

**TOWN COUNCIL STAFF REPORT**

**To:** Honorable Mayor & Town Council  
**From:** Nicole Sauviat Criste, Consulting Planner  
**Date:** May 12, 2008  
**For Council Meeting:** May 22, 2008

**Subject:** Specific Plan 01-04  
Conditional Use Permit 02-04  
Environmental Assessment 09-03

Ordinance No.  
Resolution No.

Specific Plan to establish development standards and guidelines associated with the development of a 184,146 Super Walmart store and two commercial pads – one of 3,500 square feet for retail use, and one of 4,000 square feet for fast food restaurant use on a 28 acre site located at the southeast corner of Avalon and Highway 62. Conditional Use Permit to allow the development of the Walmart, and establish the parameters for other uses on the site.

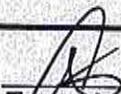
**Prior Council Review:** None

**Recommendation:** The Planning Commission recommends that the Town Council:

1. Adopt a Statement of Overriding Considerations for the Yucca Valley Retail Center Environmental Impact Report (State Clearinghouse Number 2004071127), and adopt the accompanying Resolution; and
2. Approve Specific Plan 01-04, based on the findings and conditions of approval contained in the staff report and Introduce the accompanying Ordinance; and
3. Approve Conditional Use Permit 02-04, based on the findings and conditions of approval contained in the staff report, and adopt the accompanying Resolution.

**Executive Summary:** The proposed project consists of a Specific Plan which establishes the development standards and guidelines under which the 28 acre project will be implemented. The Specific Plan addresses the uses for the entire site, including a Walmart store of 184,146 square feet, and two free standing pads of 3,500 and 4,000 square feet. The Conditional Use Permit is required to allow specific components of the project.

Reviewed By:

  
Town Manager

  
Town Attorney

  
Mgmt Services

\_\_\_\_\_  
Dept Head

\_\_\_ Department Report

\_\_\_ Ordinance Action

\_\_\_ Resolution Action

\_\_\_ Public Hearing

\_\_\_ Consent

\_\_\_ Minute Action

\_\_\_ Receive and File

\_\_\_ Study Session

**Order of Procedure:**

- Request Staff Report
- Clerk to Read Title of Ordinance
- Open Public Hearing
- Request Public Comment
- Close Public Hearing
- Council Discussion/ Council Questions of Staff
- Motion/Second
- Discussion on Motion
- Call the Question (Roll Call Vote)

**Discussion:**

The project site is located on the eastern end of the Town's commercial corridor. On the north, beyond State Route 62, are single family residences and vacant lands in the Residential Single Family, 2 units per acre land use designation. On the south, beyond Palisade Drive, are vacant lands designated for Industrial development. On the west, across Avalon Avenue, are commercial office uses and vacant lands in the General Commercial land use designation. On the east is the Home Depot shopping center, also designated General Commercial.

The proposed project includes a Specific Plan and Conditional Use Permit. The Specific Plan is required under the Development Code for this parcel, and establishes the development standards and guidelines for the proposed project. The Conditional Use Permit is used in this case to accommodate the outdoor sales and vehicle repair uses on the site, and to establish the site plan and architectural approvals for construction of the project.

The project site, consisting of 28 acres, is proposed for a community commercial shopping center consisting of an 184,146 square foot Super WalMart Store on 25.3 acres; a 3,500 square foot retail building on 0.75 acres (Outparcel B); and a 4,000 fast food restaurant on 0.84 acres (Outparcel A). A total of 920 parking spaces are provided for the Super WalMart; and 54 parking spaces for the outparcels. Additional components of the plan include landscaped areas, retention areas, an on-site wastewater treatment facility, and bus stop area. Specific users for the two outparcels have not been identified, and will require additional review under an amendment to the CUP, or separate Site Plan Review(s), as appropriate when applications are filed.

The project site will share its main access drive with the recently opened Home Depot Center. A secondary access point is proposed between the main access drive and Avalon Avenue. This access will be right-in-right-out only. On Avalon, one access is provided, approximately mid-way through the site. Finally, a single access point is provided

on Palisade Drive, at the southeastern corner of the site.

Drainage on the property will occur from south to north, and will be accommodated in a detention basin on the northern property line, adjacent to the SR 62 right of way. The detention basin will be piped to a drainage system already constructed at the Home Depot project, and be conveyed, through pipes, to the east.

The Planning Commission amended the conditions of approval for the project. The Planning Commission's recommended conditions of approval are attached to this staff report.

### Specific Plan

The Specific Plan establishes the design standards and guidelines for the project. In this case, the Specific Plan allows for the development of a 184,146 square foot Super WalMart, which will include a number of uses: a general merchandise store, a grocery store, a garden center, a tire and oil change area, an optical shop, food service, and other uses.

Additional uses, including a drive through pharmacy and medical clinic, are permitted within this building. In addition, the Specific Plan allows for additional uses, including fast food restaurants, full service restaurants, and commercial uses allowed with a Site Plan Review in the General Commercial land use designation.

The Specific Plan also identifies that 920 parking spaces will be provided for the Super Walmart. This standard slightly exceeds the Town's standard of one space per 250 square feet, which would require 737 parking spaces. As the Specific Plan can amend provisions of the Development Code, the applicant wishes to increase the parking standard. Parking requirements are not identified for the two outparcels, so a condition of approval has been included which requires the addition of such standards, in conformance with the Development Code.

The Specific Plan also includes Design Guidelines, which set the materials and colors for the Super WalMart and the outparcels. The Design Guidelines include a range of colors and materials for the outparcels to assure that these are consistent and compatible with the WalMart, so that a unified center will be developed.

The landscaping requirements include 24 inch box trees for the street parkways. As indicated to the applicant in the past, the landscaped parkways surrounding the project should include significant and more mature landscaping. The Specific Plan is conditioned, therefore, to provide 36 inch box trees in the parkways surrounding the project. The balance of the landscaping section provides for a drought tolerant plant palette and design

which will complement the center. The Planning Commission expressed a concern that the landscape plan relied heavily on the Mexican Fan Palm, a species which does not perform successfully in Yucca Valley; and that the Joshua trees to be relocated had been sited in one area of the site only – in the southwestern corner. The applicant has amended the landscaping plan to distribute the Joshua trees more evenly, and has replaced the fan palms with Palo Verde or Chitalpa, which will provide shade and be more successful in this environment.

