LAND USE SERVICES DEPARTMENT

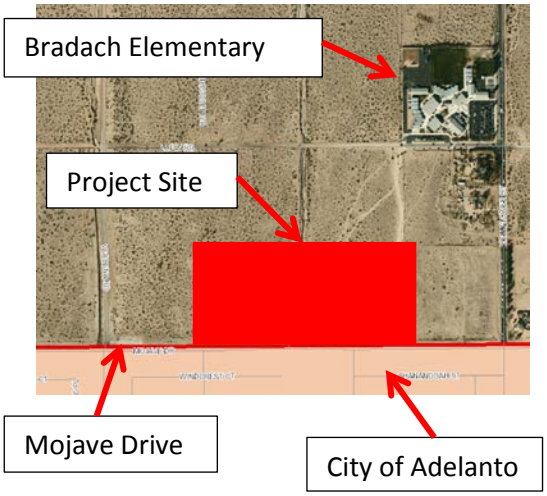
PLANNING COMMISSION STAFF REPORT

HEARING DATE: January 22, 2014 **AGENDA ITEM # 5**

Project Description

APN:	**3128-481-10 AND 11**
Applicant:	Lilac and Wellspring Development, LLC
Community:	Adelanto/1st Supervisorial District
Location:	North side of Mojave Drive, approximately 640 feet westerly of Bellflower Street
Project No:	P201000117
Staff:	Jim Morrissey, Contract Planner
Applicant Rep:	Tom Steeno, Steeno Design Studio
Proposal:	A) General Plan Land Use District Zoning Map Amendment from RL (Rural Living) to CG (General Commercial) on approx. 20 acres; B) Tentative Parcel Map 19261 to create 12 commercial parcels; C) Conditional Use Permit to establish 142,928 sq. ft. of speculative office/retail/restraint and; D) A variance to the street landscape setback

Vicinity Map



54 Hearing Notices Sent On: January 8, 2015 Report Prepared By: Jim Morrissey

SITE INFORMATION

Parcel Size: 806,681 square feet (20 acres)

Site Characteristics: Relatively flat unimproved property that contains typical vegetation with undisturbed creosote bush, saltbush, and cottonthorn. Project site adjoins Mojave Drive, a partially improved roadway. Donald F. Bradach Elementary School is located approximately 700 feet northeast of the project site.

SURROUNDING LAND DESCRIPTION:

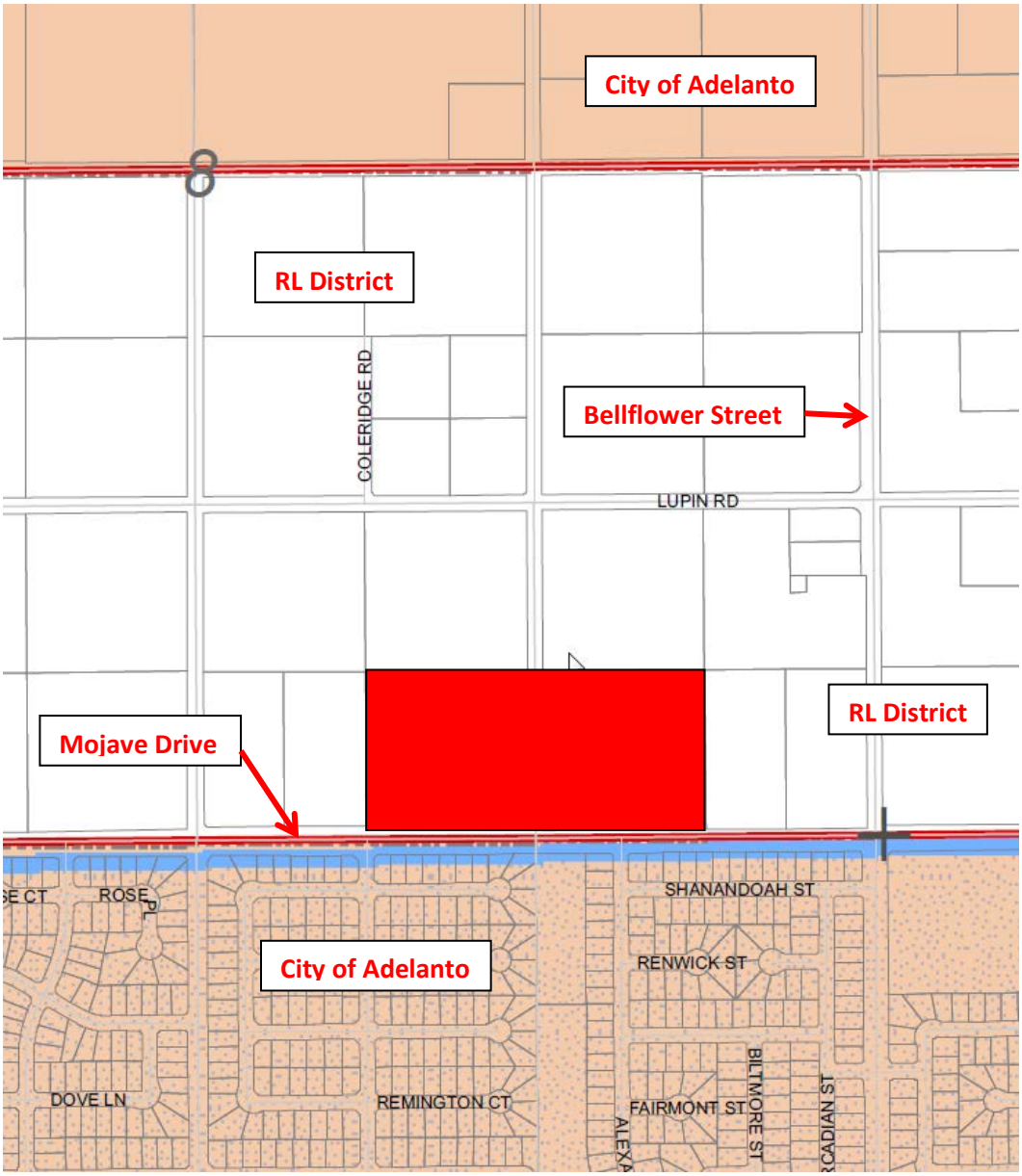
AREA	EXISTING LAND USE	LAND USE ZONING DISTRICT
Site	Vacant, unimproved	RL (Rural Living)
North	Vacant, unimproved	RL (Rural Living)
South	Single Family Residential	City of Adelanto General Plan/Zoning: Single Family Residential
East	Vacant, unimproved	RL (Rural Living)
West	Vacant, unimproved	RL (Rural Living)

	AGENCY	COMMENT
City Sphere of Influence:	City of Adelanto	Supports subject to annexation
Water Service:	City of Adelanto	Will Serve
Sewer Service:	City of Adelanto	Will Serve

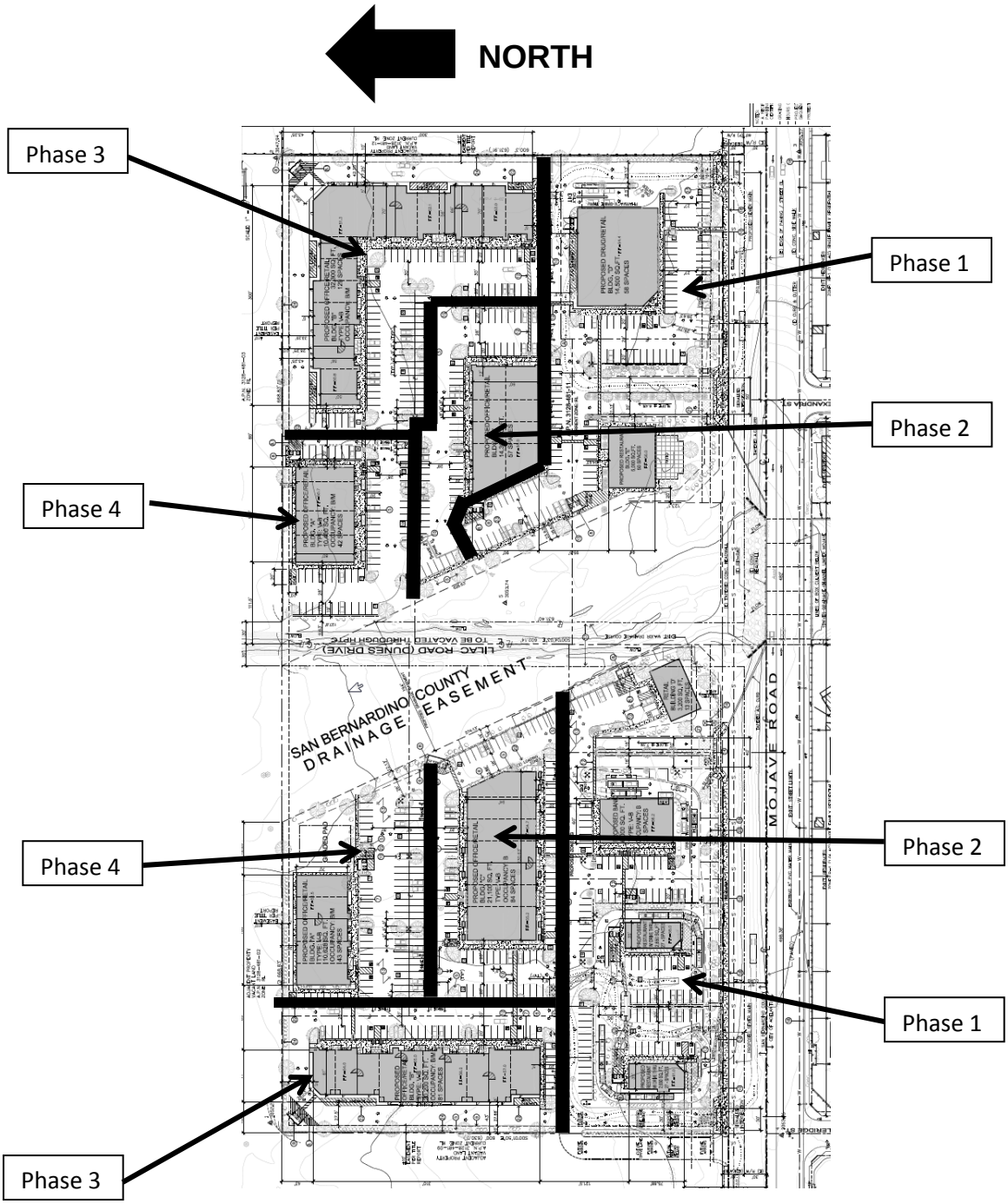
STAFF RECOMMENDATION: That the Planning Commission make the following recommendations to the Board of Supervisors: ADOPT a Mitigated Negative Declaration, ADOPT the proposed Findings, APPROVE the General Plan District Amendment and Zoning Map Amendment, Tentative Parcel Map, Conditional Use Permit, and Variance subject to the attached Conditions of Approval and incorporated Mitigation Measures, and FILE the Notice of Determination.

VICINITY MAP

OFFICIAL LAND USE DISTRICT MAP
Zoning Designation



PLOT PLAN
Lilac and Wellspring Development Plan Phasing.
Each Half Is Phased Separately.



SITE PHOTOS
LILAC & WELLSPRINGS DEVELOPMENT BUILDING SITE

1. Looking westerly on Mojave Drive from the drainage course at the center of project site.

2. Looking northwesterly over the project site along the drainage channel from Mojave Drive bridge near center of site.

3. Looking northeasterly over the project site along the drainage channel from Mojave Drive bridge near center of site.

4. Looking east on Mojave Drive from the drainage course at the center of the project site.

5. Looking generally north from Mojave Drive along existing drainage channel.

6. Looking toward Bellflower Street from the center of the project site on Mojave Drive.

PROJECT DESCRIPTION AND BACKGROUND:

Project: The subject project is a 142,928 square foot shopping center (Project) on approximately 20 acres that has a number of related applications, including:

- General Plan Land Use District and Zoning Map Amendment: The existing Land Use District is RL (Rural Living) and is proposed to change to CG (General Commercial) to provide for the proposed shopping center.
- Conditional Use Permit (CUP): A CUP to provide for several shopping centers, totaling 142,928 square feet.
- Tentative Parcel Map No. 19261: A tentative parcel map to subdivide and reconfigure the existing two (2) parcels to create 12 new parcels.
- Variance: A variance is necessary to provide for a reduced landscape setback along Mojave Drive from 25 feet to 15 feet.

Location and Access: The Project site is located on the north side of Mojave Drive, immediately north of the City of Adelanto city limits. Access to the Project site will be provided by two (2) driveways on each side of the drainage course/easement that separates the easterly and westerly portions of the development area. A traffic signal will be provided at the primary entrance/exit and a non-signalized right in/right out driveway for each portion of the Project. The primary signalized entrances are designed with raised medians. The easterly primary entrance provides separate 20 foot driveway entrance and exit. The westerly primary entrance provides a combined 30 foot driveway that can be expanded upon the development of the adjoining property. Each additional right-turn in/out could be required to provide a “pork chop” type design or a raised median along Mojave Drive.

Environmental Setting: The Project site is relatively flat with a drainage course traversing through the center of the Project site. The on-site drainage course is an extension of an earthen channel design located to the south. Single family detached residential development exists along the south side of Mojave Drive within the City of Adelanto and vacant land surrounds the balance of the Project site. Creosote bush is the predominate vegetation on the Project site. Site topography generally ranges between approximately 3,050 and 3,060 feet above mean sea level, as the site slopes downward to the north. Mojave Drive is primarily a two (2) lane paved roadway along the Project site’s southerly border.

An Initial Study/Proposed Mitigated Negative Declaration was distributed for review in December 2013 to the State Clearinghouse. Subsequent to the completion of the environmental review period, the proposed Project was reviewed by the County's Development Review Committee (DRC) on March 5, 2014. Based upon that meeting, changes were undertaken to the Project design, Project size, and an update to the previously prepared *Water and Sewer Feasibility Study* was completed by the City of Adelanto. The City of Adelanto would be the responsible agency for providing water and sewer services to the Project, although the site is within the unincorporated area. As part of the Project development, annexation to the City's service area would be required. The Local Agency Formation Commission (LAFCO) requested an updated water and sewer study and a modification to the Initial Study referencing LAFCO as a responsible agency under the California Environmental Quality Act (CEQA) at the DRC Meeting. The updated report has been incorporated into the revised Initial Study and Recirculated for review. Both the Lilac & Wellspring and Dukomo projects were updated and advertised at the same time.

ANALYSIS:

The proposed Project is located within an undeveloped area adjacent to Mojave Drive, utilized primarily as a two (2) lane roadway with separate turning lanes. The site is separated by a drainage course that is part of Channel #2 traversing through the City of Adelanto draining from the south to the north. Mojave Drive is elevated at the intersection of the drainage course and the roadway with a bridge. The Project site is within the City of Adelanto Sphere of Influence.

The proposed Project involves the following requests:

- Land Use District and Zoning Change from RL-10 to CG (General Commercial).
- Tentative Parcel Map to subdivide the property into 12 separate parcels with an overlaying drainage easement.
- CUP to provide for the establishment of two separate commercial shopping centers separated by a drainage easement.
- Variance to reduce the landscape setback along roadways from 25 feet to 15 feet.

Consistency with General Plan and Zoning Regulations:

The proposed Project is within the Sphere of Influence of the City of Adelanto. A copy of the City's General Plan Land Use and Zoning Map is provided on the following pages. The description of the General Commercial (CG) Land Use Zoning District states the following:

Purpose

Provide appropriately located areas for stores, offices, service establishments, and amusements offering a wide range of commodities and services scaled to meet neighborhood and community needs.

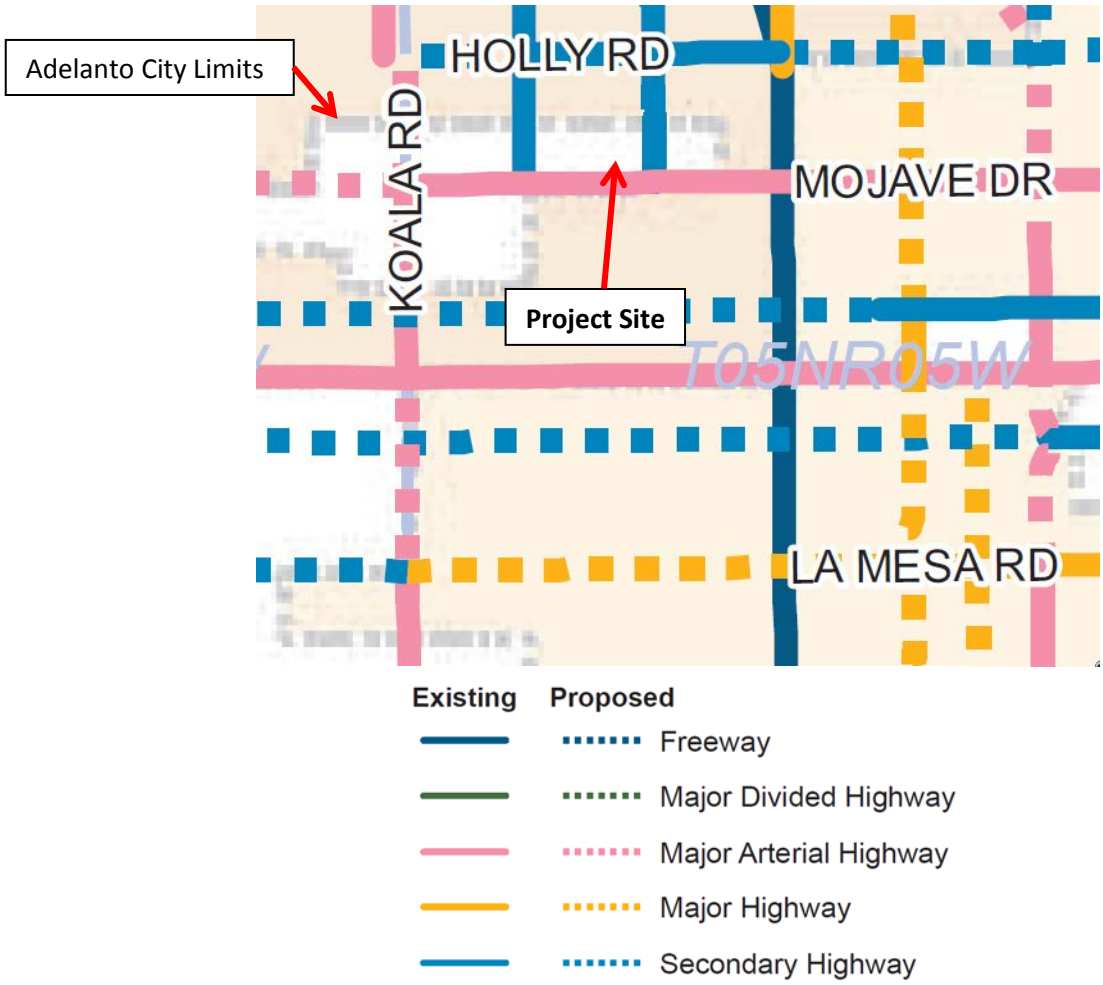
Locational Criteria

- Concentrated retail business and service areas that supply daily community commercial needs.
- Areas of retail commercial uses in central business districts providing local and regional trade services.
- Areas adjacent to a major arterial street, highway, or freeway or at the intersection of two major arterial streets.

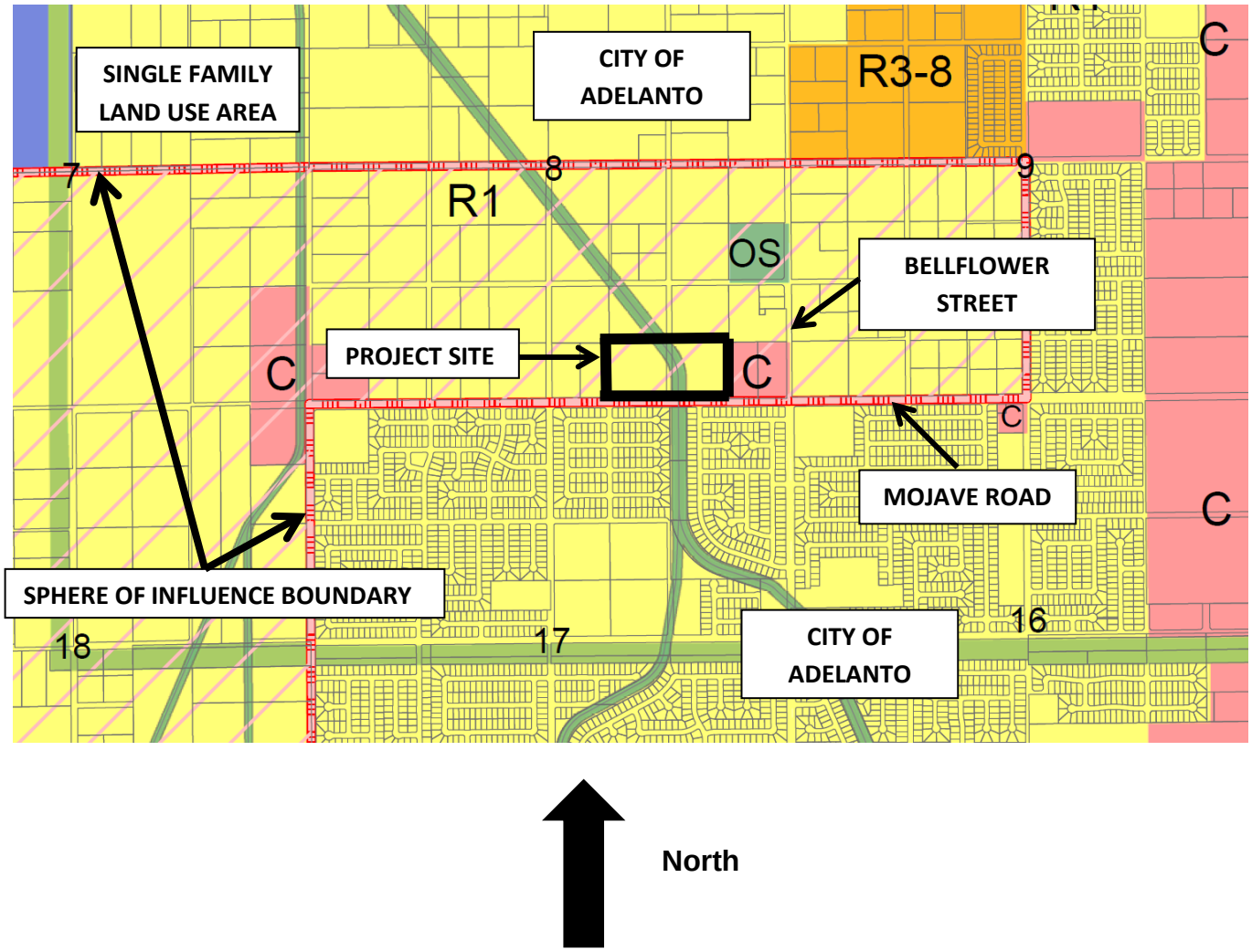
Goal D/LU 3 and Policies D/LU 3.1 and 3.2 of the Desert Region Goals and Policies of the Land Use Element are applicable to the proposed Project and state as follows;

Goal D/LU 3: Ensure that commercial and industrial development within the region is compatible with the rural desert character and meets the needs of local residents.
Policy D/LU 3.1: The County shall develop standards for commercial development within the region to best reflect the character of the region. Standards may include, but not be limited to signage, screening, pedestrian access, parking, and buffering between adjacent land uses.
Policy D/LU 3.2: Avoid strip commercial development along major roadways within the region that would detract from the rural character by encouraging the development or expansion of commercial uses within core areas. Commercial uses shall be compatible with adjacent land uses and respect the existing positive characteristics of the region and its natural environment.

COUNTY CIRCULATION MAP



CITY OF ADELANTO GENERAL PLAN AND ZONING MAP



A comparison of the County Land Use District and City of Adelanto General Plan Land Use District is provided below.

	County Land Use District	Adelanto Land Use District
Project Site	RL	R-1 Single Family Residential
North	RL	R-1 Single Family Residential
South	N/A	R-1 Single Family Residential
East	RL	C (General Commercial)
West	RL	R-1 Single Family Residential

The Project site is adjacent to a Major Arterial Highway and less than ¼ mile from a Secondary Highway and across the street from existing single family development. The Project is not a strip center due to its depth and the variety of uses proposed.

City of Adelanto Comments

A letter from Mr. D. James Hart, Ph. D., Adelanto City Manager, dated September 12, 2012, stated that the city would support the Project and serve required utilities subject to approval of a pre-annexation agreement.

Conditions of approval have been included requiring annexation to the City prior to the issuance of the first building permit. These conditions also reflect CEQA mitigation measures to ensure adequate water and sewer services are provided to the Project.

The proposed Project is considered consistent with the County General Plan and City of Adelanto pre-zoning subject to entering a pre-annexation agreement.

Conditional Use Permit:

General Use Characteristics

The proposed Project provides for a variety of uses in two (2) separate development areas, with 12 separate buildings on individual parcels, including several drive through restaurants, a sit-down restaurant, retail, banking, and office buildings. The Project is intended to be phased as displayed on the Plot Plan included with this report. Each section of the Project is to be built incrementally and independently of the other. The site plan utilizes the term “phase” for each development area and is labeled as such.

Public Improvement Characteristics

Access to the site will be provided from Mojave Drive and internal improvements will be phased concurrently with building construction to ensure adequate public road, drainage improvements, and fire access. Each portion of the Project (separated by the drainage easement) will be developed separately and, as such, has separate phasing patterns. Mojave Drive will be widened to its full design width. Each portion of the Project will have two (2) access drives into and out of the site.

