*, the proposed Project will not increase storm flow rates from the site and will therefore not create any additional impacts on downstream storm drain facilities that will necessitate expansion of existing facilities or construction of new facilities.

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

Solid waste is disposed at the Landers Sanitary Landfill. According to *CalRecycle* webpage (accessed on July 10, 2012) the landfill is authorized to handle 1,200 tons per day of waste and is not expected to close until 2018. The Project, when operational, is expected to generate between 25 and 55 pounds per day of waste materials based on information obtained from *Cal Recycle*. Therefore, there is adequate capacity to accommodate the Project's solid waste disposal needs.

The proposed Project is required to comply with mandatory federal, state, and local statutes and regulations related to solid waste.

MASTER RESPONSE 9.

PRESERVE THE DARK NIGHT SKY AS A NATURAL RESOURCE

Several commenters expressed concerns about preservation of the dark sky.

County's Response: Section I of the Initial Study contained the following analysis:

The regulatory framework for outdoor lighting is contained on the following:

Joshua Tree Community Plan:

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

- A. *Provide information about the Night Sky ordinance and lighting restrictions with each land use or building permit application.*
- B. *Review exterior lighting as part of the design review process.*

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

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

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

- (a) Minimize light pollution, glare, and light trespass;
- (b) Conserve energy and resources while maintaining nighttime safety, visibility, utility, and productivity;
- (c) Curtail the degradation of the nighttime visual environment.

Specifically, Section 83.07.040 (2) states:

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

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

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

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

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

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

MASTER RESPONSE 10: AESTHETICS

Several commenters expressed concerns about the architecture of the building and the aesthetic impacts.

County's Response: Section I of the Initial Study fully analyzed impacts related to aesthetics in the following manner, which is responsive to the comments received about this issue.

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

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

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

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

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

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

1. View from the Southeast Corner of the Project Site

Before

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

After

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

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

2. View from the Southwest Corner of the Project Site

Before

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

After

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

3. View from the Northeast Corner of the Project Site

Before

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

After

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

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

4. View from the Northwest Corner of the Project Site

Before

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

After

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

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

Conclusion

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

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

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

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

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

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

- *A tree that displays outstanding features of form or age;*
- *A landmark tree or a group of distinctive trees accented in a setting as a focus of attention;*
- *An unusual planting that has historical value;*
- *A unique, massive rock formation;*
- *An historic building that is a rare example of its period, style, or design, or which has special architectural features and details of importance;*
- *A feature specifically identified in applicable planning documents as having special scenic value;*
- *A unique focus or a feature integrated with its surroundings or overlapping other scenic elements to form a panorama;*
- *An exceptional example of proportion, balance, rhythm, and variety - all of these are amenable attractions of a visual scene;*
- *A vegetative or structural feature that has local, regional, or statewide importance.”*

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

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

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

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

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

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

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

Finally, the proposed architectural façade design will complement the surrounding developments with an aesthetically pleasing Mining Town theme on all sides of the building as well as a heavy timber frame with sloping metal shade canopy over the glass storefront. The building has varying height raised parapet walls with molding and is integrated with decorative western light fixtures. The parapet walls will screen all mechanical units from view.

The building will have a projecting metal shed canopy and decorative wall treatments with vine trellises integrated into the design of the façade. Several accent elements will enhance the wall surfaces, such as horizontal banding, shutters and corbels supporting the cornice trim.

Comments from Department of Fish & Game

SENT VIA EMAIL

[Re: Joshua Tree Revised Letter](#)

From

- [Heather Weiche](#)

To

- [Ernest Perea](#)

December 20, 2012

Ernest Perea, Contract Planner
County of San Bernardino
385 North Arrowhead Ave
San Bernardino, 92415-0182

Subject: Project No. Joshua Tree Retail Store Minor Use Permit (MUP) (SCH the Number: 2012081071)

Dear Mr. Perea:

The California Department of Fish and Game (Department) is providing comments on the Initial Study and Mitigated Negative Declaration (ISMND) for the Joshua Tree Retail Store (Project) prepared by the County of San Bernardino (Lead Agency). The Department is providing these comments as the State agency which has statutory and common law responsibilities with regard to fish and wildlife resources and habitats. California's fish and wildlife resources, including their habitats, are held in trust for the people of the State by the Department (Fish and Game Code §711.7). The Department has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and the habitats necessary for biologically sustainable populations of those species (Fish and Game Code §1802). The Department's Fish and wildlife management functions are implemented through its administration and enforcement of Fish and Game Code (Fish and Game Code §702). The Department is a trustee agency for fish and wildlife under the California Environmental Quality Act (see CEQA Guidelines, 14 Cal. Code Regs. §15386(a)) and a Responsible agency regarding any discretionary

actions (CEQA §15381). The Department is providing these comments in furtherance of these statutory responsibilities, as well as its common law role as trustee for the public's fish and wildlife.

The Project as identified in the ISMND includes a 9,100 square foot general retail store on 1.45 acres with related site improvements such as parking and landscaping. The Project is located on 29 Palms Highway with Commercial Highway on the north and Sunburst Ave on the East and Mountain View Street on the west. The project is located in the City of Joshua Tree in San Bernardino County.

The Department has reviewed the Habitat Assessment that was provided in the Projects ISMND. The Department concurs with the results; however, the Department recommends pre-construction surveys be conducted prior to any ground-breaking disturbances. If a burrowing owl is observed on the site, the Permittee shall contact the Department and mitigation measures will be negotiated at that time. All construction activities shall be halted until the proper avoidance measures are in place.

Thank you for the opportunity to provide comments on the ISMND. Questions regarding this letter and further coordination on these issues should be directed to Heather Weiche, Environmental Scientist at (909) 980-8607 Hweiche@dfg.ca.gov.

Thank you,

Heather Weiche
Environmental Scientist
Department of Fish and Game
Inland Desert Region 6
3602 Inland Empire Blvd., Suite C-220, Ontario, CA 91764
[Delete](#) [Reply](#) [Reply All](#) [Forward](#) [Move](#) [Spam](#) [Actions](#) [Next](#) [Previous](#)

COUNTY RESPONSE:

In order to mitigate potential impacts to the Burrowing Owl to the maximum extent feasible, the following mitigation measure is included in the MND:

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

Comments from Department of Toxic Substances Control



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Deborah O. Raphael, Director
5796 Corporate Avenue
Cypress, California 90630

FISCAL ADMIN

2012 SEP 27 PM 2:31



Edmund G. Brown Jr.
Governor

September 24, 2012

Mr. Ernest Perea
Contract Planner
385 North Arrowhead Avenue
San Bernardino, California 92415-0182

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION FOR THE MINOR USE PERMIT P201100357/MUP (JOSHA TREE RETAIL STORE) PROJECT LOCATED IN THE CITY OF JOSHA TREE, SAN BERNARDINO COUNTY, CALIFORNIA

Dear Mr. Perea:

The Department of Toxic Substances Control (DTSC) has received your submitted draft Mitigated Negative Declaration (MND) for the above-mentioned project. The following project description is stated in your document: " The proposed Project is a Minor Use Permit to construct a 9,100 square foot general retail store on 1.45 acres with related site improvements such as parking and landscaping. The Project is bounded by 29 Palms highway on the south, Commercial Highway on the north, Sunburst Avenue on the east and Mountain View on the west. Access to the Project site is proposed by a driveway off Mountain View Street and Commercial Street.

The Project site is currently vacant and has been substantially disturbed as a result of previous human use. The Project site has little vegetation and consists of sparse creosote brush, burro-bush, and Cheese-brush. Based on the Phase 1 Environmental Site Assessment for the project prepared by Professional Service Industries Inc., no evidence of hazardous material usage or storage was observed on the subject property. The site is relatively flat and generally sloped from the southeast corner of the site to 2,730 feet above mean sea level at the northwest corner of the site."

Based on the review of the submitted document DTSC has the following comments:

- 1) The MND should evaluate whether conditions within the Project area may pose a threat to human health or the environment. Following are the databases of some of the regulatory agencies:
 - National Priorities List (NPL): A list maintained by the United States Environmental Protection Agency (U.S.EPA).

Mr. Ernest Perea
September 24, 2012
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- EnviroStor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
 - EnviroStor (formerly CalSites): A Database primarily used by the California Department of Toxic Substances Control, accessible through DTSC's website (see below).
 - Resource Conservation and Recovery Information System (RCRIS): A database of RCRA facilities that is maintained by U.S. EPA.
 - Comprehensive Environmental Response Compensation and Liability Information System (CERCLIS): A database of CERCLA sites that is maintained by U.S.EPA.
 - Solid Waste Information System (SWIS): A database provided by the California Integrated Waste Management Board which consists of both open as well as closed and inactive solid waste disposal facilities and transfer stations.
 - GeoTracker: A List that is maintained by Regional Water Quality Control Boards.
 - Local Counties and Cities maintain lists for hazardous substances cleanup sites and leaking underground storage tanks.
 - The United States Army Corps of Engineers, 911 Wilshire Boulevard, Los Angeles, California, 90017, (213) 452-3908, maintains a list of Formerly Used Defense Sites (FUDS).
- 2) The MND should identify the mechanism to initiate any required investigation and/or remediation for any site within the proposed Project area that may be contaminated, and the government agency to provide appropriate regulatory oversight. If necessary, DTSC would require an oversight agreement in order to review such documents.
- 3) Any environmental investigations, sampling and/or remediation for a site should be conducted under a Workplan approved and overseen by a regulatory agency that has jurisdiction to oversee hazardous substance cleanup. The findings of any investigations, including any Phase I or II Environmental Site Assessment Investigations should be summarized in the document. All sampling results in which hazardous substances were found above regulatory standards should be clearly summarized in a table. All closure, certification or remediation approval reports by regulatory agencies should be included in the EIR.

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- 4) If buildings, other structures, asphalt or concrete-paved surface areas are being planned to be demolished, an investigation should also be conducted for the presence of other hazardous chemicals, mercury, and asbestos containing materials (ACMs). If other hazardous chemicals, lead-based paints (LPB) or products, mercury or ACMs are identified, proper precautions should be taken during demolition activities. Additionally, the contaminants should be remediated in compliance with California environmental regulations and policies.
- 5) Future project construction may require soil excavation or filling in certain areas. Sampling may be required. If soil is contaminated, it must be properly disposed and not simply placed in another location onsite. Land Disposal Restrictions (LDRs) may be applicable to such soils. Also, if the project proposes to import soil to backfill the areas excavated, sampling should be conducted to ensure that the imported soil is free of contamination.
- 6) Human health and the environment of sensitive receptors should be protected during any construction or demolition activities. If necessary, a health risk assessment overseen and approved by the appropriate government agency should be conducted by a qualified health risk assessor to determine if there are, have been, or will be, any releases of hazardous materials that may pose a risk to human health or the environment.
- 7) If the project site was used for agricultural, livestock or related activities, onsite soils and groundwater might contain pesticides, agricultural chemical, organic waste or other related residue. Proper investigation, and remedial actions, if necessary, should be conducted under the oversight of and approved by a government agency at the site prior to construction of the project.
- 8) If it is determined that hazardous wastes are, or will be, generated by the proposed operations, the wastes must be managed in accordance with the California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (California Code of Regulations, Title 22, Division 4.5). If it is determined that hazardous wastes will be generated, the facility should also obtain a United States Environmental Protection Agency Identification Number by contacting (800) 618-6942. Certain hazardous waste treatment processes or hazardous materials, handling, storage or uses may require authorization from the local Certified Unified Program Agency (CUPA). Information about the requirement for authorization can be obtained by contacting your local CUPA.
- 9) DTSC can provide cleanup oversight through an Environmental Oversight Agreement (EOA) for government agencies that are not responsible parties, or a Voluntary Cleanup Agreement (VCA) for private parties. For additional information on the EOA or VCA, please see

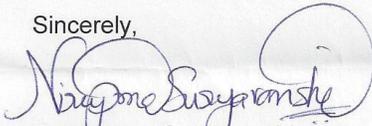
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September 24, 2012
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www.dtsc.ca.gov/SiteCleanup/Brownfields, or contact Ms. Maryam Tasnif-Abbasi, DTSC's Voluntary Cleanup Coordinator, at (714) 484-5489.

- 10) Also, in future CEQA document, please provide your e-mail address, so DTSC can send you the comments both electronically and by mail.

If you have any questions regarding this letter, please contact me via e-mail Suryavanshi, Nirupma@dtsc.ca.gov, or phone (714) 484-5375.

Sincerely,



Dr Nirupma Suryavanshi
Project Manager
Brownfields and Environmental Restoration Program

cc: Governor's Office of Planning and Research
State Clearinghouse
P.O. Box 3044
Sacramento, California 95812-3044
state.clearinghouse@opr.ca.gov.

CEQA Tracking Center
Department of Toxic Substances Control
Office of Environmental Planning and Analysis
P.O. Box 806
Sacramento, California 95812
Attn: Nancy Ritter
nritter@dtsc.ca.gov

CEQA # 3646

COUNTY RESPONSE:

The Department of Toxic Substances Control, in a general form letter, requested that the Mitigated Negative Declaration evaluate whether conditions within the Project area may pose a threat to human health and the environment. Section VIII "Hazards and Hazardous Materials" addresses this comment.

Specifically,

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

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

- The Project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because the Project is a retail store and does not store or process large quantities of hazardous materials.
- The Project site is located approximately ½ mile south of the Joshua Tree Elementary School and is therefore not located within ¼ mile of an existing or proposed school. The Project, as proposed, will not emit hazardous materials.
- Based on the *Cortese List Data Resources* webpage maintained by the California Environmental Protection Agency accessed on July 27, 2012, the Project site is not included on the list of hazardous materials sites compiled in accordance with Government Code No. 65962.5.

Comments from Kerri N. Tuttle, M.S.

December 8, 2012

San Bernardino County
Land Use Services Department – Current Planning Division
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182
Attn: Ernest Perea, Contract Planner

Re: APN 0603-204-04 Dynamic Development, LLC (Project #P201100357/CUP)

Mr. Perea,

Thank you for providing an opportunity for concerned citizens and stakeholders to comment on the Recirculated Draft Initial Study for Dynamic Development, LLC's proposed Joshua Tree "General" Retail Project (P201100357/CUP/ APN 0603-204-04), which would construct a 9,100-square-foot "general retail store" on 1.45 acres east of downtown Joshua Tree, California.