The Specific Plan also includes a Sign Program. The Specific Plan proposes to vary from the Ordinance in terms of number wall of signs on the WalMart, but not in terms of square footage for wall signs. A total of 4 per side is proposed, on two sides, rather than the two which would be allowed under the Development Code.

### Conditional Use Permit

The Conditional Use Permit is the implementation tool for the Specific Plan in this case. The CUP includes a master site plan for the whole site, as well as elevations for the Super WalMart. The design of the site, as conditioned, is consistent with the requirements of the Specific Plan.

The uses which trigger the need for a CUP in this case include outdoor sales/storage, automobile repair and fast food restaurants. If conditionally permitted uses under the Specific Plan are proposed in the future, an amendment to this Conditional Use Permit would be required. The proposed project occurs in the Town's commercial core, and proposes uses consistent with this commercial core. The land uses included in the proposal are consistent with the General Commercial land use designation, and provide a broad range of commercial opportunities. The area is currently developed for commercial uses, and this parcel is immediately west of the newly developed Home Depot Center, which, similar to the proposed project, includes a primary retail user and outparcels. The addition of the proposed project will expand the existing development pattern, and can therefore be considered appropriate for the area. The Conditional Use Permit can therefore be supported in this case.

Architectural Elevations: The CUP proposes a western style architecture, with use of darker earth tones, brick and stone finishes, tile roof accents, and wood trellis. The building roof peaks, at the project entrances, are limited by the Specific Plan at 40 feet in height. The top of parapet on the building mass is proposed to 25 to 30 feet, with several variations throughout the building. This is consistent with the Specific Plan requirements.

Palette storage is proposed along the southern edge of the property, adjacent to Palisade Drive. This area will be highly visible, and although screening is called out, no

specifics are provided. A condition of approval has been included which clarifies the screening at this location to be block wall or similar.

Container storage is proposed at the southwestern corner of the site. This area will be located 20 feet below the roadway at Avalon and Palisade, and separated by a large landscaped area. The location provides good access for store employees, while removing the area from public view. The Planning Commission further conditioned the project to limit container storage on the site to the period from November 15 to January 1 of any year, as it felt that storage containers were not an appropriate permanent addition to the site.

Landscaping: The project proposes a drought tolerant landscape palette. 36 inch box trees are now shown for parkway trees, based on the revised landscaping plan attached to this staff report. The revised landscape plan addresses two issues which the Planning Commission conditioned for the project: the deletion of Mexican fan palms from the project, and the redistribution of the Joshua trees throughout the landscaping of the site.

Lighting: The project proposes 40 foot light standards, similar to those provided on the Home Depot site. The lighting levels will be controlled by the Lighting Ordinance, and limited to avoid off-site spillage. The project is conditioned to meet these requirements.

Off-site Improvements: The proposed project will benefit from certain improvements made by Home Depot as part of their construction project. The proposed project will reimburse Home Depot its share of these improvements. In addition to these previously completed improvements, the proposed project will be responsible for the widening of Avalon Avenue, including curb, gutter and sidewalk; and improvements to Palisade Drive to align with Avalon.

In addition, the project is conditioned to make short term improvements to a number of intersections (see condition of approval #51) prior to opening of the store. Condition #52 also requires that the applicant pay their fair share of long term traffic improvements. This condition, which parallels the mitigation measure in the EIR, requires the payment of a fee for the improvement of 18 intersections. In the case of the SR 247/Buena Vista signalization, the improvement is now complete, and the fee will serve to reimburse the Town for a portion of the improvement.

Planning Commission Action: The Planning Commission heard the item at its meeting of April 15, 2008. The Planning Commission, as described above, discussed a number of issues, and added conditions of approval to address specific issues. These are detailed in the attached "Planning Commission Revised Conditions of Approval." The Planning Commission ultimately unanimously recommended to the Town Council approval of the Specific Plan and Conditional Use Permit.

## Environmental Review

The proposed project was reviewed under the requirements of the California Environmental Quality Act (CEQA), and an Initial Study was prepared. The Initial Study determined that the proposed project could have a significant impact on the environment. As a result, the Town determined that an Environmental Impact Report should be prepared. The Environmental Impact Report was released for public review on July 9 of 2007, for the mandated 45 day public comment period. When the comment period was closed, the comments received were reviewed, and a Response to Comments/Final EIR was prepared (provided under separate cover).

The Environmental Impact Report found that all potential impacts associated with the proposed project could be mitigated, with the exception of those impacts associated with air quality and noise. All issues identified in the Initial Study were analyzed in the EIR, including aesthetics, biological and cultural resources, earth resources, hazards and hazardous materials, hydrology, land use and planning, noise, traffic, public services and utilities. Impact areas of particular concern included air quality, biological resources, hydrology and traffic and circulation. For all issue areas where impacts were found to be potentially significant, mitigation measures were proposed. These measures will be implemented as the project is developed, and require a "plan of action" by the Town, which is referred to as a Mitigation Monitoring and Reporting Program. The Program proposed for the project is attached in the Response to Comments/Final EIR.

As previously stated, two issue areas were determined to have potentially significant impacts which could not be mitigated to a less than significant level.

Under air quality, the analysis showed that the construction and operation of the project would result in potentially significant impacts. Although mitigation measures have been applied to the project, the mitigation measures will not reduce the potential impacts to air quality to less than significant levels.

Under noise, the analysis determined that construction activities could result in significant noise levels for sensitive noise receptors in the area. Although mitigation measures have been applied to the project, they will not reduce impacts to less than significant levels.