In general terms the Project phases proceed from Mojave Drive northward. The drainage easement separating each development area will remain unimproved, with the perimeter portions shaped/configured by the on-site grading for the shopping areas.

Internal Design Characteristics/Features

The General Commercial (CG) District requires 25 foot building setbacks along the front street. All building setbacks meet Code requirements. Setback areas are also required to be landscaped (Section 83.10.060 (a)(1)). As such, the required perimeter landscape width is 25 feet. In this instance the Project has proposed a 15 foot wide landscape setback along all Project perimeter streets. The applicant has requested a variance from this County standard to permit the change in setback. The effect of reducing the landscape setback is that some parking spaces in the easterly portion of the site adjacent to the landscape areas will be placed within the 25 foot setback area. In the westerly portion a restaurant drive-thru driveway is within the 25 foot setback. The Development Code prohibits parking within the front yard setback (Section 83.11.030 (a)). Staff

believes the variance for a reduction in landscape width within the front yard also incorporates the placement of parking drive-thru driveway within the front yard, since it is directly related to the type of uses found within a shopping center.

Table 1: Lilac Building Parameters

Building Area	Retail and Office uses	142,928 sq. ft.	
Parking Required	Retail and Office/Retail: 132,628	1/250 s.f.	530 Stalls
	Sit Down/Fast Food Restaurant: 10,300	1/100 s.f.	103
	Disabled Parking	Variable	
	Total Required Parking		***633***
Parking Provided	Standard Spaces		639
	Disabled Parking		30
	Parking Provided		***669***
Landscaping	Required 20 %	Provided: 68,882 s.f.,20.4 % (westerly) 67,280 s.f., 20.1% (easterly)	
Building Setbacks		Required	Provided
	Front	25’	45’
	Side Yards	25’	43’ & 42’+
	Rear	10	19’
Building Height	35 Feet	35 Feet Maximum Allowed	
Floor Area Ratio	Maximum FAR .5	Project FAR .18	

The Project has proposed internal driveway widths that exceed the minimum widths of 24 feet for 90 degree parking spaces, in a number of instances a width of 26 feet or more has been provided. Proposed Findings are attached to this Staff Report (Exhibit A) with Conditions of Approval (Exhibit B).

Tentative Parcel Map 19261:

The applicant has filed a tentative parcel map with 12 parcels in which each proposed building will be on a separate parcel. The proposed parcel lines are generally located within the driveway and parking area. The minimum lot size in the CG District is five (5) acres, but may be less if filed concurrently with a CUP. A reciprocal access agreement has been required as part of the tentative parcel map conditions to permit unrestricted movement between parcels for pedestrians and vehicles.

A proposed drainage easement separates the two planned development areas. The drainage easement is an extension of an existing improved earthen channel that exists south of Mojave Drive and traverses through an existing residential development further to the south in the City of Adelanto. The City of Adelanto Hydrograph/Master Plan Channels Map identifies this drainage course as Channel #2. Since the channel is an easement it will not be improved, but rather shaped in its design by the grading planned for each commercial development to the east and west. The easement will overlay six (6) proposed parcels that border the drainage course. As such, the parcel boundaries proposed do not reflect the existence of the easement, but the combination of the recorded easement and CUP design provide for its shape and function.

Variance:

As noted above in the CUP discussion, a variance has been requested to permit a reduction in the required front yard perimeter landscaping. The Planning Commission has previously approved reductions in perimeter landscaping for projects in the Desert region due to the climate, and unique circumstances related to reduced water use requirements.

Environmental Evaluation:

The proposed Project has included the preparation of several Initial Studies that included a distribution in December 2013 and December 2014, with the following technical studies that included an updated version of the Water and Sewer Feasibility Study in the most recent distribution:

- Traffic Impact Analysis, Hall & Foreman, Inc., dated October 1, 2012.
- RCA Associates, LLC: *Focused Desert Tortoise Survey* dated September 6, 2013.
- RCA Associates, LLC: *Habitat Assessment for Mojave Ground Squirrel* dated September 6, 2013
- *City of Adelanto Water and Sewer Feasibility Study*, dated June 25, 2014.

The original distribution of the Initial Study included a *Water and Sewer Feasibility Study* prepared in 2010. At the March 2014 Development Review Committee Meeting representatives of the Local Agency Formation Commission (LAFCO) indicated the water and sewer study were outdated and needed to be updated. In addition, LAFCO indicated they needed to be listed as a Responsible Agency, under the California Environmental Quality Act (CEQA), since they are responsible for approving the "out-of-agency" service agreement to allow the City of Adelanto to provide water and service to the Project site and would need to evaluate the approve the agreement. The applicant contracted with the City to update the study and the Initial Study was revised to reflect LAFCO as a Responsible Agency and incorporate the new study. The 30-day public review period concluded on January 5, 2015. A letter has been received from Lahontan Regional Water Quality Control Board and is attached.

Environmental Issues:

Traffic Impacts

The proposed Project will require the following improvements and fair-share costs:

- Design and construct the intersection of Mojave Drive at Coleridge Street (Project entrance) at the westerly boundary of the Project site with the following improvements:
  - ✓ Traffic signal.
  - ✓ Modifications to provide one left turn lane and a shared through/right turn lane in all directions.
- Design and construct the intersection of Mojave Drive and Alexandra Street (Project entrance just easterly of the drainage easement) with the following:
  - ✓ Traffic signal.
  - ✓ Left turn lane and a shared through lane/right turn lane in the eastbound, westbound, and southbound directions.
  - ✓ A single all direction lane in the northbound direction for existing Alexandria Street.

- Design and construct the intersection of Mojave Drive and Verbena Road, based upon a fair share percentage of 30.3%, 15.15% (estimated to be $183,145.00) of which is due to the County, with the following improvements:
  - ✓ Traffic signal.
  - ✓ An exclusive left turn lane, one through lane, and an exclusive right turn lane in the northbound direction.
  - ✓ An exclusive left turn lane and a shared through/right turn lane for the southbound direction.
  - ✓ An exclusive left turn lane, two through lanes and an exclusive right turn lane for the eastbound direction.
  - ✓ An exclusive left turn lane, a through lane and a shared through/right turn lane for the westbound direction.
- The two non-signalized Project driveways along Mojave Drive shall be constructed so that they are restricted to right in/right out movements only. This restriction may require a raised "pork chop" or a raised median along Mojave Drive.

The Traffic improvements listed above are required prior to occupancy of first building constructed, and mitigate any potential impacts to a less than significant level.

Desert Tortoise and Mojave Ground Squirrel Assessments

Studies were undertaken to determine the potential for Mojave Ground Squirrel and Desert Tortoise to exist on the subject property. In 2010 a study was undertaken to determine the potential for the Mojave Ground Squirrel. A subsequent study was prepared in 2013 to update the previous study due to the length of time that had transpired since its completion. A Focused Survey Desert Tortoise Survey was also conducted in 2013. Both reports found the site suitable for each habitat. However, no tortoise sign were observed and population levels for each species are very low in the area/region and no species were documented in adjacent habitat areas. Pre-construction surveys for each specie have been recommended, including burrowing owl.

Water and Sewer Service

Water and sewer service will be provided by the City of Adelanto. The June 25, 2014 report indicated the applicant will be responsible for the installation of improvements and the payment of fees, including:

- Construction of an 8-inch water distribution pipeline along Mojave Drive from approximately the extension of Alexandra Street to the easterly Project boundary.
- Construction of two (2) 8-inch collector sewer pipelines in Mojave Drive extending westerly and easterly to connect with existing sewer lines at the westerly edge of the Project boundary and Bellflower Street, respectively.
- Payment of water and sewer connection fees estimated to be $223,155 and $82,483, respectively.

SUMMARY:

The proposed land use change and development is consistent with the General Plan and County Development Code, with the exception of perimeter landscaping for which a variance has been requested. The applicable General Plan goal and policies include locational criteria along a Major Arterial Highways and avoiding a strip center design, which have been met. The subdivision design is compatible with development criteria and consistent with the design of the proposed CUP. The CUP provides for the establishment of a shopping center with a variety of retail and office

uses, including drive-through and site-down restaurants and adequate parking and access for each use, and adequate overall site landscaping.

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

A. ADOPT a Mitigated Negative Declaration and find that the Draft Initial Study has been completed in compliance with CEQA, that is has been reviewed and considered prior to the Project and that the Draft Initial Study/Mitigated Negative Declaration reflects the independent judgment of San Bernardino County;

B. APPROVE the following applications:

1. General Plan Land Use District and Zoning Map Amendment from RL (Rural Living) to CG (General Commercial) on an approximately 20 acre site;
2. Tentative Parcel Map No. 19261 to create 12 commercial parcels and a drainage easement on an approximately 20 acre site;
3. Conditional Use Permit to establish 142,928 sq. ft. of speculative office/retail/restaurant uses on an approximately 20 acre site, and;
4. A variance to the street landscape setback.

C. ADOPT the proposed Findings for approval of the following applications:

1. Tentative Parcel Map No. 19261 per Development Code Section 87.020.60;
2. Conditional Use Permit per Development Code Section 85.06.040; and
3. Variance per Development Code Section 85.17.060.

D. FILE a Notice of Determination.

ATTACHMENTS:

Exhibit A: Findings
Exhibit B: Conditions of Approval
Exhibit C: Draft Initial Study/Mitigated Negative Declaration
Exhibit D: Project Notice Comment Letter
Exhibit E: CEQA Comment Letter and Response to this Comment

EXHIBIT A
FINDINGS

FINDINGS: GENERAL PLAN AMENDMENT

A General Plan Amendment for approximately 20 acres from RL (Rural Living) to CG (General Commercial to accommodate the construction of several shopping centers, totaling 142,928 square feet (Project) on approximately 20 acres.

1. The proposed amendment is internally consistent with all other provisions of the respective plan, the General Plan or applicable specific plan, because it is consistent with the following goal and policies of the County General Plan:

   Goal D/LU 3 – Ensure commercial development is compatible with the rural desert character and needs of local residents.
   Goal Implementation: The proposed Amendment will allow neighborhood commercial uses adjacent to existing residential development.

   Policy D/LU 3.1 – Develop standards for commercial development within the region that best reflect the regional character.
   Policy Implementation: The proposed Project is designed to meet Desert development criteria, including placement of commercial land uses along a Major Arterial Highway, and development criteria, such as setbacks and area landscaping, with the exception of front yard setback landscaping.

   Policy D/LU 3.2 – Avoid strip commercial development along major roadways.
   Policy Implementation: The depth and size of the site provides for a wide variety of uses and business sizes and avoids a “strip center” configuration.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County, because the proposed Project includes concurrent development applications and appropriate mitigation measures and conditions of approval for each application that are designed to protect the public health and safety and respond to potential environmental concerns, such as annexation to the City of Adelanto Public Utility Agency for public water and sewer service.

3. The proposed land use zoning district change is in the public interest, there will be a community benefit, and other existing and allowed uses will not be compromised, because the proposed amendment will be located in an area adjacent to existing and future residential development.

4. The proposed land use zoning district change will provide a reasonable and logical extension of the existing land use pattern in the surrounding area, because the proposed amendment will place commercial development on a major roadway that is accessible to area residents and within an area planned for significant residential development.

5. The proposed land use zoning district change does not conflict with provisions of this Development Code, with the exception of front yard landscape setback, because the site conforms to the size, design, and location criteria specified for the Desert region

and will be compatible with other commercial development approved by the County, utilizing a variance to reduce front yard landscaping.

6. The proposed land use zoning district change will not have a substantial adverse effect on surrounding property, because the building setbacks provided, street improvements proposed, and recommended conditions of approval will ensure compatibility with adopted County development standards and environmental criteria identified through the completion of an Initial Study and associated technical studies.

7. The affected site is physically suitable in terms of design, location, shape, size operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal, etc.), to ensure that the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located, because the site is conditioned to receive water and sewer service from the City of Adelanto Public Utility Agency. Fire and police protection will be provided by the County Fire and Sheriff's Department. Solid waste will be collected by the local waste hauler and adequate landfill capacity exists within the Victorville and Barstow Sanitary Landfills to meet projected future demand. The site has been designed to provide an alignment for Channel #2, as depicted on the City of Adelanto Hydrograph/Master Plan Channels Map, to allow continued stormwater flows through the site in an open easement and drainage within the improved area has been evaluated and determined to be less than significant.

8. The Environmental Initial Study has been prepared in compliance with the California Environmental Quality Act (CEQA) and represents the independent judgment of the County acting as lead agency for the Project. The Project will not have a significant adverse impact on the environment with the implementation of all the required conditions of approval and mitigation measures.

FINDINGS: TENTATIVE PARCEL MAP 19261

Tentative Parcel Map for the subdivision of approximately 20 acres into 12 parcels for commercial purposes, specifically, to accommodate the construction of several shopping centers, totaling 142,928 square feet (Project) on approximately 20 acres.

1. The proposed map, subdivision design, and improvements are consistent with the General Plan, any applicable community plan, and any applicable specific plan, because the subdivision, in conjunction with a proposed General Plan Amendment from RL (Rural Living) to CG (General Commercial) and a Conditional Use Permit for the development of a commercial shopping center, will provide a land use district in which the lot sizes and design features are appropriate for such a development and consistent with both the County's CG (General Commercial) Land Use District and Development Code.

2. The site is physically suitable for the type and proposed building density of development, because the land is relatively flat and provides for the location of a drainage easement between the two (2) development sites to prevent on-site flooding, adequate public services can be provided to the Project site from existing facilities and services, including water and sewer services upon annexation to the City of Adelanto Public Utility Authority, and traffic improvements and fees identified in the *Traffic Impact Analysis* are to be paid to ensure adequate vehicle access is available to the Project site.

3. The design of the subdivision and the proposed improvements are not likely to cause substantial environmental damage or substantially and unavoidably injure fish or wildlife or their habitat, because Mojave Drive is already partially improved and no biological resources have been identified based upon the completion of *Desert Tortoise Survey* and a *Habitat Assessment for Mojave Ground Squirrel*.

4. The design of the subdivision or type of improvements is not likely to cause serious public health or safety problems, because the site location, the subdivision design, and the development intensity proposed are such that hazards from flood, fire, noise, and other potential public health hazards are deemed minimal with the implementation of the proposed conditions of approval and mitigation measures.

5. The design of the subdivision or type of improvements will not conflict with easements acquired by the public at large for access through or use of, property within the proposed subdivision, because the conditions of approval shall prohibit interference with public right of easements and a statement of concurrence from utility companies whose easements may be affected by the proposed development.

6. The discharge of sewage from the proposed subdivision into the community sewer system will not result in violation of existing requirements prescribed by the California Regional Water Control Board, because wastewater from the proposed Project will be provided by the City of Adelanto through connection to the City's sanitary sewer system.

7. The design of the subdivision provides to the extent feasible, passive or natural heating and cooling opportunities, because the proposed map will conform to the Official Land Use District development standards, which provide adequate building setback and separation criteria that allow adequate opportunity for the use of solar technology, the use of which is encouraged by design considerations listed on the Composite Development Plan.

8. The proposed subdivision, its design, density and type of development and improvements conforms to the regulations of the Development Code and the regulations of any public agency having jurisdiction by law, because the size and shape of the lots conform to the standard regulations set forth in the Development Code and the appropriate agencies (including Land Use Services, County Fire, and Public Works) have reviewed the proposed Project design and the proposed conditions and mitigation measures.

9. There is no substantial evidence that the Project will have a significant effect on the environment, because an initial study has been completed, which included the preparation of a *Desert Tortoise Survey, Habitat Assessment for Mojave Ground Squirrel, Traffic Impact Analysis*, and *Sewer and Water Feasibility Study Update*, and a Mitigated Negative Declaration recommended for the proposed Project based staff's independent evaluation and judgment that the Project will not have a significant adverse impact on the environment with the implementation of all the conditions of approval and environmental mitigation measures.

FINDINGS: CONDITIONAL USE PERMIT

Conditional Use Permit for the construction of a 142,928 square foot commercial shopping center (Project) on approximately 20 acres.

1. The site for the proposed use is adequate in terms of shape and size to accommodate the proposed use and all landscaping, loading areas, open spaces, parking areas, setbacks, walls and fences, yards, and other features pertaining to the application, because the proposed Project site is of adequate size and area to accommodate the proposed commercial facility and meet all development standards of the CG (General Commercial) District, with the exception of the landscape setback adjacent to Mojave Drive. The proposed use has provided additional parking spaces beyond those required to provide for subsequent changes in tenant occupancy.

2. The site for the proposed use has adequate access, which means that the site design incorporates appropriate street and highway characteristics to serve the proposed use, because the Project will provide additional street improvement to Mojave Drive to ensure that adequate site access and improvements exist adjacent to the Project site.

3. The proposed use will not have a substantial adverse effect on abutting property or the allowed use of the abutting property, which means that the use will not generate excessive noise, traffic, vibration, or other disturbance, because the Project has been designed to meet required building setbacks, has been evaluated through the completion of an Initial Study that did not identify potentially significant environmental effects in conjunction with noise, vibration, traffic or other disturbances through the inclusion of appropriate conditions of approval, and the proposed commercial use is compatible with and otherwise appropriate to adjacent existing single family land use districts. In addition, the use will not interfere with the present or future ability to use solar energy systems, because the building height and design will allow for the inclusion of such systems, should they be desired.

4. The proposed use and manner of development are consistent with the goals, maps, policies, and standards of the General Plan and any applicable community or specific plan, because the Project site is located along a Major Arterial Highway and can be served by full urban services and infrastructure facilities, which is consistent

with the Locational Criteria requirements of the General Commercial (CG) Land Use Zoning District in the County General Plan.

5. There is supporting infrastructure, existing or available, consistent with the intensity of the development, to accommodate the proposed development without significantly lowering service levels, because the proposed Project will be provided water and sewer service by the City of Adelanto and will be required to construct road improvements and contribute to the Regional Transportation Mitigation Facilities Fee Plan to provide other needed improvements in the area.

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 potential traffic 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, because the height and design of the buildings will allow for the installation passive solar heating capabilities.

FINDINGS: VARIANCE

A variance to reduce the landscape setback along adjoining perimeter streets from 25 feet to 15 feet for the proposed construction of several shopping centers, totaling 142,928 square feet (Project) on approximately 20 acres.

1. The granting of the Variance will not be materially detrimental to other properties or land uses in the area and will not substantially interfere with the present or future ability to use solar energy systems, because the reduction in the depth of perimeter landscaping along Mojave Drive from 25 feet to 15 feet will not reduce compliance with building setbacks nor increase the proximity of uses to adjoining properties and the site will continue to be separated from existing residential areas by Mojave Drive.

2. There are exceptional or extraordinary circumstances or conditions applicable to the subject property or to the intended use that do not apply to other properties in the same vicinity and land use zoning district, because the site is large and a portion of the landscape area is utilized for restaurant drive-thru driveways and perimeter parking. The extent of landscaping along each frontage would utilize significant land area that is not normally affected when development adjoins the interior side yards of adjacent development, while still maintaining the 20 percent total site landscaping requirement.

3. The strict application of the land use zoning district deprives the subject property of privileges enjoyed by other properties in the vicinity or in the same land use zoning district, because the Project provides total site landscaping consistent with Development Code requirements.

4. The granting of the Variance is compatible with the maps objective policies and program and general land uses specified in the General Plan and any applicable specific plan, because the Project provides substantial Project depth in proportion to its width that avoids a strip center design style that would detract from the rural character of the area as recommended in the General Plan.

EXHIBIT B

Conditions of Approval

CONDITIONS OF APPROVAL

CONDITIONAL USE PERMIT
Lilac and Wellsprings Development, LLC

GENERAL REQUIREMENTS
Conditions of Operation and Procedures

LAND USE SERVICES–Planning (909) 387-8311

1. Project Description. This Conditional Use Permit is approved to construct and operate two (2) adjoining commercial retail shopping center centers, 66,428 square feet and 76,500 square feet, totaling 142,928 square feet on 18.6 acres, in compliance with the San Bernardino County Code (SBCC), California Building Codes (CBC), the California Fire Code (CFC), the following Conditions of Approval, the approved site plan, and all other required and approved reports and displays (e.g. elevations). This approval includes a variance for a reduced landscape setback along Mojave Drive from 25 feet to approximately 15 feet. Parking approved for the project is based upon the above land use description and Conditional Use Permit analysis. The developer shall provide a copy of the approved conditions and the site plan to every current and future Project tenant, lessee, and property owner to facilitate compliance with these Conditions of Approval and continuous use requirements for the Project Site with APN: 3128-481-10 and 11, and Project No: P201000117.

2. Concurrent Actions: Tentative Parcel Map (TPM) 19261 to subdivide 20 acres in to twelve (12) commercial parcels from two (2) existing parcels has also been approved as part of this Project, which includes separate Conditions of Approval.

3. Project Location. The Project site is located on the south side of Mojave Drive, between Bellflower Street and Verbena Road, in the unincorporated area of Adelanto.

4. Revisions. Any proposed change to the approved use/activity on the site; or any increase in the developed area of the site or any expansion or modification to the approved facilities, including changes to structures, building locations, elevations, signs, parking allocation, landscaping, lighting, allowable number of occupants, (clients and/or employees); or a proposed change in the conditions of approval, including operational restrictions from those shown either on the approved site plan and/or in the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted to County Planning for review and approval.

5. Indemnification. In compliance with the SBCC § 81.01.070, the applicant shall agree, to defend, indemnify, and hold harmless the County or its "indemnitees" (herein collectively the County's elected officials, appointed officials (including Planning Commissioners), Zoning Administrator, agents, officers, employees,

volunteers, advisory agencies or committees, appeal boards or legislative body) from any claim, action, or proceeding against the County or its indemnitees to attack, set aside, void, or annul an approval of the County by an indemnitee concerning a map or permit or any other action relating to or arising out of County approval, including the acts, errors or omissions of any person and for any costs or expenses incurred by the indemnitees on account of any claim, except where such indemnification is prohibited by law. In the alternative, the applicant may agree to relinquish such approval.

Any condition of approval imposed in compliance with the County Development Code or County General Plan shall include a requirement that the County acts reasonably to promptly notify the applicant of any claim, action, or proceeding and that the County cooperates fully in the defense. The applicant shall reimburse the County and its indemnitees for all expenses resulting from such actions, including any court costs and attorney fees, which the County or its indemnitees may be required by a court to pay as a result of such action. The County may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of their obligations under this condition to reimburse the County or its indemnitees for all such expenses.

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

6. Continuous Effect/Revocation. All of the conditions of this project are continuously in effect throughout the operative life of the project for the use approved. Failure of the property owner, tenant, applicant, developer or any operator (herein "developer") to comply with any or all of the conditions at any time may result in the County pursuing an enforcement action that may include 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. Expiration. This Conditional Use Permit approval shall expire and become void if it is not "exercised" within three (3) years of the effective date of this approval, unless an Extension of Time is granted. The permit is deemed "exercised" when either:

a) The permittee has commenced actual construction or alteration under a validly issued Building Permit, or
b) The permittee has substantially commenced the approved land use or activity on the project site, for those portions of the project not requiring a Building Permit [SBCC 86.06.060].

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:

a) 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.
b) The land use is determined by the County to be abandoned or non-conforming.
c) The land use is determined to be not operating in compliance with either of these conditions of approval, the County Code, or other applicable laws, ordinances or regulations and the violation is not corrected. In these cases, the land use may be subject to a revocation hearing and possible termination.

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

8. 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 application to request consideration of an extension of time may be filed with the appropriate fees no less than thirty days before the expiration date. Extensions of time may be granted based on a review of the application, which includes a justification of the delay in construction and a plan of action for completion. The granting of such an extension request is a discretionary action that may be subject to additional or revised conditions of approval or site plan modifications. (SBCC §86.06.060)

9. Project Account. The Job Costing System (JCS) account number is P201000117. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works, and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expense charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of $1,000.00 must be in the project account at the time the Condition Compliance Review is initiated. Sufficient funds must remain in the account to cover the charges during each compliance review. All fees required for processing shall be paid in full prior to final inspection, occupancy and operation of the approved use.

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. 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:

a. Grading Permits - a copy of the signed CCRF for grading/land disturbance and two "red" stamped and signed approved copies of the grading plans.
b. 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.
c. Final Inspection - a copy of the signed CCRF for final inspection of each respective building, after an on-site compliance inspection by County Planning.
d. Tenant Occupancy - a copy of the signed CCRF for tenant occupancy of each respective building, after an on-site compliance inspection by County Planning.

12. 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 may include:

a. FEDERAL: None
b. STATE: California Department of Fish and Wildlife (CDFW).
c. COUNTY: Land Use Services-Building and Safety, Planning, and Land Development; County Fire; Environmental Health Services (DEHS), Public Works, Local Agency Formation Commission (Approval of Out-of-Agency Service Agreement), AND;
d. LOCAL: City of Adelanto Public Utility Authority (Water and Sewer).