Based on our review of the Recirculated Initial Study and Mitigated Negative Declaration (MND) and our knowledge of the project site, study area, and baseline environmental conditions (i.e., environmental setting), we believe the project warrants preparation of an Environmental Impact Report (EIR) instead of an MND, for the following reasons:

The Joshua Tree General Retail Project would significantly degrade the quality and permanently alter the unique attributes of Joshua Tree's aesthetic environment, including our unique community character.

CEQA requires consideration of potential economic impacts of retail development projects if such impacts have the potential to indirectly result in adverse physical changes to the environment. Adverse physical changes to the environment from economic effects generally manifest themselves in the form of urban decay. The term "urban decay" is generally defined as "visible symptoms of physical deterioration that invite vandalism, loitering, and graffiti that is caused by a downward spiral of business closures and long-term vacancies. The outward manifestation of urban decay includes, but is not limited to, boarded doors and windows, dumping of refuse, deferred maintenance of structures, unauthorized use of buildings and parking lots, littering, and dead or overgrown vegetation.

Recent court decisions (*Bakersfield Citizens for Local Control v. City of Bakersfield; Panama 99 Properties, LLC, and Castle & Cooke Commercial-CA, Inc.; and Anderson First Coalition, et al. v. City of Anderson, et al. and FHK Companies, et al.*) have made

clear that CEQA review must assess the possibility of urban decay and deterioration and indirect physical impacts on the environment resulting from the economic impacts of the project. Currently this is not addressed anywhere in the Initial Study, but should be.

COUNTY RESPONSE:

Please see Master Response Nos.2 and 10.

The Project would be inconsistent with the goals, policies, and standards of the County's General Plan (2007) and the Joshua Tree Community Plan (JTCP) (2007). The building's architecture and site design would not be suited to Joshua Tree's community character or further our unique community identity.

The Joshua Tree Retail Store would materially harm Joshua Tree's biggest economic asset – our individuality – with serious negative economic consequences. As the store would take part of the “retail pie” away from existing businesses, resulting in the closures of local businesses, which are given privilege in the JTCP. Local stores are promoted locally under an active “Shop Local” program as well as a “10 Reasons” to Live local / Love local. Both of these advocacy efforts are de facto attempts to enforce the JTCP by promoting local businesses and the benefits they confer on communities and economies. The “10 Reasons” memo documents the effects of opening new large formula retail. It summarizes the results of dozens of studies comparing independent and “formula” retail, which have found that local retail has net a positive effects on wages, employment, tax revenue, and overall prosperity, while formula retail has just the opposite effect. After new formula retail opens, a net loss in retail space and retail spending result, with large decreases overall, over time. Closing one 4,000-square-foot Main Street store costs a community \$250,000 per year in lost property taxes, wages, bank deposits and loans, rent, sales and profits. Losses of community character due to store closures and the resulting blight would be significant and unavoidable both from a cumulative and individual standpoint. The community character analysis is insufficient, neither the required consistency analysis nor the evaluation of blight-related effects are addressed.

COUNTY RESPONSE:

Please see Master Response No. 2.

The Project is required to ensure that architectural detailing and signage are compatible with the desert character of the community

Existing public services are inadequate to serve the proposed development.

The regional market share of dollar stores has been linked to higher rates of poverty, obesity, infant mortality, and property crime, especially burglary, and violent crime, especially murder and manslaughter. Chicago officials believe that dollar stores are

breeding grounds for criminal activity and magnets for neighborhood crime (see Attachment 1). The Initial Study fails to recognize that the “Joshua Tree Retail Store” does not have adequate services support available to serve the proposed development in conjunction with all other existing and pending developments with the intensity of development and under the current staffing plan. Whether staff additions to local law enforcement would result in a concomitant increase in governmental facilities remains to be seen. It was not adequately discussed in the Initial Study.

COUNTY RESPONSE:

Please see Master Response No.7

Existing roadways are inadequate to serve the proposed development.

The roadway network is similarly inadequate to serve the project. The Initial Study alludes to “roadway improvements” being required mitigation for known impacts, but the brief allusion is insufficient to discern what is being discussed. Both the Project Description and the Environmental Setting sections should be revised to reflect the existing and proposed new road conditions.

COUNTY RESPONSE:

Please see Master Response No. 6.

Cumulative Impact Analysis

The project would result in significant, unavoidable cumulatively considerable impacts on aesthetics (integrity and community character; night skies incrementally lost), population and housing, utilities and service systems, economic (secondary effects) and traffic/circulation, when considered in conjunction with the other reasonably foreseeable projects in the vicinity, including the WalMart Supercenter (under construction now), which represents 180,000 square feet of new discount retail space just five miles west of the proposed project site, and two Dollar General stores – one east and one west of the project site. The cumulative effects analysis in the Initial Study is inadequate and the information provided in the Initial Study is incomplete for purposes of CEQA. A copy of the independent assessment of the economic analysis from the proposed Yucca Valley Wal-Mart Supercenter EIR, dated 2006, is attached to this letter. The Fifth District ruled that the environmental studies' lack of a discussion regarding potential urban/suburban decay violated CEQA.

1 [1] Yucca Valley Dollar General store (8.5 miles west): a 12,480 square foot building; a parking lot with 50 parking spaces; landscaping; and stormwater retention on 1.3 acres at the northwest corner of 29 Palms Hwy and Hopi Trail. According to the Planning Commission, the Old Town Specific Plan (OTSP) program environmental impact report (PEIR) evaluated the effects of future development projects within the OTSP area. The Planning Commission adopted a Negative Declaration and approved

the Site Plan on August 22, 2011. On April 22, 2012, the Town issued a sign permit. Construction on the store began in June/July 2012. On August 15, 2012, Dollar General submitted an application and letter of justification requesting an Off-Sale General license for the sale of alcohol (beer, wine, and hard liquor) in Yucca Valley. According to the Department of Alcoholic Beverage Control, Dollar General's Census Tract already has "an undue concentration of existing ABC licenses," so in order to permit Dollar General's ABC application, state law requires a finding of "public convenience or necessity." Dollar General's application and letter of justification states "this area attracts countless residents, tourists, businesspersons, and retail employees. As a result of the large number of visitors drawn to this thoroughfare, the public demand substantiates a need for a greater number of [liquor] stores than are indicated by census tract ratios." DG estimates that 10% of their total sales will be from the sale of alcohol.

Twentynine Palms store (13 miles east): a 12,480-square-foot building; a parking lot with 68 parking spaces and a loading dock; and two detention basins on 1.5 acres fronting Hwy 62 between 49 Palms and Datura Avenue. The project was approved by the City on July 3, 2012. The City was supposed to add a Condition of Approval to the project to provide for a covered bus shelter and bus turnout to be located at the project site. Principal Architect, Tim Saivar, said "the use of our building selling bulk items does not lend itself to the use of public transportation. Our clients drive to retail sales building and load the bulk goods into their cars."

Desert Hot Springs (30 miles south): 12,480 square foot store with 60-70 parking spaces. 714 vehicle trips daily. The DHS Dollar General will sell alcoholic beverages, which requires a conditional use permit and a finding of "public convenience or necessity, because the area has an "undue concentration of existing ABC licenses." Approximately 2.5% of their floor area (304 square feet) will display alcoholic beverages.

COUNTY RESPONSE:

When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the Project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the projects incremental effect, though individually limited, is cumulatively considerable. Cumulatively considerable means that the incremental effects of an individual Project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The Commenter states that "aesthetics (integrity and community character; night skies incrementally lost), population and housing, utilities and service systems, economic (secondary effects) and traffic/circulation" are "significant, unavoidable cumulatively considerable impacts."

The analysis in the Initial Study demonstrated the following with respect to the Aesthetics, Population & Housing, Utilities and Service Systems, Traffic and Circulation:

Aesthetics (integrity and community character)

The Project site has little vegetation and consists of sparse creosote brush, burrobush, and cheesebrush. The Project would permanently alter the appearance of the site by replacing vacant land with a building and related improvements.

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

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

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

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

In addition, development of the site will be required to adhere to County design standards that regulate architectural design, landscaping, and signage. Compliance with these requirements is considered mandatory and not Mitigation Measures. With compliance with the mandatory requirements, impacts will be less than significant. (Ref. Initial Study Page 14).

Aesthetics (night skies incrementally lost),

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

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

Adherence to these policies and standards is mandatory per the County Development Code and will ensure that the Project will not create a new source of substantial light or glare. Impacts are considered less than significant. . (Ref. Initial Study Pages 15 and 16).

Population and Housing

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

The proposed use will not displace substantial numbers of existing housing units, necessitating the construction of replacement housing, because the Project site is currently vacant.

The proposed use will not displace substantial numbers of people necessitating the construction of replacement housing elsewhere, because the Project site is currently vacant. (Ref. Initial Study Page 55).

Utilities and Service Systems

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

The proposed Project will not require or result in the construction of new water facilities or expansion of existing facilities because according to the Joshua Basin Water District: “There are currently existing adequate source, storage and distribution line capacities to provide potable water to the referenced site in sufficient quantities to satisfy domestic water service and fire protection requirements of the proposed use. The water mains to serve each proposed service connection are currently installed and operable.” (Ref. Joshua Basin Form W1 Public Water Certification, dated July 20, 2012).

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

Solid waste is disposed at the Landers Sanitary Landfill. According to CalRecycle webpage (accessed on July 10, 2012) the landfill has a remaining capacity of 785,098 cubic yards and is not expected to close until 2018. There is adequate capacity to accommodate the Project's solid waste disposal needs. In addition, the proposed Project is required to comply with mandatory federal, state, and local statutes and regulations related to solid waste. (Ref. Initial Study Pages 61 and 62).

Traffic and Circulation

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

The County of San Bernardino Congestion Management Program, 2007 Update established a Level of Service (LOS) E, or the current level, whichever is farthest from LOS A, as the LOS standard for intersections or segments on the Congestion Management Program system of roadways. According to the Traffic Generation Analysis, the Project is forecast to generate less than 50 Peak Hour Trips which will not reduce the existing LOS for 29 Palms Highway in the vicinity of the Project. The Public Works Department/Land Development Division-Traffic Section concurs with this conclusion. (Ref. Initial Study Page 59 and 60).

With respect to Cumulative Impacts in general, when assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether

the cumulative impact is significant and whether the effects of the Project are cumulatively considerable.

“Cumulatively considerable” means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The County determined in the Initial Study that the Project’s contribution to a significant cumulative impact will be rendered less than cumulatively considerable and thus is not significant. This determination is based on the fact mitigation measures set forth in the Mitigated Negative Declaration. Specifically, the Project does not have the potential to significantly degrade the overall quality of the region’s environment, or substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. There are no rare or endangered species or other species of plants or animals or habitat identified as being significantly and negatively impacted by the Project. There are no identified historic or prehistoric resources identified on this site. If any archaeological or paleontological resources are identified during construction the Project, the Project is conditioned to stop and identify appropriate authorities, who properly record and/or remove for classification any such finds. With the implementation of Mitigation Measures BIO-1 and CR-1 impacts will be less than significant.

The County determined that the Project’s incremental contribution to a cumulative effect is not cumulatively considerable because the Project will comply with the requirements in a previously approved plan or mitigation program (including, but not limited to, water quality control plan, air quality attainment or maintenance plan, integrated waste management plan, habitat conservation plan, natural community conservation plan, plans or regulations for the reduction of greenhouse gas emissions) that provides specific requirements that will avoid or substantially lessen the cumulative problem within the geographic area in which the Project is located.

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

As discussed this Initial Study, the Project will not expose persons to adverse impacts related to Air Quality, Greenhouse Gas Emissions,

Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Noise, Population and Housing, or Transportation/Traffic hazards. These impacts are identified to have no impacts or less than significant impacts.

As discussed in the Initial Study, implementation of the Project would not cumulatively impact the environment provided all policies, rules and regulations of all relevant governing bodies are adhered to, and the mitigation measures contained within this Initial Study/mitigated negative declaration are implemented.

Contents of the Initial Study. The Initial Study is incomplete. Under CEQA, an Initial Study shall contain:

- (1) *A description of the project including the location of the project;*
- (2) *An identification of the environmental setting;*
- (3) *An identification of environmental effects by use of a checklist, matrix, or other method. A reference to another document should include, where appropriate, a citation to the page or pages where the information is found.*
- (4) *A discussion of the ways to mitigate the significant effects identified, if any;*
- (5) *An examination of whether the project would be consistent with existing zoning, plans, and other applicable land use controls;*
- (6) *The name of the person or persons who prepared the Initial Study.*

COUNTY RESPONSE:

The Initial Study met the requirements of CEQA Guidelines Section 15063(d) with respect to the contents of an Initial Study.

(1) The Project Description is inadequate and inaccurate. It does not describe the project in enough detail for us to evaluate *the whole of the action, the magnitude of the impact, or the significance of project effects under CEQA.*

Who is the tenant or who are the potential tenants? What are the project objectives? Why was this specific site chosen and what alternatives were considered? How many cubic yards of material will be cut and filled? Is import material required? When will construction begin and end? The project description fails to identify the extent of project impacts; it must fully describe all temporary off-site improvements and associated construction methods (e.g., overhead conduit, underground pipeline, roads and ancillary linear facilities (sidewalks, bike lanes). How will underground pipe be installed, for example? What are the required roadway improvements alluded to in the traffic section,

where are they located, and how were they identified/derived? Please provide graphics that depict the complete extent (outer boundary) of the project footprint / area of direct effects, including roadway improvements, utility extensions, construction limits, and staging areas. Regarding operational impacts, how many new FTE / PTE would be added to the local labor pool; how many parking spaces would the parking lot hold; what would the store operating hours be on weekdays and weekends? How many truck trips per day, what kind of trucks will be used, and when will loading occur? What kind of signage is being proposed? Failure to completely describe the proposed action prevents the public from being able to assess the completeness and adequacy of the impact analysis overall and the IS/MND as a whole.

Recall that sample forms for an applicant's project description and a review form for use by the lead agency are contained in Appendices G and H of the CEQA Guidelines. The County also uses a project description application form as part of the CUP application process.

COUNTY RESPONSE:

The applicant informed County staff that although the building was planned for a potential tenant, the actual tenant or end user was not certain. Thus, the Initial Study did not identify any prospective tenants or end users, as that would have been speculative on the part of County staff.

Pursuant to CEQA Guidelines Section 15063(b), project objectives are not required content for an Initial Study.