As a result of the analysis, CEQA requires that the Town consider the potentially significant impacts which cannot be mitigated, in this case those associated with air quality and construction noise, and determine whether the benefits of the project, including economic, legal, social, technological or other benefits outweigh the significant and

unavoidable impacts associated with the project. The Planning Commission directed staff to prepare the Findings and Statement of Overriding Considerations for the Town Council's approval, and the document is attached to this staff report. As part of the preparation of the Findings and Statement of Overriding Consideration, the applicant submitted a revised economic impact analysis, updating previously submitted data relating to market demand in Town for grocery and non-grocery items. The analysis is attached to this staff report.

### Conclusion

As conditioned, both the Specific Plan and the Conditional Use Permit will assure the construction of a well designed, well integrated commercial complex. The project will provide additional retail shopping opportunities to Town residents and visitors, and will integrate into the Town's commercial core. The findings for approval can be made.

### FINDINGS:

#### Specific Plan

1. The proposed Specific Plan includes all the required content, pursuant to the Town's ordinance and California Government Code Section 65450-65457.
2. The location and design of the proposed development will be consistent with the goals and policies of the General Plan, insofar as the Specific Plan promotes the diversification of commercial land uses in Town, and is located on SR 62.
3. The proposed location will allow the development to be well integrated with its surroundings, insofar as the project will share access with the Home Depot commercial project, and its location on SR 62 facilitates access and circulation.
4. All vehicular traffic generated by the development will be accommodated safely and without causing significantly increased congestions upon adjoining streets, because the conditions of approval and the mitigation measures assure that adequate levels of service will be maintained at build out of the project.
5. The final specific plan will identify a methodology to allow land uses to be adequately serviced by existing or proposed public facilities and services, insofar as all services are available in the area, and the Specific Plan requires the extension of adequate infrastructure to provide all services to the site.
6. In accordance with the requirements of the California Environmental Quality Act (CEQA), environmental impacts have been reduced to a level of insignificance wherever possible, and a statement of overriding considerations has been adopted

to justify the merits of the implementation of the project after certification of the Environmental Impact Report.

7. The proposed specific plan will contribute to a balance of land uses so that local residents may work and shop in Town, because the project will add to the shopping opportunities, and provide new jobs for Town residents.
8. The proposed specific plan will not be detrimental to the public health, safety or welfare of the Town, insofar as its impacts and infrastructure requirements are to be mitigated by the applicant, and maintenance districts and other methods are included which assure long term maintenance is not the responsibility of the Town.

#### Conditional Use Permit

1. The site for the proposed project is adequate in size and shape to accommodate the proposed uses and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features pertaining to the application.
2. The site for the proposed use has adequate access, insofar as the primary access will be signaled onto SR 62, and secondary access points are provided on SR 62, Avalon and Palisade.
3. The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, meaning that the use will not generate excessive noise, vibration, traffic or other disturbance.
4. The proposed use is consistent with the goals, policies, standards and maps of the General Plan and the Yucca Valley Retail Center Specific Plan
5. The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.
6. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

**Alternatives:** The Town Council may, at its discretion:

1. Approve Specific Plan 01-04 and Conditional Use Permit 02-04;
2. Deny Specific Plan 01-04 and Conditional Use Permit 02-04;
3. Continue the applications to the Town Council meeting of June 19, 2008, and request additional information as deemed necessary;
4. Refer the Specific Plan and Conditional Use Permit back to the Planning Commission, and provide staff with direction.

**Fiscal impact: None.**

**Attachments:**

1. EIR Resolution
2. Findings and Statement of Overriding Consideration
3. Specific Plan Ordinance
4. CUP Resolution
5. Planning Commission Revised Conditions of Approval
6. Specific Plan
7. Plot Plan
8. Revised Landscape Plan
9. Elevations
10. Minutes of the Planning Commission meeting of April 15, 2008
11. Planning Commission Staff Report of April 15, 2008 with all attachments
12. Draft EIR (delivered under separate cover July 2007)
13. Response to Comments/Final EIR (delivered under separate cover)
14. Revised Economic Impact Analysis, 2/21/08

**RESOLUTOIN NO 08-**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF  
YUCCA VALLEY, CALIFORNIA, CERTIFYING THE  
ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE YUCCA  
VALLEY RETAIL CENTER (SCH #2004071127)**

WHEREAS, the Town of Yucca Valley has reviewed the Yucca Valley Retail Center Specific Plan and associated applications to allow the development of a master planned commercial project on 28 acres of land located at the southeast corner of Avalon and Highway 62, in accordance with the authority granted by the California Government Code and Yucca Valley Municipal Code; and

WHEREAS, after completion of an Initial Study, the Planning Department determined that there was substantial evidence that the Yucca Valley Retail Center Specific Plan and associated applications may have one or more significant effects on the environment and that preparation of an Environmental Impact Report ("EIR") was therefore warranted under Public Resources Code § 21080(d) and § 21082.2(d); and,

WHEREAS, the Town has consulted with, and requested comments from, members of the public and the agencies and persons referenced in CEQA Guidelines § 15083, [§ 15083.5 and § 15086; and,

WHEREAS, upon completion of the Draft EIR, the Town provided notice of completion to OPR on July 9, 2007, as required under CEQA Guidelines § 15085 and provided notice of availability as required under CEQA Guidelines § 15087; and,

WHEREAS, the Draft EIR was circulated to the public, responsible agencies and other interested parties as required by CEQA Guidelines § 15087 for a period of 45 days-in accordance with CEQA Guidelines § 15105(a); and,

WHEREAS, the Final EIR consists of the following documents: the Draft EIR, the Initial Study, Technical Appendices, Written Comments and Responses to the Draft, the Mitigation Monitoring and Reporting Program, the Statement of Overriding Considerations; and,

WHEREAS, on April 15, 2008 the Planning Commission considered all public comments responding to the Yucca Valley Retail Center Specific Plan EIR, and after said hearing provided the Town Council with a recommendation for approval; and

WHEREAS, the Town Council conducted a duly noticed public hearing on May 22, 2008 and heard all testimony of any persons wishing to speak on the issue.