13. Continuous Maintenance. The project property owner and "developer" 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 and "developer" shall ensure that all facets of the development are regularly Inspected, maintained and that any defects are timely repaired. Among the elements to be maintained, include but are not limited to:

a. Annual maintenance and repair 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.
b. Graffiti and debris shall be removed immediately with weekly maintenance.
c. 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.

d. Erosion control measures shall be maintained to reduce water run-off, siltation, and promote slope stability.

e. Architectural controls shall be enforced by the property owner to maintain compatibility of theme, materials, unfaded colors, building mass, size and height.

f. External Storage, loading, recycling and trash storage areas shall be kept neat and orderly and fully screened from public view with a solid masonry wall not less than six (6) feet in height and sight obscuring gates. The solid walls(s) and gate(s) shall be continually maintained in good repair. Outside storage shall not exceed the height of the screening walls. No outdoor storage is allowed within any required setback.

g. Metal Storage Containers are NOT allowed in loading areas or other areas unless specifically approved by this or subsequent land use approvals.

h. Screening shall be visually attractive. All trash areas, loading areas, mechanical equipment (including roof top) shall be screened from public view.

i. 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 weekly basis. On-site signs shall conform with Chapter 83.13 Sign Regulations and Table 83-28 of the County Development Code. All illuminated signs shall be internally illuminated. Signs on the site shall be of the size and general location as shown on the approved site plan or an approved sign plan.

j. Parking and Circulation Maintenance. On-site parking and 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, and “No Parking” “Carpool” and “Fire Lane” designations.

k. 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.

14. 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.

15. Lighting & Signs. The glare from any on-site luminous source, including on-site lighting shall not exceed one-half (0.5) foot-candle at property line. This does not

include any required streetlights. All illuminated signs shall be internally illuminated. No light shall project onto adjacent roadways in a manner that interferes with on-coming traffic.

16. Signs. Signs are not a part of this approval. Any future freestanding sign proposed must be treated with anti-graffiti coating.

17. Clear Sight Triangle. Adequate visibility for vehicular and pedestrian traffic shall be provided at clear sight triangles at all 90 degree angle intersections of public rights of way and private driveways. 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.

18. Water Conservation. Structures shall incorporate interior and exterior water conservation measures (low-flow plumbing, water efficient landscaping, drip irrigation, minimization of turf areas, etc.) as required by the SBCC.

19. Construction Hours. Construction will be limited to the hours between 7:00 AM and 7:00 PM, Monday through Saturday in accordance with the SBCC standards [§83.01.080(g)(3)]. No construction activities are permitted outside of these hours or on Sundays and Federal holidays.

20. Access. The access point to the facility shall remain unobstructed at all times.

21. *Operational Mitigation Measures. The following actions are to be undertaking during the operation of the project to reduce greenhouse gas emissions (GHG):*

    a) *Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.*
    b) *Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: Participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.*
    c) *Provide Educational Materials. The "developer" shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval.*
    d) *Landscape Equipment. The "developer' shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of*

the landscape maintenance equipment shall be electric-powered. [Mitigation Measure GHG-2]

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

22. Enforcement. If any County enforcement activities are required to enforce compliance with the conditions of approval, the property owner and "developer" shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and "developer" (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 – Development Code; Division 6 – Administration, Chapter 86.09 – Enforcement.

23. Weed Abatement. The applicant shall comply with San Bernardino County weed abatement regulations and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

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

24. Noise Level. Noise level shall be maintained at or below County Standards, Development Code Section 83.01.080. For information, call DEHS at (800) 442-2283.

25. Refuse Storage/Disposal. All refuse generated at the premises shall at all times be stored in approved containers and shall be placed in a manner so that environmental public health nuisances are minimized. All refuse not containing garbage shall be removed from the premises at least **1** time per week, or as often as necessary to minimize public health nuisances. Refuse containing garbage shall be removed from the premises at least at least **2** times per week, or as often if necessary to minimize public health nuisances, by a permitted hauler to an approved solid waste facility in conformance with San Bernardino County Code Chapter 8, Section 33.0830 et. seq. For information, call DEHS/LEA at (800) 442-2283.

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

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

27. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

28. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time and would have to be reviewed after more complete improvement plans and profiles have been submitted to this office.

PUBLIC WORKS - Solid Waste (909) 386-8701

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

30. Mandatory Commercial Recycling. Beginning July 1, 2012, all businesses defined to include a commercial or public entity that generates 4 or more cubic yards of commercial solid waste a week or is a multi-family residential dwelling of 5 units or more shall arrange for recycling services. The County is required to monitor business recycling and will require the business to provide recycling information. This requirement is to assist the County in compliance with the recycling requirements of AB 341.

31. Mandatory Trash Service. This project falls within a Uniform Handling Service area. If uniform handling service is implemented for all or part of a particular franchise area, all owners or a dwelling or a commercial or industrial unit within the uniform handling area who are required to have uniform handling service shall, upon notice thereof, be required to accept uniform handling service from the grantee holding a franchise agreement and pay the rate of such services. This requirement is a stipulation of County Code Title 4, Division 6, Chapter 5, Section 46.0501.

COUNTY FIRE– Community Safety (909) 386-8400

32. 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. [F01].

33. Construction permits, including Fire Condition Letters, shall automatically expire and become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Suspension or abandonment shall mean that no inspection by the Department has occurred within 180 days of any previous inspection. After a construction permit or Fire Condition Letter becomes invalid and before such previously approved work recommences, a new permit shall be first obtained and

the fee to recommence work shall be one-half the fee for the new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. A request to extend the Fire Condition Letter or Permit may be made in writing PRIOR TO the expiration date justifying the reason that the Fire Condition Letter should be extended.

34. Additional Requirements. In addition to the Fire requirements stated herein, other on-site and 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. [F01A].

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

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

35. Grading Plans. Grading plans shall be submitted to Building and Safety Division for review and approval prior to grading/land disturbance.

36. Retaining Wall Plans. Submit plans and obtain separate building permits for any required walls, retaining walls.

37. Geology Report. When earthwork quantities exceed 5,000 cubic yards, a geotechnical (soils) report shall be submitted with appropriate fees to the Building and Safety Division and County Geologist for review and approval prior to the issuance of grading permits.

38. Geotechnical (Soil) Report. When earthwork quantities exceed 5,000 cubic yards, a geotechnical (soil) report shall be submitted to the Building and Safety Division for review and approval prior to issuance of grading permits.

39. Erosion & Sediment Control Plan. An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance.

40. Erosion Control Installation. Erosion control devices must be installed at all perimeter openings and slopes. No sediment is to leave the job site.

41. NPDES. An NPDES permit-Notice of Intent (NOI) is required on grading of one (1) acre or more prior to issuance of a grading/construction permit. Contact your Regional Water Quality Control Board for specifics.

42. WDID. Prior to permit issuance, construction projects involving one or more acres shall 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 – Planning (909) 387-8311

43. 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.

44. *GHG Emissions. The "developer" shall submit for review and obtain approval from County Planning 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. [Mitigation Measure GHG-1]

45. *Dust Control.*

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.
b) 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 at least 3 times per day.
c) The project proponent shall ensure that all disturbed areas are treated to prevent erosion.
d) The project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour. [Mitigation Measure AQ-1]

46. *Construction Emissions Control.*

a) *All equipment used or grading and construction must be tuned and maintained to the manufacturer's specifications to maximize efficient burning of vehicle fuel.*
b) *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.*
c) *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.*
d) *Use Low VOC paints/coatings.[Mitigation Measure AQ-2]*

47. *Prior to any construction activities on the project site or within the gen-tie improvement corridor, the Applicant will implement a Worker Environmental Awareness Program (WEAP) to educate on-site workers about sensitive environmental issues associated with the Project. The program will be administered to all on-site personnel, including the Applicant's personnel, contractors, and all subcontractors, on the first day of work prior to the employee's commencing work on the site. The WEAP will place special emphasis on the protected species that have potential to occur within the site, including the Mojave desert tortoise.*

The program will include the following elements:

- *A Worker Environmental Awareness Program (WEAP), developed by or in consultation with a qualified biologist, discussing the sensitive biological resources with potential to occur on-site, and explaining the reasons for protecting these resources and penalties for non-compliance;*

- *Brochures or booklets, containing written descriptions and photographs of protected species as well as a list of site rules pertaining to biological resources, to be provided to all WEAP participants;*

- *Contact information for the project biological monitor, and instructions to contact the monitor with any questions regarding the WEAP presentation or booklets;*

- *An acknowledgement form, to be signed by each worker indicating that they received WEAP training and will abide by the site rules protecting biological resources; and,*

- *A training log, to be signed by all on-site personnel immediately following WEAP training, will be maintained on the project site during construction to document compliance with this measure. [Mitigation Measure BIO-1]*

48. *Within 14 days prior to construction-related ground clearing and/or grading, the Applicant shall retain a qualified biologist to conduct surveys for signs of occupancy by the Mojave desert tortoise. Surveys shall cover the entire area proposed for disturbance, shall be conducted by walking parallel transects spaced no more than 10 meters apart, and shall focus on detecting any live tortoises or their sign, including carcasses, burrows, palates, tracks, and scat. Should any sign indicating the presence of Mojave desert tortoise be detected, the Applicant shall not proceed with ground clearing and/or grading activities in the area of the find, and shall instead contact the USFWS and CDFW to develop an avoidance strategy and/or seek authorization for incidental take of Mojave desert tortoise. The results of the pre-construction surveys, including graphics showing the locations of any tortoise sign detected, and documentation of any avoidance measures taken, shall be submitted to the USFWS, CDFW, and the County of San Bernardino within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable federal and state laws pertaining to the protection of Mojave desert tortoise. [Mitigation Measure BIO-2]*

49. *Prior to the issuance of a grading permit as a standard operating procedure for projects located in native habitat for the Mojave ground Squirrel, a qualified biologist shall conduct a 30-day preconstruction survey to determine if Mojave ground squirrel have migrated onto the site. If the biologist encounters any of the species during the pre-construction survey, then the project proponent must contact the appropriate regulatory authority (USFWS and/or CDFW) to obtain the required take authorization for the project and provide evidence of the permit to the County of San Bernardino. [Mitigation Measure BIO-3]*

50. *A natural drainage course bisects the site in a north-south direction. The drainage course is currently not occupied by any structures and will remain undisturbed. Therefore, the project will not have a substantial adverse effect on riparian habitat or 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 with implementation of the following mitigation measure. [Mitigation Measure BIO-3]*

51. *The project site shall be surveyed for the presence of burrowing owl no more than thirty days prior to ground disturbing activities:*

- *If the burrowing owl is found or the presence or burrowing owl is confirmed, and the project construction will occur during the breeding season (February 15 to August 15), then the active owl burrows on-site and within 500 feet of the project area shall be identified, and physically marked before the start of any construction activities. A survey to mark the burrows shall be undertaken no earlier than February 15. During the construction period, active burrows that are not going to be removed by construction activities will be afforded a minimum 250-foot buffer to protect foraging habitat and owls. A biological monitor will be present to ensure that adequate avoidance of impacts to owls and their burrows is maintained. The monitor will have the authority to modify the buffer zone in order to protect the owls from harm;*

- *If necessary, passive relocation techniques shall adhere to those described in the Burrowing Owl Consortium Survey Protocol & Mitigation Guidelines. [Mitigation Measure BIO-4]*

52. *The Site Plan for the project dated March 2013 prepared by Steeno Design Studio identifies a natural drainage course which bisects the site in a north-south direction and is part of a San Bernardino County Drainage Easement. No impacts to this drainage course and/or easement are allowed through direct removal, filling, hydrological interruption, or other means unless the project applicant obtains a Section 404 Permit from the USACE, a Section 1602 Streambed Alteration Agreement from the CDFW, and a Section 401 Water Quality Certification from the RWQCB for permanent impacts of any jurisdictional area that are regulated by the USACE, CDFW, and the RWQCB. Impacts shall be mitigated at a 2:1 ratio through an off-site mitigation bank or the contribution of in-lieu fee program acceptable to the County of San Bernardino and the USACE, CDFW, and RWQCB. The 2:1 ratio maybe reduced to 1:1 by the regulatory agencies as part of the permitting process. [Mitigation Measure BIO-4]*

53. Tree Removal Plan. A tree removal plan and permit in compliance with the County's Plant Protection and Management Ordinance, shall be approved prior to any land disturbance and/or removal of any trees or plants. This shall also be incorporated into the landscape plan, where removed trees shall be replanted on site when feasible

COUNTY FIRE – Community Safety (909) 386-8465

54. 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. [F-05]

55. Fire Flow Test. Your submittal did not include a flow test report to establish whether the public water supply is capable of meeting your project fire flow

demand. You will be required to either produce a current flow test report from your water purveyor demonstrating that the fire flow demand is satisfied or you must install an approved fire sprinkler system. This requirement shall be completed prior to combination inspection by Building and Safety. [F05B]

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

56. Drainage Improvements. A Registered Civil Engineer shall investigate and design adequate drainage improvements to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which 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.

57. Drainage Easements. Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities /or concentration of runoff from the site. Proof of recordation shall be provided to the Land Development Division.

58. FEMA Flood Zone. The project is located within Flood Zone D according to FEMA Panel Number 5795H dated 08/28/2008. Flood Hazards are undetermined in this area but possible.

59. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.

60. Grading Plans. Grading Plans shall be submitted for review and approval obtained. A $520 deposit for grading plan review will be collected upon submittal to the Land Development Division.

61. On-Site Drainage Easement. On-site flows shall be directed within a drainage easement.

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

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

PRIOR TO ISSUANCE OF BUILDING PERMITS THE FOLLOWING SHALL BE COMPLETED

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

63. Construction Plans. Any building, sign, or structure to be constructed or located on site will require professionally prepared plans for review and approval by the Building and Safety Division.

LAND USE SERVICES –Planning (909) 387-8311

64. Landscape and Irrigation Plan. The developer shall submit and obtain approval of three sets of a Landscape Documentation Package, prepared by a Certified Landscape Professional in compliance with SBCC Chapter 83.10, Landscape Standards, and in compliance with the State Model Water Efficient Landscape Ordinance. At a minimum, landscaping shall be in the required setbacks along the street frontages, adjacent to the structures, and within the parking areas. Planting plans shall utilize indigenous plant material, when possible, to minimize water consumption. The required planting plans and irrigation plans shall comply with Regional Landscape Standards for the Desert Region.

65. Signs. The applicant must submit separate sign plans for review and approval in compliance with Chapter 83.13, Sign Regulations, of the County Development Code for any signs proposed.

66. Street Lighting Plan. A street lighting plan shall be submitted for review and approval prior to building permit issuance.

67. 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 in compliance with SBCC Section 83.07.040 – Glare and Outdoor Lighting–Mountain and Desert Regions.

68. Screen Rooftop. All roof top mechanical equipment is to be screened from ground vistas.

69. Trash/Recyclables Receptacles. All trash and recyclables receptacles shall be in compliance with Public Works, Solid Waste Management standards. They shall be enclosed by six-foot high masonry walls with steel gates and a waterproof roof. A concrete apron equal to the width of the gate and outward from the enclosure a minimum of six feet shall be provided.

70. *Prior to issuance of the first building permit, the Project site development shall be annexed into the City of Adelanto Service Area for the purpose of domestic water service. The Project Proponent shall submit evidence to the County of San*

Bernardino Building & Safety Department that the property has been annexed. [Mitigation Measure UTL-1]

71. *Prior to the issuance of a building permit, the applicant shall submit the architectural and landscaping plans to the City of Adelanto City Engineer's Office for verification of the required connection fees. Verification shall be provided to the County of San Bernardino Building and Safety Department. [Mitigation Measure UTL-3]*

72. *Prior to the issuance of a building permit, the applicant shall pay a water connection fee in the amount of $223,155 (as of June 25, 2014). The above connection fee is subject to annual inflation adjustments and subsequent increases as reviewed with BIA (Building Industry Association) and approved by the Adelanto City Council. [Mitigation Measure UTL-4] Verification of payment shall be provided to the County.*

73. *Prior to issuance of the first building permit, the Project site development shall be annexed into the City of Adelanto Service Area for the purpose of sanitary sewer service. The Project Proponent shall submit evidence to the County of San Bernardino Building & Safety Department that the property has been annexed. [Mitigation Measure UTL-6]*

74. *Prior to the issuance of a building permit, the Pearmain Street Relief Sewer, under construction by others, shall be completed. Verification shall be provided to the County of San Bernardino Building and Safety Department. [Mitigation Measure UTL-7]*

75. *Prior to the issuance of a building permit, the applicant shall pay a sewer connection fee in the amount of $82,483.92 (as of June 25, 2014). The above connection fee is subject to annual inflation adjustments and subsequent increases as reviewed with BIA (Building Industry Association) and approved by the Adelanto City Council. [Mitigation Measure UTL-8] Verification of payment shall be provided to the County.*

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

76. Water Purveyor. Water purveyor shall be City of Adelanto or EHS approved.

77. Water Verification. 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 Assessor's Parcel Number. For projects with current active water connections, a copy of water bill with project address may suffice. For information, contact the Water Section at (800) 442-2283.

78. Method of Sewage Disposal. Method of sewage disposal shall be City of Adelanto.

79. Wastewater Verification. Applicant shall procure a verification letter from the sewering agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewering agency. The letter shall reference the Assessor's Parcel Number.

80. Annexation. Submit verification of annexation to DEHS for any project that requires water or sewer connection outside a purveyor's jurisdiction. For information, contact LAFCO.

81. Written Clearance. Written clearance may be required form the designated California Regional Water Quality Control Board (listed below) and a copy forwarded to the Division of Environmental Health Services: Lahontan Region, 15428 Civic Dr. Suite 100, Victorville, CA 92392, 760-241-6583.

82. Preliminary Acoustical Analysis. Submit preliminary acoustical information demonstrating that the proposed project maintains noise levels at or below San Bernardino County Noise Standard(s), 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 the 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 (800) 442-2283.

83. Food Stores. Plans for food establishments shall be reviewed and approved by DEHS. For information, call DEHS/Plan Check.

LAND USE SERVICES – Land Development – Roads (909) 387-8311

84. Road Dedication/Improvement. The developer shall submit for review and obtain approval from the Land Use Services Department 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 Land Use Services Department, located at 385 N. Arrowhead Ave., 1st Floor, San Bernardino CA 92415-0182. Phone: (909) 387-8311.

Mojave Drive (Major Arterial – 120'):

Road Dedication. A 30 foot grant of easement is required to provide a half-width right-of-way of 60' on APN 3128-481-11. An 8 foot grant of easement is required to provide a half-width right-of-way of 60' on APN 3128-481-10.

Street Improvements. Design curb and gutter with match up paving 52 feet from centerline.

Sidewalks. Design sidewalks per County Standard 109 type "C".

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

85. Road Standards and Design. All required street improvements shall comply with latest San Bernardino County Road Planning and Design Standards and the San Bernardino County Standard Plans. Road sections shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

86. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.

87. 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.

88. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.

89. 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.

90. 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.

91. Vacation. Lilac Road to receive recommendation for approval of vacation from the Highway Planning Technical Committee (HPTC), Department of Public Works. A processing fee shall be required prior to vacation and the vacation shall be finalized prior to certificate of occupancy. Contact Transportation Right-of-Way at (909) 387-7951 to obtain additional information.

PUBLIC WORKS - Traffic (909) 387-8186

92. *Regional Transportation Development Mitigation Fees: This project falls within the Regional Transportation Development Mitigation Fee Plan for the Adelanto Subarea. This fee shall be paid by a cashier's check to the Department of Public Works Business Office. The Plan fees shall be computed in accordance with the Plan fees in effect as of the date that the building plans are submitted and the building permit is applied for. These fees are subject to change periodically. The current Regional Transportation Development Mitigation Plan can be found at the following website [Mitigation Measure TR-1]:*
http://www.sbcounty.gov/dpw/transportation/transportation planning.asp

93. *The total fair share contribution for this project is required based on the traffic report dated October 1, 2012 from Hall and Forman, Inc. The fair share breakdown for these improvements is:*

Mojave Drive at Verbena Road: The Traffic Impact Analysis states by the horizon year 2035 conditions, this intersection will require an additional right turn lane in the westbound direction and two through lanes for the northbound and southbound directions. The project's fair share percentage for these improvements is 30.3%. This is a joint jurisdictional intersection where the City of Adelanto maintains the south half and the County maintains the north half of the intersection. Therefore, the percentage due to the County is 15.5%. The estimated construction cost is $1,208.880. The total fair share contribution will be based on 15.15% and the estimated construction costs at the time of application for a building permit and shall be paid to the Department of Public Works – Traffic Division. At the present time, the total estimated fair share is $183,145. This amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index. [Mitigation Measure TR-2]

94. *The project proponent shall **design** the following improvements to the satisfaction of the County Traffic Engineer [Mitigation Measure TR-3]:*

   a) *Mojave Drive and Coleridge Street (Main Project Entrance, West Project Site/Driveway A): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through and right turn lane in all directions.*
   b) *Mojave Drive and Alexandria Street (Main Project Entrance, East Project Site, Driveway C): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through/ right turn lane in the eastbound, westbound, and southbound directions. A single all direction lane is required in the northbound direction at the intersection.*
   c) *Mojave Drive and Verbena Road: Install a traffic signal and provide an exclusive left turn lane, one through lane, and an exclusive right turn lane in*

the northbound direction. In the southbound direction provide an exclusive left turn lane and a shared through/ right turn lane. In the eastbound direction provide an exclusive left turn lane, two (2) through lanes, and an exclusive right turn lane. In the westbound direction provide an exclusive left turn lane, a through lane, and a shared through/ right turn lane.

d) Construct half width street improvements along project frontages.

e) Based on the analysis of the vertical Sight Distance constraints, that portion of Mojave Drive east of the existing Drainage Easement will be required to be reconstructed to meet vertical Stopping Sight Distance for a 45 mph design speed.

f) The secondary driveways (Driveways B and D), shall be restricted to right turn in and right turn out movements. This can be accomplished by constructing a "pork chop" diverter island in the driveway approach with signage, or the construction of a raised median in Mojave Drive.

PUBLIC WORKS - Surveyor (909) 387-8149

95. If any activity on this project will disturb **any** land survey monumentation, including but not limited to vertical control points (benchmarks), said monumentation shall be located and referenced by or under the direction of a licensed land surveyor or registered civil engineer authorized to practice land surveying **prior** to commencement of any activity with the potential to disturb said monumentation, and a corner record or record of survey of the references shall be filed with the County Surveyor (Section 8771(b) Business and Professions Code).

96. Record of Survey. The following conditions are for the occasion where the monuments of record cannot be located and the boundary must be determined for construction purposes. A Record of Survey/Corner record shall be filed in the following instances:

a. Legal descriptions or construction staking based upon a field survey of the boundary or building setbacks.
b. Monuments set to mark the property lines.
c. Pursuant to applicable sections of the business and Professions Code.

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

97. *Prior to issuance of a building permit for each building, an automatic fire sprinkler system complying with the County of San Bernardino Fire Department standards and fire flow requirements 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. [Mitigation Measure UTL-2]*

98. Access. The development shall have a minimum of 2 points of vehicular access. These are fire/emergency equipment access and for evacuation routes. Standard 902.2.1
    - Single-Story Road Access Width. All buildings shall have access provided by approved roads, alleys, and private drive 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.
    - Multi-Story Road Access Width. Building three (3) stores 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. [F41]

99. Building Plans. Not less than two (2) complete sets of Building Plans shall be submitted to the Fire Department for review and approval. Other recognized standards may be more restrictive by requiring wider access provisions.

100. 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 manufacture's 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 [F59] Separate plans required

101. 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. [F62] Separate plans required

102. Primary Access Paved. Prior to building permits being issued to any new structure, the primary access road shall be paved or an all weather surface and shall be installed as specified in the General Requirement conditions (Fire # F-9), including width, vertical clearance and turnouts, if required. [F89]

103. Secondary Access Paved. Prior to building permits being issued to any new structure, the secondary access road shall be paved or an all weather surface shall be installed as specified in the General Requirement conditions (Fire # F-9), including width, vertical clearance and turnouts, if required. [F90]

PUBLIC WORKS - Solid Waste (909) 386-8968

104. C&D Plan-Part 1. The developer shall prepare, submit, and obtain approval from Solid Waste Management Division (SWMD) of a "Construction Waste Management Recycling Plan (C&D Plan), Part 1" for each phase of the project. The C&D Plan shall list the types and volumes of solid waste materials expected to be generated from grading and construction. The Plan shall include options to divert from landfill disposal materials for reuse or recycling by a minimum of 50% of total volume. Forms can be found on our website at www.sbcounty.gov/dpw/solidwaste.

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

PRIOR TO FINAL INSPECTION OR OCCUPANCY THE FOLLOWING SHALL BE COMPLETED

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

105. Condition Compliance Release Form Sign-off. Prior to occupancy all Department/Division requirements and sign-off's shall be completed.

LAND USE SERVICES – Planning (909) 387-8311

106. Landscape Certificate of Completion. All landscaping, dust control measures, all walls/fences, pedestrian walkways, irrigation systems, etc. as delineated on the approved landscape plan and/or site plan shall be installed. The developer shall submit the Landscape Certificate of Completion verification as required in SBCC Section 83.10.100. Supplemental verification should include photographs of the site and installed landscaping.

107. On-site Improvements. Parking, on-site circulation requirements, and all on-site improvements shall be installed per approved site plan.

108. Disabled Access. Disabled access parking spaces shall be clearly marked as disabled spaces and said markings shall be maintained in good condition at all times.

109. Fees Paid. Prior to final inspection by the Building and Safety Division and/or issuance of a Certificate of Conditional Use by the Planning Division, all fees required under actual cost job number P201000117 shall be paid in full.

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

110. Sign Registration. Prior to installation of any freestanding, wall, roof, projecting or monument sign, an approved sign registration application and plot plan are required.

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

111. Drainage Improvements. All required drainage improvements shall be completed by the applicant. The private registered engineer shall inspect improvements outside the County right-of-way and certify that these improvements have been completed according to the approved plans. Certification letter shall be submitted to Land Development.

LAND USE SERVICES – Land Development Engineering – Roads (909) 387- 8311

112. Road Improvements. All required on-site and off-site improvements shall be completed by the applicant, inspected and approved by County Public Works. Completion of road and drainage improvements does not imply acceptance for maintenance by the County.