An Initial Study is not required to discuss why a site was selected. The site is a vacant parcel that is zoned for commercial use and is the likely reason the site was selected.

The site is relatively flat and generally slopes from the southeast to the northwest with an elevation ranging from 2,734 feet above mean sea level at the southeast corner of the site to 2,730 feet above mean sea level at the northwest corner of the site. As such, no import or export of soil is required.

The applicant has not identified the start or completion date for construction. As such, a start and end date for construction would be speculative.

Throughout the Initial Study site conditions were identified. Specifically, site conditions were described in the following sections: Aesthetics, Biological Resources, Geology and Soils, Hydrology and Water quality, and Land Use and Planning.

Please see Master Response No. 6 for a response to traffic and roadway improvements.

For clarification purposes, given the small size of the building and parcel, standard construction equipment will be used for the Project, including a backhoe for utility trenching.

With respect to the technical information identified above, the Initial Study contained the following as appendices and this information was provided to Mr. David Fick of the Joshua Tree Municipal Advisory Council and was available on the County's website during both public review periods.

APPENDICES

- A. *Air Quality and Greenhouse Gas Emissions CalEEMod Output Sheets.*
- B. *Biologist Letters (Ironwood Consulting)*
- C. *Burrowing Owl Habitat Assessment*
- D. *Archaeological Information Center- Historical Resources Review*
- E. *Native American Heritage Commission Sacred Lands File Search*
- F. *Geotechnical Report*
- G. *Geotechnical Grading Plan Review*
- H. *Preliminary Water Quality Management Plan*
- I. *Report of Phase I Environmental Assessment*
- J. *Traffic Generation Analysis*
- K. *Joshua Basin Water District- Form W1 Public Water Service Certification.*

In addition, an aerial photograph of the site and its surroundings was provided as Exhibit 2. A reduction of the Site Plan was provided as Exhibit 3. Full size plans were available at the County Planning Department in both San Bernardino and Hesperia.

The Environmental Setting is Inadequate for purposes of CEQA §15125(a): The environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.

More information should be added to each section to orient the reader and appropriately place the section in context of the existing condition. This is a global comment.

COUNTY RESPONSE:

The Initial Study contained adequate information in each section relative to existing conditions consistent with the requirements of CEQA Guidelines Section 15063 (b). Also, please see the response above.

Additional Initial Study Comments Growth Inducement.

Projects are considered growth-inducing if they foster economic or population growth or the construction of additional housing, directly or indirectly. Typically, growth inducement occurs when a project extends urban services or transportation infrastructure to previously un-served or under-served areas, or removes major barriers to development. The project could induce growth directly, by developing a portion of the commercial corridor into a medium-box retail outlet offering low-priced consumable goods (goods requiring frequent repeat visits as items are consumed, to “stock up”), and indirectly, by removing an obstacle to growth – availability of inexpensive consumable goods). If Dollar General purports to bring economic prosperity to the community, it should provide substantial evidence of that claim and discuss the potential for the project to induce growth.

COUNTY RESPONSE:

As discussed in the Initial Study, the site is described as being located adjacent to the developed core of Joshua Tree along a major highway (29 Palms Highway). The Project does not induce growth by extending infrastructure into an undeveloped area. Throughout the Initial Study the site is variously described as being located adjacent to the developed core of Joshua Tree, surrounded on all four sides by existing roadways, and surrounded on two sides by existing development. The Population and Housing section of the Initial Study states: “The Project will not induce substantial population growth in the area directly (because it does not propose any housing) or indirectly (because it does not create a significant number of new jobs). Although the Project will generate new jobs and employment opportunities, it is anticipated that employees will most likely live in the area and the existing housing stock should accommodate the housing needs for those employed by the jobs generated by the Project. Therefore, the potential for the Project to generate substantial population growth in the area is less than significant.” Ref. Initial Study Page 55).

Identify End User – Dollar General Retail Project.

This project has now gone by four different names in three different public notices released by County Planning staff:

- MUP application Dollar General
- initial proposal review Retail Store (Dollar General)
- NOA/NOI / Initial Study Joshua Tree Retail Project
- Recirculated Initial Study Joshua Tree **General** Retail Project

The Courts have ruled that ***the end user of a retail facility must be identified*** when the particular type of retail business – such as a Mega-Discount box store has been identified and/or would have unique or additional adverse impacts (*Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184 (2004)). Experts warn of land use decisions that may cause a chain reaction of store closures and long-term vacancies, causing severe deterioration in existing communities. Attachment A describes the types of social and economic effects caused by discount retailers and formula retailers, project could result in a reasonably foreseeable environmental impact, such as urban decay, this must be analyzed under CEQA. The Courts have ruled that the end user of a retail facility must be identified when the particular type of retail business – such as a Mega- Discount store or a Dollar store – would have unique or additional adverse impacts (*Bakersfield Citizens for Local Control v. City of Bakersfield*, 124 Cal. App. 4th 1184 (2004)). Failure to identify the retailer, which has been identified for the site since late last year, is not only “***misleading and inaccurate, but it hints at mendacity***,” said 5th District Justice Timothy Buckley. Please revise the title of the project back to “Dollar General” so that the unique environmental impacts of “formula” retail, megadiscount box stores, dollar stores, and Dollar General specifically, can be included and evaluated in the CEQA document, as is by law.

COUNTY RESPONSE:

As noted earlier, the applicant informed County staff that no specific tenant or end user had been identified for the building. Thus, the Initial Study did not identify any prospective tenants or end users as that would have been speculative on the part of County staff.

The two court decisions referenced by the Commenter were in regard to the preparation of environmental documents for "big-box" stores and other large retail projects. The proposed Project is a 9,100 square foot retail store on a 1.45 acre site and is not of the size, scope, and scale of a "big-box" retail store.

CEQA / Review Procedures.

Though this is the second attempt at providing meaningful public review, several adjacent landowners, including at least two adjacent landowners, an adjacent business owner within 300 feet, and a primary point of contact for several important Joshua Tree advisory councils have still not received the most recent notice of availability / notice of intent, which announced the updated review period and availability of the recirculated draft IS/MND. Two of these individuals requested notice in writing and via email, multiple times. That the County continues to fail to make this document available to all who request it, in a timely manner, as County Code and State law requires, is an obfuscation of process.

Further, we understand that the County did not post notices or provide project documents locally, but rather placed hard copies in Hesperia (two hours from the project site) and San Bernardino (90 minutes from the project site), despite numerous requests to make documents available locally. The County's response to date has been that individuals can request the document manually from the contract planner, via email, but many of the project stakeholders do not have computers or reliable internet connections. ***What about those Joshua Tree residents who do not have internet access or access to a computer and who have not been noticed in one of the traditional formats?***

The County's failure to adequately notice adjacent property owners, post notices locally, and provide local review of project documents, continues to be an egregious violation of this statute. The very purpose of CEQA is to provide the public an opportunity to participate in the decision making process. By failing to follow procedures or make a good faith effort to ensure that local residents are accommodated, the County continues to obfuscate the process and create barriers to public participation.

To that end, we recommend that the County do one of the following:

a) elevate this document to an Environmental Impact Report and issue a Notice of Preparation that provides a 30-day comment period on the NOP; or

b) formally extend the comment period by at least 20 days beyond December 12 and ***exhaust all three possible routes of distribution*** to demonstrate a good faith effort to notify the public:

(a) Publication at least once in a newspaper of general circulation in the area affected by the proposed project. If more than one area is affected, the notice shall be published in the newspaper of largest circulation from among the newspapers of general circulation in those areas;

(b) Posting of notice on and off-site in the area where the project is to be located;
AND

(c) Direct mailing to the owners and occupants of contiguous property shown on the latest equalized assessment roll.

Thank you for this opportunity to provide meaningful comment on the CEQA document and process for the Dollar General (Joshua Tree Retail Store).

Sincerely,
Kerri Tuttle, M.S., Consulting CEQA Specialist
on behalf of:

Steve Brown, Publisher, Sun Runner Magazine

Andrea Zittel, Joshua Tree

Julia Buckley, Joshua Tree Tujie@gmail.com

Douglas "Buck" Buckley, Joshua Tree dbbuck007@yahoo.com

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Tom O'Key
64164 Foothill Drive
Joshua Tree, CA 92552

Deborah O'Key
64164 Foothill Drive
Joshua Tree, CA 92552

Louise Mathias
7119 Mt. Shasta Avenue
Joshua Tree, CA 92552

COUNTY RESPONSE:

Please see Master Response No. 3.

Please note that the letter from Kerri Tuttle contained attachments in the form of a petition and supporting materials. These are attached to the Response to Comments as Attachment No. 1.

Comments from Celeste Doyle

December 12, 2012

Ernie Perea
Consultant Planner
Land Use Services Department
County of San Bernardino
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Re: Dollar General Store Application
Dynamic Development, LLC
Assessor's Parcel Number: 0603-204-04
Initial Study/Proposed Negative Declaration

Mr. Perea;

I am writing to request that the above-referenced application to establish a 9100 square foot Dollar General retail store on 1.45 acres at the northwest corner of Highway 62 & Sunburst Ave in Joshua Tree be denied. The project is inconsistent with Goals and Policies in the Joshua Tree Community Plan, and it will take money from our community and existing businesses without improving our tax or employment base. A Dollar General Store in Joshua Tree would undermine the hard work of many in the community to build a unique, downtown district that is based on eco-tourism and outdoor recreation. A Dollar General Store in Joshua Tree would also harm our local economy by taking business away from our three, non-profit thrift stores, our small, independent grocery store and other small businesses in the area.

COUNTY RESPONSE:

Please see Master Response No.4.

CEQA requires that these economic impacts be analyzed and reviewed as part of the decision-making process on this application. The County's review of this application must also address applicable provisions of the General Land Use Plan, the Joshua Tree Community Plan, and the Development Code. After conducting the required analyses and review, the County will find that the project will bring negative economic impacts that would ripple through the Morongo Basin, and that the project does not comply with applicable Plan and Code provisions. For these reasons, the County should deny the application.

According to the Dollar General Store Corporate website, its stores carry inexpensive products and prepared, non-perishable food items.² The corporation currently portrays itself as the largest low-end retail chain in the country. It says it owns and operates nearly 10,000 stores nationally. The proposed Joshua Tree store is one of fifty planned for the State of California, including three here in the Morongo Basin: The plan calls for a new Dollar General store in Yucca Valley, one in Twentynine Palms, and one in Joshua Tree.³ The three stores will extract money from the Morongo Basin and send it to the Dollar General Store Headquarters in Tennessee. The Store in Joshua Tree will not add jobs or sales tax revenues, and may lead to urban blight in our small downtown district.

A Dollar General Store in Joshua Tree will take business away from our three non-profit thrift stores, which benefit the Morongo Hospice, needy and homeless women and children, and the local public hospital.

The Morongo Hospice is a non-profit organization that provides care and comfort to those who are dying and to their families.

The Unity Home is a non-profit organization that helps needy and abused women and children with food, clothing, medical care, housing and counseling.

The Hi-Desert Medical Center Thrift Store benefits our local, public hospital, which recently reported it is operating in the red: Many Morongo Basin residents are uninsured and can't otherwise afford healthcare, so they use the Emergency Room, where they can't be turned away even if they can't pay. The next closest hospital is an hour away in Palm Springs.⁴

A Dollar General Store in Joshua Tree will also likely take business away from Sam's Market, our local, independent grocery store, and the JT Trading Post, both of which already sell much of what Dollar General says it has to offer.

A Dollar General Store will not increase the sales-tax or employment base in Joshua Tree, because it will not add retail sales or jobs. Rather, it will only take sales away from the Thrift Stores and other locally-owned businesses. This shift will lead some of these local stores and businesses to close: They will no longer pay sales taxes, they will lay-off their employees, and they will empty their buildings. Net retail sales in Joshua Tree will not increase and the net number of jobs in Joshua Tree will not increase, but the number of empty storefronts will increase.

² All information in this paragraph is taken from the Dollar General Store website: www.dollargeneral.com

³ The stores in Yucca Valley and Twentynine Palms have already been approved by the respective Land Use Authorities.

⁴ This is a problem that requires a solution, but a Dollar General Store will not move us in that direction. It will hurt more than it will help.

If the Thrift Stores close, these long-standing, local non-profits will lose income vital to the critical services they provide to our community and surrounding areas. If they lose their storefronts, they will also lose much of their local visibility, further hampering their long-term fund-raising abilities. Furthermore, the closed storefronts will likely stand empty for a very long time, degrading the town's appearance and vitality, inviting vandalism and leading to urban blight.

Though Dollar General says it wants to bring its store to Joshua Tree for the convenience of local shoppers, it is really all about making money. Joshua Tree residents can already purchase much of what Dollar General will offer in local markets. What can't be found at these local shops can be found only four miles away on Highway 62 in Yucca Valley. Just a five-minute drive, or a ten-minute bus-ride gets Joshua Tree residents to the intersection of Hwy 62 and Balsa Ave, where they routinely shop at a large grocery store (Stater Brothers), a Walmart, a Walgreens and a Dollar Tree Store, as well as a J.C. Penny and several, smaller retailers. Only another mile down the road, and just a few bus-stops away, is a large, new Rite-Aid, a Vons Supermarket and other retailers.

The CEQA review for this application must analyze and address these negative, economic impacts. Because of these negative impacts, and because the project is inconsistent with, and even contrary to, specific provisions in the Joshua Tree Community Plan, the application should be denied.