**NOW THEREFORE**, the Town Council of the Town of Yucca Valley, does hereby resolve, determine and order as follows:

**SECTION 1. FINDINGS.**

The Town Council, in light of the whole record before it, including but not limited to, the Final EIR, all documents incorporated by reference therein, any comments received and responses provided, the Mitigation Monitoring Program, the Statement of Facts and Findings, and other substantial evidence (within the meaning of Public Resources Code § 21080(e) and § 21082.2) within the record and/or provided at the public hearing, hereby finds and determines that:

1. **Preparation of EIR:** An Environmental Impact Report was prepared for the Yucca Valley Retail Center Specific Plan after completion of an Initial Study in accordance with Public Resources Code § 21080(d) and § 21082.2 and the EIR was prepared and processed in accordance with the California Environmental Quality Act (Public Resources Code § 21000 et seq.), the CEQA Guidelines (14 California Code of Regulations § 15000 et seq.), and the local CEQA Guidelines adopted by the Town of Yucca Valley.
2. **Notice:** The Town has complied with CEQA Guidelines § 15085 and § 15087 by providing a Notice of Completion of the Draft EIR to OPR and a Notice of Availability to responsible and trustee agencies and other persons and agencies as required.
3. **Review Period:** The Town has complied with CEQA Guidelines §§ 15087 and 15105 by making the Draft EIR available to the public for review for the required period of time.
4. **Response to Comments:** The Town has responded to all written comments received during the public review period and included both comments and responses as part of the Final EIR. In response to these comments, the Town has made minor revisions to the Final EIR. These revisions are identified in the responses and do not constitute significant additional information and do not require recirculation of the EIR.
5. **Statement of Overriding Considerations:** The Final EIR identifies potentially significant effects on the environment that could result if the project were adopted without changes or alterations in the project and imposition of mitigation measures. Based thereon, the Town Council further finds that although mitigation measures are proposed which will reduce most impacts associated with the proposed project, impacts associated with Air Quality and Noise cannot be mitigated to less than significant levels, and a Statement of Overriding considerations is adopted, and attached to this Resolution as Exhibit A.
6. **Independent Judgment:** The Final EIR reflects the independent judgment and analysis of the Town.

SECTION 2. TOWN COUNCIL ACTION.

Based on the foregoing findings, and on substantial evidence in the whole of the record, the Town Council hereby takes the following actions:

1. **Certify EIR:** The Town Council approves and certifies the Final Environmental Impact Report No. (SCH NO. 2004071127) for the Yucca Valley Retail Center Specific Plan.
2. **Adopt Statement of Overriding Considerations:** The Town Council approves and adopts the Findings of Fact and Statement of Overriding Considerations for the Final EIR.
3. **Adopt MMP:** The Town Council approves and adopts the Mitigation Monitoring Program for the Final EIR.
4. **Notice of Determination:** The Town Council, in compliance with Public Resources Code § 21152 and CEQA Guidelines § 15094, directs the Community Development Director to prepare a Notice of Determination concerning certification of the Final EIR, and within five (5) days of project approval, file the Notice with the Riverside County Clerk for posting.
5. **Location:** The Town Council directs that the Final Environmental Impact Report (SCH NO. 2004071127) and all documents incorporated therein and forming the record of decision therefore, be filed with the Planning Department at 58928 Business Center Drive, Yucca Valley, CA 92284 and be made available for public review upon request.

APPROVED AND ADOPTED THIS 22<sup>nd</sup> day of May, 2008.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
TOWN CLERK

**ORDINANCE NO.**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING SPECIFIC PLAN 01-04, THE YUCCA VALLEY RETAIL CENTER SPECIFIC PLAN**

The Town Council of the Town of Yucca Valley, California, does ordain as follows:

**SECTION 1:** The Town of Yucca Valley adopts the Specific Plan, and shall modify the Zoning Map to include the notation "SP-01-04" on the subject property, identified as assessor's parcel numbers 601-201-37.

**SECTION 2: PUBLIC HEARINGS.** A public hearing was held before the Town of Yucca Valley Planning Commission and Town Council of the Town of Yucca Valley, California pursuant to the Planning and Zoning Law of the State of California and the Yucca-Valley Development Code.

**SECTION 3: NOTICE OF ADOPTION.** Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

**SECTION 4: EFFECTIVE DATE.** This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Town Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Town Manager

RESOLUTION NO 08-

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT 02-04, TO ALLOW THE DEVELOPMENT OF A 184,146 SQUARE FOOT SUPER WALMART STORE ON ASSESSOR'S PARCEL NUMBER 601-201-37**

WHEREAS, on April 15, 2008 the Planning Commission considered all public comments and comments from all other Agencies responding to the Conditional Use Permit, and after said hearing recommended that the Town Council approve Conditional Use Permit 02-04; and

WHEREAS, the Town Council conducted a duly noticed public hearing on May 22, 2008 and heard all testimony of any persons wishing to speak on the issue.

**Section 1.** The Town Council hereby approves Conditional Use Permit 02-04, and finds that:

1. The site for the proposed project is adequate in size and shape to accommodate the proposed uses and all yards, open spaces, setbacks, walls and fences, parking areas, loading areas, landscaping and other features pertaining to the application.
2. The site for the proposed use has adequate access, insofar as the primary access will be signaled onto SR 62, and secondary access points are provided on SR 62, Avalon and Palisade.
3. The proposed use will not have a substantial adverse effect on abutting property or the permitted use thereof, meaning that the use will not generate excessive noise, vibration, traffic or other disturbance.
4. The proposed use is consistent with the goals, policies, standards and maps of the General Plan and the Yucca Valley Retail Center Specific Plan
5. The lawful conditions stated in the approval are deemed necessary to protect the public health, safety and general welfare.
6. The design of the site has considered the potential for the use of solar energy systems and passive or natural heating and cooling opportunities.