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

114. 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.

115. Parkway Planting. Trees, irrigation systems, and landscaping required to be installed on the public right-of-way shall be approved by County Public Works, and LUSD Planning, and shall be maintained by the adjacent property owner or other County-approved entity.

PUBLIC WORKS – Solid Waste (909) 386-8968

116. C&D Plan- Part 2. The developer shall complete SWMD's C&D Plan Part 2. This summary shall provide documentation of diversion materials including but not limited to receipts or letters from diversion facilities or certification reuse of materials on site. The C&D Plan-Part 2 shall provide evidence to the satisfaction of County Solid Waste that demonstrates that the project has diverted from landfill

disposal materials for reuse or recycling by a minimum of 50% of total volume of all construction waste.

PUBLIC WORKS - Traffic (909) 387-8186

117. *The project proponent shall construct the following improvements to the satisfaction of the County Engineer [Mitigation Measure TR-4]:*

a) Mojave Drive and Coleridge Street (Main Project Entrance, West Project Site/Driveway A): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through and right turn lane in all directions.

b) Mojave Drive and Alexandria Street (Main Project Entrance, East Project Site, Driveway C): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through/ right turn lane in the eastbound, westbound, and southbound directions. A single all direction lane is required in the northbound direction at the intersection.

c) Mojave Drive and Verbena Road: Install a traffic signal and provide an exclusive left turn lane, one through lane, and an exclusive right turn lane in the northbound direction. In the southbound direction provide an exclusive left turn lane and a shared through/ right turn lane. In the eastbound direction provide an exclusive left turn lane, two (2) through lanes, and an exclusive right turn lane. In the westbound direction provide an exclusive left turn lane, a through lane, and a shared through/ right turn lane.

d) Construct half width street improvements along project frontages.

e) Based on the analysis of the vertical Sight Distance constraints, that portion of Mojave Drive east of the existing Drainage Easement will be required to be reconstructed to meet vertical Stopping Sight Distance for a 45 mph design speed.

f) The secondary driveways (Driveways B and D), shall be restricted to right turn in and right turn out movements. This can be accomplished by constructing a "pork chop" diverter island in the driveway approach with signage, or the construction of a raised median in Mojave Drive.

COUNTY FIRE – Community Safety (760) 995-8190

118. Inspection. Inspection by Fire Department. Permission to occupy or use the building (Certification of Occupancy or Shell Release) will not be granted until the Fire Department inspects, approves and signs off on the Building and Safety job card for "fire final". [F03]

119. *Prior to the issuance of an occupancy permit, an approved fire flow test shall be performed at the location once the lines are installed to verify compliance with the San Bernardino County Fire Department requirements. Evidence of the test result shall be provided to the County of San Bernardino Building & Safety Department and the County of San Bernardino Fire Department. [Mitigation Measure UTL-5]*

120. Portable fire extinguishers shall be provided.

121. 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]

122. Commercial-Large Facility Addressing. Commercial and industrial developments in excess of 100,000 sq. ft. shall have the street address installed on the building with numbers that are a minimum six (6) inches in height and with a three quarters (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 [F83].

123. Key Box. An approved Fire Department keybox 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].

124. 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]

125. Haz-Mat Approval. The applicant shall contact the San Bernardino County Fire Department/Hazardous Materials Division at (909) 386-8400 for review and approval of building plans, where the planned use of such buildings will or may use hazardous materials or generate hazardous waste materials.

COUNTY FIRE – Hazardous Materials (760) 995-8190

126. Emergency Plan. Prior to occupancy, operator shall submit a Business Emergency/Contingency Plan for emergency release or threatened release of hazardous materials and waste or a letter of exemption. Contact Office of the Fire Marshall, Hazardous Materials Division at: (909) 386-8401.

127. Handlers Permit. Prior to occupancy, developer shall be required to apply for one or more of the following: a Hazardous Materials Handler Permit, a Hazardous Waste Generator Permit, an Aboveground Storage Tank Permit, and/or an Underground Storage Tank permit. For information call County Fire Department/Hazardous Materials Division, Field Services at (909) 386- 8401.

END OF CONDITIONS – Jim Morrissey, Contract Planner
Update 1/9/2015 HD

PRELIMINARY

CONDITIONS OF APPROVAL

Lilac Development

Tentative Parcel Map 19261

For a 142,928 Square Foot Commercial Development

GENERAL REQUIREMENTS

Conditions of Approval and Procedures

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

1. Project Description. Tentative Parcel Map 19261 is approved to subdivide 20 acres in to twelve (12) commercial parcels from two (2) existing parcels, to be recorded and constructed in compliance with the San Bernardino County Code (SBCC), California Building Code (CBC), the California Fire Code (CFC) the following conditions of approval, the approved stamped tentative map, , the required Composite Development Plan (CDP) and Covenants Conditions and Restrictions (CC&R's) required by this approval, the proposed environmental determination, and Mitigated Negative Declaration Project No. P20100117. APN's 3128-481-10 and 11.

2. Concurrent Actions: Conditional Use Permit (CUP) for the development of a 149,928 commercial shopping center on approximately 18 acres has also been approved as part of this Project, which includes separate Conditions of Approval.

3. Project Location. The project site is located on the north side of Mojave Drive, generally between Bellflower Street on the east and Verbena Road on the west, in the unincorporated area of Adelanto. A change of land use zoning designation is proposed from the Current Zoning/General Plan Designation of RL-10 (Rural Living, 10 acre minimum lot size) to CG (General Commercial), a Tentative Parcel Map 19261, a Conditional Use Permit for a 142,928 commercial shopping area, and a variance to reduce the required the front yard landscape setback.

4. Expiration/TPM. This conditional approval of the Tentative Parcel Map shall become null and void unless all conditions have been completed and the Final Map has been deemed complete by the County Surveyor for purposes of recordation within thirty–six (36) months following the approval effective date, unless an extension of time is granted.
   PLEASE NOTE. This will be the ONLY notice given of the approval expiration date. The "developer" is responsible for initiation of any extension request.

5. Extension of Time/TT. Where circumstances cause delays, which do not permit compliance with the required recordation time limit, the developer may submit for review and approval an application requesting an extension of time. County Planning may grant such requests for extensions of time in compliance with the State Map Act Section 66452.6. 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 recordation, a plan of action for completion and submittal of the appropriate fee, not less than 30 days prior to the expiration date. The granting of an extension request is a discretionary action that may be subject to additional or revised conditions of approval.

6. Revisions/TT. Any proposed change to the approved Tentative Parcel Map, change in use, and/or the conditions of approval shall require that an additional land use application (e.g. Revision to an Approved Action) be submitted for review and approval obtained from County Planning.

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

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

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

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

8. Development Impact Fees. Additional fees may be required prior to issuance of development permits and shall be paid as specified in adopted fee ordinances.

9. Project Account. The Job Costing System (JCS) account number is P201000117. This is an actual cost project with a deposit account to which hourly charges are assessed by various county agency staff (e.g. Land Use Services, Public Works and County Counsel). Upon notice, the "developer" shall deposit additional funds to maintain or return the account to a positive balance. The "developer" is responsible for all expenses charged to this account. Processing of the project shall cease, if it is determined that the account has a negative balance and that an additional deposit has not been made in a timely manner. A minimum balance of $1,000.00 shall be in the project account at the time of project approval and a minimum balance of $1000.00 must be in the project account at the time the County Surveyor initiates Condition Compliance Review for recordation.

10. 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:
    - FEDERAL: None
    - STATE: Regional Water Quality Control Board (RWQCB) – Lahontan Region, Mojave Desert Air Quality Management District (AQMD).
    - COUNTY: Land Use Services-Building and Safety/Code Enforcement, County Fire; Public Health-Environmental Health Services (DEHS), Public Works, AND
    - LOCAL: Local Agency Formation Commission (LAFCO),

11. Condition Compliance. Condition compliance confirmation for purposes of Final Map recordation will be coordinated by the County Surveyor.

12. Parking. Parking shall only be allowed in designated areas of the shopping center, as shown on the approved Conditional Use Permit site plan.

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

13. Enforcement. If any County agency is required to enforce compliance with the conditions of approval, the property owner/ "developer" shall be charged for such enforcement activities in accordance with the County Code Schedule of Fees. Failure to comply with these conditions of approval or the approved site plan design required for this project approval shall be enforceable against the property owner and "developer" (by both criminal and civil procedures) as provided by the San Bernardino County Code, Title 8 - Development Code; Division 6 - Administration, Chapter 86.09 - Enforcement.

14. Weed Abatement. The "developer" shall comply with San Bernardino County weed abatement regulations [SBCC§ 23.031-23.043] and periodically clear the site of all non-complying vegetation. This includes removal of all Russian thistle (tumbleweeds).

LAND USE SERVICES DEPARTMENT/ Drainage Section (909) 387-8311

15. 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.

16. Natural Drainage. The natural drainage courses traversing the site shall not be occupied or obstructed.

17. Additional Drainage Requirements. In addition to drainage requirements stated herein, other "on-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.

COUNTY FIRE (909) 386-8465

18. 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 development requirements. All new construction shall comply with the existing Uniform Fire Code requirements and all applicable statutes, codes, ordinances or standards of the Fire Department.[F01]

PRIOR TO RECORDATION OF TENTATIVE PARCEL MAP 19259
The following conditions shall be completed:

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

19. Planning/Composite Development Plan (CDP). A Composite Development Plan ("CDP"), is required to be prepared complying with the County Development Code Section 87.03.110. The CDP shall be submitted to the County Surveyor, who will then circulate the CDP for review and approval by all County agencies requiring CDP notes. Once approved, the CDP is permanently filed with County Building & Safety and when developed, each parcel shall comply with these requirements. Reciprocal Access Agreement. A reciprocal access agreement shall be delineated on the Parcel Map.

20. Fees. All fees required under job number P201000117 shall be paid in full.

LAND USE SERVICES DEPARTMENT/ Land Development - Drainage (909) 387-8311

21. Drainage Facility Design. A Registered Civil Engineer shall investigate and design adequate drainage facilities to intercept and conduct the off-site and on-site drainage flows around and through the site in a manner, which will not adversely affect adjacent or downstream properties. Submit drainage study for review and obtain approval. A $520.00 deposit for drainage review will be collected upon submittal to the Land Development Division.

22. Drainage Easements. Adequate San Bernardino County Drainage Easements (minimum fifteen [15] feet wide) shall be provided over the natural drainage courses, drainage facilities/or concentration of runoff from the site to dewaters into private property. Proof of recordation shall be provided to the Land Development Division.

23. FEMA Flood Zone. The Project is located within Flood Zone D according to FEMA Panel Number 5795H, dated 08/28/2008. Flood Hazards are undetermined in this area, but possible. The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of a grading permit.

24. Topo Map. A topographic map shall be provided to facilitate the design and review of necessary drainage facilities.

25. Grading Plans. Grading plans shall be submitted for review and approval obtained. A $520 deposit for grading plan review will be collected upon submittal to the Land Development Division.

26. On-site Drainage Easement. On-site flows shall be directed within a drainage easement.

27. COMPOSITE DEVELOPMENT PLAN (CDP) REQUIREMENTS – DRAINAGE
[NOTE: These CDP conditions are for construction on parcels after the map records.]

CDP/LDD – Drainage. A Composite Development Plan (DEP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the LDD, prior to recordation of the Final Map (Statements in the quotations shall be verbatim):

"Land Use Services Department / Land Development Division – Drainage Section (909) 387-8311"

"Natural Drainage. Natural Drainage Course(s) and/or Easement(s) shall not be occupied or obstructed, unless specific approval is given by Land Development Division/Drainage Section for each lot/parcel."

"FEMA Flood Zone. The Project is located within Flood Zone D according to FEMA Panel Number 5790H, dated 08/28/2008. Flood Hazards are undetermined in this area, but possible." The requirements may change based on the recommendations of a drainage study accepted by the Land Development Division and the most current Flood Map prior to issuance of a grading permit."

"Grading Plans. Grading plans shall be submitted to Land Development Division for review and approval obtained prior to issuance of grading permits for each parcel. Submit necessary fees per the latest fee schedule for review, inspection, and approval."

"Additional Drainage Improvements. At the time each lot/parcel is developed, a California Registered Civil Engineer (RCE) shall prepare/design complete drainage improvement plans and profiles. After these are submitted for review and approval additional "on-site" and/or "off-site" improvements may be required which cannot be determined from tentative plans at this time."

"Drainage Improvements. Prior to issuance of Building Permit, All required drainage improvements shall be completed by the applicant. The private registered engineer shall inspect and certify the improvements have been completed according to the approved plans. A certification letter shall be

submitted to Land Development. Submit necessary fees per the latest fee schedule for review, inspection and approval."

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

28. Road Dedication/Improvement. The developer shall submit for review and obtain approval from the Land Use Services Department 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 Land Use Services Department, located at 385 N. Arrowhead Avenue, San Bernardino, CA 92415-0187. Phone: (909) 387-8311.

Mojave Drive (Major Arterial – 120')

- Road Dedication. A 30 foot grant of easement is required to provide a half-width right-of-way of 60' for APN's 3132-481-11. An 8 foot grant of easement is required to provide a half-width right-of-way of 60' for APN's 3128-481-10.

- Street Improvements. Design curb and gutter with match up paving 52 feet from centerline.

- Sidewalks. Design sidewalks per County Standard 109 type C.

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

29. Road Design. Road sections within and/or bordering the project site shall be designed to Desert Road Standards of San Bernardino County, and to the policies and requirements of the County Department of Public Works and in accordance with the General Plan, Circulation Element.

30. Improvement Securities. All required public road, drainage, WQMP, and utility improvements for subdivisions shall be bonded in accordance with County Development Code unless constructed and approved prior to recordation. Submit necessary fees, per the latest fee schedule, for new securities.

31. Maintenance Bond. Once all required public road, drainage, WQMP. And utility improvements have been constructed and approved, a maintenance bond for a period of one year shall be required to insure satisfactory condition of all improvements. Submit necessary fees, per the latest fee schedule, for new securities.

32. Street Improvement Plans. The developer shall submit for review and obtain approval of street improvement plans prior to construction. Final plans and profiles shall indicate the location of any existing utility facility or utility pole which would affect construction, and any such utility shall be relocated as necessary without cost to the County. Street improvement plans shall not be approved until all necessary right-of-way is acquired.

33. 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.

34. Soils Testing. Any grading within the road right-of-way prior to the signing of the improvement plans shall be accomplished under the direction of a soils testing engineer. Compaction tests of embankment construction, trench back fill, and all sub-grades shall be performed at no cost to San Bernardino County and a written report shall be submitted to the Transportation Operations Division, Permits Section of County Public Works, prior to any placement of base materials and/or paving.

35. 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 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.

36. 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.

37. 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.

38. COMPOSITE DEVELOPMENT PLAN (CDP) REQUIREMENTS – ROADS
[NOTE: These CDP conditions are for construction on parcels after the map records.]

"Land Use Services Department/Land Development Division – Road (909) 387-8311

NOTES. The following notes shall be placed on the CDP:

- "Encroachment Permit. At the time each lot/parcel is developed, an encroachment permit or other authorized clearance from each affected agency shall be required for all construction in the right-of-way of any jurisdiction, including the County and State. A copy of each permit shall be submitted to Public Works for review and approval obtained, prior to any project construction in any affected right-of-way of any jurisdiction."
- "Cash Deposit. At the time each lot/parcel is developed, a cash deposit shall be paid to Public Works prior to issuance of a County encroachment permit. The cash deposit is to assure completion of the required grading and paving in County right-of-way. The deposit shall cover all costs, including administration, contracting, construction and inspection. Upon completion of the County road and drainage improvements to the satisfaction of County Public Works, the cash deposit can be refunded."
- "Improvements Constructed. Prior to final approval or occupancy of any structure on any lot/parcel, all required on-site and off-site road and drainage improvements (public and private) shall be fully constructed by the applicant, inspected and approved by County Public Works.
- "Open Roads. At the time each lot/parcel is developed, existing County roads which require reconstruction by the project shall remain open for traffic at all times, with adequate Public Works approved detours, during actual construction."
- "Structural Section Testing. Prior to occupancy, a thorough evaluation of the structural road section, to include parkway improvements, from a qualified materials engineer, shall be submitted to the County Public Works."

PUBLIC WORKS DEPARTMENT/ Surveyor Division (909) 387-8145

39. Compliance with Map Act. A Parcel Map is required in compliance with the Subdivision Map Act and the San Bernardino County Development Code.

40. Easements. Easements of record not shown on the tentative map shall be relinquished or relocated. Lots affected by proposed easements or easements of record, which cannot be relinquished or relocated, shall be redesigned.

41. Non-Interference. Subdivider shall present evidence that he has tried to obtain a non-interference letter from any utility company that may have rights of easement within the property boundaries.

42. Title Report. Subdivider shall present a title report prepared for subdivision purposes.

43. Surveyor Fees. Prior to approval for recordation, all fees required under actual cost job number PM 19261 shall be paid in full.

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

44. The water purveyor shall be City of Adelanto, or, if not available, EHS approved.

45. 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 Assessor's Parcel Number.

46. If project is to supply own water, the applicant shall provide EHS with a document that substantiates sufficient well water of acceptable quality to serve the project.

47. Submit evidence of contractual arrangements or installation of water improvements to the Environmental Health Services (EHS) for prior to recordation. A note shall be placed on the Composite Development Plan (CDP) stating, **"Water purveyor shall be City of Adelanto or EHS approved. Proof of installation of water improvements shall be provided prior to the issuance of building permits."**

48. Method of sewage disposal shall be City of Adelanto or, if not available, EHS approved onsite wastewater treatment system (OWTS).

49. Applicant shall procure a verification letter from the sewering agency with jurisdiction. This letter shall state whether or not sewer connection and service shall be made available to the project by the sewering agency. The letter shall reference the Assessor's Parcel Number. A note shall be placed on the Composite Development Plan (CDP) stating, **"Sewer purveyor shall be City of Adelanto or EHS approved. Proof of installation of sewer improvements shall be provided prior to issuance of building permits."**

50. If sewer connection and/or service are unavailable, onsite wastewater treatment system(s) may then be allowed under the following conditions: A soil percolation report shall be submitted to EHS for review and approval. The following note shall be placed on a Composite Development Plan (CDP): **"An approved percolation report, (EHS reference number) prepared by (person/firm name & credentials) on (date prepared), is on file with EHS. A plot plan showing the location of the septic system shall be submitted to EHS prior to the issuance of building permits for the individual lots."** If the percolation report cannot be approved, the project may require an alternative OWTS. In this case, additional title restrictions and CDP notes will be required. For information, please contact the Wastewater Section at(800) 442-2283.

51. If sewer is not available, written clearance shall be obtained from the Lahontan Regional Water Quality Control Board, 14440 Civic Dr., Victorville, CA 9239202306, (760) 241-6583, and a copy forwarded to the Department of Environmental Health Services.

52. Submit acoustical information sheet demonstrating that the County's exterior and interior noise standards will not be exceeded and if exceeded, the manner in which those levels will be mitigated to an acceptable level. Submit information/analysis to the Environmental Health Services (EHS) for review and approval.

53. If municipal utilities are utilized, the extension of water and sewer service to this project will require a contract with the City of Adelanto for service outside its boundaries. Such a contract is required to be reviewed and approved by LAFCO before a will-serve letter or other contractual relationship can be finalized. For further information on this process, contact the LAFCO office at (909) 383-9900 or the City of Adelanto.

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

54. COMPOSITE DEVELOPMENT PLAN (CDP) REQUIREMENTS
[NOTE: These CDP conditions are for construction on parcels after the map records.]

CDP/B&S. A Composite Development Plan (CDP) is required and the following shall be delineated or noted on the CDP with confirmation and approval obtained from the B&S, prior to recordation of the Parcel Map (Statements in quotations shall be verbatim):

"Retaining Wall Plans: Submit plans and obtain separate building permits for any required walls, retaining walls or trash enclosures."

"Grading Plans: Grading plans shall be submitted to Building and Safety for review and approval prior to grading/land disturbance of more than 50 Cu Yards."

"Erosion & Sediment Control Plan: An erosion and sediment control plan and permit shall be submitted to and approved by the Building Official prior to any land disturbance."

"Construction Plans: Any building, sign, or structure to be constructed or located on site, will require professionally prepared plans based on the most current County and design codes, submitted for review and approval by the Building and Safety Division."

END OF CONDITIONS

EXHIBIT C

Draft Initial Study/Mitigated Negative Declaration

SAN BERNARDINO COUNTY
RECIRCULATED 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:	**3128-481-10 & 11**
APPLICANT:	Lilac Development, LLC and Wellspring Development, LLC
COMMUNITY:	Adelanto/1st Supervisorial District
LOCATION:	Northside of Mojave Drive, approximately 640 feet west of Bellflower Street
PROJECT NO:	201000117/CF
STAFF:	Jim Morrissey, Contract Planner
REP('S):	Steeno Designs
PROPOSAL:	General Plan Land Use District Zoning Map Amendment from RL (Rural Living) to CG (General Commercial); Tentative Parcel Map 19261 to create 11 commercial parcels; Conditional Use Permit to establish 149,928 sq. ft. of speculative office/retail/restaurant space and a variance to the street landscape setback on approximately 18 acre site

USGS Quad:	Adelanto
T, R, Section:	T5N, R5W, Sec.8 SE1/4
Thomas Bros.:	Page 4294 Grid: J-6
Community Plan:	None
OLUD:	Rural Living (RL)
Overlays:	None

PROJECT CONTACT INFORMATION:

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

Initial Study Contact Person: Jim Morrissey, Contract Planner
Phone No: (909) 387-4374 ***Fax No:*** (909) 387-3223
E-mail: pzl@verizon.net
Project Sponsor: Lilac Development, LLC and Wellspring Development, LLC
162 E. Longden Avenue
Arcadia, CA 91006
Phone No: (626) 821-1855

RECIRCULATION OF THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

The Draft Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for a 30 -day review period from January 2, 2014 to January 31, 2014 (SCH #2014011003) consistent with CEQA regulations and guidelines. Copies of the IS/MND were distributed to the State Clearinghouse, regional and local agencies, and interested organizations and individuals, for their review and comment.

As a result of comments received during the public review, the County has revised portions of the IS/MND which are summarized as follows:

- Incorporated new information from the *City of Adelanto, Approval of Water and Sewer Feasibility Study Updates, June 25, 2014* into Section XVI (Utilities and Service Systems).

- Identified that the Local Agency Formation Commission for the County of San Bernardino is a Responsible Agency and will be reviewing the request for the approval of a future out-of-agency service agreement between the property owner and the City of Adelanto for water and sewer services.

- Added discussion on potential impacts to the Burrowing Owl. (Section IV. Biological Resources).

- Clarified that the West Mojave Plan- Habitat Conservation Plan component of the Plan is still in the development phase and the expected completion date is unknown at this time. The CDFW in collaboration with the County jurisdictions are working to develop conservation measures that will be sufficient for the HCP to fulfill the requirements of the Federal Endangered Species Act. (Section IV. Biological Resources).

- Clarified that the project is subject to the County's standard condition of approval regarding cultural resources that requires the developer to halt work and to retain a qualified archaeologist approved by the County to assess the significance of the resource(s) and to identify appropriate management recommendations. In addition, a representative of the appropriate Native American Tribe(s) shall be notified of the discovered resource(s). (Section V. Cultural Resources.

PROJECT DESCRIPTION:

The proposed project is for a General Plan Land Use Zoning District Amendment from Rural Living (RL) to General Commercial (CG); Tentative Parcel Map 19261 to create 11 commercial lots; a Conditional Use Permit to establish a total of 142,928 square feet of speculative commercial uses, and a variance from the required front yard landscape setbacks in shown in Table 1 below.

Table 1. Proposed Land Uses

Land Use	Square Feet
Retail/Office	108,928
Retail	3,200
Sit Down Restaurant	5,000
Fast Food Restaurants (2)	5,300
Bank	6,000
Drug Store	14,500
TOTAL	**142,928**

The project is approximately 18 acres in size and is located approximately 1.25 miles west of Highway 395 at the intersection of Lilac Road and Mojave Drive, just west of Bellflower Street, in the unincorporated area of the County, in the community of Adelanto (See Exhibit 1).

ENVIRONMENTAL/EXISTING SITE CONDITIONS:

The project site is vacant and consists of vacant desert land which supports a disturbed creosote bush community. The site abuts Mojave Drive on the south which is designated as a 4 lane arterial roadway. The site contains a natural drainage channel which bisects the site in a north-south direction and based on the project plans, will not be disturbed. The project site is relatively flat with an elevation of approximately 3,050 to 3,060 feet above mean sea level. (See Exhibit 2, Aerial Photo).

Table 2 describes the existing land use and zoning for the project site and its surroundings.

Table 2. Existing Land Use and Zoning

AREA	EXISTING LAND USE	OFFICIAL LAND USE DISTRICT
Site	Vacant	RL (Rural Living) 2.5 acre min. lot size
North	Vacant	RL (Rural Living) 2.5 acre min. lot size
South	Residential Tract Homes	City of Adelanto (R-1) ¼ acre min. lot size
East	Vacant	RL (Rural Living) 2.5 acre min. lot size
West	Vacant	RL (Rural Living) 2.5 acre min. lot size

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

Federal: None
State of California: California Department of Fish & Wildlife (review of biology reports)

County of San Bernardino: Land Use Services- Building and Safety, Land Use Services-Planning, Public Works, Environmental Health Services, Land Development, Fire, Local Agency Formation Commission (Approval of Out-of-Agency Service Agreement).
Local: City of Adelanto Public Utility Authority

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 (Listing the impacts requiring analysis within the EIR).