COUNTY RESPONSE:

Please see Master Response No.2

The Joshua Tree Community Plan and Development Code

The introduction to the Joshua Tree Community Plan (JTCP or the Plan) establishes the context for interpreting and applying applicable Goals, Policies and Code provisions. The JTCP declares that its primary purpose

is to guide the future use and development of land within the Joshua Tree Community Plan area in a manner that preserves the character and independent identity of the community. By setting goals and policies for the Joshua Tree community that are distinct from those applied countywide, ***the Community Plan outlines how the County of San Bernardino will manage and address growth while retaining the attributes that make Joshua Tree unique.***⁵

The Plan says that Joshua Tree residents

⁵ JTCP at 7, emphasis supplied.

are concerned about the conversion of open space to development, particularly to a type of development that detracts from the natural setting and rural character currently enjoyed by the community. Residents have expressed their desire to retain their community character based on the following principles: to be vigilant about the preservation of the natural environment, and to create a central downtown core to enhance their tourist-based economy, without tarnishing the natural beauty of their community.⁶

In the Economic Development Section, the Plan explains the community's vision and objectives in more detail, further clarifying and defining the context for applying and interpreting substantive provisions:

As has been repeated throughout the various elements included within this community plan, one of the most important goals of the Joshua Tree Community is to enhance the community's economic and cultural opportunities while maintaining the natural desert surroundings. ***It will be important to ensure that future development protects and enhances the natural resources, scenic beauty and character in order to continue to appeal to both residents and visitors.*** Joshua Tree National Park is a popular destination that offers opportunities for camping, rock climbing, nature viewing, etc. The National Park is a driving force in the economy of Joshua Tree. ***The community's goal is to preserve and protect that asset as key to an expanded eco-tourism and recreation-based economy that also serves local needs. A growing community of artists, musicians and others drawn to the natural beauty of Joshua Tree is another key element of the local economy, attracting new residents and thousands of visitors to local events.*** In input gathered from residents, there is a strong desire to see the commercial areas, particularly the downtown area enhanced. As a gateway community to the National Park, Joshua Tree is perceived as ideal for establishment of additional recreation facilities, visitor services, including lodging, food service, fuel and automotive, emergency services and visitor information. Many of the residents in Joshua Tree would like to enhance the availability of goods and services oriented to both local needs and that of visitors. However, ***residents want to ensure that future development is unobtrusive and complements the character of the community.*** In addition to protecting the National Park and other natural resources including desert landscapes and vistas, the community's economic plan relies on a small central business district that is pedestrian-friendly and includes community spaces for small gatherings, public displays of art, picnicking and other recreational opportunities.⁷

⁶ JTCP at 13.

⁷ JTCP at 69, emphasis supplied.

Among the particular Plan Goals and Policies that apply to the matter at hand and that must be addressed as part of the review of this application are the following:

Goal JT/LU 2 Support development of the existing downtown commercial area of Joshua Tree as a focal point and core activity center within the community.

JT/LU 2.1 Support revitalization of the existing downtown commercial area by encouraging tourist services and recreation-oriented retail uses that retain the natural desert character. (page 24)

A Dollar General Store would not support existing downtown development in Joshua Tree, but instead would detract from and degrade the area. It would take sales away from existing Joshua Tree retailers, which may lead some of them to close, leaving empty store fronts and leading to urban blight.

Goal JT/LU 3 Enhance commercial development within the plan area that is compatible in type and scale with the rural desert character, is located appropriately, and meets the needs of local residents and visitors. (page 24)

JT/LU 3.5 Encourage the development or expansion of commercial uses that are compatible⁸ with adjacent land uses and respect the existing positive characteristics of the community and its natural environment, and that provide buffering from environmentally sensitive areas.

Goal JT/ED 1. Preserve and protect Joshua Tree's unique and evolving community atmosphere, artistic base and natural surroundings while providing jobs and improving its tax base. Policies

JT/ED 1.1 Promote diverse architectural styles and alternative construction methods that complement the local landscape and vistas.

⁸ **(pp) Compatible.** When used in relation to a structure, indicates that the structure is built so that its appearance is similar to that of the principal unit to which the structure is accessory or *to the general character of the neighborhood with regards to color, materials, construction, lighting, signs, or the emission of sounds, noises and vibrations.* San Bernardino Development Code Definitions.

JT/ED 1.2 Encourage small commercial footprints that maintain open space areas on site.

JT/ED 1.3 Encourage and support small independent businesses.

JT/ED 1.4 Support commercial development that is of a size and scale that complements the natural setting, is compatible with surrounding development and enhances the rural character by incorporating natural desert landscape elements.

The Dollar General Store plan calls for a 9,000 sq. ft. (+/-) block building fronted by a parking lot. Neither the scale nor the type of this development project is consistent or compatible with character of Joshua Tree.

JT/CI 1.1 Ensure that all new development proposals do not degrade Levels of Service (LOS) on State Routes and Major Arterials below LOS C.

COUNTY RESPONSE:

Please see Master Response No. 4.

In 2004, Highway 62, in between Yucca Mesa Road and Sunfair Road, was operating at level of service (LOS) C. (Table 4, page 31, Joshua Tree Community Plan.) It is projected to operate at LOS D by 2030. (Table 4, page 31, Joshua Tree Community Plan.) The intersection of Hwy 62 and Sunburst was operating at LOS C in 2004. (Table 4, page 31, Joshua Tree Community Plan) Sunburst Avenue between Crestview and Highway 62 operated at LOS B in 2004, (Table 4, page 31, Joshua Tree Community Plan.) Joshua Tree Community Plan Policy (Circulation) (Page 33.)

Since 2004, the Mojave Sands Hotel has opened near the southeast corner of the Sunburst/Hwy 62 intersection, increasing the overall volume of traffic at this intersection and in slowing and turning traffic entering and exiting the Highway less than 100 feet from the traffic light and intersection.

Increased vehicle traffic, bus activity, pedestrian and bicycle traffic drawn by the new store will necessarily and unavoidably affect the neighborhood, the highway and the intersection at Highway 62 and Sunburst Ave. Because these new burdens will unavoidably degrade the Level of Service (LOS) at the Sunburst/Hwy 62 intersection, the project should be denied as contrary to the above-quoted Joshua Tree Plan Provision. If the project is approved, it must be conditioned to require the retailer to reduce these negative effects by limiting access in and out of the Dollar General parking lot to Mountain View Drive only (the side street on the west side of the subject property).

The Joshua Tree Community Plan says that:

“Public transit is provided by the Morongo Basin Transit Authority. The downtown area is lacking in transit amenities such as centralized bus stops, shelters and benches that also recognize the use of mobility devices and senior needs.” (page 32)

To address this finding, as well as in recognition that a substantial portion of Dollar General’s clientele are the disabled, the elderly and the poor, any approval should include a requirement that the applicant construct or pay for a new MBTA stop to serve the store. The stop should be adjacent to the Dollar General Store’s property on Mountain View, or in its parking lot, or as a pull-out from Hwy 62 near the existing bus stop. The new stop should be located and oriented to allow access to the entrance to the Store over the shortest distance possible without having to walk in or across the parking lot. At a minimum, the applicant should be required to contribute to improvements to the existing MBTA stops on the north and south sides of Highway 62 near Sunburst, by adding benches, shelters, and by providing paved access from the new building to the bus stop on the north side of the Highway.

The Joshua Tree Community Plan and the County Development code require new development be pedestrian and bicycle friendly. The Americans with Disabilities Act and the County Plan and Code require site and building access accommodate disabled, provide for bicycle parking. If approved, the project must be conditioned on the developer providing adequate and safe pedestrian facilities and access, and bicycle parking and access.

The building should be located and oriented close to the highway and the MBTA bus stop to allow pedestrian/disabled/bicycle access without these patrons having to enter or cross the parking lot, thus avoiding pedestrian/vehicle conflicts – the parking lot should be on the west side of the building with ingress/egress onto Mountain View Street only (not to Sunburst, not to Hwy 62, and not to Commercial).

COUNTY RESPONSE:

Please see Master Response No.6.

The Project will be conditioned to provide a bus stop/bench/shelter per the requirements of the Morongo Basin Transit Authority.

Other Plan and code provisions that must be addressed include the following:

JT/ED 1.11 Balance economic development with preservation of open space by maintaining requirements for new and expanded developments to provide landscaped areas and buffers as needed to screen more intensive land uses.

COUNTY RESPONSE:

The site is providing on-site landscaping along all four street frontages,

JT/CO 1.3 Require future development to utilize water conservation techniques. P 48

COUNTY RESPONSE:

The California Green Building Standard Code requires water conservation and is applicable to the Project.

Goal JT/CO8. Preserve the dark night sky as a natural resource to be enjoyed by residents and visitors to Joshua Tree. page 50

COUNTY RESPONSE:

See Master Response No. 8.

JT/ED 4.1 Commercial development shall be compatible with the rural environment, and shall protect the quality of residential living.

COUNTY RESPONSE:

Please see Master Response No. 4.

San Bernardino Development Code 83.01.080 Noise

This Section establishes standards concerning acceptable noise levels for both noise-sensitive land uses and for noise-generating land uses. Since the property is next door to existing homes in the densest neighborhood in Joshua Tree, any approval must limit deliveries to specified, daytime hours on weekdays, and arrange the site plan to eliminate, or at least minimize any need for trucks to back-up. The Dollar General website says its site criteria require room for delivery trucks with 53-foot trailers – too big for the site and the neighborhood and deliveries should be restricted to a time and manner that limits conflicts with existing residences as much as possible. The site plan should be altered to eliminate any vehicle access to the site from Commercial Street.

COUNTY RESPONSE:

Please see Master Response No. 5.

San Bernardino Development Code 84.24.040 Storage Areas for Nonresidential Uses

Nonresidential uses shall provide refuse and recyclable material storage areas in compliance with the following requirements. Requirements apply to each individual structure. Areas are measured in square feet. Require installation, maintenance of trash & recycling receptacles – require donation/support of Joshua Tree Clean Team, which regularly picks up trash at/near the Sunburst/Hwy 62 intersection –

COUNTY RESPONSE:

The Project is required to comply with this section of the Development Code.

San Bernardino Development Code 83.01.090 Vibration

(a) Vibration standard. No ground vibration shall be allowed that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to two-tenths (0.2) inches per second measured at or beyond the lot line.

COUNTY RESPONSE:

Please see Master Response No.5.

Please enter this letter and attachments into the record of this Dollar General application. Please notify me of any hearings, or any other action on this application.

Sincerely,
Celeste J. Doyle
61707 29 Palms Hwy.
Joshua Tree, CA 92252
celestedoyle@earthlink.net

Comments from Daniel Ferro

December 5, 2012

San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Ave., First Floor
San Bernardino, CA 92415-0182

Mr. Perea,

My name is Daniel Ferro and I am the only homeowner/landowner to be directly affected by the Building of the Dollar Tree General Store. First I would like to ask why the Draft Mitigated Negative Declaration and Initial Study was posted at the San Bernardino County Government Center in San Bernardino CA and at the High Desert Government Center in Hesperia, Ca but not posted at the Joshua Tree County Office in Joshua Tree, Ca where the project is to be done. It is my feeling that this a deliberate attempt to keep Joshua Tree residents from having easy access to review the material for comment.

COUNTY RESPONSE:

CEQA does not require that Initial Study documents be made available at County offices that are not a government center. However, in order to accommodate the request of area residents, the County did make available the Recirculated Initial Study at the County Building & Safety office located in Joshua Tree.

After reviewing the Environmental Initial Study, there are a number of things I would like to comment on:

(I-3) Regarding the Aesthetics, from the northeast corner of the project, 100% of the residents directly affected feel that there is a significant impact due to looking at the back of a gray building being much less pleasing than the beautiful mountain vista of the Joshua Tree National Park. The fact that coyotes and their young as well as quail and their young that cross through the lot will also be missed, replacing them with an asphalt parking lot. They do not have to worry about the glare from the light adversely affecting day and nighttime views because their building will destroy the views.

COUNTY RESPONSE:

Please see Master Response No. 10.

(III) Air Quality - 100% of the residents on the northeast corner of the project feel that there will be a significant impact on the air quality to which we will be exposed. As there is an exit onto commercial street, the added traffic, should anyone decide to go to this facility, will cause much more pollution to the residents on the north side of Commercial street. There is a stopsign on the corner of Commercial and Sunburst St. As vehicles may be required to wait from 30 seconds to three minutes to make a Left hand turn (north) onto Sunburst, exhaust fumes from the vehicle and those vehicles behind it waiting to also make turns will results in added exhaust fumes be expelled into my yard, affecting me and my dogs. I have seen a line of 5 cars sit there for 5 or more minutes waiting to make a north turn onto Sunburst during the evening drive home from work. For them to say that they do not see any impact is in my opinion ridiculous. Have them sit in my front and tell they do not smell exhaust fumes. This may now be happening throughout the day as opposed to, in general, one time a day. As far as dust goes, currently there is a project being done on the east side of Sunburst, at commercial street which is causing dust to be blown in my direction. They water the ground, but with this sand the water soaks in while they are grading and digging and dust is still released.

COUNTY RESPONSE:

As discussed in Section III (Air Quality) of the Initial Study, the CEQA Guidelines indicate that a significant impact would occur if the proposed Project would violate any air quality standard or contribute significantly to an existing or projected air quality violation. The commenter raises concerns about dust (PM10 and PM 2.5) and Carbon Monoxid (CO). As shown on Tables 2 and 3 of the Initial Study, the emissions for PM10, PM2.5 and CO are well below the significance thresholds established by the South Coast Air Quality Management District (SCAQMD). Therefore, impacts to the nearby residence are not forecast to be significant during construction and operation of the Project.

In addition, the California Environmental Protection Agency, California Air Resources Board (CARB) developed the "Air Quality and Land Use Handbook: A Community Health Perspective" (Handbook) which was release in April 2005 as an informational guide to land use planners focused on community health. The Handbook provides guidance for siting of sensitive land uses, which includes residential uses.

In Table 1-1 of the Handbook the emissions source and health risks associated with Freeways and High-Traffic Roads includes the following advisory recommendation: "Avoid siting new sensitive land uses within 500 feet of a freeway, urban roads with 100,000 vehicles/day, or rural roads with 50,000 vehicles/day."

This advisory is based on traffic-related studies that non-cancer health risk attributable to sensitive receptors in proximity to freeways and high traffic roads was seen within 1,000-feet and strongest within 300-feet. Additionally, CARB states that California freeway studies show about a 70% drop off in particulate pollution levels at 500-feet from the freeway. Commercial Street, which is adjacent to the Commenter's residence, does not carry the volume of traffic (with or without the Project) that would pose a health risk.

The SCAQMD recommends a hot-spot evaluation of potential localized CO impacts when volume-to-capacity ratios are increased by two percent at intersections with a LOS of D or worse. The SCAQMD also recommends a CO hot-spot evaluation when an intersection worsens in LOS, beginning when LOS changes from LOS C to LOS D. As stated in the Traffic Analysis Section of the Initial Study, according to the Traffic Generation Analysis and the Public Works Department/Land Development Division-Traffic Section, 29 Palms Highway and Commercial Street is operating at an acceptable Level of Service (not LOS D or greater). Because the Project is forecast to generate less than 50 Peak Hour Trips it is not forecast to reduce the Level of Service on 29 Palms Highway or the surrounding street network. (Ref. Initial Study pages 59-60). The increase of less than 50 trips per day at the peak hour does not trigger the requirement for a "CO hot-spot" analysis.