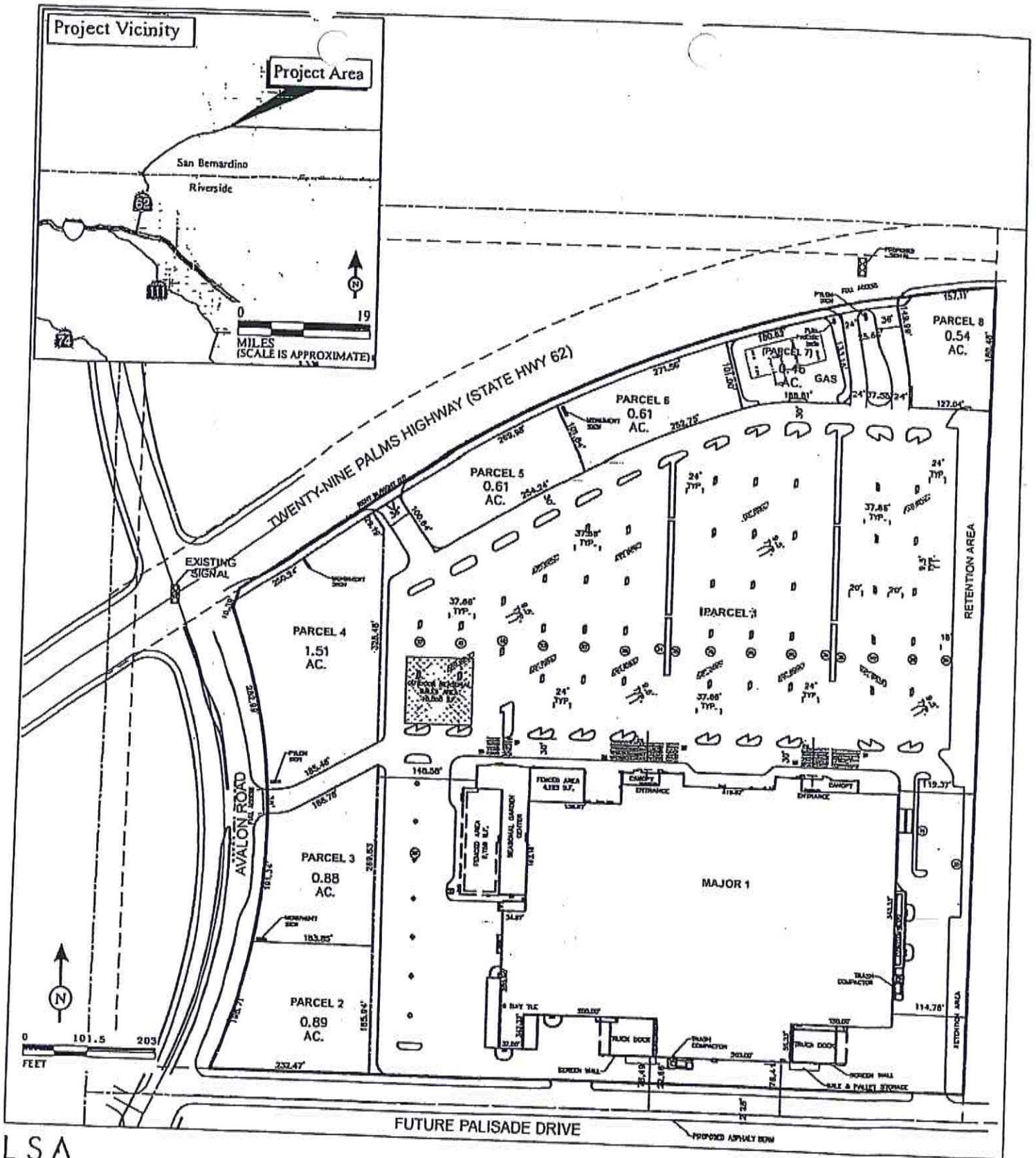
**Section 2:** This Resolution shall become effective on the effective date of the Ordinance for Specific Plan 01-04, adopted as a part of this Town Council action.

APPROVED and ADOPTED this 22<sup>nd</sup> day of May, 2008.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
Town Clerk



LSA

FIGURE 1

# TENTATIVE PARCEL MAP NO. 16632

IN THE TOWN OF YUCCA VALLEY, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA