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

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

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

- ☐ Aesthetics
- ☐ Agriculture Resources
- ☐ Air Quality
- ☐ Biological Resources
- ☐ Cultural Resources
- ☐ Geology /Soils
- ☐ Hazards & Hazardous Materials
- ☐ Hydrology / Water Quality
- ☐ Land Use/ Planning
- ☐ Mineral Resources
- ☐ Noise
- ☐ Population / Housing
- ☐ Public Services
- ☐ Recreation
- ☐ Transportation/Traffic
- ☐ Utilities / Service Systems
- ☐ Mandatory Findings of Significance

DETERMINATION: (To be completed by the Lead Agency)

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

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

Jim Morrissey — Date 11/26/14
Signature (reviewed by): Jim Morrissey, Contract Planner

Dave Prusch — Date 11/26/2014
Signature: Dave Prusch, Supervising Planner

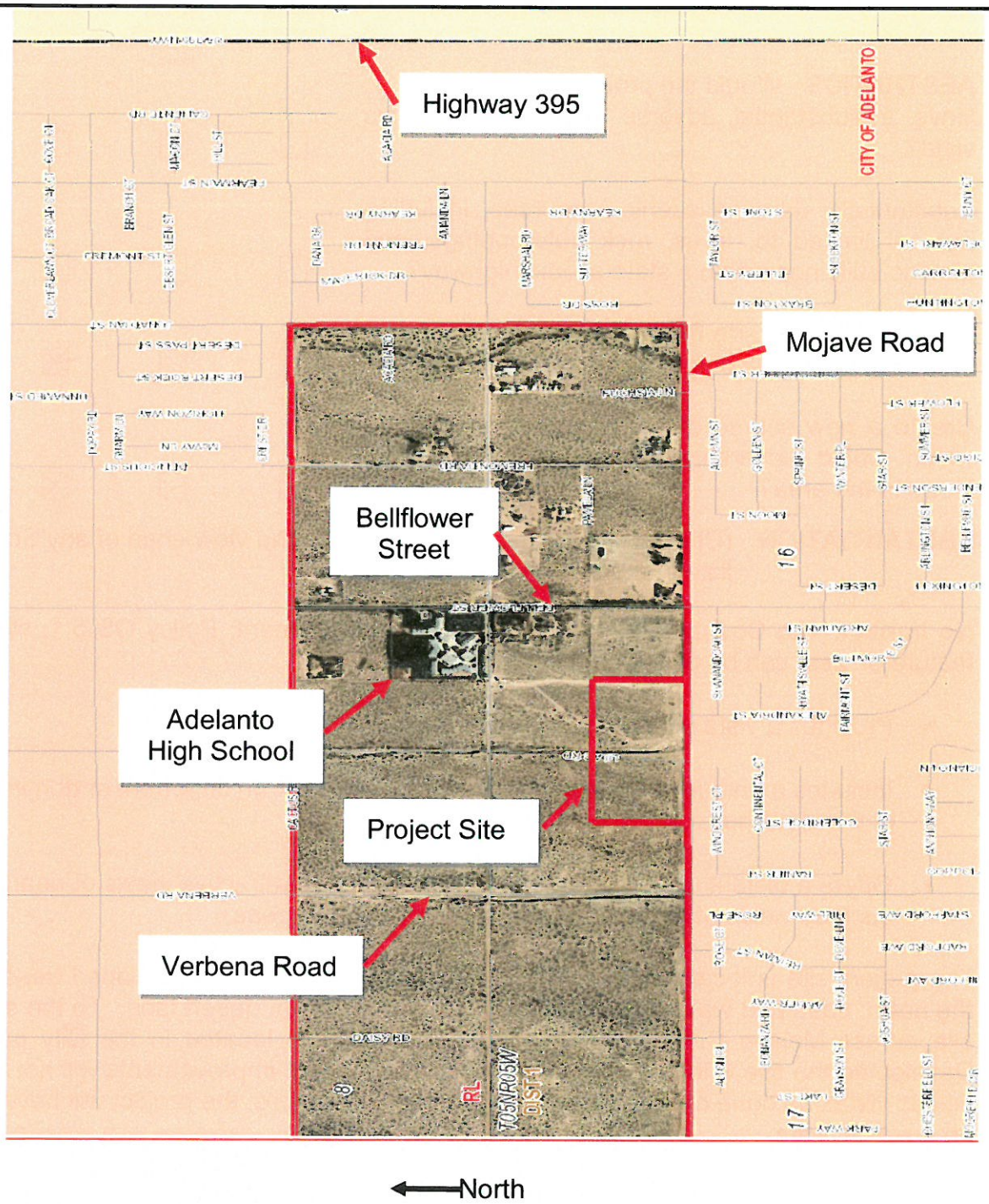
APPENDICES (Under Separate Cover)

A. RCA Associates, LLC: *Focused Desert Tortoise Survey* dated September 6, 2013.

B. RCA Associates, LLC: *Habitat Assessment for Mojave Ground Squirrel* dated September 6, 2013

C. Hall & Foreman, Inc. *Traffic Impact Analysis,* dated October 1, 2012.

D. City of Adelanto, *Approval of Water and Sewer Feasibility Study Updates*, June 25, 2014.



P201000117/CF **Lilac, LLC and Wellspring LLC**	**Location Map**	**Exhibit 1**

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

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

I a) **No Impact.** The County General Plan Open Space Element, Policy OS 5.1. states that a feature or vista can be considered scenic if it:

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

The project site is located in an area characterized by sparsely developed desert land. To the north, east, and west of the site are parcels with vacant desert land. To the south of the site across Mojave Drive are single-family tract homes located in the City of Adelanto. Developing the site with commercial buildings and related improvements will not impact any scenic vistas as none exist in the immediate area. Therefore, the project will have no impact on a scenic vista.

I b) **No Impact.** The proposed project will have no impact on scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway, because the site is not adjacent to a state scenic highway and there are no rock outcroppings or historic buildings on the project site.

I c) **Less Than Significant Impact.** A project is generally considered to have a significant impact on visual character if it substantially changes the character of the project site such that it becomes visually incompatible or visually unexpected when viewed in the context of its surroundings. The project site is located in an area along Mojave Drive between Verbena Street to the west and Bellflower Street to the east. Within this corridor there currently exists single-family tract homes located adjacent to the southside of Mojave Drive in the City of Adelanto and Adelanto High School located on the northeast corner of Mojave Drive and Calendula Street. According to the City of Adelanto General Plan, there is also a commercial node proposed at the northwest corner of Bellflower Street and Mojave Drive which is located approximately 640 feet east of the project site. Because of the type of development existing and proposed along Mojave Drive, which also serves as a major arterial roadway providing access to Interstate 15 to the east, the development of the project site with commercial uses is not expected to substantially change the character of the project site such that it becomes visually incompatible or visually unexpected when viewed in the context of its surroundings. Therefore, impacts are considered less than significant.

I d) **Less Than Significant Impact.** The proposed project will create a new source of light or glare. The lighting for the proposed uses will consist of outdoor lighting sources typically associated with commercial development (e.g. signage, security lighting, landscape accent lighting etc.). However, outdoor lighting will be required to comply with the *County Development Code Glare & Outdoor Lighting Standards*. In addition, the building materials proposed for the project consist of primarily non-reflective surfaces and will be limited to one story in height. For the reasons stated above, the project will not create new sources of light or glare which will adversely affect day or nighttime views in the area.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
II. AGRICULTURE and FORESTRY RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in the Forest Protocols adopted by the California Air Resources Board.				
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?	☐	☐	☐	☒
d) Result in the loss of forest land or conversion of rest forest land to non-forest use?	☐	☐	☐	☒
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to nonforest use.	☐	☐	☐	☒

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

II a) **No Impact.** The project site is not identified or designated as Farmland on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. The project site is not being used for agricultural purposes. Therefore, there will be no impact to farmland.

II b) **No Impact.** The project is located within the RL (Rural Living) General Plan Land Use/Zoning District. This land use district is not considered an agricultural zone. The project Is proposing to change the existing General Plan Land Use/Zoning District from RL (Rural Living) to CG (General Commercial). The CG Land Use /Zoning District does not allow agricultural uses. Because agricultural zoning does not exist on the project site, either under existing conditions or proposed conditions, the project is not in conflict with agricultural zoning. In addition, there is no Williamson Act contract that affects the project site according to the County Assessor's Office.

II c) **No Impact.** The project site is located within the RL (Rural Living) General Plan/Zoning District and there is no timberland located on the project site. Therefore, the project is not in conflict with Forest or Timberland zoning. The project does not propose a zone change that would convert existing forest or timberland zoning.

IId) **No Impact.** There are no forest lands within the project site so the loss of forest land or conversion of forest land to non-forest use would not occur as a result of the project.

II e) **No Impact.** The project site is not located in close proximity to forest land. The project site is not designated as Farmland as shown on the maps prepared by the California Department of Conservation. The site is not being used for agricultural purposes. Therefore the project will not disrupt or damage of the existing environment that would result in the loss of farmland to nonagricultural use.

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

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

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:

Final Mojave Desert Planning Area Federal Particulate Matter (PM 10) Attainment Plan July 31, 1995 and the *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area), June 9, 2008.*

The Mojave Desert Air Quality Management District is responsible for maintaining and ensuring compliance with the above described Air Quality Management Plans. A project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project may also be non-conforming if it increases the gross number of dwelling units, increases the number of trips, and/or increases the overall vehicle miles traveled in an affected area (relative to the applicable land use plan).

A project is conforming if it complies with all applicable Mojave Desert Air Quality Management District rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan).

The *Final Mojave Desert Planning Area Federal Particulate Matter (PM 10) Attainment Plan* PM_{10} emission inventory for the Mojave Desert Planning Area is an estimate using planning area-wide assumptions, such as a single value for silt content, average vehicle speed, number of trips per mile, etc. The MDAQMD believes these assumptions are justified based on the large number of sources within each category; which allows individual differences to average out. These categories include: City and County Unpaved Road Travel: BLM Land Activity: City and County Unpaved Road Wind Erosion: Construction: Road Dust Entrainment: City and County Disturbed Areas: BLM Unpaved Road Wind Erosion: Stationary (Industrial) Sources.

The *MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area)* includes the latest planning assumptions regarding population, vehicle activity and industrial activity. The plan addresses all existing and forecast ozone precursor producing activities within the MDAQMD through the year 2020.

The project must comply with all applicable Mojave Desert Air Quality Management District rules and regulations and all proposed control measures identified in both plans because these are mandatory requirements. The project is proposing to change the existing General Plan Land Use/Zoning District from RL (Rural Living) to CG (General Commercial). This change will result in a direct increase in the number of vehicle trips generated by the project site, however, the project site will provide commercial uses to serve the surrounding residential areas and thus reduce vehicle miles traveled overall.

In addition, the project site encompasses approximately 18 acres and in the context of the Mojave Desert Planning Area The MDAQMD covers more than 20,000 square miles and a general plan/zoning district change of this small magnitude is not anticipated to change the land use assumptions used to prepare 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 described above.

III b) **Less Than Significant Impact With Mitigation Incorporated**. A project has a significant impact if it generates total emissions (direct and indirect) in excess of the thresholds shown in Table 3 below.

Table 3. 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	

Construction and operational emissions in this analysis were modeled using the 2013 version of the *California Emissions Estimator Model* (CalEEMod) which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies, land use planners, and environmental professionals to quantify potential criteria pollutant emissions associated with both construction and operational from a variety of land use projects.

The model was developed in collaboration with the air districts of California. Default data (e.g., emission factors, trip lengths, meteorology, source inventory, etc.) have been provided by the various California air districts to account for local requirements and conditions. The model is an accurate and comprehensive tool for quantifying air quality impacts from land use projects throughout California. The model can be used for a variety of situations where an air quality analysis is necessary or desirable such as California Environmental Quality Act (CEQA) documents. The project's unmitigated construction and operational emissions for summer (worst case scenario) as compared to the Significant Emission Thresholds established by the Mojave Desert Air Quality Management District are shown in Tables 4 and 5.

Table 4. Project Construction Emissions (Unmitigated)

Pollutant	Maximum Unmitigated (lbs/day)	Mojave Desert Air Quality Management District Threshold	Exceeds Threshold?
Carbon Monoxide (CO)	102.44	548	**NO**
Oxides of Nitrogen (NOx)	120.69	137	**NO**
Volatile Organic Compounds (VOC/ROG)	119.36	137	**NO**
Oxides of Sulphur (SOx)	0.14	137	**NO**
Particulate Matter (PM10)	26.04	82	**NO**
Particulate Matter (PM2.5)	15.69	82	**NO**
Source: Mojave Desert Air Quality Management District			

Table 5. Project Operational Emissions (Unmitigated)

Pollutant	Maximum Unmitigated (lbs/day)	Mojave Desert Air Quality Management District Threshold	Exceeds Threshold?
Carbon Monoxide (CO)	466.13	548	**NO**
Oxides of Nitrogen (NOx)	92.89	137	**NO**
Volatile Organic Compounds (VOC/ROG)	92.61	137	**NO**
Oxides of Sulphur (SOx)	0.47	137	**NO**
Particulate Matter (PM10)	29.34	82	**NO**
Particulate Matter (PM2.5)	8.76	82	**NO**
Source: Mojave Desert Air Quality Management District			

As shown in Tables 4 and 5, project emissions will not exceed Mojave Desert Air Quality Management District thresholds even without implementing mitigation measures.

Although project-related emissions would be less than significant, the following mitigation measures are recommended to ensure compliance with the Mojave Desert Air Quality Management District Rules 402 (Nuisance) and 403 (Fugitive dust).

AQ-1 Dust Control.

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.*

b) *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 at least 3 times per day.*

c) *The project proponent shall ensure that all disturbed areas are treated to prevent erosion.*

d) *The project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.*

AQ-2 Construction Emissions Control.

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

b) *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.*

c) *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.*

d) *Use low VOC paints/coatings.*

III c) **Less Than Significant Impact**. A project's air pollution emissions although individually 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 as a result of the project. (See Tables 4 and 5). 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 will not exceed construction or operational emission thresholds. (See Tables 4 and 5). Therefore, the project's emissions are in compliance with the thresholds established by the Mojave Desert Air Quality Management District and the project will not expose sensitive receptors to substantial pollutant concentrations.

III e) **Less Than Significant 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 commercial center within enclosed buildings. This type of use does not produce odors that would affect a substantial number of people.

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

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

The information contained in this section is based in part on the *Focused Desert Tortoise Survey* dated September 6, 2013 and the *Habitat Assessment for Mojave Ground Squirrel* dated September 6, 2013 both prepared by RCA Associates.

IV a) **Less Than Significant Impact With Mitigation Incorporated.**

Based on the *Biological Reports* no candidate, sensitive or special status species were observed on the site and none are expected to inhabit the site in the future. However, the project site does contain suitable habitat for the Desert Tortoise and the Mojave Ground Squirrel.

Desert Tortoise

Based on the *Focused Desert Tortoise Survey*, the site contains suitable habitat for Desert Tortoise, however, no tortoises or tortoise sign (burrows, scats, carcasses, etc.) were observed on the site. The nearest population of Desert Tortoise has been documented approximately 3.5 miles east of the site. Based on the above, the likelihood of encounters with Desert Tortoise is not expected. However, the applicant shall implement the following Mitigation Measure in order to avoid potential impacts to the Desert Tortoise.

BIO-1 Worker Environmental Awareness Program. *Prior to any construction activities on the project site or within the gen-tie improvement corridor, the Applicant will implement a Worker Environmental Awareness Program (WEAP) to educate on-site workers about sensitive environmental issues associated with the Project. The program will be administered to all on-site personnel, including the Applicant's personnel, contractors, and all subcontractors, on the first day of work prior to the employee's commencing work on the site. The WEAP will place special emphasis on the protected species that have potential to occur within the site, including the Mojave desert tortoise.*

The program will include the following elements:

- *A Worker Environmental Awareness program (WEAP), developed by or in consultation with a qualified biologist, discussing the sensitive biological resources with potential to occur on-site, and explaining the reasons for protecting these resources and penalties for non-compliance;*

- *Brochures or booklets, containing written descriptions and photographs of protected species as well as a list of site rules pertaining to biological resources, to be provided to all WEAP participants;*

- *Contact information for the project biological monitor, and instructions to contact the monitor with any questions regarding the WEAP presentation or booklets;*

- *An acknowledgement form, to be signed by each worker indicating that they received WEAP training and will abide by the site rules protecting biological resources; and,*

- *A training log, to be signed by all on-site personnel immediately following WEAP training, will be maintained on the project site during construction to document compliance with this measure.*

***BIO-2 Pre-construction Mojave Desert Tortoise Surveys and Avoidance**. Within 14 days prior to construction-related ground clearing and/or grading, the Applicant shall retain a qualified biologist to conduct surveys for signs of occupancy by the Mojave desert tortoise. Surveys shall cover the entire area proposed for disturbance, shall be conducted by walking parallel transects spaced no more than 10 meters apart, and shall focus on detecting any live tortoises or their sign, including carcasses, burrows, palates, tracks, and scat. Should any sign indicating the presence of Mojave desert tortoise be detected, the Applicant shall not proceed with ground clearing and/or grading activities in the area of the find, and shall instead contact the USFWS and CDFW to develop an avoidance strategy and/or seek authorization for incidental take of Mojave desert tortoise. The results of the pre-construction surveys, including graphics showing the locations of any tortoise sign detected, and documentation of any avoidance measures taken, shall be submitted to the USFWS, CDFW, and the County of San Bernardino within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable federal and state laws pertaining to the protection of Mojave desert tortoise.*

***BIO-3 Pre-construction Mojave Ground Squirrel Survey.** Prior to the issuance of a grading permit as a standard operating procedure for projects located in native habitat for the Mojave ground Squirrel, a qualified biologist shall conduct a 30-day preconstruction survey to determine if Mojave ground squirrel have migrated onto the site. If the biologist encounters any of the species during the pre-construction survey, then the project proponent must contact the appropriate regulatory authority (USFWS and/or CDFW) to obtain the required take authorization for the project and provide evidence of the permit to the County of San Bernardino.*

<u>Burrowing Owl</u>

In their comment letter dated January 22, 2014, the CDFW stated that a search of the California Natural Diversity Data Base indicated that Burrowing Owls were found "near" the project site. The CDFW recommends that protocol surveys be conducted.

Randall Arnold, RCA Associates, LLC, the biologist who prepared the *Focused Desert Tortoise Survey* dated September 6, 2013 and the *Habitat Assessment for Mojave Ground Squirrel* dated September 6, 2013, advised County staff via email that in the course of preparing the above referenced reports, no signs or Burrowing Owl were found on the site.

In order to mitigate potential impacts to the Burrowing Owl, the following mitigation measure is required:

***BIO-4 Pre-Construction Burrowing Owl Survey.** The project site shall be surveyed for the presence of burrowing owl no more than thirty days prior to ground disturbing activities;*

- *If the burrowing owl is found or the presence or burrowing owl is confirmed, and the project construction will occur during the breeding season (February 15 to August 15), then the active owl burrows on-site and within 500 feet of the project area shall be identified, and physically marked before the start of any construction activities. A survey to mark the burrows shall be undertaken no earlier than February 15. During the construction period, active burrows that are not going to be removed by construction activities will be afforded a minimum 250-foot buffer to protect foraging*

habitat and owls. A biological monitor will be present to ensure that adequate avoidance of impacts to owls and their burrows is maintained. The monitor will have the authority to modify the buffer zone in order to protect the owls from harm;

- *If necessary, passive relocation techniques shall adhere to those described in the Burrowing Owl Consortium Survey Protocol & Mitigation Guidelines.*

With implementation of Mitigation Measures BIO-1 through BIO- 4 impacts will be less than significant.

IV b-c) **Less Than Significant Impact With Mitigation Incorporated.** A natural drainage course bisects the site in a north-south direction. The drainage course is currently not occupied by any structures and will remain undisturbed. Therefore, the project will not have a substantial adverse effect on riparian habitat or 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 with implementation of the following mitigation measure.

BIO-5 Avoidance of Natural Drainage Course. *The Site Plan for the project dated March 2013 prepared by Steeno Design Studio identifies a natural drainage course which bisects the site in a north-south direction and is part of a San Bernardino County Drainage Easement. No impacts to this drainage course and/or easement are allowed through direct removal, filling, hydrological interruption, or other means unless the project applicant obtains a Section 404 Permit from the USACE, a Section 1602 Streambed Alteration Agreement from the CDFW, and a Section 401 Water Quality Certification from the RWQCB for permanent impacts of any jurisdictional area that are regulated by the USACE, CDFW, and the RWQCB. Impacts shall be mitigated at a 2:1 ratio through an off-site mitigation bank or the contribution of in-lieu fee program acceptable to the County of San Bernardino and the USACE, CDFW, and RWQCB. The 2:1 ratio maybe reduced to 1:1 by the regulatory agencies as part of the permitting process.*

IV d) **Less Than Significant Impact.** According to the Open Space Overlay Map for the County of San Bernardino, the project site is not located within a Wildlife Corridor. In addition, the *Biological Reports* determined that there were no distinct wildlife corridors located on the project site or in the immediate vicinity. Therefore, the project would not result in obstruction or elimination of important wildlife movement routes. Impacts to wildlife movement would be less than significant.

IV e) **Less Than Significant Impact**. The site contains Joshua Trees. The Joshua Tree receives protection under Sections 88.01.050 and 88.01.060 of the San Bernardino County Development Code. These Code Sections prohibit the destruction of Joshua trees without a County-issued permit and require that Joshua trees within lands proposed for development be transplanted. Further, where removal of "specimen" size trees is proposed, the Development Code requires a finding that no reasonable alternative means of developing the land exists.

In the event that future development may impact Joshua Trees, any development would have to be consistent with the mandatory requirements of Sections 88.01.050 and

88.01.060 of the San Bernardino County Development Code. These are mandatory requirements and not considered mitigation measures.

IV f) **Less Than Significant Impact**. The Project site is located within the planning area for the Draft West Mojave Plan. The West Mojave Plan consists of two components: a Federal component that will amend the existing 1980 California Desert Conservation Area Plan, and a Habitat Conservation Plan (HCP) component that will cover development in private lands. A Biological Opinion was finalized for the federal portion of the Plan; however, the plan is currently in litigation after suit was filed by conservation groups.

The HCP component of the Plan is still in the development phase and the expected completion date is unknown at this time. The CDFW in collaboration with the County jurisdictions are working to develop conservation measures that will be sufficient for the HCP to fulfill the requirements of the Federal Endangered Species Act.

The two species of primary importance covered in the West Mojave Plan are the Mojave Desert Tortoise and Mohave Ground Squirrel. As noted in the response to Question IVa above, with implementation of Mitigation Measures BIO-1 through BIO- 5 the project will have no impact relative to conservation plans.

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

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

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 historic structures on the site.

V b) **No Impact.** The project site is not identified on the Cultural Resources Sensitivity Overlay Maps contained in the County of San Bernardino General Plan. However, the project is subject to the County's standard condition of approval regarding cultural resources that requires the developer to halt work and to retain a qualified archaeologist 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 c) **No Impact.** The project site is not identified on the Cultural Resources Sensitivity Overlay Maps contained in the County of San Bernardino General Plan. However, 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. With adherence to State Health and Safety Code Section 7050.5 which stipulates the process to be followed when human remains are encountered, no mitigation measures are necessary.

	Significant Impact	Significant with Mitigation Incorp.	Significant	Impact
VI. GEOLOGY AND SOILS - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map Issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42	☐	☐	☐	☒
ii. Strong seismic ground shaking?	☐	☐	☐	☒
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
iv. Landslides?	☐	☐	☐	☒
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☐	☒
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
d) Be located on expansive soil, as defined in Table 181-B of the California Building Code (2001) creating substantial risks to life or property?	☐	☐	☐	☒
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒

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

VI a) **No Impact.** The following responses are based in part on a review of the *Geologic Hazards Overlay Map* contained in the County of San Bernardino General Plan:

i) *Alquist-Priolo Zone*: The site is not located within an identified Alquist-Priolo

Earthquake Hazard Zone.

ii) *Seismic Ground Shaking:* 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 a fault located within the area could result in ground shaking; however, the project will be reviewed and approved by County Building and Safety Division with appropriate seismic standards implemented. Adherence to standards and requirements contained in the Building Code for the design of the proposed structures will ensure that any impacts are less than significant. Compliance with the Building Code is a mandatory requirement.

iii) *Seismic Ground Failure (Liquefaction):* The site is not located within an area mapped as being susceptible to liquefaction.

iv) *Landslide:* The site is not located within an area mapped as being susceptible to landslides. The site is relatively flat and contains no slopes that could result in landslides.

VI b) **No 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) **No 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 *Geologic Hazards Overlay Map* contained in the County of San Bernardino General Plan, 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 any future residential structures 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 as having the potential for expansive soils.

VI e) **No Impact.** The project will be served by the City of Adelanto sewer system so no septic tanks or alternative wastewater disposal systems are proposed.

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

SUBSTANTIATION

VII a) **Less Than Significant Impact With Mitigation Incorporated**. In December 2011, the County of San Bernardino adopted the "Greenhouse Gas Emissions Reduction Plan" ("GHG Plan"). Section 5.6 of the GHG Plan identifies the procedures for reviewing development projects for consistency with the GHG Plan. The GHG Plan has been designed in accordance with Section 15183.5 of the State CEQA Guidelines which provides for streamline review of climate change issues related to development projects when found consistent with an applicable greenhouse gas emissions reduction plan. The GHG Plan includes a two-tiered development review procedure to determine if a project could result in a significant impact related greenhouse gas emissions or otherwise comply with the Plan pursuant to Section 15183.5 of the State CEQA Guidelines.