Finally, as shown on the exhibit on the following page, trucks are intended to enter the site via 29 Palms Highway and make deliveries in the front of the store. All truck maneuvering can be accommodated on-site without the need to use Commercial Street.

(IV) See I-3) where I talk about coyotes and quail.

(IV b) (3) Creosote ring - 10 feet in diameter - Not sure but there is one on the northeast corner, near the stop sign, which is cut back by county 3+ times a year.

COUNTY RESPONSE:

There were no Creosote rings 10 feet in diameter or larger visible on site visits conducted on October 17, 2012 by AMEC Environment and Infrastructure, Inc. and contained in their report dated October 25, 2012.

(VI) e) I do not want to be smelling their septic tanks or the fumes and runoff when septic tanks are pumped.

COUNTY RESPONSE:

The County Department of Environmental Health Services (DEHS) has conditioned the Project to require that the septic system be maintained so as not to create a public nuisance and shall be serviced by a DEHS permitted pumper.

(IX) D rain water currently runs though the property, onto commercial and runs north up sunburst. I do not want more water draining onto commercial as a result of their increasing the elevation of the property to the south side of commercial st. I feel that it will increase the water flow during a heavy storm and raise the possibility of flooding my property as then my property will be at a lower elevation without curbs and gutters.

COUNTY RESPONSE:

The County Public Works Department has conditioned the Project to provide adequate provisions to intercept and conduct the tributary off site - on site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties at the time the site is developed.

(X) Currently there are no large commercial building blighting the community of Joshua Tree. I feel that the building they are picturing does not fit in the small town community we have with a few strip malls and a number of commercial building reflecting western or small town atmosphere. Their building belongs in a well developed city, not in the community of Joshua Tree, regardless of the county ordinances.

COUNTY RESPONSE:

Please see Master Response No. 10.

(XII) There will be a significant increase in noise due the increased number of vehicles using Commercial St. as an exit. Currently there is low noise from the highway, but cars directly in front of my residence will add noise as well as disturb my dogs which will cause them to continuously bark as they have been trained to alert me to cars and foot traffic in front of my residence. Additional noise will be generated by the use of enormous swamp coolers, air conditioners, refrigeration units and delivery vehicles.

COUNTY RESPONSE:

Please see Master Response No. 5.

(XVI) d) Please see previous comments regarding transportation (III) Air Quality and (XII) Noise.

e) Currently Joshua Tree Ambulance uses Commercial Street as a route to go north on Sunburst. I do not know if they are planning on changing their routes to facilitate the traffic congestion which the project will generate on Commercial Street.

COUNTY RESPONSE:

Please see Master Response No. 6.

(XVIII) c For them to say that there is no significant impact or little significant impact regarding anything associated with their environmental study is not taking into account that most of the things they propose will directly, significantly impact 100% of the residents directly to the north of the planned project site, that being those of us who live on the north side of Commercial St. with our homes facing southward.

COUNTY RESPONSE:

Although the Project will create some impact the impact does not exceed County's thresholds for determining significance. The Initial Study has demonstrated that all environmental issues are less than significant or less than significant with mitigation incorporated.

Personally, I am a disabled person who is pretty much homebound, and only leave my house for doctors appts. and occasional shopping trips in Yucca Valley or to visit family on weekends. My dogs and I play outside and enjoy our simple quiet life here in Joshua Tree. One of the reasons I purchased this residence is for the closeness to the center of town and a view that was pleasing when looking out the living room window, or the kitchen windows while doing dishes. Now it is a great place to live because friends can tell if I am home from the highway to stop by for a visit, and those people taking me to doctors appts do not have to drive far from the highway to pick me up.

Daniel Ferro
6450 Sunburst St.
Joshua Tree, CA 92252
(760)366-3521
jtmesawind@yahoo.com

Comments from Shauna Tucker

December 6, 2012

San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Av., First Floor
San Bernardino, CA 92415-0182

Dear Mr. Perea,

Joshua Tree Village is an iconic gateway community at the entrance to one of our nation's most glorious desert National Parks. In 2007 our treasured community worked together to craft a defining document, The Joshua Tree Community Plan. The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for Joshua Retail Store does not promote local economic growth as outlined in that document. Changing the name of the project does not change the intent of a large corporate interest to practice its predatory retail practices here. This is unacceptable. We care about the character of Joshua Tree and the trajectory of our local and sustainable economy. Further, failure of Dynamic Corp. to inform local landowners as well as failure to post announcements and copies at the County building are lapses that have not gone unnoticed, legally speaking.

Deny this permit.

Sincerely yours,

Shauna Tucker

cc: James Ramos, 3rd District Supervisor

COUNTY RESPONSE:

Please see Master Response No. 2.

Comments from Bernard Leibov

To: San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182

Dear Mr. Perea

I am writing to voice my opposition to permitting the building and operation of the Joshua Tree Retail Store to be operated by Dollar General. Joshua Tree has a special character, free of big box and other chain retail, that attracts hundreds of thousands of visitors visiting the Joshua Tree National Park. The aim of avoiding the type of development that the Joshua Tree Retail Store represents is specifically stated in the General Plan and the Joshua Tree Community Plan, adopted in 2007.

I myself was attracted to Joshua Tree largely as a result of the special character that has been preserved over the past decades. I have bought and renovated a foreclosed property and am bringing artists and art-interested visitors from national and international destinations to Joshua Tree. The destruction of the village's greatest asset, namely its unique character, will have a negative impact on developing new economic drivers for the community.

Furthermore, I believe that:

- The Dollar General store will negatively impact locally owned and operated businesses
- It will harm Joshua Tree Village's efforts at building a local economy by removing money from town
- It is seemingly unnecessary given the two adjacent Dollar General stores in Yucca Valley and Twentynine Palms

Given the lapses in proper process, the tactics behind the name change and the threat that this development poses to Joshua Tree as a place, I urge you to deny the permit.

Your sincerely

Bernard Leibov

6732 Sullivan Road
Joshua Tree, CA 92252

COUNTY RESPONSE:

Please see Master Response No. 2 and No. 4.

Comments from Ronald D. Amos, Ph.D.

Ronald Amos
Joshua Treets Ice Cream Company
872 Border Avenue
Joshua Tree, CA 92252

December 7, 2012

San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Avenue, First Floor
San Bernardino, CA 92415-0182
eperea@romoplanninggroup.com

This is about the proposed Dollar General Store in Joshua Tree. I am a small business owner in Joshua Tree and homeowner in Joshua Tree, and I disagree with the The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for 'Joshua Retail Store'. There would be significant negative impact on our community - economically, asthetetically and envrionmentally. I manufacture ice cream in a small plant in Joshua Tree – artisan, local, all natural fresh ice creams (it's the best!), and I sell that ice cream through local markets. I got a license from the State to do so. I employ my neighbors. Sam's Market, The Joshua Tree Health Food Store, Indian Cove Market, The Hero Market, Sue's Health Food Store. These are the markets most likely to be affected by Dollar General Store. Dollar General Store will not carry my locally made product. If they don't put me out of business, the other national chain big box who follow will.

Business is only one consideration here in Joshua Tree. We are a small community of hearty, independent and 'alternative culture' people who are preserving a national cultural and historic area here as the gateway to the Joshua Tree National Park. Our unique area seeks to conserve an environment we find harsh and wonderful. Hearty souls are we who find in the Mojave Desert a beauty and peacefulness that is disappearing from our 'developed' lands. This proposal violates our land use plan and vision as a community.

Please allow this pocket of peace to be preserved.

Thank you for your consideration,
Sincerely,

Ronald D. Amos, Ph.D.
Joshua Treets Ice Cream

COUNTY RESPONSE:

Please see Master Response No. 2 and No. 10.

Comments from Kim Belletti

Dear Mr. Perea,

I have reviewed the “The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for ‘Joshua Tree Retail Store’” (P201100357/CUP/APN 0603-204-04). A Mitigated Negative Declaration should not be adopted for this project. Rather, a full Environmental Impact Report should be required for the following reasons:

a) The document fails to recognize that the “Joshua Tree Retail Store” is inconsistent with the goals, policies, and standards of the General Plan and the Joshua Tree Community Plan, adopted in 2007.

The Dollar General store will negatively impact locally owned and operated businesses, which are given privilege in the Community Plan over large corporations. The project is not in keeping with the rural nature of our village—DG is a non-local, “formula retail” chain entity, inconsistent with our Community Plan. The building’s architecture and site design are not suited to Joshua Tree’s unique aesthetic, again as outlined in the Community Plan. The store will materially harm Joshua Tree Village’s biggest economic asset—that it functions as a gateway to a beloved National Park destination—by turning a ‘destination’ into the same place as everywhere else, with the same stores, same products, same signage, same landscape, etc. In short, Dollar General’s presence will have serious negative economic consequences for Joshua Tree Village—a consideration that is essential to any new development that falls under the Community Plan.

b) The document fails to recognize that the “Joshua Tree Retail Store” will have a substantial adverse effect on abutting property—it will generate excessive noise, traffic, vibration and blight.

The Dollar General store will be routinely stocked, day and night, by goods delivered by big-rig freight trucks, causing substantial noise, traffic, vibration and blight to neighbors to the north of the store location. Further, traffic coming out of the Dollar General parking lot to head east on the 62 will clog the light at Sunburst—a light used by schoolchildren and their parents headed to and from the elementary school on Sunburst. Dollar General store parking lots are known across the nation for allowing large amounts of garbage to float freely. This is blight, which depresses adjacent property values and dampens local economic activity. None of this is adequately addressed in this document.

c) The document fails to recognize that the “Joshua Tree Retail Store” does not have supporting infrastructure consistent with the intensity of development. Local law enforcement, already strapped, will spend valuable resources responding to the inevitable shoplifting and armed robbery incidents that have accompanied Dollar General stores across the country. This is not addressed in this document.

Sincerely yours,

Kim Belletti
928 S. Dogwood Rd
Walnutport, PA 18088

cc: James Ramos, 3rd District Supervisor

COUNTY RESPONSE:

Please see Master Response No. 1, No. 2, No. 4, No. 5, No. 6, No. 7 and No. 8.

Comments from Michel Cicero

San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Av., First Floor
San Bernardino, CA 92415-0182

Dear Mr. Perea,

I have reviewed the “The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for ‘Joshua Tree Retail Store’” (P201100357/CUP/APN 0603-204-04). A Mitigated Negative Declaration should not be adopted for this project. Rather, a full Environmental Impact Report should be required for the following reasons:

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The Dollar General store will negatively impact locally owned and operated businesses, which are given privilege in the Community Plan over large corporations. The project is not in keeping with the rural nature of our village—DG is a non-local, “formula retail” chain entity, inconsistent with our Community Plan. The building’s architecture and site design are not suited to Joshua Tree’s unique aesthetic, again as outlined in the Community Plan. The store will materially harm Joshua Tree Village’s biggest economic asset—that it functions as a gateway to a beloved National Park destination—by turning a ‘destination’ into the same place as everywhere else, with the same stores, same products, same signage, same landscape, etc. In short, Dollar General’s presence will have serious negative economic consequences for Joshua Tree Village—a consideration that is essential to any new development that falls under the Community Plan.

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The Dollar General store will be routinely stocked, day and night, by goods delivered by big-rig freight trucks, causing substantial noise, traffic, vibration and blight to neighbors to the north of the store location. Further, traffic coming out of the Dollar General parking lot to head east on the 62 will clog the light at Sunburst—a light used by schoolchildren and their parents headed to and from the elementary school on Sunburst. Dollar General store parking lots are known across the nation for allowing large amounts of garbage to float freely. This is blight, which depresses adjacent

property values and dampens local economic activity. None of this is adequately addressed in this document.

c) The document fails to recognize that the “Joshua Tree Retail Store” does not have supporting infrastructure consistent with the intensity of development. Local law enforcement, already strapped, will spend valuable resources responding to the inevitable shoplifting and armed robbery incidents that have accompanied Dollar General stores across the country. This is not addressed in this document.

Sincerely yours,

Michel Cicero (Joshua Tree resident)
Managing Editor, Ms. Magazine
433 South Beverly Drive
Beverly Hills, CA 90212
310-556-2515

cc: James Ramos, 3rd District Supervisor Dear Mr. Perea,

COUNTY RESPONSE:

Please see Master Response No. 1, No. 2, No. 4, No. 5, No. 6, No. 7 and No. 8.

Comments from Louise Mathias

I have reviewed the “The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for ‘Joshua Tree Retail Store” (P201100357/CUP/APN 0603-204-04). A Mitigated Negative Declaration should not be adopted for this project. Rather, a full Environmental Impact Report should be required for the following reasons:

a) The document fails to recognize that the “Joshua Tree Retail Store” is inconsistent with the goals, policies, and standards of the General Plan and the Joshua Tree Community Plan, adopted in 2007. The Dollar General store will negatively impact locally owned and operated businesses, which are given privilege in the Community Plan over large corporations. The project is not in keeping with the rural nature of our village—DG is a non-local, “formula retail” chain entity, inconsistent with our Community Plan. The building’s architecture and site design are not suited to Joshua tree’s unique aesthetic, again as outlined in the Community Plan. The store will materially harm Joshua Tree Village’s biggest economic asset—that it functions as a gateway to a beloved National Park destination—by turning a ‘destination’ into the same place as everywhere else, with the same stores, same products, same signage, same landscape, etc. In Short, Dollar General’s presence will have serious negative economic consequences for Joshua Tree Village—a consideration that is essential to any new development that falls under the Community Plan.

b) The document fails to recognize that the “Joshua Tree Retail Store” will have a substantial adverse effect on abutting property—it will generate excessive noise, traffic, vibration and blight. The Dollar General store will be routinely stocked, day and night, by goods delivered by big-rig freight trucks, causing substantial noise, traffic, vibration and blight to neighbors to the north of the store location. Further, traffic coming out of the Dollar General parking lot to head east on the 62 will clog the light at Sunburst—a light used by schoolchildren and their parents headed to and from the elementary school on Sunburst. Dollar General store parking lots are Known across the nation for allowing large amounts of garbage to float freely. This is blight, which depresses adjacent property values and dampens local economic activity. None of this is adequately addressed in this document.

c) The document fails to recognize that the “Joshua Tree Retail Store” does not have supporting infrastructure consistent with the intensity of development. Local law enforcement, already strapped, will spend valuable resources responding to the inevitable shoplifting and armed robbery incidents that have accompanied Dollar General Stores across the country. This is not addressed in this document.