**APPROVED:**  
 DANIEL J. JOHNSON, ENGINEER  
 10000  
 10000  
 10000

**STATE BOARD OF EQUALIZATION**  
 STATE OF CALIFORNIA

**APPLICANT:**  
 DANIEL J. JOHNSON, A LIMITED PARTNERSHIP  
 10000  
 10000

**SITE ADDRESS:**  
 10000  
 10000

**OWNER:**  
 10000  
 10000

**PLANS:**  
 10000  
 10000

**REVISIONS:**  
 10000  
 10000

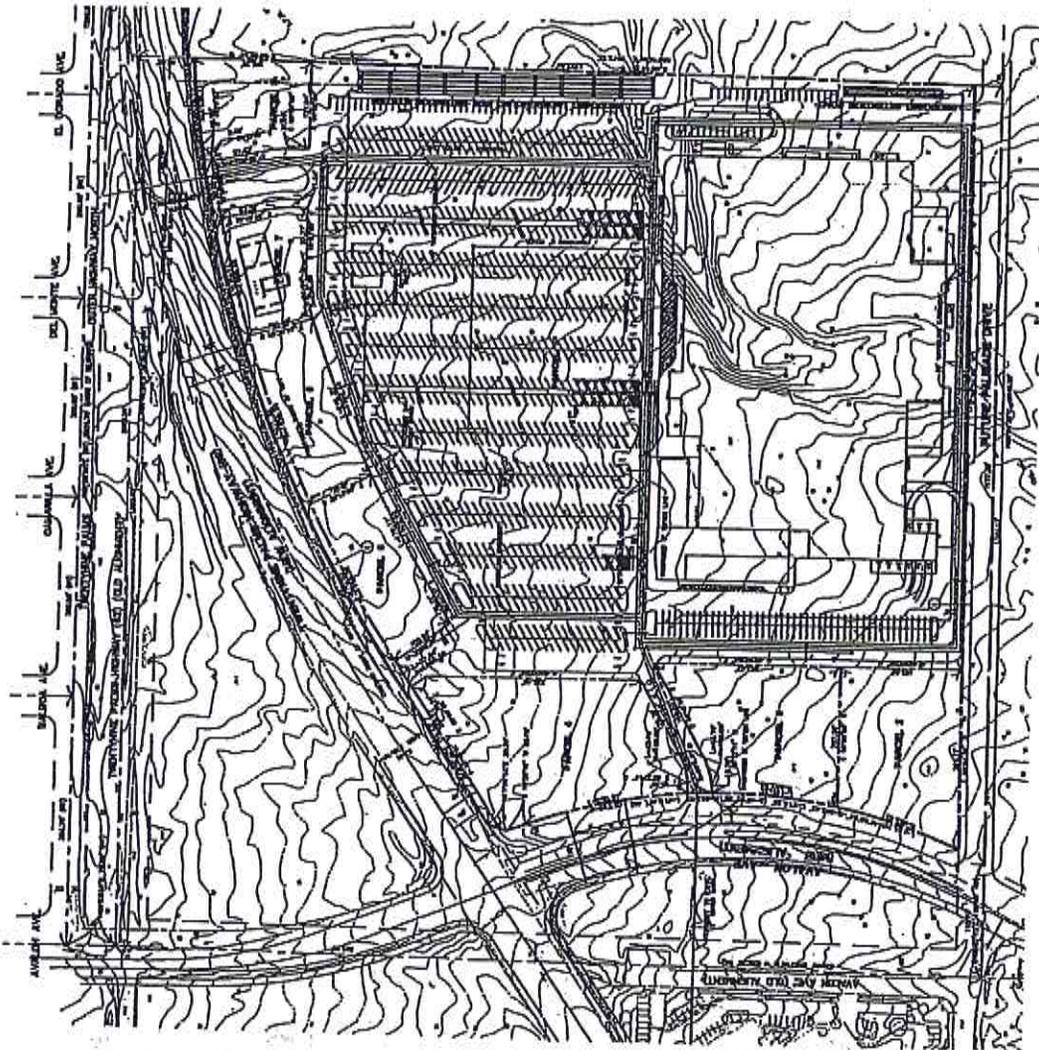
**GENERAL NOTES:**  
 1. ALL IMPROVEMENTS ARE APPROXIMATE  
 2. ALL DIMENSIONS ARE APPROXIMATE  
 3. ALL DIMENSIONS ARE APPROXIMATE  
 4. ALL DIMENSIONS ARE APPROXIMATE  
 5. ALL DIMENSIONS ARE APPROXIMATE  
 6. ALL DIMENSIONS ARE APPROXIMATE  
 7. ALL DIMENSIONS ARE APPROXIMATE  
 8. ALL DIMENSIONS ARE APPROXIMATE  
 9. ALL DIMENSIONS ARE APPROXIMATE  
 10. ALL DIMENSIONS ARE APPROXIMATE

**GENERAL NOTES:**  
 1. ALL IMPROVEMENTS ARE APPROXIMATE  
 2. ALL DIMENSIONS ARE APPROXIMATE  
 3. ALL DIMENSIONS ARE APPROXIMATE  
 4. ALL DIMENSIONS ARE APPROXIMATE  
 5. ALL DIMENSIONS ARE APPROXIMATE  
 6. ALL DIMENSIONS ARE APPROXIMATE  
 7. ALL DIMENSIONS ARE APPROXIMATE  
 8. ALL DIMENSIONS ARE APPROXIMATE  
 9. ALL DIMENSIONS ARE APPROXIMATE  
 10. ALL DIMENSIONS ARE APPROXIMATE

**GENERAL NOTES:**  
 1. ALL IMPROVEMENTS ARE APPROXIMATE  
 2. ALL DIMENSIONS ARE APPROXIMATE  
 3. ALL DIMENSIONS ARE APPROXIMATE  
 4. ALL DIMENSIONS ARE APPROXIMATE  
 5. ALL DIMENSIONS ARE APPROXIMATE  
 6. ALL DIMENSIONS ARE APPROXIMATE  
 7. ALL DIMENSIONS ARE APPROXIMATE  
 8. ALL DIMENSIONS ARE APPROXIMATE  
 9. ALL DIMENSIONS ARE APPROXIMATE  
 10. ALL DIMENSIONS ARE APPROXIMATE

**GENERAL NOTES:**  
 1. ALL IMPROVEMENTS ARE APPROXIMATE  
 2. ALL DIMENSIONS ARE APPROXIMATE  
 3. ALL DIMENSIONS ARE APPROXIMATE  
 4. ALL DIMENSIONS ARE APPROXIMATE  
 5. ALL DIMENSIONS ARE APPROXIMATE  
 6. ALL DIMENSIONS ARE APPROXIMATE  
 7. ALL DIMENSIONS ARE APPROXIMATE  
 8. ALL DIMENSIONS ARE APPROXIMATE  
 9. ALL DIMENSIONS ARE APPROXIMATE  
 10. ALL DIMENSIONS ARE APPROXIMATE

**GENERAL NOTES:**  
 1. ALL IMPROVEMENTS ARE APPROXIMATE  
 2. ALL DIMENSIONS ARE APPROXIMATE  
 3. ALL DIMENSIONS ARE APPROXIMATE  
 4. ALL DIMENSIONS ARE APPROXIMATE  
 5. ALL DIMENSIONS ARE APPROXIMATE  
 6. ALL DIMENSIONS ARE APPROXIMATE  
 7. ALL DIMENSIONS ARE APPROXIMATE  
 8. ALL DIMENSIONS ARE APPROXIMATE  
 9. ALL DIMENSIONS ARE APPROXIMATE  
 10. ALL DIMENSIONS ARE APPROXIMATE



**TITLE ABSTRACT:**  
 THE TITLE ABSTRACT FOR THE PROPERTY DESCRIBED IN THIS TENTATIVE PARCEL MAP IS AS FOLLOWS: [Detailed title abstract text]

**LEGAL DESCRIPTION:**  
 THE PROPERTY DESCRIBED IN THIS TENTATIVE PARCEL MAP IS DESCRIBED AS FOLLOWS: [Detailed legal description text]

**TITLE EXCEPTIONS AND RESERVATIONS:**  
 1. THE PROPERTY DESCRIBED IN THIS TENTATIVE PARCEL MAP IS SUBJECT TO THE EASEMENTS AND RESERVATIONS SET FORTH IN THE LEGAL DESCRIPTION.