The initial screening procedure is to determine if a project will emit 3,000 metric tons of carbon dioxide equivalent (MTCO2E) per year or more. Projects that do not exceed this threshold require no further GHG emissions analysis, but must comply with mandatory Performance Standards contained in the GHG Plan

According to the GHG Plan, a commercial project that is less than 160,000 square feet in size in size does not emit more than 3,000 MTCO2e per year and is thus considered as having a less than significant impact for GHG emissions. The project is proposing 142,928 square feet of commercial uses and is thus below the threshold.

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 *San Bernardino County Greenhouse Gas Emissions Reduction Plan*. Although project-related impacts from GHG emissions would be less than significant, the following mitigation measures are recommended to ensure compliance with the *San Bernardino County Greenhouse Gas Emissions Reduction Plan*.

GHG-1 Construction Standards. *The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved 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.

***GHG-2 Operational Standards**. The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:*

a) Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.

b) Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.

c) Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval.

d) Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

VII b) **Less Than Significant Impact.** As analyzed and discussed in Section VII a), the project will not exceed the 3,000 MTC2OE/YR screening threshold identified in the GHG Plan; therefore, the project is consistent with the GHG Plan pursuant to Section 15183.5 of the State CEQA Guidelines and is therefore consistent with adopted plans, policies, and regulations.

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

SUBSTANTIATION

VIII a) **No Impact.** Hazardous Material means any material that, because of its quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the environment. Hazardous materials include, but are not limited to hazardous substances and hazardous waste. The project involves the development of a commercial center. Small quantities of hazardous materials in the form of cleaning solvents and agents will be on the premises for maintenance and may be sold by retail outlets in packages or containers suitable for use in households by individuals. The type and quantity of these materials is not considered a significant hazard.

VIII b) **No Impact.** The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, because any proposed use or construction activity that might use hazardous materials is subject to permit and inspection by the County Fire Department.

VIII c) **No Impact.** Adelanto High School Athletics Campus is located approximately ¾ of a mile west of the site and Don Bradach Elementary School is located less than ¼ th of a mile north of the project site. As discussed in the responses to Questions VIIIa and VIIIb above, the project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste because the project does not propose the use of hazardous materials in large quantities.

VIII d) **No Impact.** Based on the *Cortese List Data Resources* webpage maintained by the California Environmental Protection Agency accessed on December 5, 2013, 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**. Based on the Hazards Overlay Maps contained in the County of San Bernardino General Plan, the project site is not located within an area requiring airport safety review.

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

VIII g) **No 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 Mojave Drive.

VIII h) **Less Than Significant Impact.** The project site is not located in a Fire Safety Overlay District based on the *Hazards Overlay Maps* contained in the County of San Bernardino General Plan. Therefore, the project will not result in any safety hazard impacts from wild fires.

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

loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

SUBSTANTIATION The information contained in this section is based in part on the *Site Plan* prepared by Steeno Design Studio dated March, 2013 and the *City of Adelanto 2010 Urban Water Management Plan*, June 11, 2011.

IX a) **No Impact**. The project will not violate any water quality standards or waste discharge requirements, because the project's design is required to incorporate design features to diminish impacts to water quality from surface runoff to an acceptable level as required by state and federal regulations. In addition, the project is required to submit and obtain approval of a *Final Water Quality Management Plan* before the issuance of grading or building permits. This is a mandatory requirement and not considered a mitigation measure.

Potable water will be provided to the site by the City of Adelanto which is required to meet water quality standards.

IX b) **Less Than Significant Impact**. The project will be served by the City of Adelanto Public Utility Authority for water. According to the *City of Adelanto 2010 Urban Water Management Plan,* Adelanto obtains all of its water from the Mojave River Groundwater Basin. The basin covers an area of approximately 1,400 square miles and has an estimated total water storage capacity of nearly 5 million acre-feet.100 percent of the City's water supply comes from groundwater pumping from the Alto Subarea of the Mojave Basin. It is anticipated that Adelanto will continue to rely on groundwater pumping to meet 100 percent of its supply for the foreseeable future.

The Mojave Water Agency was founded July 21, 1960. It was created to address concerns over declining regional groundwater levels and to ensure that sufficient water may be available to the people and land within its jurisdiction. The Mojave Water Agency has jurisdiction over the Alto Subarea of the Mojave Basin in which the City of Adelanto's water supply is obtained. The Mojave Water Agency estimates that the demands will increase by 10 percent during single-dry year and multi-year periods. The Mojave Water Agency plans on meeting 100 percent of their service area demands through 2035 in single-dry years and multiple-dry year periods with consistent local sources, State Water Project banking, and supply enhancement projects. Therefore, 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.

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 as the natural drainage course that traverses the site will not be disturbed. In addition, 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-f) **Less Than Significant Impact.** Storm water from the site is conveyed by means of surface flow and there are no drainage structures on the site. The County Public Works Department will require that adequate provisions will 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 prior to the issuance of grading or building permits. This is a mandatory requirement and not considered a mitigation measure.

In addition, the project is required to submit and implement a *Water Quality Management Plan* and a *Storm Water Pollution Prevention Plan* as discussed in the response to Question IXa above.

IX g-h) **Less Than Significant Impact**. The project site is located within Flood Zone D as identified by FEMA Flood Insurance Rate Map Community Panel Number 0671C5790H dated August 28, 2008 and flood hazards are undetermined but possible. This is not a 100 year flood hazard area. The Project is a commercial center and does not include any housing so no housing will be placed within a 100 year flood hazard area. 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.

IX i) **Less Than Significant Impact**. See response to Questions IX d-f above. In addition, according to the *County of San Bernardino Hazards Overlay Map*, the project site is not located within an inundation area. Therefore, future development on the site would not expose people or structures to a significant hazard as a result of the failure of a levee or dam.

VIII j) **No Impact.** The project area does not appear on the Tsunami Inundation Maps prepared by the California Department of Conservation, therefore there are no impacts from tsunamis forecasted to occur.

Based on the Hazards Overlay Maps contained in the County of San Bernardino General Plan, the project site is not located in an area prone to seiche, landslides, soil slips, or slumps. Therefore, the proposed project would have no impact from mudflow.

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

SUBSTANTIATION

X a) **No Impact.** The project site abuts a major roadway (Mojave Drive) and is adjacent to vacant land on the north, east, and west. A residential tract is located south of the site across Mojave Drive. As such, the project will not physically divide an established community, because

X b) **Less Than Significant Impact With Mitigation Incorporated**. 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 with implementation of Mitigation Measures BIO-1 through BIO-4 and GHG- 1 through GHG-2.

Although the proposed project would be inconsistent with the existing General Plan Land Use and Zoning District designation of Rural Living (RL) for the project site, such an inconsistency would only be significant if it were to result in significant, adverse physical effects to the environment. As disclosed in this Initial Study, implementation of the proposed project would develop the subject property at a greater intensity than allowed under the RL General Plan and Zoning District. However, in all instances where significant impacts have been identified, mitigation is provided to reduce each impact to less-than-significant levels. Therefore, because the project is processing a General Plan Amendment and Zone Change to modify the site's underlying land use regulations to be consistent with those proposed by the project and because implementation of the project would not result in significant impacts

to the environment, the project's inconsistency with the site's existing underlying General Plan Land Use and Zoning designation represents a less-than significant impact for which no mitigation would be required for this specific impact.

X c) **Less Than Significant Impact With Mitigation Incorporated**. In 2006, the Bureau of Land Management (BLM) adopted the West Mojave Plan, a habitat conservation plan and federal land use plan amendment that presents a comprehensive strategy to conserve and protect sensitive biological resources within approximately 6.2 million acres in the western Mojave Desert while also providing a streamlined program for complying with state and federal endangered species laws. The two species of primary importance covered in the West Mojave Plan are the Mojave desert tortoise and Mohave ground squirrel. With implementation of Mitigation Measures BIO-1 through BIO-4, the project will have a less than significant impact relative to conservation plans.

	Potentially Significant Impact	Less than Significant with Mitigation Incorp.	Less than Significant	No Impact
XI. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

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

XI a-b) **No Impact.** The project site is located within an area designated as Mineral Resource Zone 4 (MRZ-4) according to maps prepared by the State Geologist. The MRZ-4 Zone are areas of unknown mineral resource potential.

Section 82.17.020 of the Development Code states: "*The MR Overlay shall be applied on the following areas:*

(a) Areas with existing major surface mining activities;

(b) Areas where mining activity is expected to take place in the future; and

(c) Areas adjacent to current or proposed mining activity to prohibit the intrusion of incompatible uses."

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 major mining activities being conducted on the site; the location and size of the site precludes future mining; and there are no current or proposed mining activities that are located adjacent to the site. In addition, the site the site is not within a Mineral Resource Zone Overlay as described above.

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

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

XIIa) **Less Than Significant Impact.** Development Code Table 83-2 (*Noise Standards for Stationary Noise Sources*) describes the noise standard for emanations from a stationary noise source, as it affects adjacent properties. The project is required to maintain noise levels at or below County Standards identified in Table 83-2. This is a mandatory requirement and not considered a Mitigation Measure.

XIIb) **Less Than Significant Impact.** 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**. Typically a 5 dBA noise increase is a substantial change in noise levels. Although the project would result in an increase in the number of vehicle trips and increase noise, it is not projected that the increased noise levels would create a continuous increase in noise levels that would equal or exceed a 5 dBA level. Therefore, the project would not result in a substantial permanent increase in ambient noise levels.

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

XII e) **No Impact**. The project site is located approximately 4.5 miles southwest of the Southern California Logistics Airport. According to the *Comprehensive Land Use Plan, Southern California Logistics Airport* dated September 2008, the project site is not located in noise impacted area (i.e. greater than 65 CNEL).Therefore the project will not expose people residing or working in the project area to excessive noise levels.

XII f) **No Impact.** The project site is not located within two miles of a private airstrip. Therefore, the project will not expose people residing or working in the project area to excessive noise levels.

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

SUBSTANTIATION

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

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

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

SUBSTANTIATION

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

The 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 as discussed below.

Fire Protection

The project will be served by Station 322 which is located approximately 2 miles north of the project site at 10370 Rancho Road in Adelanto. Station 322 works closely with Station 321 to protect the City of Adelanto. They also respond to the City of Victorville, US Highway 395, and surrounding unincorporated County areas as needed. San Bernardino County Fire Department has reviewed the project and has provided conditions of approval for building

construction and operation. The construction and operation of the project will not significantly impact fire protection services.

Police Protection

The project site is served by the Victor Valley Station located at 11613 Bartlett Street in the City of Adelanto and has a substation located at 4050 Phelan Road which provides adequate police protection to the project site.

Schools

The project site is located within the Adelanto School District. The District is authorized by State law (Government Code § 65995-6) to levy a new commercial construction fee per square foot of commercial construction for the purpose of funding the reconstruction or construction of new school facilities. Pursuant to Section 65995(3) (h) of the California Government Code, the payment of statutory fees is "deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities." Therefore, the payment of school impact fees for future commercial development would offset the potential impacts of increased student enrollment related to the implementation of the project.

Parks

The payment of mandatory "In lieu" park fees will be paid for park and recreation facilities to serve the project, as required during the building permit process. Therefore, the project is not expected to result in the substantial physical deterioration of existing neighborhood and regional parks or recreational facilities

Other Public Facilities

The project site is located adjacent to Mojave Road which is a major east-west arterial roadway. Infrastructure is available in the immediate area to serve the project site. Therefore, the project would not induce new growth by extending infrastructure and locating a development in an outlying undeveloped area, thus affecting the ability of local service providers to provide service within acceptable service times or provide other public services.

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

SUBSTANTIATION

XV a) **Less Than Significant Impact.** This project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated, because the project does not directly contribute to a population increase because it is a commercial center proposed to serve existing residents in the area.

XV b) **Less Than Significant Impact.** The project does not include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment, because the project is a commercial center that does not directly result in a substantially increased demand for recreational facilities.

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

SUBSTANTIATION The information contained in this section is based in part on the *Traffic Impact Analysis* prepared by Hall & Foreman, Inc. dated October 1, 2012.

XV a) **Less Than Significant Impact With Mitigation Incorporated.** The project is proposed to generate 6,465 daily vehicle trips with 641 A.M. peak hour trips and 663 P.M. Peak Hour trips. The *Traffic Impact Analysis* addressed impacts directly caused by the project as well as cumulative impacts and traffic estimated for development up to Year 2035. In order to ensure that acceptable Levels of Service are maintained, the following Mitigation Measures are required:

TR-1 Regional Transportation Facilities Mitigation Fee. *The project falls within the Adelanto Subarea. This fee shall be paid by a cashier's check due to the Department of Public Works Business Office. The Plan fees shall be computed in accordance with the Plan fees in effect as of the date that the building plans are submitted and the building permit is applied for. These fees are subject to change, however, the current Regional Transportation Fee can be found at the following website:*
http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp

TR-2 Fair Share Contribution*. The total fair share contribution for this project, based on the Traffic Impact Analysis dated October 1, 2012 from Hall & Foreman, Inc., is described as follows:*

Mojave Drive at Verbena Road: The Traffic Impact Analysis states by the horizon year 2035 conditions, this intersection will require an additional right turn lane in the westbound direction and two through lanes for the northbound and southbound directions. The project's fair share percentage for these improvements is 30.3%. This is a joint jurisdictional intersection where the City of Adelanto maintains the south half and the County maintains the north half of the intersection. Therefore, the percentage due to the County is 15.5%. The estimated construction cost is $1,208,880. The total fair share contribution will be based on 15.5% and the estimated construction costs at the time of application for a building permit and shall be paid to the Department of Public Works-Traffic Division. At the present time, the total estimated fair share is $183,145. This amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.

TR-3 Project Specific Improvements (Prior to the issuance of a Building Permit)*. The project proponent shall* ***design*** *the following improvements to the satisfaction of the County Traffic Engineer:*

a) *Mojave Drive and Coleridge Street (Main Project Entrance, West Project Site/Driveway A): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through and right turn lane in all directions.*

b) *Mojave Drive and Alexandria Street (Main Project Entrance, East Project Site, Driveway C): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through/ right turn lane in the eastbound, westbound, and southbound directions. A single all direction lane is required in the northbound direction at the intersection.*

c) *Mojave Drive and Verbena Road: Install a traffic signal and provide an exclusive left turn lane, one through lane, and an exclusive right turn lane in the northbound direction. In the southbound direction provide an exclusive left turn lane and a shared through/ right turn lane. In the eastbound direction provide an exclusive left turn lane, two (2) through lanes, and an exclusive right turn lane. In the westbound direction provide an exclusive left turn lane, a through lane, and a shared through/ right turn lane.*

d) *Construct half width street improvements along project frontages.*

e) Based on the analysis of the vertical Sight Distance constraints, that portion of Mojave Drive east of the existing Drainage Easement will be required to be reconstructed to meet vertical Stopping Sight Distance for a 45 mph design speed.

f) The secondary driveways (Driveways B and D), shall be restricted to right turn in and right turn out movements. This can be accomplished by constructing a "pork chop" diverter island in the driveway approach with signage, or the construction of a raised median in Mojave Drive.

***TR-4 Project Specific Improvements (Prior to Occupancy)**. The project proponent shall **construct** the following improvements to the satisfaction of the County Traffic Engineer:*

a) Mojave Drive and Coleridge Street (Main Project Entrance, West Project Site/Driveway A): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through and right turn lane in all directions.

b) Mojave Drive and Alexandria Street (Main Project Entrance, East Project Site, Driveway C): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through/ right turn lane in the eastbound, westbound, and southbound directions. A single all direction lane is required in the northbound direction at the intersection.

c) Mojave Drive and Verbena Road: Install a traffic signal and provide an exclusive left turn lane, one through lane, and an exclusive right turn lane in the northbound direction. In the southbound direction provide an exclusive left turn lane and a shared through/ right turn lane. In the eastbound direction provide an exclusive left turn lane, two (2) through lanes, and an exclusive right turn lane. In the westbound direction provide an exclusive left turn lane, a through lane, and a shared through/ right turn lane.

d) Construct half width street improvements along project frontages.

e) Based on the analysis of the vertical Sight Distance constraints, that portion of Mojave Drive east of the existing Drainage Easement will be required to be reconstructed to meet vertical Stopping Sight Distance for a 45 mph design speed.

f) The secondary driveways (Driveways B and D), shall be restricted to right turn in and right turn out movements. This can be accomplished by constructing a "pork chop" diverter island in the driveway approach with signage, or the construction of a raised median in Mojave Drive.

With implementation of Mitigation Measures TR-1 through TR-4, impacts will be less than significant.

XV b) **Less Than Significant Impact.** Within San Bernardino County, the San Bernardino Associated Governments (SANBAG) was designated as the Congestion Management Agency (CMA). Through this program SANBAG can monitor regional transportation facilities

and catalog their daily operating Levels of Service in an effort to identify existing travel patterns and better plan for future transportation improvements in response to shifting travel patterns. According to the Congestion Management Program (CMP), the nearest CMP roadway is Highway 395 located approximately 1.75 east of the project site. The Project is forecast to generate less than 55 Peak Hour Trips at the intersection of Mojave Drive and Highway 395. As such, it is not forecast to reduce the Level of Service on this segment of the CMP roadway system.

XV c) **Less Than Significant Impact.** The project will not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks because the project is not within the area of influence for the Southern California Logistics Airport which is located approximately 4.5 miles northeast of the project site.

XV d) **Less Than Significant Impact**. The project will not substantially increase hazards due to a design feature other than to add turn and through lanes to the existing street system in order to improve traffic flow and safety.

XV e) **Less Than Significant Impact**. The project will not result in inadequate emergency access, because the project will have sufficient access from two or more directions.

XV f) **No Impact**. The project will not conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., public transit, bicycle, or pedestrian facilities) because the project pedestrians, bicycles, and other modes of travel will be able to use the existing and proposed roadways for access.

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

SUBSTANTIATION The information contained in this section is based in part on the *Update of Water and Sewer Feasibility Study for Lilac & Wellsprings Development APN 3128-481-10 and 11* by the City of Adelanto, June 25, 2014.

XVI a) **No Impact.** Wastewater treatment and collection services would be provided to the project site by the City of Adelanto Public Utility Authority. Adelanto is required to operate all of its treatment facilities in accordance with the waste treatment and discharge standards and requirements set forth by the Regional Water Quality Control Board (RWQCB). The proposed project would not install or utilize septic systems or alternative wastewater

treatment systems; therefore, the project would have no potential to exceed the applicable wastewater treatment requirements established by the RWQCB. Accordingly, impacts would be less than significant.

XVI b) **Less Than Significant Impact**. Water and sewer service to the project would be provided after approval of an Out-of-Agency Service Agreement between the City of Adelanto Public Utility Authority and the property owner. The agreement must be approved by the Local Agency Formation Commission for San Bernardino County (LAFCO)

For water service, there is an existing 8-inch water distribution pipeline along Mojave Drive to the south of the project from Alexandria to Verbena road in which a connection can be made. The project will be required to construct an 8-inch waterline from the existing point of connection on Alexandria to the Eastern project boundary.

For sewer service, the project will be required to construct a 8-inch collector sewer along Mojave Drive running easterly from the Drainage Crossing for about 1,140 LF to the existing line in Bellflower and an 8-in sewer along Mojave Drive running westerly from the Drainage Crossing for about 670 LF to the existing line at Coleridge Street.

The installation of water and sewer lines as proposed by the project would result in physical impacts to the surface and subsurface of the project site and the above referenced streets. These impacts are considered to be part of the project's construction phase and are evaluated throughout this Initial Study accordingly. In instances where significant impacts have been identified for the project's construction phase, mitigation measures are recommended in each applicable subsection of this Initial Study to reduce impacts to less-than-significant levels.

Impacts would be significant if the extension of water and sewer services would induce growth into an area that could not support such growth,

The project site is located within the City of Adelanto Sphere of Influence, The project site is located in an area that has been planned for future growth, The primary type of development proposed in the immediate project area is low density residential with commercial nodes planned along Mojave Drive. Mojave Drive as it traverses the project area is proposed as a Super Arterial roadway with a 124 foot right-of-way and is proposed to link the project area to I-15 to the east and points west.

Relatively few commercial uses are available to serve the residents of Adelanto and in the vicinity of the project area. As such, the project would accommodate the current community needs for goods and services. In addition, operation of the proposed project would provide long-term employment opportunities in an area where housing is a dominant land use; therefore, it is anticipated that the majority of employees would be drawn from the existing and future labor force that would be available in the City of Adelanto and the region. As such, it is not expected that the operation activities of the proposed project would result in a demand for housing in the region and the area, directly or indirectly.

The project will not promote the extension of infrastructure in a manner facilitating an

uneven pattern (e.g., leapfrog development) of development in the area as the type and intensity of use proposed for the project site would be consistent once implementation of General Plan Amendment and Zone Change take place, and because the improvements necessary for development of the site would not facilitate growth that has not been anticipated in the project area.

Based on the above, the construction of water and sewer lines as necessary to serve the proposed project would not result in any significant physical effects on the environment that are not already identified and disclosed as part of this Initial Study. Accordingly, additional mitigation measures beyond those identified throughout this Initial Study would not be required.

XVI c) **No Impact.** Storm water from the site is conveyed by means of surface flow and there are no drainage structures on the site. The County Public Works Department will require that adequate provisions will 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 prior to the issuance of grading or building permits. This is a mandatory requirement and not considered a mitigation measure.

The installation of the storm drain system as proposed by the project would result in physical impacts to the surface and subsurface of the project site and areas adjacent to the site. These impacts are considered to be part of the project's construction phase and are evaluated throughout this Initial Study accordingly. In instances where significant impacts have been identified for the project's construction phase, mitigation measures are recommended in each applicable subsection of this Initial Study to reduce impacts to less-than-significant levels.

XVI d) **Less Than Significant Impact With Mitigation Incorporated.** The project will be served by the City of Adelanto Public Utility Authority for water. As calculated using information from the City of Adelanto *Water and Sewer Feasibility Study,* each equivalent dwelling unit (EDU) is assumed to be equivalent to 20 plumbing fixture units (PFUs) per the Uniform Plumbing Code. Based on the estimated 538 PFUs, the Water requirement was considered for 27 EDUs. This is slightly higher than the typical 2 EDUs per Acre that was utilized in the near saturation model utilized in the 2010 Urban Water Management plan, therefore the PFUs will be used to determine the impact to the system. Since no landscaping and irrigation plans were available, the estimated number of EDUs does not include irrigation allowance for this proposed project. The owner or developer will be required to submit the architectural and landscaping plans in the future for verification of the required connection fees. (See Mitigation Measure UTL-1).

Water Demand: The daily water requirements are estimated as shown below and the max-day demand takes into consideration that water usage actually occurs over an 8 to 10 hour period each day.

Average Day Demand (ADD) =27 EDUs x 500 GPD/EDU =13,500 GPD ((9.38 GPM)

Maximum Day Demand (MDD) =2.5 x 13,500 ADD =33,750 GPD (23.44 GPM)

Fire Flow: For the Proposed development the fire flow requirements are 3,750 GPM for 3 Hours for III-B Unprotected Combustible development. As such the water distribution system was analyzed to handle the maximum day demand of the proposed development plus fire flow at 3,500 GPM.

Water Supply and Storage Requirements: Required supply/storage for the proposed development is shown below.

Domestic Water Supply Requirement (Max-Day) = 23.44 GPM
Operational Storage- (0.3 X MDD) = 10,125 Gallons
Emergency Storage-(1.0X MDD) = 33,750 Gallons
Sub Total (without Fire) = 43,875 Gallons*

** Permission of this Project to construct to City's water system is conditioned upon meeting the water use reduction goal and construction of all required off-site improvements.*

Fire Storage (3,500 GPM X 3 Hours) = 675,000 Gallons. (From existing storage at upper pressure zone)

Based on the *Water and Sewer Feasibility Study*, the existing water is not capable of delivering the domestic water service and the required fire flow while maintaining the minimum residual pressure of 20 PSI. Under the maximum day demands plus fire flow up to 3,750 GPM with a minimal PSI residual pressure of 20 PSI cannot be met, based on the preliminary hydraulic model. Therefore, in order to meet fire flow requirements above 3,500 GPM, the following mitigation measures are required to ensure compliance with the *Water and Sewer Feasibility Study:*

UTL-1. Annexation to City of Adelanto Service Area. *Prior to issuance of the first building permit, the Project site development shall be annexed into the City of Adelanto Service Area for the purpose of domestic water service. The Project Proponent shall submit evidence to the County of San Bernardino Building & Safety Department that the property has been annexed.*

UTL-2. Fire Sprinkler System. *Prior to issuance of a building permit for each building, ,*an automatic fire sprinkler system complying with the County of San Bernardino Fire Department standards and fire flow requirements 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.

UTL-3. Landscape and Architectural Plans*. Prior to the issuance of a building permit, the applicant shall submit the architectural and landscaping plans to the City of Adelanto City Engineer's Office for verification of the required connection fees. Verification shall be provided to the County of San Bernardino Building and Safety Department.*

UTL-4. Water Connections Fees. *Prior to the issuance of a building permit, the applicant shall pay a water connection fee in the amount of $223,155 (as of June 25, 2014). The*

above connection fee is subject to annual inflation adjustments and subsequent increases as reviewed with BIA (Building Industry Association) and approved by the Adelanto City Council.