Sincerely yours,
Louise Mathias
7119 Mount Shasta Avenue
Joshua Tree, CA 92252
614.949.3479

larkishinjt@gmail.com

cc: James Ramos, 3rd District Supervisor

COUNTY RESPONSE:

Please see Master Response No. 1, No. 2, No. 4, No. 5, No. 6, No. 7 and No. 8.

Comments from Patricia and Clarence J Glover

I really don't know where to begin. We were hoping we wouldn't have to deal with this type of big box chain store, but here we are. This store will set a precedence for more of this kind of business to invade our unique village.

We in Joshua Tree, support our local friends in their hopes of having successful businesses. They know us by name and we hike from our houses to the downtown area to see what is going on with the tourists, hikers, climbers and campers. A store like Dollar General will change the face of our village forever. Our local businesses, artists, astronomers have followers all over the world and expect our village to have more locals when they return.

We are pretty landlocked. It is appx. 12 miles off of the 10 Fwy on to State Route 62 before you enter Morongo Valley population less than 5000. You don't just happen on to State Route 62. It is mostly used by people intending to visit the Morongo Basin and the Joshua Tree National Park. It is another 11 miles to our largest city, Yucca Valley, population less than 25000. It is another 8 miles to Joshua Tree from Yucca Valley, From Joshua Tree, it is another 16 miles to 29 Palms which is home to the largest Air Ground Combat Center in the world. The Marines have everything they need on base so consequently not many folks from the base come to town. So, the entire Morongo Basin is less than 40 miles.

After leaving our four small towns, the next town is Parker, AZ 110 miles or Desert Center, 80 miles.

Having a Dollar General is so overkill. Yucca Valley and 29 Palms have the population to absorb a store like this. Joshua Tree just can't and it isn't fair that we have established our village that encourages art, stargazing, and local restaurants and no reminders of the urban blight. We don't mind driving 8 miles to Yucca Valley. I have done it for 30 years.

I invite you to come and visit us before Dollar Store bullies us to take their store that we don't want, need and will not support. We probably only have a population of 8000. There would only be one reason they would want to shove this store down our throats.....they want to prove that they can. They are bullies. We need you to protect this cultural and historic area. We are the gateway to the Joshua Tree National Park.

If you don't want to make the trip out, visit joshuatreevillage.com. I do encourage you to make an appointment with our Chamber of Commerce. You will be so enlightened.

Please, don't allow Dollar General into our precious Joshua Tree Village.

Thank You In Advance,

Patricia and Clarence J Glover
6864 Outpost Rd
Joshua Tree, Ca 92252
760-366-1911

James Ramos, 3rd District Supervisor

COUNTY RESPONSE:

Please see Master Response No. 2.

Comments from Thomas Fjallstam

Dear Mr Perea, I am submitting into the record for "The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for 'Joshua Tree Retail Store'" (P201100357/CUP/APN 0603-204-04) the following two documents attached in PDF form:

1) A copy of approximately 730 written signatures on a petition stating "We DO NOT want a Dollar General Store in Joshua Tree. We are in opposition to the project regarding APN 0603-204-04 by Applicant: Dynamic Development, LLC." Signatures were gathered from November 2011 to December 2012.

2) A list of 403 signatures from an online petition stating "NO Dollar General In Joshua Tree - Petition against the establishment of a Dollar General in The Village of Joshua Tree" and seven pages of comments by signees.

Regards,
Thomas Fjallstam
PO Box 23
Joshua Tree, CA 92252

cc: James Ramos, 3rd District Supervisor

COUNTY RESPONSE:

The petitions state opposition to the Project but do not raise any environmental issues. The petitions will be provided to Planning Commission for consideration.

Comments from Ulla, Nicholas & Jenny Holmes

San Bernardino County Land Use Services Dept.
Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Av., First Floor
San Bernardino, CA 92415-0182

Re: APN 0603-204-04 Dynamic Development, LLC (Project #P201100357/CIP)

Dear Mr. Perea,

I am the property owner of the commercial property/ building located directly across Hwy 62 from the proposed Joshua Tree Retail Store aka Dollar General, where my son, daughter and I operate a small Wellness Center. Having found out by word of mouth from a local community member of the The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for Joshua Tree Retail Store, I am extremely dismayed by the San Bernardino County Land Use Services Departments failure to notify me of such. I requested in writing to be notified of all project developments, along with my comments to the original project notice dated October 7, 2011. I sent that request/ comments via certified mail, fax, and email, and to find out that this process has been moving forward without any notification to me is infuriating. Furthermore, I have been informed that there was also a previous review/ comment period for an Initial Study of which I was also never notified about by the SBCLUSD either. That's twice. I am well aware that this failure of proper notification is a violation of both State law and County code.

With regards to the Initial Study, I have reviewed the Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for Joshua Tree Retail Store (P201100357/CUP/APN 0603-204-04). A Mitigated Negative Declaration should not be adopted for this project. Rather, a full Environmental Impact Report should be required for the following reasons:

a) The document fails to recognize that the Joshua Tree Retail Store is inconsistent with the goals, policies, and standards of the General Plan and the Joshua Tree Community Plan, adopted in 2007.

The Dollar General store will negatively impact locally owned and operated businesses (like us), which are given privilege in the Community Plan over large corporations. The project is not in keeping with the rural nature of our village. "DG is a non-local, formula retail chain entity, inconsistent with our Community Plan. The building's architecture and site design are not suited to Joshua Tree's unique aesthetic, again as outlined in the Community Plan. The store will materially harm Joshua Tree Village's biggest economic asset that it functions as a gateway to a beloved National Park destination "by turning a destination into the same place as everywhere else, with the same stores, same products, same signage, same landscape, etc. In short, Dollar General's

presence will have serious negative economic consequences for Joshua Tree Village, a consideration that is essential to any new development that falls under the Community Plan.

b) The document fails to recognize that the Joshua Tree Retail Store will have a substantial adverse effect on abutting property, it will generate excessive noise, traffic, vibration and blight.

I was at the public meeting where Dollar General representatives explained that this store will be routinely stocked, day and night, by goods delivered by the biggest of big-rig freight trucks, causing substantial noise, traffic, vibration and blight to residential neighbors to the north of the store location and to my son, daughter, and myself who own and operate a small Wellness Center directly across 29 Palms Hwy, as well as for Mojave Sands, a high-end boutique motel located within 300' as well. Furthermore, traffic coming out of the Dollar General parking lot to head east on the 62 will clog the light at Sunburst a light used by schoolchildren and their parents headed to and from the elementary school on Sunburst. Dollar General store parking lots are known across the nation for allowing large amounts of garbage to float freely. This is blight, which depresses adjacent property values and dampens local economic activity. None of this is adequately addressed in this document.

c) The document fails to recognize that the Joshua Tree Retail Store does not have supporting infrastructure consistent with the intensity of development.

Local law enforcement, already strapped, will spend valuable resources responding to the inevitable shoplifting and armed robbery incidents that have accompanied Dollar General stores across the country. This is not addressed in this document.

Mr. Perea, in light of all this and more issues sure to come, I ask you to please reject this project application.

Sincerely,

Ulla Holmes
Nicholas Holmes
Jenny Holmes
62057 Twentynine Palms Hwy.
Joshua Tree, CA 92252

COUNTY RESPONSE:

Please see Master Responses No. 1, No. 2, No. 3, No.4, No. 5, No.6, No. 7, No.8, and No. 10.

Comments from David Fick

December 12, 2012
San Bernardino County
Land Use Services Dept., Current Planning Division

Ernest Perea, Contract Planner
385 North Arrowhead Av. ,First Floor
San Bernardino, CA 92415-0182

Dear Mr. Perea,

These are my comments to the Joshua Tree Dollar General proposal. I'm a twenty-five year resident of Joshua Tree and have been active in social and planning concerns about Joshua Tree for over two decades. That includes being a board member of Joshua Tree Community Association for fourteen years and I've been on the Joshua Tree Municipal Advisory Council for about seven years.

There were two meetings in Joshua Tree concerning the JT Dollar General proposal. The first one was November 17th, 2011 and had a representative from Dollar General (from Tennessee) and two employees of Dynamic Development (Architect and Planner Tim and his supervisor) who made the presentation of the proposed store building. There were about eighty residents of Joshua Tree in attendance and they respectfully gave a big no to wanting this store in their community. They gave many reasons for not hosting a Dollar General store to the three Dollar General proponents with the proponents eventually agreeing if the sample of residents who attended were representative of the Joshua Tree Community, Dollar general shouldn't build a store in Joshua Tree. There are no minutes to this "County informational meeting" since the JT MAC was temporarily suspended for re-appointment due to 2010 census re-organization of County boards.

The second meeting was a September 20th, 2012 JTMAC meeting within the comment period for the "Initial Study" circulation. That meeting had about fifty residents in attendance and one resident for the Dollar General store proposal, all the rest being very much against the Dollar General proposal. County Planning staff felt it was too early to engage the public with this project proposal, not understanding the impact this store would have on the community of Joshua Tree. The notification for the initial study was woefully inadequate as is the second CUP notification attempt (I was notified by mail on the first circulation, not notified in any manner on the second circulation). I'll include the portion of the "un-approved" September JTMAC meeting minutes here:

Page 4 of 6

Next, Whitman solicited Public Input on Initial Study for Joshua Tree Dollar General. There was no one in attendance from the County of San Bernardino Planning Commission or from the Dollar General.

Mr. Gonzales, a resident of Joshua Tree, expressed his support for the construction of the Dollar General. He stated that he supports a store that would provide some of the Household staple items that he has to take the bus to Yucca Valley or 29 Palms to get currently. He stated that there are a lot of local residents of Joshua tree that do not have transportation and that the Dollar General would be a good thing for them since there is nowhere else where they can shop for staple items in town.

Janet Tucker from Joshua tree stated that she could accept a dollar discount store and even a “corporate” store in Joshua Tree. Her objection is to the building itself. She stated that the design is ugly and destroys the character of the town. She feels that the current branding of the town of Joshua Tree is “artistic”, “quirking”, “interesting”, and not like all of the communities people leave to come to Joshua Tree. She stated that this type of store would hurt the tourism industry which relies on the uniqueness of the area. She further stated that she would approve of the Dollar General if the local artists were able to take over the design of the space.

Mr. Peash stated that a Dollar General would be convenient, but expensive and would be “psychologically detrimental” to the town.

Buck Buckley said he was against the building of the Dollar Store. He feels that it would “open the floodgates to the corporate environment to come in here and do whatever they want”.

Bill Keenan stated that looking around the country it is evident that the current system has allowed these kinds of stores to take over our economies. His belief is that government has reformed them but has not “stepped-up for the consumer”. He is against the store because most of what they sell was made in other countries that exploit human rights.

Thomas Gilson stated that he is against the Dollar General being built here. A group of locals has been supporting a “shop local” campaign. Gilson feels that this project would jeopardize the work of that group. He stated that he has an online petition which has been signed by over four hundred people internationally expressing the opinion that a Dollar General would not be appropriate for Joshua Tree. Gilson also expressed that he did not feel that a sufficient “economic impact” study has been completed for this project.

He further expressed that the San Bernardino County Planning Department is ignoring the Joshua Tree Community Plan put in place in 2007. That plan stated that this kind of store was not welcome in the Joshua Tree area.

Eva Solstice stated that the Dollar General would come to Joshua Tree and exploit the people by trying to “define who we are”. She stated that we are “selling ourselves cheap” in the United States and that in Joshua Tree we can become an example to other communities of how to live by our values by not letting the “greed mentality” destroy our culture.

Dane O’Dowd stated that millions of tourists come from all around the world to visit our area and that “we don’t want them to see Dollar Trees when they come here from Germany”.

Comments by the MAC:

David Fick: Fick commented regarding the Dollar General proposal that he is “well read” on the proposals. He stated that in 29 Palms they were refusing to put in a bus stop because their buyers are people who have cars. In Desert Hot Springs, they have had a lot of concerns over safety walls and fences that the Dollar General there refused to accommodate due to the cost. Fick stated that the representatives from the Dollar General did mention in their first meeting that they would consider designing the building to the towns liking.

In asking those in attendance regarding who had received the notification of the initial study, only one person, Julian, had been notified. Fick asked that the JTMAC make a recommendation of extending the review of the Initial Study an additional 45 days due to the lack of notification. Adjacent land owners to the project have not received any notification.

Jay St. Gaudens: St. Gaudens asked for a show of hands from the 49 individuals present for those supporting the Dollar General. They indicated one.

Bob Johnson: Johnson was excused from the meeting.

Steve Whitman: Whitman stated that he wanted Alan Rasmussen to bring the failure to notify to Supervisor Derry.

Further time was then devoted to public comment:

Carrie Tuttle stated that she is a CEQA Specialist and according to CEQA the county is required to send notification only to those who have requested it in writing. Upon inquiry of the audience, it was ascertained that no one had submitted a written request. Tuttle indicated that she had additional concerns that would justify a 45 day extension being requested. She cited the permitting changes and due to the project impacts they are required indicate exactly what the project will be. Tuttle also expressed concern over the disregard for the Joshua Tree community input and the Joshua Tree Community Plan. She closed by stating that her opinion is that the community should fight against this project.

Mrs. Tucker stated that she recently returned from a trip through the United States and passed through many small towns where there were Dollar General stores. She stated that they were not well maintained and did not look the same as the day they first opened nor did they fit in with the rest of the community businesses.

I'll include the full minutes in attachment. These minutes would have been approved (there's some typos and name misspellings), but the JT MAC didn't meet November and is currently up for re-establishment as of December 12, 2012.

There's also a local newspaper article covering this meeting (with over fifty comments) with the web link right here:

http://www.hidesertstar.com/news/article_59211dc4-07ae-11e2-b9c7-001a4bcf887a.html

The title is "Speakers call store proposal ugly, predatory" and it's at the Hi Desert Star, Sept 26th, 2012 edition

- *The Joshua Tree community doesn't want the Dollar General store because (although it provides a small measure of convenience) the social and community identity costs are too great for a community very dependent on tourist identity as a major business drawing factor.*

This Dollar General store proposal is not in agreement with the Joshua Tree Community Plan that was three years in the making (2004-2007, conflicting details cited by other public input) by the concerned residents of Joshua Tree. My personal observations of the Initial Study is the lack of traffic concerns for the "visually impaired left turn onto Sunburst" and the lack of economic considerations this store would have on the Joshua Tree business community.