**GENERAL NOTES:**  
 1. ALL IMPROVEMENTS ARE APPROXIMATE  
 2. ALL DIMENSIONS ARE APPROXIMATE  
 3. ALL DIMENSIONS ARE APPROXIMATE  
 4. ALL DIMENSIONS ARE APPROXIMATE  
 5. ALL DIMENSIONS ARE APPROXIMATE  
 6. ALL DIMENSIONS ARE APPROXIMATE  
 7. ALL DIMENSIONS ARE APPROXIMATE  
 8. ALL DIMENSIONS ARE APPROXIMATE  
 9. ALL DIMENSIONS ARE APPROXIMATE  
 10. ALL DIMENSIONS ARE APPROXIMATE

**GENERAL NOTES:**  
 1. ALL IMPROVEMENTS ARE APPROXIMATE  
 2. ALL DIMENSIONS ARE APPROXIMATE  
 3. ALL DIMENSIONS ARE APPROXIMATE  
 4. ALL DIMENSIONS ARE APPROXIMATE  
 5. ALL DIMENSIONS ARE APPROXIMATE  
 6. ALL DIMENSIONS ARE APPROXIMATE  
 7. ALL DIMENSIONS ARE APPROXIMATE  
 8. ALL DIMENSIONS ARE APPROXIMATE  
 9. ALL DIMENSIONS ARE APPROXIMATE  
 10. ALL DIMENSIONS ARE APPROXIMATE

**GENERAL NOTES:**  
 1. ALL IMPROVEMENTS ARE APPROXIMATE  
 2. ALL DIMENSIONS ARE APPROXIMATE  
 3. ALL DIMENSIONS ARE APPROXIMATE  
 4. ALL DIMENSIONS ARE APPROXIMATE  
 5. ALL DIMENSIONS ARE APPROXIMATE  
 6. ALL DIMENSIONS ARE APPROXIMATE  
 7. ALL DIMENSIONS ARE APPROXIMATE  
 8. ALL DIMENSIONS ARE APPROXIMATE  
 9. ALL DIMENSIONS ARE APPROXIMATE  
 10. ALL DIMENSIONS ARE APPROXIMATE

**AREA TABLE:**

PANEL 1	18.25 ACRES
PANEL 2	1.08 ACRES
PANEL 3	1.08 ACRES
PANEL 4	0.81 ACRES
PANEL 5	0.81 ACRES
PANEL 6	0.81 ACRES
PANEL 7	0.81 ACRES
<b>TOTAL</b>	<b>25.63 ACRES</b>