UTL-5. Fire Flow Test. *Prior to the issuance of an occupancy permit, an approved fire flow test shall be performed at the location once the lines are installed to verify compliance with the San Bernardino County Fire Department requirements. Evidence of the test result shall be provided to the County of San Bernardino Building & Safety Department and the County of San Bernardino Fire Department.*

Compliance with Mitigation Measures UTL-1 through UTL-5, completion of the off-site pipeline extension, compliance with drought tolerance landscaping ordinance, working with City staff to reduce potable water usage and will ensure that adequate water service will be provided

XVI e) **Less Than Significant Impact With Mitigation Incorporated**. Sanitary sewer service to the project site would be provided by the City of Adelanto Public Utility Agency. As calculated using information from the City of Adelanto *Water and Sewer Feasibility Study*, each equivalent dwelling unit (EDU) is assumed to be equivalent to 20 plumbing fixture units (PFUs) per the Uniform Plumbing Code. Based on the estimated 525 PFUs, the sewer analysis was considered for 27 EDUs. The average wastewater flow per EDU in the City of Adelanto is 196 GPD/ EDU. In this case, the proposed development will have a projected wastewater flow calculated as follows:

Projected Average Daily Wastewater Flow= 27 EDUs x 196 GPD/EDU = 5,292 GPD.

For sewer service, the project will be required to construct a 8-inch collector sewer along Mojave Drive running easterly from the Drainage Crossing for about 1,140 LF to the existing line in Bellflower and an 8-in sewer along Mojave Drive running westerly from the Drainage Crossing for about 670 LF to the existing line at Coleridge Street.

Based on the *Water and Sewer Feasibility Study*, the existing City of Adelanto sewerage system (trunk sewer, lift station, and wastewater treatment plant), following completion of the relief sewer (Pearmain Street) will have adequate capacity to serve the project.

The following mitigation measures are required to ensure compliance with the *Water and Sewer Feasibility Study:*

UTL-6. Annexation to City of Adelanto Service Area. *Prior to issuance of the first building permit, the Project site development shall be annexed into the City of Adelanto Service Area for the purpose of sanitary sewer service. The Project Proponent shall submit evidence to the County of San Bernardino Building & Safety Department that the property has been annexed.*

UTL-7.. Completion of the Relief Sewer (Pearmain Street). *Prior to the issuance of a building permit, the Pearmain Street Relief Sewer, under construction by others, shall be completed. Verification shall be provided to the County of San Bernardino Building and Safety Department.*

UTL-8. Sewer Connections Fees. *Prior to the issuance of a building permit, the applicant shall pay a sewer connection fee in the amount of $82,483.92 (as of June 25, 2014). The above connection fee is subject to annual inflation adjustments and subsequent increases as reviewed with BIA (Building Industry Association) and approved by the Adelanto City Council.*

Compliance with Mitigation Measures UTL-6 through UTL-8 and completion of the off-site sewer improvements will ensure that adequate sewer service will be provided.

XVI f) **Less Than Significant Impact**. The California Department of Resources Recovery and Recycling has identified waste disposal rates for various commercial uses on their webpage. Disposal rates vary based on the type of commercial use (e.g. office vs. restaurant etc.). Since the project has no identified tenants, a general disposal rate of 13.25 pounds per day per gross 1,000 square foot of commercial space was used. Based on this formula, the project is estimated to generate 1,894 pounds per day x 365 days = 691,310 pounds per year or 345.75 tons per year. (149,928 sf/1000 = 149.2 x 13.25 = 1,894 x 365 days = 691,310 lbs/year = 345.75 tons per year).

The Landfills most likely to be used to dispose of the project's solid waste are used are the Victorville Sanitary Landfill and the Barstow Sanitary Landfill. Information obtained from the CalRecycle webpage, operated by the California Department of Resources Recovery and Recycling, indicates each facility has the following capacity and closure dates:

Table 3. Landfill Capacity

Landfill	Daily Permitted Maximum Capacity	Remaining Capacity	Estimated Closure Date
Victorville	3,000 tons	765,096 cubic yards	Year 2047
Barstow	1,500 tons	924,401 cubic yards	Year 2071
Source; CalRecycle webpage accessed 12/10/2013			

The amount of waste generated by the project in comparison to available landfill capacity would not be significant for both daily and yearly periods. Therefore, the project would not adversely affect the ability of existing landfills to meet projected demands.

XVI g) **Less Than Significant Impact.** The project is required to comply with mandatory federal, state, and local statutes and regulations related to solid waste, therefore any impact will be less than significant.

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

SUBSTANTIATION

XVII 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. With the implementation of Mitigation Measures BIO-1 through BIO-5, impacts will be less than significant.

XVII 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.

XVII c) **Less Than Significant Impact With Mitigation incorporated:** As discussed this Initial Study Checklist, the project would not expose persons to adverse impacts related to Air Quality, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Noise, or Population and Housing. These impacts were identified to have no impact or a less than significant impact.

The results of the Initial Study show that there are potentially significant impacts related to Transportation/Traffic, Utilities and Service systems. These impacts will be reduced to less than significant after incorporation of Mitigation Measures GHG -1, GHG-2, TR1, TR-2, UTL-1 through UTL-8.

XVIII. MITIGATION MEASURES

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

SELF MONITORING MITIGATION MEASURES: (Condition compliance will be verified by existing procedure): None

Mitigation Measures

AQ-1 Dust Control.

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.

b) 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 at least 3 times per day.

c) The project proponent shall ensure that all disturbed areas are treated to prevent erosion.

d) The project proponent shall ensure that all grading activities are suspended when winds exceed 25 miles per hour.

AQ-2 Construction Emissions Control.

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

b) 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.

c) *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.*

d) *Use Low VOC paints/coatings.*

BIO-1 Worker Environmental Awareness Program. *Prior to any construction activities on the project site or within the gen-tie improvement corridor, the Applicant will implement a Worker Environmental Awareness Program (WEAP) to educate on-site workers about sensitive environmental issues associated with the Project. The program will be administered to all on-site personnel, including the Applicant's personnel, contractors, and all subcontractors, on the first day of work prior to the employee's commencing work on the site. The WEAP will place special emphasis on the protected species that have potential to occur within the site, including the Mojave desert tortoise.*

The program will include the following elements:

- *A Worker Environmental Awareness Program (WEAP), developed by or in consultation with a qualified biologist, discussing the sensitive biological resources with potential to occur on-site, and explaining the reasons for protecting these resources and penalties for non-compliance;*

- *Brochures or booklets, containing written descriptions and photographs of protected species as well as a list of site rules pertaining to biological resources, to be provided to all WEAP participants;*

- *Contact information for the project biological monitor, and instructions to contact the monitor with any questions regarding the WEAP presentation or booklets;*

- *An acknowledgement form, to be signed by each worker indicating that they received WEAP training and will abide by the site rules protecting biological resources; and,*

- *A training log, to be signed by all on-site personnel immediately following WEAP training, will be maintained on the project site during construction to document compliance with this measure.*

BIO-2 Pre-construction Mojave Desert Tortoise Surveys and Avoidance*. Within 14 days prior to construction-related ground clearing and/or grading, the Applicant shall retain a qualified biologist to conduct surveys for signs of occupancy by the Mojave desert tortoise. Surveys shall cover the entire area proposed for disturbance, shall be conducted by walking parallel transects spaced no more than 10 meters apart, and shall focus on detecting any live tortoises or their sign, including carcasses, burrows, palates, tracks, and scat. Should any sign indicating the presence of Mojave desert tortoise*

be detected, the Applicant shall not proceed with ground clearing and/or grading activities in the area of the find, and shall instead contact the USFWS and CDFW to develop an avoidance strategy and/or seek authorization for incidental take of Mojave desert tortoise. The results of the pre-construction surveys, including graphics showing the locations of any tortoise sign detected, and documentation of any avoidance measures taken, shall be submitted to the USFWS, CDFW, and the County of San Bernardino within 14 days of completion of the pre-construction surveys or construction monitoring to document compliance with applicable federal and state laws pertaining to the protection of Mojave desert tortoise.

BIO-3 Pre-construction Mojave Ground Squirrel Survey*. Prior to the issuance of a grading permit as a standard operating procedure for projects located in native habitat for the Mojave ground Squirrel, a qualified biologist shall conduct a 30-day preconstruction survey to determine if Mojave ground squirrel have migrated onto the site. If the biologist encounters any of the species during the pre-construction survey, then the project proponent must contact the appropriate regulatory authority (USFWS and/or CDFW) to obtain the required take authorization for the project and provide evidence of the permit to the County of San Bernardino.*

Less Than Significant Impact With Mitigation Incorporated. A natural drainage course bisects the site in a north-south direction. The drainage course is currently not occupied by any structures and will remain undisturbed. Therefore, the project will not have a substantial adverse effect on riparian habitat or 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 with implementation of the following mitigation measure.

BIO-4 Pre-Construction Burrowing Owl Survey. *The project site shall be surveyed for the presence of burrowing owl no more than thirty days prior to ground disturbing activities;*

- *If the burrowing owl is found or the presence or burrowing owl is confirmed, and the project construction will occur during the breeding season (February 15 to August 15), then the active owl burrows on-site and within 500 feet of the project area shall be identified, and physically marked before the start of any construction activities. A survey to mark the burrows shall be undertaken no earlier than February 15. During the construction period, active burrows that are not going to be removed by construction activities will be afforded a minimum 250-foot buffer to protect foraging habitat and owls. A biological monitor will be present to ensure that adequate avoidance of impacts to owls and their burrows is maintained. The monitor will have the authority to modify the buffer zone in order to protect the owls from harm;*
- *If necessary, passive relocation techniques shall adhere to those described in the Burrowing Owl Consortium Survey Protocol & Mitigation Guidelines.*

BIO-5 Avoidance of Natural Drainage Course. *The Site Plan for the project dated March 2013 prepared by Steeno Design Studio identifies a natural drainage course which bisects the site in a north-south direction and is part of a San Bernardino County Drainage Easement. No impacts to this drainage course and/or easement are allowed through direct removal, filling, hydrological interruption, or other means unless the project applicant obtains a Section 404 Permit from the USACE, a Section 1602 Streambed Alteration Agreement from the CDFW, and a Section 401 Water Quality Certification from the RWQCB for permanent impacts of any jurisdictional area that are regulated by the USACE, CDFW, and the RWQCB. Impacts shall be mitigated at a 2:1 ratio through an off-site mitigation bank or the contribution of in-lieu fee program acceptable to the County of San Bernardino and the USACE, CDFW, and RWQCB. The 2:1 ratio maybe reduced to 1:1 by the regulatory agencies as part of the permitting process.*

GHG-1 Construction Standards. *The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved 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.

GHG-2 Operational Standards. *The developer shall implement the following as greenhouse gas (GHG) mitigation during the operation of the approved project:*

a) Waste Stream Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about methods and need to reduce the solid waste stream and listing available recycling services.

b) Vehicle Trip Reduction. The "developer" shall provide to all tenants and project employees County-approved informational materials about the need to reduce vehicle trips and the program elements this project is implementing. Such elements may include: participation in established ride-sharing programs, creating a new ride-share employee vanpool, designating preferred parking spaces for ride sharing vehicles, designating adequate passenger loading and unloading for ride sharing vehicles with benches in waiting areas, and/or providing a web site or message board for coordinating rides.

c) Provide Educational Materials. The developer shall provide to all tenants and staff education materials and other publicity about reducing waste and available recycling services. The education and publicity materials/program shall be submitted to County Planning for review and approval.

d) Landscape Equipment. The developer shall require in the landscape maintenance contract and/or in onsite procedures that a minimum of 20% of the landscape maintenance equipment shall be electric-powered.

TR-1 Regional Transportation Facilities Mitigation Fee. *The project falls within the Adelanto Subarea. This fee shall be paid by a cashier's check due to the Department of Public Works Business Office. The Plan fees shall be computed in accordance with the Plan fees in effect as of the date that the building plans are submitted and the building permit is applied for. These fees are subject to change, however, the current Regional Transportation Fee can be found at the following website:*
http://www.sbcounty.gov/dpw/transportation/transportation_planning.asp

TR-2 Fair Share Contribution*. The total fair share contribution for this project, based on the Traffic Impact Analysis dated October 1, 2012 from Hall & Foreman, Inc., is described as follows:*

Mojave Drive at Verbena Road: The Traffic Impact Analysis states by the horizon year 2035 conditions, this intersection will require an additional right turn lane in the westbound direction and two through lanes for the northbound and southbound directions. The project's fair share percentage for these improvements is 30.3%. This is a joint jurisdictional intersection where the City of Adelanto maintains the south half and the County maintains the north half of the intersection. Therefore, the percentage due to the County is 15.5%. The estimated construction cost is $1,208,880. The total fair share contribution will be based on 15.5% and the estimated construction costs at the time of application for a building permit and shall be paid to the Department of Public Works-Traffic Division. At the present time, the total estimated fair share is $183,145. This amount will be adjusted to reflect actual construction costs incurred, if available, or will be adjusted to account for future construction costs using the Caltrans Construction Cost Index.

TR-3 Project Specific Improvements (Prior to the issuance of a Building Permit)*. The project proponent shall* ***design*** *the following improvements to the satisfaction of the County Traffic Engineer:*

a) Mojave Drive and Coleridge Street (Main Project Entrance, West Project Site/Driveway A): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through and right turn lane in all directions.

b) Mojave Drive and Alexandria Street (Main Project Entrance, East Project Site, Driveway C): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through/ right turn lane in the eastbound, westbound, and southbound directions. A single all direction lane is required in the northbound direction at the intersection.

c) *Mojave Drive and Verbena Road: Install a traffic signal and provide an exclusive left turn lane, one through lane, and an exclusive right turn lane in the northbound direction. In the southbound direction provide an exclusive left turn lane and a shared through/ right turn lane. In the eastbound direction provide an exclusive left turn lane, two (2) through lanes, and an exclusive right turn lane. In the westbound direction provide an exclusive left turn lane, a through lane, and a shared through/ right turn lane.*

d) *Construct half width street improvements along project frontages.*

e) *Based on the analysis of the vertical Sight Distance constraints, that portion of Mojave Drive east of the existing Drainage Easement will be required to be reconstructed to meet vertical Stopping Sight Distance for a 45 mph design speed.*

f) *The secondary driveways (Driveways B and D), shall be restricted to right turn in and right turn out movements. This can be accomplished by constructing a "pork chop" diverter island in the driveway approach with signage, or the construction of a raised median in Mojave Drive.*

***TR-4 Project Specific Improvements (Prior to Occupancy)**. The project proponent shall **construct** the following improvements to the satisfaction of the County Traffic Engineer:*

a) *Mojave Drive and Coleridge Street (Main Project Entrance, West Project Site/Driveway A): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through and right turn lane in all directions.*

b) *Mojave Drive and Alexandria Street (Main Project Entrance, East Project Site, Driveway C): Install a traffic signal at the main project entrance. Make lane modifications to provide one (1) left turn lane and a shared through/ right turn lane in the eastbound, westbound, and southbound directions. A single all direction lane is required in the northbound direction at the intersection.*

c) *Mojave Drive and Verbena Road: Install a traffic signal and provide an exclusive left turn lane, one through lane, and an exclusive right turn lane in the northbound direction. In the southbound direction provide an exclusive left turn lane and a shared through/ right turn lane. In the eastbound direction provide an exclusive left turn lane, two (2) through lanes, and an exclusive right turn lane. In the westbound direction provide an exclusive left turn lane, a through lane, and a shared through/ right turn lane.*

d) *Construct half width street improvements along project frontages.*

e) *Based on the analysis of the vertical Sight Distance constraints, that portion of Mojave Drive east of the existing Drainage Easement will be required to be reconstructed to meet vertical Stopping Sight Distance for a 45 mph design speed.*

f) *The secondary driveways (Driveways B and D), shall be restricted to right turn in and right turn out movements. This can be accomplished by constructing a "pork chop" diverter island in the driveway approach with signage, or the construction of a raised median in Mojave Drive.*

UTL-1. Annexation to City of Adelanto Service Area. *Prior to issuance of the first building permit, the Project site development shall be annexed into the City of Adelanto Service Area for the purpose of domestic water service. The Project Proponent shall submit evidence to the County of San Bernardino Building & Safety Department that the property has been annexed.*

UTL-2. Fire Sprinkler System. *Prior to issuance of a building permit for each building, ,*an automatic fire sprinkler system complying with the County of San Bernardino Fire Department standards and fire flow requirements 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.

UTL-3. Landscape and Architectural Plans*. Prior to the issuance of a building permit, the applicant shall submit the architectural and landscaping plans to the City of Adelanto City Engineer's Office for verification of the required connection fees. Verification shall be provided to the County of San Bernardino Building and Safety Department.*

UTL-4. Water Connections Fees. *Prior to the issuance of a building permit, the applicant shall pay a water connection fee in the amount of $223,155 (as of June 25, 2014). The above connection fee is subject to annual inflation adjustments and subsequent increases as reviewed with BIA (Building and approved by the Adelanto City Council.*
Industry Association) and approved by the Adelanto City Council.

UTL-5. Fire Flow Test. *Prior to the issuance of an occupancy permit, an approved fire flow test shall be performed at the location once the lines are installed to verify compliance with the San Bernardino County Fire Department requirements. Evidence of the test result shall be provided to the County of San Bernardino Building & Safety Department and the County of San Bernardino Fire Department.*

UTL-6. Annexation to City of Adelanto Service Area. *Prior to issuance of the first building permit, the Project site development shall be annexed into the City of Adelanto Service Area for the purpose of sanitary sewer service. The Project Proponent shall submit evidence to the County of San Bernardino Building & Safety Department that the property has been annexed.*

UTL-7.. Completion of the Relief Sewer (Pearmain Street). *Prior to the issuance of a building permit, the Pearmain Street Relief Sewer, under construction by others, shall be completed. Verification shall be provided to the County of San Bernardino Building and Safety Department.*

UTL-8. Sewer Connections Fees. *Prior to the issuance of a building permit, the applicant shall pay a sewer connection fee in the amount of $82,483.92 (as of June 25, 2014). The above connection fee is subject to annual inflation adjustments and subsequent increases as reviewed with BIA (Building Industry Association) and approved by the Adelanto City Council.*

GENERAL REFERENCES:

CEQA Guidelines, Appendix G

County of San Bernardino Development Code, 2007.

County of San Bernardino General Plan, 2007.

County of San Bernardino Greenhouse Gas Emissions Reduction Plan, September 2011.

County of San Bernardino Hazard Overlay Maps.

Department of Toxic Substances Control ENVIRSTOR website accessed February, 2013.

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 REFERENCES:

RCA Associates, LLC: *Focused Desert Tortoise Survey* dated September 6, 2013.

RCA Associates, LLC: *Habitat Assessment for Mojave Ground Squirrel* dated September 6, 2013

Steeno Design Studio, *Site Plan*, dated March 2013...

Hall & Foreman, Inc. *Traffic Impact Analysis,* dated October 1, 2012.

City of Adelanto Water and Sewer Feasibility Study, dated June 25, 2014.

EXHIBIT D

Project Notice Comment Letter

SAN BERNARDINO COUNTY LAND USE SERVICES DEPARTMENT
PLANNING DIVISION PROJECT NOTICE
San Bernardino County Land Use Services Department/Planning Division
15456 West Sage Street, Victorville, CA. 92392

Referral Date:
May 21, 2010

ATTENTION PROPERTY OWNERS

The development proposal listed below has been filed with the County Land Use Services Department/Planning Division. You are invited to comment because your property is located near the proposed project. Please comment in the space below. You may attach additional pages as necessary.

Your comments must be received by this department **no later than June 07, 2010 to be sure that they are included in the final project action. However, comments will be taken up to the time of the project decision.** Please refer to this project by the Applicant's name and the Assessor Parcel Number indicated below. If you have no comment, a reply is not necessary. If you have any questions regarding this proposal, please contact **Project Planner, CHRIS CONNER** at **(760) 843-4340** or mail your comments to the address above. If you wish, you may also FAX your comments to (760) 843-4338.

ASSESSOR PARCEL NUMBER:	**3128-481-10**	**(See map below for more information)**
PROJECT NUMBER	**P201000117/CF**	*** Multiple Parcel Associations ***
APPLICANT	**LILAC DEVELOPMENT, LLC & WELLSPRING DEVELOPMENT, LLC**	
LAND USE DISTRICT (ZONING):	**RL-2.5**	
IN THE COMMUNITY OF:	**ADELANTO/1ST/ SUPERVISORIAL DISTRICT**	
LOCATED AT:	**MOJAVE DRIVE, NORTH SIDE; APPROXIMATELY 640' WEST OF BELLFLOWER STREET**	
PROPOSAL	**A) GENERAL PLAN LAND USE DISTRICT ZONING AMENDMENT FROM RL (RURAL LIVING) TO CG (GENERAL COMMERCIAL) ON 20 ACRES B) TENTATIVE PARCEL MAP 19261 TO CREATE 11 COMMERCIAL LOTS ON 20 ACRES C) CONDITIONAL USE PERMIT TO ESTABLISH 113,265 SQ. FT. OF SPECULATIVE OFFICE/RETAIL BUILDINGS, 18,045 SQ. FT. OF SPECULATIVE RETAIL BUILDINGS AND 10,280 SQ. FT. OF SPECULATIVE RESTAURANTS ON 20 ACRES**	

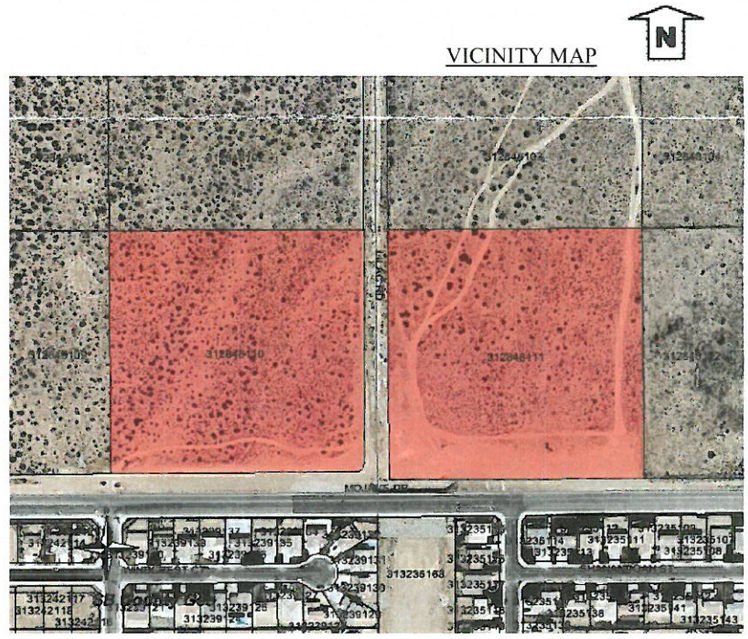
If you want to be notified of the project decision, please print your name clearly and legibly on this form and mail it to the address above along with a self-addressed, stamped envelope. All decisions are subject to an appeal period of ten (10) calendar days after an action is taken.

Comments (If you need additional space, please attach additional pages):

PLEASE SEE ATTACHED
5 PAGE RESPONSE

BRIAN HAMMER
(760) 701-0202

VICINITY MAP



6/4/2010

SIGNATURE **DATE** **AGENCY**

IF THIS DECISION IS CHALLENGED IN COURT, SUCH CHALLENGE MAY BE LIMITED TO ONLY THOSE ISSUES RAISED IN WRITING AND DELIVERED TO THE LAND USE SERVICES DEPARTMENT BEFORE THE PROJECT DECISION IS MADE BY THE PLANNING DIVISION.

IF A PUBLIC HEARING IS HELD ON THE PROPOSAL, YOU OR SOMEONE ELSE MUST HAVE RAISED THOSE ISSUES AT THE PUBLIC HEARING OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE HEARING BODY AT, OR PRIOR TO, THE HEARING. DUE TO TIME CONSTRAINTS AND THE NUMBER OF PERSONS WISHING TO GIVE ORAL TESTIMONY, TIME RESTRICTIONS MAY BE PLACED ON ORAL TESTIMONY AT ANY PUBLIC HEARING ABOUT THIS PROPOSAL. YOU MAY WISH TO MAKE YOUR COMMENTS IN WRITING TO ASSURE THAT YOU ARE ABLE TO EXPRESS YOURSELF ADEQUATELY.

Brian Hammer Sr.
15462 Bellflower St
Adelanto, CA 92301

Response to Proposed Zoning Change P200017/CF

Project Number: P200017/CF
Applicant: Lilac Development, LLC & Wellspring Development, LLC

I would like to submit these comments, observations and questions based on Notice of Proposed Zoning Change P200017/CF and submit this as a matter of public record.

My wife and I have been long-time residents (25 years) on the closest inhabited parcel to the subject parcels. This is our primary dwelling. We are located immediately adjacent to the north east of the subject parcels.

Changing the existing zoning would have a profound and enduring negative impact on our family. It would limit the ability for us to enjoy ourselves on our own property. Some of the impacts that would occur are expanded within this response.

Light and glare

The land use proposed would lead to an increase in nighttime light and glare. Anecdotally, during the course of the last 10-15 years star observation within the proposed site area has become less and less desirable. Two adjacent existing public facilities within the County area (school, church) have already degraded our area with ambient light despite County ordinances that would ostensibly prevent this. The apparent magnitude of stars was near or at six. It is now approximately three to four. We cannot even see the "Milky Way" at this point. Light pollution is now always an issue. If the zoning changes on the subject parcels and the properties are developed, public space lighting that would be required for safety will further degrade and act to limit night sky viewing.