The "Aesthetics" evaluation by the County Planner is much different than this Mojave Desert Community would be giving the Dollar general store appearance.

The "County Planners and County Planning Commission should represent the concerns of Joshua Tree and deny this proposal.

Thank you for the opportunity to comment and we really wish the decision makers for this project were not so distant.

*David Fick
(760) 366-9862
HC-1 Box 7216
Joshua Tree, CA 92252
idavidgraficks@earthlink.net*

COUNTY RESPONSE:

Please see Master Response No. 2, No. 3, and No. 4.

Comments from JB Wells

San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Av. ,First Floor
San Bernardino, CA 92415-0182

Dear Mr. Perea,

I am a resident, homeowner and landholder in the town of Joshua Tree. I made a conscious decision to move here in order to live in this amazing desert landscape and among an enlightened community acutely concerned with protecting it.

This is why after reviewing the “The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for ‘Joshua Tree Retail Store’” (P201100357/CUP/APN 0603-204-04) I must insist there be, at the very least, a full Environmental Impact Report required for the proposed Dollar General building project.

I would also like to present to you the following reasons why allowing this project is not beneficial to the community or environment of Joshua Tree nor to Dollar General company:

1. This is wrong for the community of Joshua Tree:

The town of Joshua Tree is not like any other town. It is named after an internationally recognized plant that only grows natively in just a few spots in the world and only in certain parts of San Bernardino County. Joshua Tree, the town, has become a very attractive gateway to the National Park bearing the same name rightly because it is concerned with this fragile desert plant and its environs. The plant and the Park environment seem to be so highly regarded that over one million visitors come from all over the world to see this unique place. And you can probably guess this would make the economy of the town of Joshua Tree highly dependent upon these visitors.

People come here precisely to escape the chain stores and strip-mall developments they are surrounded by at home. They want to see open landscapes and dark starry nights and all the wild animals this environment nurtures and are willing to spend money in promoting that, not a cheap toilet bowl brush. As the town that welcomes these visitors to this amazing National Park, a cheap house-hold goods store is just geared to the wrong customer and allowing strip-mall type chain stores here will only degrade the appeal and charm to those looking to support the local economy of Joshua tree. This can have a real financial impact on this town (and thus revenues for the county itself such as in the Transient Occupancy Tax.

This town is also unique in the fact that there are many residents, like myself, who have intentionally moved here to live in this rural desert environment that shuns uncontrolled development. So much so, these residents actually came together a few years ago to write out a detailed Community Plan. That plan specifies preference for small local businesses that have concern for the local environment and give something to the local economy over national chains that have little regard for these things. Just in the fact that the Dollar General store is a nation-wide company with headquarters in another state and stores all over the country, you can see how this is in direct conflict with what the Community Plan states. There is and will continue to be overwhelming opposition to this national chain store coming into this small community.

2. This is wrong for the Dollar General Company:

Unlike other towns and cities in this county who want and encourage a low-price household item retail store, the citizens of Joshua Tree have overwhelmingly voiced their opposition to this store being built in Joshua Tree (mind you, it is not opposition to the store itself out to where it is planned to be built). Representatives for the company saw this first hand during their presentation to the community when they were surprised by how many public statements there were against it. With the petitions bearing hundreds of signatures and town meetings with many many recorded statements against the project, it is clear that the Dollar General will see little retail support from this community or the visitors to the National Park. There is just no demand here for cheap household products like there is in other places. Their business model just does not work here. The local residents are not in need of, nor looking for, a convenient nearby store that sells these items. If there ever might be such a need, one could go to a whole number of similar stores in the area including a brand new Dollar General that has just recently opened in the town of Yucca Valley which borders Joshua Tree. There are also plans to build another Dollar General in the Town of Twenty-nine Palms, the town that borders the other side of Joshua Tree. These two stores are more than enough to serve this area but in addition to this, a new Super-Walmart is already breaking ground right on the edge of Joshua Tree. Adding an unwanted extra store in an area that is already saturated with low-price stores makes its profitability seem unlikely and will not benefit the Dollar General company. How profitable can it be for a company to build a store in a community that will not support it in an area that already has plenty of similar stores to choose from?

3. This is wrong for the environment of Joshua Tree

The town of Joshua Tree is unique in another way; it is set within a fragile desert of limited resources and many environmental concerns. Any development in this area must take into account this fact. There is already a strained water supply, there are endangered species in the area such as the desert tortoise, and the fragile Joshua Tree itself has a very low success rate in being transplanted. A Dollar General store cannot guarantee that it will not have an adverse impact on the environment. There will be more delivery trucks. There will be more garbage from dumpsters and parking lots. There will be more traffic. There will be more crime. How can any of this benefit the environment of Joshua Tree? It will not.

After giving you the three general problems I have with this project, now I will be specific: The "Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for 'Joshua Retail Store" does not recognize that "Joshua Tree Retail Store" (Dollar General) is in conflict with the goals, policies, and standards of the General Plan and the Joshua Tree Community Plan, will have a substantial adverse effect on abutting property—it will generate excessive noise, traffic, vibration and blight—and does not have supporting infrastructure consistent with the intensity of development. A full Environmental Impact Report must be required for this project.

I hope that I have provided enough evidence for you to understand that Joshua Tree cannot be seen as just another place where any kind of development can happen. To do so would ignore not just the wishes of those who have chosen to make this place their home but also the millions of people who have visited and will continue to visit this area to appreciate its unique charm. I really hope you keep this in mind when considering any development in this amazing place.

Thank you very much for your time,

Sincerely,
JB Wells
Joshua Tree, CA

COUNTY RESPONSE:

Please see Master Responses No. 1, No.2, No.4, No.5, No.6, No.7, No.8, No.9. and No. 10. In addition, the Biological Resources section of the Initial Study determined that the Project site is not considered suitable habitat for any species identified as a candidate, sensitive or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.

Comments from Jay Babcock Stephanie Smith

San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Av., First Floor
San Bernardino, CA 92415-0182

Re: APN 0603-204-04 Dynamic Development, LLC (Project #P201100357/CIP)

Dear Mr. Perea,

We are full-time Joshua Tree residents and landowners.

We have reviewed the “The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for ‘Joshua Tree Retail Store’” (P201100357/CUP/APN 0603-204-04).

A Mitigated Negative Declaration should not be adopted for this project. Rather, a full Environmental Impact Report should be required for the following reasons:

a) The document fails to recognize that the “Joshua Tree Retail Store” is inconsistent with the goals, policies, and standards of the General Plan and the Joshua Tree Community Plan, adopted in 2007.

The Dollar General store will negatively impact locally owned and operated businesses, which are given privilege in the Community Plan over large corporations. The project is not in keeping with the rural nature of our village—DG is a non-local, “formula retail” chain entity, inconsistent with our Community Plan. The building’s architecture and site design are not suited to Joshua Tree’s unique aesthetic, again as outlined in the Community Plan. The store will materially harm Joshua Tree Village’s biggest economic asset—that it functions as a gateway to a beloved National Park destination—by turning a ‘destination’ into the same place as everywhere else, with the same stores, same products, same signage, same landscape, etc. In short, Dollar General's presence will have serious negative economic consequences for Joshua Tree Village—a consideration that is essential to any new development that falls under the Community Plan.

b) The document fails to recognize that the “Joshua Tree Retail Store” will have a substantial adverse effect on abutting property—it will generate excessive noise, traffic, vibration and blight.

The Dollar General store will be routinely stocked, day and night, by goods delivered by big-rig freight trucks, causing substantial noise, traffic, vibration and blight to neighbors to the north of the store location. Further, traffic coming out of the Dollar General parking lot to head east on the 62 will clog the light at Sunburst—a light used by schoolchildren and their parents headed to and from the elementary school on

Sunburst. Dollar General store parking lots are known across the nation for allowing large amounts of garbage to float freely. This is blight, which depresses adjacent property values and dampens local economic activity. None of this is adequately addressed in this document.

c) The document fails to recognize that the “Joshua Tree Retail Store” does not have supporting infrastructure consistent with the intensity of development.

Local law enforcement, already strapped, will spend valuable resources responding to the inevitable shoplifting and armed robbery incidents that have accompanied Dollar General stores across the country. This is not addressed in this document.

We look forward to making these arguments in person at the Planning Division’s public hearing on this Project. We hereby request that you notify us by email with all details regarding the hearing as soon as they are available.

Sincerely,

Jay Babcock Stephanie Smith
P.O. Box 1307
Joshua Tree, CA 92252
babcock.jay@gmail.com

cc: James Ramos, 3rd District Supervisor

COUNTY RESPONSE:

Please see Master Response No. 1, No. 2, No. 4, No. 5, No. 6, No. 7 and No. 8.

Comments from Keri McParland,

San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Av., First Floor
San Bernardino, CA 92415-0182

Re: APN 0603-204-04 Dynamic Development, LLC (Project #P201100357/CIP)

Dear Mr. Perea,

I have reviewed the “The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for ‘Joshua Tree Retail Store’” (P201100357/CUP/APN 0603-204-04). A Mitigated Negative Declaration should not be adopted for this project. Rather, a full Environmental Impact Report should be required for the following reasons:

a) The document fails to recognize that the “Joshua Tree Retail Store” is inconsistent with the goals, policies, and standards of the General Plan and the Joshua Tree Community Plan, adopted in 2007.

The Dollar General store will negatively impact locally owned and operated businesses, which are given privilege in the Community Plan over large corporations. The project is not in keeping with the rural nature of our village—DG is a non-local, “formula retail” chain entity, inconsistent with our Community Plan. The building’s architecture and site design are not suited to Joshua Tree’s unique aesthetic, again as outlined in the Community Plan. The store will materially harm Joshua Tree Village’s biggest economic asset—that it functions as a gateway to a beloved National Park destination—by turning a ‘destination’ into the same place as everywhere else, with the same stores, same products, same signage, same landscape, etc. In short, Dollar General’s presence will have serious negative economic consequences for Joshua Tree Village—a consideration that is essential to any new development that falls under the Community Plan.

b) The document fails to recognize that the “Joshua Tree Retail Store” will have a substantial adverse effect on abutting property—it will generate excessive noise, traffic, vibration and blight.

The Dollar General store will be routinely stocked, day and night, by goods delivered by big-rig freight trucks, causing substantial noise, traffic, vibration and blight to neighbors to the north of the store location. Further, traffic coming out of the Dollar General parking lot to head east on the 62 will clog the light at Sunburst—a light used by schoolchildren and their parents headed to and from the elementary school on Sunburst. Dollar General store parking lots are known across the nation for allowing

large amounts of garbage to float freely. This is blight, which depresses adjacent property values and dampens local economic activity. None of this is adequately addressed in this document.

c) The document fails to recognize that the “Joshua Tree Retail Store” does not have supporting infrastructure consistent with the intensity of development.

Local law enforcement, already strapped, will spend valuable resources responding to the inevitable shoplifting and armed robbery incidents that have accompanied Dollar General stores across the country. This is not addressed in this document.

I look forward to making these arguments in person at the Planning Division’s public hearing on this Project. We hereby request that you notify me with all details regarding the hearing as soon as they are available.

Sincerely yours,
Keri McParland, Joshua Tree, CA

COUNTY RESPONSE:

Please see Master Response No. 1, No. 2, No. 4, No. 5, No. 6, No. 7 and No. 8.

Comments from David Scheffler

Dear Mr. Perea,

The “Joshua Tree Retail Store” is inconsistent with the goals, policies, and standards of the General Plan and the Joshua Tree Community Plan, adopted in 2007 and not supported by Joshua Tree residents.

The Dollar General store will negatively impact locally owned and operated businesses. The project is not in keeping with the rural nature of our village—DG is a formula retail chain and these kinds of businesses are not welcome in Joshua Tree. The building’s architecture and site design are not suited to Joshua Tree’s unique aesthetic, again as outlined in the Community Plan. The store will materially harm Joshua Tree Village’s biggest economic asset—that it functions as a gateway to a beloved National Park destination—by turning a ‘destination’ into the same place as everywhere else, with the same stores, same products, same signage, same landscape, etc. In short, Dollar General’s presence will have serious negative economic consequences for Joshua Tree Village—a consideration that is essential to any new development that falls under the Community Plan. It will generate excessive noise, traffic and blight and will have an adverse effect on abutting property.

I look forward to making these arguments in person at the Planning Division’s public hearing on this Project. We hereby request that you notify me with all details regarding the hearing as soon as they are available.

Sincerely yours,

David Scheffler

COUNTY RESPONSE:

Please see Master Responses No. 1, No.2, No.4, and No. 10.

Comments from Andrea Zittel

December 19, 2012

San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Av., First Floor
San Bernardino, CA 92415-0182

Dear Mr. Perea,

My name is Andrea Zittel, and I've been a resident of Joshua Tree since 2000. I'm writing today to discuss my objection to "The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for 'Joshua Retail Store'"

The Dollar General store would have significant negative impacts on Joshua Tree and the surrounding communities. First, the aesthetics of a big box store does not fall in line with the locally run and sustained businesses along highway 62. The economy of Joshua Tree is dependent on visitors who travel here for the national park - The village of Joshua Tree is made up of small businesses who cater to this demographic, a large retail store such as the one proposed would be totally out of keeping with the current development and would have a negative impact on a community that has carefully cultivated an identity as the gateway to one of the nation's most popular national parks. Joshua Tree has a delicate eco system, sustained in part by the hard work of the National Park, the Mojave Land Trust and locals who are passionate about this unique environment. Building a large box store would deplete the already strained water supply, the endangered species and the fragile Joshua Tree which cannot easily or successfully be replanted. This adverse impact would be furthered by the delivery trucks, waste removal, and traffic moving throughout the store. In addition, the store would generate excessive noise, traffic, and vibration/blight that our community simply cannot sustain. Lastly, our community will not sustain this type of store because there is no demand for cheap household goods that can easily be purchased in Yucca Valley or 29 Palms which are both only ten minutes away. How profitable will it be for this company if its main customer base makes a point of shopping elsewhere as a statement? With two Dollar General stores and a Super Walmart breaking ground in the neighboring towns, this is just unnecessary consumption of natural resources and a terrible waste of money.

I truly hope these words resonate with your conscious and that you are spurred to make the right decision. Please, take action to deny this permit to save your community.