Dust

Prevailing winds blow from the subject property to our property. Any disturbance of native vegetation cover during potential construction will carry dust straight to us. Facilities such as the proposed tend to generate litter, bags cups, papers etc. Given the prevailing winds, a change in land use will create a trash problem for us in perpetuity. Although barriers (walls, fences) might mitigate this, the often times strong winds would still carry trash around or over and right into our yard where it typically (based on observations) gets caught in native vegetation and degrades over a period of years.

Noise

As the closest property to the subject properties, there will be a significant increase in noise from traffic and people if a commercial installation is allowed. To our detriment,

Brian Hammer Sr.
15462 Bellflower St
Adelanto, CA 92301

we are already experiencing a large increase in ambient noise due to adjacent development.
The best way I can relate the increase in harmful effects of noise brought on by existing development is my personal experience. Prior to the development of the southern portion of the City of Adelanto, quiet was the normal state. Quite, much in the same way as going to say Joshua Tree National Monument. No traffic noise, no one yelling and no loud music. Now my family and I hear traffic, people talking, and music at all hours of the night and day. As a further example, my home is approximately 120 feet from Bellflower Street. I can be listening to music or television in my bedroom in the back of the house separated from the street by 120 feet and two walls and still hear car radios at or above the sound level of my own entertainment. This has had a profound long-term effect on my wife and myself. This has disrupted our sleep and prevented us from fully enjoying ourselves on our own property. The current noise level is very high. The addition of any commercial activity on an adjacent parcel will further exacerbate a bad situation.

Water and Sewer

The two subject parcels are within an area that is not currently served by municipal or private water and sewer services. The City of Adelanto serves adjacent parcels within the City boundaries. Historically, with the exception of Adelanto School District properties the City has refused service within the County areas that abut City boundaries. Has the City of Adelanto agreed to provide a "will-serve" letter for water and sewer services? If not, this will dictate that a well be drilled and a large septic system will have to be installed onsite. If these systems are installed they will further stress an already stressed groundwater system. Due to regionally declining water levels, our water quality is declining further every year. Total dissolved solids (TDS) are increasing yearly due to adjacent municipal pumping dropping groundwater levels. Furthermore, groundwater in this area has historically had arsenic above the DHS Primary Drinking Water Standards. Is the requesting entity prepared to install a wellhead arsenic treatment system? Large septic systems do increase nitrates in the groundwater. How will nitrates be addressed?

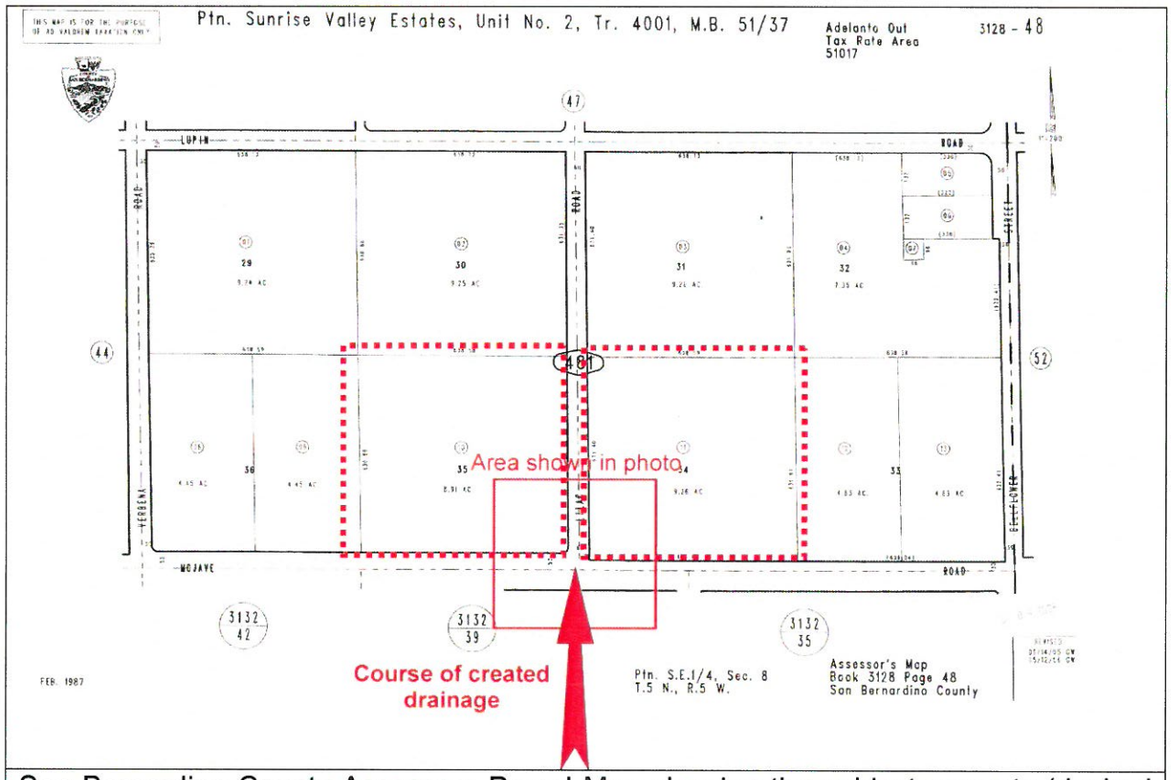
Surface water run off

Between the subject properties there is a drainage channel. The City of Adelanto even has built a grade separation on Mojave Drive so the drainage dumps into a dedicated County road. Lilac Street was once used by the residents and now is an impromptu drainage canal and unusable. How will this be addressed if a commercial facility is allowed on the subject properties? Will surface runoff from the subject property be diverted onto Lilac Street?

Brian Hammer Sr.
15462 Bellflower St
Adelanto, CA 92301

Water drainage, formerly across and now under Mojave Drive, between the subject properties. The City of Adelanto created a master drainage course that terminated onto a dedicated road. This drainage course was formerly Lilac Street, which was previously in use by residents.

Brian Hammer Sr.
15462 Bellflower St
Adelanto, CA 92301



San Bernardino County Assessors Parcel Map showing the subject property (dashed red boxes), the area of the photo and dedicated roads.

Traffic

Traffic along the two primary roads Mojave St. and Bellflower St. near the subject site already is congested during peak hours. There is a proposal to widen and straighten Bellflower Street but it is well south of the subject area so will not provide any relief. If land use changes this will add to a bad situation. What will be done to address the additional traffic load in the vicinity of the subject parcels?

Brian Hammer Sr.
15462 Bellflower St
Adelanto, CA 92301

Bellflower Street looking south from our property to Mojave Drive at ~ 8:30 AM on a Friday. This is a light traffic day.

Conclusions

I request that the change in General Plan land use zoning be denied based on the impacts outlined in this response.

If an outright denial is not granted, I request a site-specific CEQA compliant environmental impact report be done for this project before a zoning change is considered.

Please keep me informed via mail of any developments or conclusions regarding this application.

Thank you.

06/04/2010

Brian G. Hammer Sr

EXHIBIT E

CEQA Comment Letter and Response to this Comment

December 30, 2014

File: Environmental Doc Review
San Bernardino County

Jim Morrissey, Contract Planner
Land Use Services Department – Planning
County of San Bernardino
385 North Arrowhead Avenue
San Bernardino, CA 92415-0182
Email: Jim.Morrissey@lus.sbcounty.gov

COMMENTS ON THE RECIRCULATED INITIAL STUDY- MITIGATED NEGATIVE DECLARATION FOR THE LILAC AND WELLSPRING DEVELOPMENT PROJECT, ADELANTO, SAN BERNARDINO COUNTY, STATE CLEARINGHOUSE NO. 2014011003

The California Regional Water Quality Control Board, Lahontan Region (Water Board) staff received the Initial Study/Mitigated Negative Declaration (IS-MND) for the above-referenced project (Project) on December 5, 2014. The County of San Bernardino (County), acting as lead agency prepared and submitted the IS-MND in compliance with provisions of the California Environmental Quality Act (CEQA). Water Board staff, acting as a responsible agency, is providing these comments to specify the scope and content of the environmental information germane to our statutory responsibilities pursuant to CEQA Guidelines, California Code of Regulations, title 14, section 15096. Based on our review of the IS-MND, we have determined that the following information must be included in Project development: (1) the Project proponent must consult with the US Army Corps of Engineers (USACE) as to whether the Project will impact a water of the US; (2) the Project proponent must perform a hydrology study to evaluate pre- and post-construction hydrologic conditions on the site; (3) the Project proponent must implement an effective combination of best management practices (BMPs) that treat construction and post-construction stormwater run-off; and (4) we encourage the incorporation of Low Impact Development (LID) methods to minimize erosion, run-off, and stream bed and vegetation disturbance. Additionally, Water board staff strongly opposes mitigation measure BIO-5. Compensatory mitigation for impacts to waters of the State and development of appropriate mitigation ratios are established on a project-by-project basis through the permitting process and cannot be agreed to until all Project impacts are identified and then minimized to the extent practical. We encourage the County to consider our comments and value our mission to protect waters of the State and maintain water quality in the Lahontan Region.

Project Description

The Project is a development of 11 commercial lots covering 18 acres at the southern border of the city of Adelanto. The Project center is located approximately 1.25 miles west of Highway 395 bounded on the south by Mojave Drive and on the east by Bellflower Street; the western and northern boundaries have no roads or distinguishable features corresponding to them. Lilac Drive runs north-south through the middle of the Project area. The County will change the land use zoning from rural living to general commercial as part of the Project. The building footprint of the new construction will be a total 142,928 square feet (3.28 acres), and the proposed uses include offices, retail stores, sit down restaurants, fast food restaurants, a bank, a drug store, and a parking lot.

Authority

All groundwater and surface waters are considered waters of the State. Surface waters include streams, ponds, lakes, wetlands, and swales, and may be ephemeral, intermittent, or perennial. All waters of the State are protected under California law. State law assigns responsibility for protection of water quality in the Lahontan Region to the Lahontan Water Board. Some waters of the State are also waters of the U.S. The Federal Clean Water Act (CWA) provides additional protection for those waters of the State that are also waters of the U.S.

The *Water Quality Control Plan for the Lahontan Region* (Basin Plan) contains policies that the Water Board uses with other laws and regulations to protect the quality of waters of the State within the Lahontan Region. The Basin Plan sets forth water quality standards for surface water and groundwater of the Region, which include designated beneficial uses as well as narrative and numerical objectives which must be maintained or attained to protect those uses. The Basin Plan can be accessed via the Water Board's web site at http://www.waterboards.ca.gov/lahontan/water_issues/programs/basin_plan/references.shtml.

Specific Comments

Our comments on the Project are outlined below.

1. Based on our review of aerial photographs of the site and vicinity, a 200-foot wide stream channel south of Mojave Drive carries surface flows to the north, passes beneath Mojave Drive through several arched culverts, and discharges directly onto the Project site. This stream is a tributary to the Mojave River and is considered a water of the State. Impacts to this surface water, either direct or indirect, will require prior Water Board authorization either under a CWA, section 401 water quality certification or through dredge/fill waste discharge requirements.

2. Mitigation Measure BIO-5 states, in part, that impacts to the onsite stream channel "shall be mitigated at a 2:1 ratio at an offsite mitigation bank or the

contribution of in-lieu fee program... The 2:1 ratio may be reduced to 1:1 by the regulatory agencies as part of the permitting process." We request that the County replace the last two sentences of BIO-5 (page 21 of the IS-MND) with "Impacts to all surface water resources shall be mitigated either onsite or offsite and at a mitigation ratio acceptable to the County of San Bernardino, USACE, CDFW, and RWQCB, as determined through the permitting process."

Be advised that there are no formal mitigation banks or in-lieu fee programs within the Lahontan Region. Further, mitigation ratios for impacts to waters of the State/waters of the U.S. are determined on a project-by-project basis and each regulatory agency may have different requirements based on the function and value of the resource being impacted. To the extent possible, Water Board staff coordinate all mitigation requirements with staff from other federal and state regulatory agencies, including the USACE and the California Department of Fish and Wildlife (CDFW). In determining appropriate mitigation ratios for impacts to waters of the State, Water Board staff considers Basin Plan requirements (minimum 1.5:1 mitigation ratio for impacts to wetlands) and utilizes *12501-SPD Regulatory Program Standard Operating Procedure for Determination of Mitigation Ratios*, published December 2012 by the USACE, South Pacific Division.

3. The Project is located in the Upper Mojave Hydrologic Area (628.20), within the Mojave Hydrologic Unit. The site is crossed by at least one ephemeral stream, which is considered to be a water of the State. However, determinations of the jurisdictional extent of the waters of the U.S. are made by USACE on a project-by-project basis. We request that the Project proponent consult with the USACE to verify the presence/absence of waters of the U.S within and around the Project site.

4. The Project is located in the Upper Mojave Hydrologic Area (Mojave Hydrologic Unit 628.20) of the Lahontan Region. The Project site is crossed by at least one ephemeral stream, which is considered to be a water of the State. However, determinations of the jurisdictional extent of the waters of the U.S. are made by USACE on a project-by-project basis. The Project proponent must consult with the USACE to verify the presence/absence of waters of the U.S within and around the Project site.

5. The Project proponent must perform a hydrological analysis that includes a range of anticipated storm events for pre- and post-construction conditions as well as recommendations for managing stormwater run-on and run-off. The post-construction hydrograph must be similar to the pre-project hydrograph with negligible increase in flow volumes.

6. The Basin Plan lists the beneficial uses of waters within the Upper Mojave Hydrologic Area and lists the numeric and narrative water quality objectives and standards designed to maintain water quality for beneficial uses and to protect public health and welfare. Implementation of the proposed Project must comply

with all applicable water quality standards and prohibitions, including provisions of the Basin Plan.

7. Post-construction stormwater management must be considered a significant Project component, and BMPs that effectively treat post-construction stormwater runoff should be included as part of the Project. Of particular concern are collection of onsite stormwater runoff and the concentrated discharge of that stormwater to natural drainage channels. Design alternatives that are compatible with LID should be considered. LID components include: maintaining natural drainage paths and landscape features to slow and filter runoff and maximize groundwater recharge; managing runoff as close to the source as possible; and maintaining vegetated areas for stormwater management and onsite infiltration. Vegetation clearing should be kept to a minimum. Where feasible, existing vegetation should be mowed so that after construction, the vegetation could re-establish and help mitigate for potential stormwater impacts.

8. Land disturbing activities such as trenching, grading, and excavation have the potential to degrade water quality through increased soil erosion or sedimentation. In addition, compaction of soils in both construction and equipment staging areas can result in loss of soil infiltration and absorption capacities. We request the environmental document include a discussion of the importance of minimizing grading activity as part of the LID plan for the purpose of protecting water quality, both during and after construction. Such discussion should include a description of site soil types, soil erosion potential, and engineered features including BMPs, swales, and catch basins, that will be installed.

9. We request that construction staging areas be sited in upland areas outside stream channels and away from any minor surface waters that may occur during the wet season on or around the Project site. Buffer areas should be identified and exclusion fencing used to protect the water resource and prevent unauthorized vehicles or equipment from entering or otherwise disturbing stream channels. Construction equipment should use existing roadways to the maximum extent feasible. All temporary impacts should be restored (re-contoured and re-vegetated) to match pre-Project conditions.

10. Obtaining a permit and conducting monitoring does not constitute adequate mitigation. Development and implementation of acceptable mitigation is required. The environmental document must specifically describe the best management practices and other measures used to mitigate Project impacts.

Permitting Requirements

A number of activities associated with the proposed Project appear to have the potential to impact waters of the State and, therefore, may require permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board. The required permits may include:

1. Streambed alteration and/or discharge of fill material to a surface water may require a CWA, section 401 water quality certification for impacts to federal waters (waters of the U.S.), or dredge and fill waste discharge requirements for impacts to non-federal waters, both issued by the Lahontan Water Board;

2. Land disturbances of more than 1 acre may require a CWA, section 402 (p) stormwater permit, including a National Pollution Discharge Elimination System (NPDES) General Construction Stormwater Permit, Order 2009-0009-DWQ (as amended), obtained from the State Water Board, or an individual stormwater permit obtained from the Lahontan Water Board; and

3. Depending on the Standard Industrial Classification (SIC) code for industrial-type activities at the site, the Project may require an NPDES General Industrial Stormwater Permit, Order 97-03-DWQ, obtained from the State Water Board, or an individual stormwater permit obtained from the Lahontan Water Board.

Please be advised of the permits that may be required for the proposed Project, as outlined above. Should Project implementation result in activities that will trigger these permitting actions, the Project proponent must consult with Water Board staff. Information regarding these permits, including application forms, can be downloaded from our web site at http://www.waterboards.ca.gov/lahontan/.

Thank you for the opportunity to comment on the IS-MND. If you have any questions regarding this letter, please contact me at (760) 241-7391 (tbrowne@waterboards.ca.gov) or Patrice Copeland, Senior Engineering Geologist, at (760) 241-7404 (pcopeland@waterboards.ca.gov).

Tom Browne, PhD, PE
Water Resources Control Engineer

cc: California Department of Fish and Wildlife, Inland Deserts Region
(askregion6@wildlife.ca.gov)
State Clearinghouse (SCH 2014011003)
(state.clearinghouse@opr.ca.gov)

R:\RB6\RB6Victorville\Shared\Units\PATRICE'S UNIT\Tom\CEQA reviews\Lilac and Wellspring Dev Adelanto\draft Lilac and Wellspring development IS-MND_jmz.docx

Exhibit E

RESPONSE to COMMENTS
for the
Lilac Development. LLC and Wellsprings Development, LLC
MITIGATED NEGATIVE DECLARATION
P201000117/CF (SCH # 2014011003)

County of San Bernardino
Land Use Services Department

January 12, 2015

RESPONSES TO COMMENTS RECEIVED ON THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION

Comment letters that were received are identified as follows:

State Agencies

Lahontan Regional Water Quality Control Board, December 30, 2014.

Local Agencies

None

Individuals

None

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

Summary of Comment No. 1

A 200-foot wide stream channel located south of Mojave Drive is considered Waters of the State.

***County Response*:**

The County concurs with this determination.

***Finding: No revisions to the Recirculated Initial Study/Mitigated Negative Declaration are required*.**

Summary of Comment No. 2

The Lahontan Regional Water Quality Control Board requests that the last 2 sentences of Mitigation Measure BIO-5 be revised.

The Initial Study/Mitigated Negative Declaration stated that a natural drainage course bisects the site in a north-south direction. The drainage course is currently not occupied by any structures and will remain undisturbed. Therefore, the project will not have a substantial adverse effect on riparian habitat or 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 with implementation of the Mitigation Measure BIO-5. The Lahontan Regional Water Quality Control Board is requesting that Mitigation Measure BIO-5 be modified as follows:

<u>BIO-5 Avoidance of Natural Drainage Course</u>. The Site Plan for the project dated March 2013 prepared by Steeno Design Studio identifies a natural drainage course which bisects the site in a north-south direction and is part of a San Bernardino County Drainage Easement. No impacts to this drainage course and/or easement are allowed through direct removal, filling, hydrological interruption, or other means unless the project applicant obtains a Section 404 Permit from the USACE, a Section 1602 Streambed Alteration Agreement from the CDFW, and a Section 401 Water Quality Certification from the RWQCB for permanent impacts of any jurisdictional area that are regulated by the USACE, CDFW, and the RWQCB~~. Impacts shall be mitigated at a 2:1 ratio through an off-site mitigation bank or the contribution of in-lieu fee program acceptable to the County of San Bernardino and the USACE, CDFW, and RWQCB. The 2:1 ratio maybe reduced to 1:1 by the regulatory agencies as part of the permitting process.~~ ***Impacts to all surface waters shall be mitigated either onsite or offsite at***

a mitigation ratio acceptable to the County of San Bernardino, USACE, CDFW, and RWQCB, as determined through the permit process.

Mitigation Measure as revised is acceptable to the County because there are no off-site mitigation banks or in-lieu fee programs available with the Lahontan Region... It should be noted that the project site plan is avoiding impacts to the natural drainage course so no regulatory permits are anticipated to be required unless the site plan changes.

***Finding: No revisions to the Recirculated Initial Study/Mitigated Negative Declaration are required*.**

Summary of Comment No. 3

The Project proponent must consult with the U.S. Army Corps of Engineers to verify the presence/absence of Waters of the United States within and around the Project site.

***County Response*:**

The Initial Study/Mitigated Negative Declaration stated that a natural drainage course bisects the site in a north-south direction. The drainage course is currently not occupied by any structures and will remain undisturbed according to the project's site plan. No consultation with the U.S. Army Corps of Engineers is required unless the site plan changes in a way that the natural drainage course is impacted.

***Finding: No revisions to the Recirculated Initial Study/Mitigated Negative Declaration are required*.**

Summary of Comment No. 4

The Project proponent must consult with the U.S. Army Corps of Engineers to verify the presence/absence of Waters of the United States within and around the Project site.

Comment No. 4 appears to be a repeat of Comment No. 3. The response to Comment No. 3 applies.

***Finding: No revisions to the Recirculated Initial Study/Mitigated Negative Declaration are required*.**

Summary of Comment No. 5

The Project proponent must perform a hydrological analysis that includes a range of anticipated storm events as well as recommendation for managing storm water.

***County Response*:**

As indicated in the Initial Study/Mitigated Negative Declaration, storm water from the site is conveyed by means of surface flow and there are no drainage structures on the site. The County Public Works Department will require that adequate provisions will 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 prior to the issuance of grading or building permits. This is a mandatory requirement and not considered a mitigation measure.

In addition, the project is required to submit and obtain approval of a *Final Water Quality Management Plan* before the issuance of grading or building permits. This is a mandatory requirement and not considered a mitigation measure.

***Finding: No revisions to the Recirculated Initial Study/Mitigated Negative Declaration are required*.**

Summary of Comment No. 6

The Project must comply with the Upper Mojave Hydrologic Area Basin Plan.

***County Response*:**

As indicated in the Initial Study/Mitigated Negative Declaration, the project will not violate any water quality standards or waste discharge requirements, because the project's design is required to incorporate design features to diminish impacts to water quality from surface runoff to an acceptable level as required by state and federal regulations (which includes the *Upper Mojave Hydrologic Area Basin Plan).*

In addition, the project is required to submit and obtain approval of a *Final Water Quality Management Plan* before the issuance of grading or building permits. This is a mandatory requirement and not considered a mitigation measure.

***Finding: No revisions to the Recirculated Initial Study/Mitigated Negative Declaration are required*.**

Summary of Comment No. 7

Post-construction stormwater runoff management must be considered a significant Project component, and BMPs that effectively treat post-construction stormwater runoff should be included as part of the Project. Design alternatives that are compatible with Low Impact Development measures.

***County Response*:**

As indicated in the Initial Study/Mitigated Negative Declaration, the project is required to submit and obtain approval of a *Final Water Quality Management Plan* which will incorporate design features to diminish impacts to water quality from surface runoff to an acceptable level as required by state and federal regulations, which includes Low Impact Development measures.

According to the *Water Quality Management Plan Template, Mojave River Watershed Region, Revised April 12, 2012*, the project proponent must include in the project Water Quality Management Plan:

1) An evaluation of the pollutants of concern and/or hydrologic conditions of concern associated with the project, and a determination of whether the project will cause any significant impact(s) to any downstream receiving waters, alone or in conjunction with other projects in the watershed.

2) A description of how any adverse impacts will effectively be mitigated through the incorporation and implementation of BMPs.

***Finding: No revisions to the Recirculated Initial Study/Mitigated Negative Declaration are required*.**

Summary of Comment No. 8

The environmental document should include a discussion of the importance of minimizing grading activity as part of Low Impact Development measures for the purpose of protecting water quality, both during construction and after construction.

***County Response*:**

As indicated in the Initial Study/Mitigated Negative Declaration, the project is required to submit and obtain approval of a *Final Water Quality Management Plan* and a *Storm Water Pollution Prevention Plan.* Both of these plans address Low Impact Development measures for the purpose of protecting water quality, both during construction and after construction

***Finding: No revisions to the Recirculated Initial Study/Mitigated Negative Declaration are required*.**

Summary of Comment No. 9

Construction staging areas should be sited in upland areas outside stream channels and away from any minor surface areas that may occur during the wet season on or around the Project site.

***County Response*:**

As indicated in the Initial Study/Mitigated Negative Declaration, the project is required to prepare a *Storm Water Pollution Prevention Plan* which addresses construction staging areas and other measures to protect water resources.

***Finding: No revisions to the Recirculated Initial Study/Mitigated Negative Declaration are required*.**

Summary of Comment No. 10
The environmental document must specifically describe the best management practices and other measures used to mitigate Project impacts.

***County Response*:**

As indicated in the Initial Study/Mitigated Negative Declaration, the project would be required to obtain a National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit for construction activities. The NPDES permit is required for all projects that include construction activities, such as clearing, soil stockpiling, grading, and/or excavation that disturb at least one acre of total land area. Compliance with the NPDES permit involves the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) for construction-related activities, including grading and soil stockpiling. The SWPPP would specify the Best Management Practices (BMPs) that the project would be required to implement during construction activities to ensure that all potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property. Mandatory compliance with the SWPPP would ensure that the proposed Project does violate any water quality standards or waste discharge requirements during construction activities.

***Finding: No revisions to the Recirculated Initial Study/Mitigated Negative Declaration are required*.**

Comment on Permitting Requirements

A number of activities with the proposed Project appear to have the potential to impact waters of the State, and therefore, may permits issued by either the State Water Resources Control Board (State Water Board) or Lahontan Water Board.

***County Response*:**

As discussed in the above responses, the County will require the project proponent to obtain any necessary permits.

***Finding: No revisions to the Recirculated Initial Study/Mitigated Negative Declaration are required*.**