Sincerely,
Andrea Zittel

COUNTY RESPONSE:

Please see Master Responses No. 2, No.4, No. 5, No. 6 and No. 8.

Comments from Julia & Douglas Buckley

(Note: Letter from Douglas Buckley not included due to duplicate language)

December 10, 2012

FISCAL ADMIN

2012 DEC 13 AM 9:58

San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Av., First Floor
San Bernardino, CA 92415-0182

eperea@romoplanninggroup.com

Re: APN 0603-204-04 Dynamic Development, LLC (Project #P201100357/CIP)

Dear Mr. Perea:

I have reviewed the “The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for ‘Joshua Tree Retail Store’” (P201100357/CUP/APN 0603-204-04). A Mitigated Negative Declaration should not be adopted for this project. Rather, a full Environmental Impact Report should be required for the following reasons:

a) The document fails to recognize that the “Joshua Tree Retail Store” is inconsistent with the goals, policies, and standards of the General Plan and the Joshua Tree Community Plan, adopted in 2007.

The Dollar General store will negatively impact locally owned and operated businesses, which are given privilege in the Community Plan over large corporations. The project is not in keeping with the rural nature of our village—DG is a non-local, “formula retail” chain entity, inconsistent with our Community Plan. The building’s architecture and site design are not suited to Joshua Tree’s unique aesthetic, again as outlined in the Community Plan. The store will materially harm Joshua Tree Village’s biggest economic asset—that it functions as a gateway to a beloved National Park destination—by turning a ‘destination’ into the same place as everywhere else, with the same stores, same products, same signage, same landscape, etc. In short, Dollar General’s presence will have serious negative economic consequences for Joshua Tree Village—a consideration that is essential to any new development that falls under the Community Plan.

b) The document fails to recognize that the “Joshua Tree Retail Store” will have a substantial adverse effect on abutting property—it will generate excessive noise, traffic, vibration and blight.

The Dollar General store will be routinely stocked, day and night, by goods delivered by big-rig freight trucks, causing substantial noise, traffic, vibration and blight to neighbors to the north of the store location. Further, traffic coming out of the Dollar General parking lot to head east on the 62 will clog the light at Sunburst—a light used by schoolchildren and their parents headed to and from the elementary school on Sunburst. Dollar General store parking lots are known across the nation for allowing large amounts of garbage to float freely. This is blight, which depresses adjacent property values and dampens local economic activity. None of this is adequately addressed in this document.

c) The document fails to recognize that the “Joshua Tree Retail Store” does not have supporting infrastructure consistent with the intensity of development.

Local law enforcement, already strapped, will spend valuable resources responding to the inevitable shoplifting and armed robbery incidents that have accompanied Dollar General stores across the country. This is not addressed in this document.

Sincerely yours,



Julia G. Buckley
HC 1 Box 376
Joshua Tree, CA 92252

cc: James Ramos, 3rd District Supervisor
Supervisor James Ramos
San Bernardino County Government Center
385 N. Arrowhead Ave., Fifth Floor
San Bernardino, CA 92415-0110
SupervisorRamos@sbcounty.gov

COUNTY RESPONSE:

Please see Master Response No. 1, No. 2, No. 4, No. 5, No. 6, No. 7 and No. 8.

Comments from Peter Marshall Spurr

FISCAL ADMIN

2012 DEC 13 AM 10:36

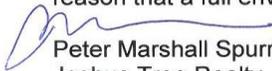
Project # 201100357/CUP APN # 0603-204-04
County of San Bernardino Land Use Services, Current Planning Dept
RE: The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for Dollar General / Joshua Retail Store
To whom it may concern:

I am a local real estate broker and join with those in opposition to the development of the current site in question for a 9100 sq foot retail location. As for the initial study and environmental checklist form, I too oppose this document's findings. A Mitigated Negative Declaration ***should not be*** adopted for this project. Rather, ***a full Environmental Impact Report should be required.*** It is clear to see that this document fails to recognize that the "Joshua Tree Retail Store" is inconsistent with the goals, policies, and standards of the General Plan and the Joshua Tree Community Plan, adopted in 2007.

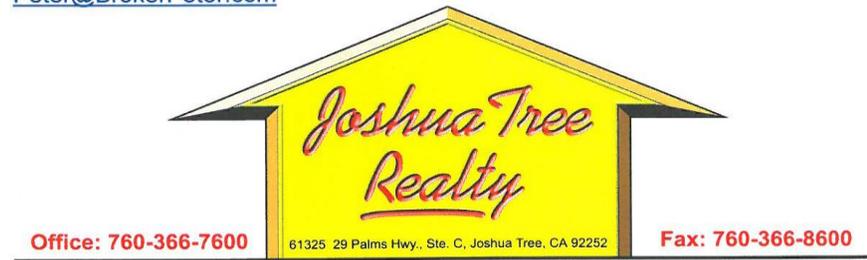
What is particularly troubling are items checked under AETHESTICS #1 letter(s) A, C, and D. There is no credible way any reasonable person can overlook these very real and potential visual threats to our unique downtown area.

One of the main draws and valuable attributes to Joshua Tree is the organic flavor from its unplanned look of yesteryear. Like New Orleans's French Quarter, Joshua Tree's look of a simpler time before mass development has become something that **MUST** be preserved and protected, to insure its continued popularity among visitors to the area. We concerned residents know that once that look is compromised, we will never get it back. The property owners in New Orleans's French Quarter are (smartly) not allowed to change any colors or change any significant look to that treasured area. A policy like this was instituted for Joshua Tree in 2007 and needs to be observed for continued protection of property values.

There are many other reasons this project should be halted—but there is no acceptable reason that a full environmental impact report should be waived.



Peter Marshall Spurr, GRI / Real Estate Broker Associate
Joshua Tree Realty
760-861-5895 cell
Peter@BrokerPeter.com



COUNTY RESPONSE:

Please see Master Response No. 1, No.4 and No. 10.

Comments from GeorganneDean

FISCAL ADMIN
2012 DEC 13 AM 10: 01

Dear Mr. Perea,

I'm writing this letter in hopes that you will deny the permit to Dollar General as proposed in "The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for 'Joshua Retail Store'. If you haven't visited us or not in a while, please come out to see for yourself how inappropriate such an enterprise would be here. We are a fierce community of activists who have fought to defend the distinctive character of our small village and the entrance to one of the most beautiful parks in North America. There are no franchises or anything else that smacks of no-wheres-ville America - the ugliest of the ugly businesses that have ruined so many towns. When people come to Joshua Tree, as they do by the thousands every year, they know they are going to find a completely unique authentic slice of America where the integrity is still firmly intact. We are willing to do whatever we have to do to keep it that way for the generations to come.

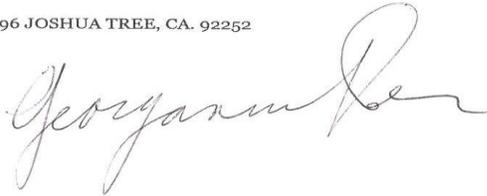
AND Please consider this: Dollar General will send their revenues back to their corporate headquarters in Tennessee, all the while draining resources from our local businesses WHICH IS THE LAST THING WE NEED! Their claims to the contrary can easily be refuted AND they are NOTORIOUS for the poor treatment of their employees. Never mind that they have just recently built a new store 13 miles from us in Yucca Valley! Ridiculous!

I could go on and on but I'm sure you are hearing from a lot of people so I just want to ask you to please inform them that there is no need to put another DG on 29 Palms Highway & no need to wreck the fragile ecosystem & economy of Joshua Tree. Please Be our Hero and stand up for JOSHUA TREE - Not these tyrants from Tennessee.

Many thanks,

Georganne Deen

PO BOX 1296 JOSHUA TREE, CA. 92252



CC: James Ramos

COUNTY RESPONSE:

The Commenter is objecting to the Project on its merits. The Planning Commission will consider the merits of the Project. No environmental response is required.

Comments from Dr. Karen Tracy

FISCAL ADMIN
2012 DEC -7 AM 8:43
Dr. Karen Tracy
62350 Cummins Way
Joshua Tree, CA. 92252
760-401-0809
oktracy@mac.com

December 5, 2012

San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Av., First Floor
San Bernardino, CA 92415-0182

Dear Mr. Perea,

Joshua Tree Village is an iconic gateway community at the entrance to one of our nation's most glorious desert National Parks. In 2007 our treasured community worked together to craft a defining document, The Joshua Tree Community Plan. "The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for 'Joshua Retail Store'" does not promote local economic growth as outlined in that document. Changing the name of the project does not change the intent of a large corporate interest to practice its predatory retail practices here. This is unacceptable; we care about the character of Joshua Tree and the trajectory of our local and sustainable economy.

Further, failure of Dynamic Corp. to inform local landowners as well as failure to post announcements and copies at the County building are lapses that have not gone unnoticed, legally speaking.

Deny this permit.

Sincerely yours,



Dr. Karen Tracy

cc: James Ramos, 3rd District Supervisor

COUNTY RESPONSE:

Please see Master Responses No. 2, No. 3, and No. 4.

Comments from Jill Giegerich

San Bernardino County
Land Use Services Dept., Current Planning Division
Ernest Perea, Contract Planner
385 North Arrowhead Av., First Floor
San Bernardino, CA 92415-0182

12/5/12

FISCAL ADMIN
2012 DEC -7 PM 1:42

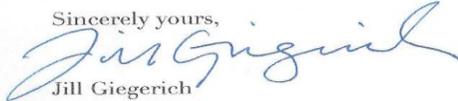
Dear Mr. Perea,

Joshua Tree Village is an iconic gateway community at the entrance to one of our nation's most glorious desert National Parks. In 2007 our treasured community worked together to craft a defining document, The Joshua Tree Community Plan. "The Recirculated Initial Study and Notice of Intent to Adopt a Mitigated Negative Declaration for 'Joshua Retail Store'" does not promote local economic growth as outlined in that document. Changing the name of the project does not change the intent of a large corporate interest to practice its predatory retail practices here. This is unacceptable; we care about the character of Joshua Tree and the trajectory of our local and sustainable economy.

Further, failure of Dynamic Corp. to inform local landowners as well as failure to post announcements and copies at the County building are lapses that have not gone unnoticed, legally speaking.

Deny this permit.

Sincerely yours,



Jill Giegerich

3170 Desert Shadow Road

Joshua Tree, CA. 92252

Cc: James Ramos, 3rd District Supervisor

COUNTY RESPONSE:

Please see Master Responses No. 2, No. 3, and No. 4.

Comments from Jean McLaughlin

Project # P201100357/cup

Ernest Perea, Contract Planner
385 N. Arrowhead Ave., 1st Floor
San Bernardino, CA 92415-0182

FISCAL ADMIN
2012 DEC 14 PM 1:31
Dec 11, 2012

Re: Joshua Tree Retail Store

Dear Mr. Perea,

Regarding the proposed "Joshua Tree Retail Store" (AKA Dollar General) I urge that this permit be denied. I very strongly object to this project.

This business has no place in Joshua Tree, a gateway community to a much-treasured National Park.

The project stands against and in disregard of the tenets of our Joshua Tree Community Plan. Neither does it uphold some of the guidelines of the San Bernardino County Plan, for example with regard to the vision and mission statements. Dollar General/J.T. Retail Store will not promote the best industry for this area. Tax revenue generated by it and the few underpaid employees would not compensate for nor outweigh the damage caused to our sustainable local businesses, to our air quality, strain on our infrastructure such as traffic and patrol, the extra lighting, more cheap imported junk and trash littering the surrounding areas along with the crime in our neighborhoods that surrounds this type of business.

How can an intent to "Adopt a Mitigated Negative Declaration" for this project even be considered? There is no way to mitigate the negative effects, short term nor long term, a Dollar General/Joshua Tree Retail Store will have on our community.

Please respect and uphold the intent of our Joshua Tree Community Plan and the wishes of an unequivocal majority of our residents by not allowing this project.

Sincerely,
Jean McLaughlin, Joshua Tree

COUNTY RESPONSE:

Please see Master Responses No. 2, No. 4, No. 5, No. 6, No. 7, No. 8, and No. 9.

Although the Project does not exceed Mojave Desert Air Quality Management District thresholds, the Project proponent is required to comply with all applicable rules and regulations as the Mojave Desert Air Basin is in non-attainment status for ozone and suspended particulates (PM₁₀ and PM_{2.5} (State)). To limit dust production, the Project proponent must comply with Rules 402 nuisance and 403 fugitive dust, which require the implementation of Best Available Control Measures for each fugitive dust source. This would include, but not be limited to the following Best Available Control Measures:

1. The Project proponent shall ensure that any portion of the site to be graded shall be pre-watered prior to the onset of grading activities.
 - I. The Project proponent shall ensure that watering of the site or other soil stabilization method shall be employed on an on-going basis after the initiation of any grading. Portions of the site that are actively being graded shall be watered to ensure that a crust is formed on the ground surface, and shall be watered at the end of each workday.
 - II. The Project proponent shall ensure that all disturbed areas are treated to prevent erosion.
 - III. The Project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

Exhaust emissions from vehicles and equipment and fugitive dust generated by equipment traveling over exposed surfaces, would increase NO_x and PM₁₀ levels in the area. Although the Project would not exceed Mojave Desert Air Quality Management District thresholds during operations, the Project proponent would be required to implement the following requirements:

2. All equipment used for grading and construction must be tuned and maintained to the manufacturer's specification to maximize efficient burning of vehicle fuel.
3. The operator shall maintain and effectively utilize and schedule on-site equipment and on-site and off-site haul trucks in order to minimize exhaust emissions from truck idling.
4. The operator shall comply with all existing and future California Air Resources Board and Mojave Desert Air Quality Management District regulations related to diesel-fueled trucks, which may include among others: (1) meeting more stringent emission standards; (2) retrofitting existing engines with particulate traps; (3) use of low sulfur fuel; and (4) use of alternative fuels or equipment. Mojave Desert Air Quality Management District rules for diesel emissions from equipment and trucks are embedded in the compliance for all diesel fueled engines, trucks, and equipment with the statewide California Air Resources Board Diesel Reduction Plan. These measures will be implemented by the California Air Resources Board in phases with new rules imposed on existing and new diesel-fueled engines.

Compliance with Rules 402 and 403 are mandatory requirements and thus not considered mitigation measures. (Reference Initial Study Pages 29-30)

ATTACHMENT 1

Materials in Support of the Comments Made by Kerri Tuttle

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