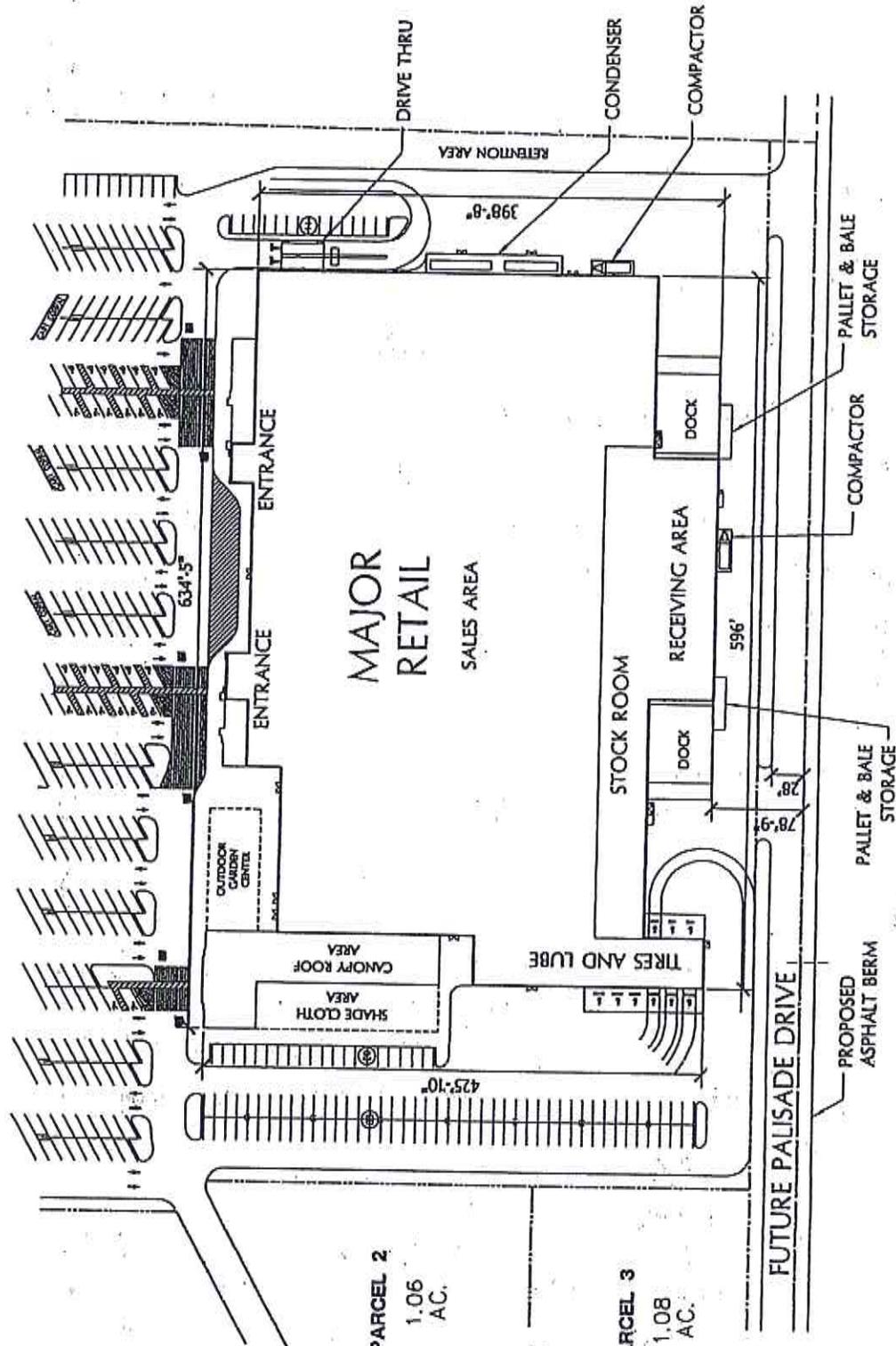


**LEGEND:**  
 [Symbol] SITE  
 [Symbol] ROAD  
 [Symbol] RAILROAD  
 [Symbol] WATER









Sheet 1 of 1



Williams Parish  
Design Development  
Consultants, Inc.  
2001 West 4th, Suite 200  
West Valley, CA 94708  
Tel: (925) 938-1100  
Fax: (925) 938-1101  
www.williamsparish.com

**Yucca Valley Retail Center**  
SEC Twenty-Nine Palms Hwy & Avalon Road  
Yucca Valley, California

GRAPHIC SCALE  
1" = 10'  
N

Project No.	DATE	BY
17-0000	11/10/08	WJC
Drawn	11/10/08	WJC
Checked	11/10/08	WJC
Approved	11/10/08	WJC
Scale	AS SHOWN	
Notes	No liability is assumed for any errors or omissions in this drawing. The user of this drawing is advised that it is not intended for any other purpose than that for which it was prepared.	

**Facts, Findings and Statement of Overriding Considerations  
Regarding the Environmental Effects from Approval of  
The Yucca Valley Retail Specific Plan,  
in the Town of Yucca Valley, San Bernardino, California  
(SCH #2004071127)**

**I. INTRODUCTION**

The Town Council (this "Council") of the Town of Yucca Valley (the "Town"), in approving the Yucca Valley Retail Specific Plan authorizing the construction of a 233,000 square foot retail center, including an approximately 229,000 square foot Wal-Mart store (the "Project"), makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The Environmental Impact Report ("EIR") was prepared by the Town acting as lead agency pursuant to the California Environmental Quality Act ("CEQA"). Hereafter, the Notice of Preparation, Notice of Availability, Draft EIR, Technical Studies, Final EIR containing Responses to Comments and textual revisions to the Draft EIR, and the Mitigation Monitoring and Reporting Program will be referred to collectively herein as the EIR. These Findings are based on the entire record before this Council, including the EIR. This Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this Council.

**II. PROJECT SUMMARY**

**A. PROJECT DESCRIPTION**

**1. Site Location**

The Project is located in the Town of Yucca Valley on the southeast corner of State Route 62 ("SR-62") and Avalon Avenue. The Project site encompasses a total of 25.51 acres.

Surrounding land uses consist of vacant land immediately to the south of the Project site. Low-density residential uses are located to the north across SR-62 and southwest across Avalon Avenue and south of Palisade Drive. Office/administrative uses are located to the west of the Project site, across Avalon

Avenue. The recently completed Home Depot is located immediately to the east of the Project site.

**2. Project Description**

The proposed project consists of the approval of a Specific Plan to authorize the development of a retail commercial center located on an approximately 25.51 acre site located on the southeast corner of SR-62 and Avalon Avenue. The development will include an approximately 229,000 square foot Wal-Mart Supercenter, a six-pump (12 fueling position) gas station and a 4,000 square foot fast-food restaurant with drive-through facility. The Project would also include the development of a 1.8 acre retention basin along the southern most portion of the property fronting SR-62, as well as a 10,000 gallon onsite waste water treatment facility.

**3. Actions Covered by the EIR**

The EIR will support the following discretionary approvals:

- Approval of the Yucca Valley Retail Center Specific Plan;
- Approval of Parcel Map 16632;
- Approval Conditional Use Permits (CUPs) for the gas pumps and drive-through restaurant;
- Approval of a Storm Water Pollution Prevention Plan (SWPPP) to mitigate site runoff and run-on drainage flows during Project operations; and
- Grading and building permits.

**B. PROJECT OBJECTIVES**

The Project objectives include the following:

- Provide development consistent with the Town's General Plan land uses and in conformance with municipal standards, codes, and policies;
- Provide for the orderly and master planned development of land uses within the project area to ensure that an economically viable project can be developed;

- Allow the potential for development of high quality commercial uses within an undeveloped portion of Town;
- Augment the Town's economic base by providing tax-generating uses;
- Create employment-generating opportunities for the citizens of Yucca Valley and surrounding communities;
- Provide additional convenient grocery shopping opportunities for area residents;
- Expand and provide new retail options in close proximity to local consumers by providing daytime and nighttime shopping opportunities in a safe and secure environment;
- Complement the existing retail base in the Town of Yucca Valley along SR-62; and
- Locate a commercial project at the intersection of two major streets, thereby maximizing access opportunities for the convenience of patrons.

### **III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION**

The Town conducted an extensive review of this Project which included a Draft EIR and a Final EIR, including technical reports; along with a public review and comment period. The following is a summary of the Town's environmental review of this Project:

- On July 22, 2004, the Town circulated a Notice of Preparation ("NOP") identifying the environmental issues to be analyzed in the Project's EIR to the State Clearinghouse, responsible agencies, and other interested parties. The NOP (Appendix A to the Draft EIR) identified potential environmental impacts related to: aesthetics; agricultural 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; and utilities/service systems; and indirect environmental impacts that could be caused by the project's direct economic effect on the local retail market, and was the basis for the Planning Department's determination that an EIR should be prepared for the Project.

- On August 2, 2004, the town conducted a public scoping meeting to allow members of the public to provide comments and input regarding the scope and content of the EIR. Seven individuals commented on the proposed project. General issues raised by persons commenting verbally during the public scoping meeting included potential impacts associated with: aesthetics; air quality; biological resources; noise; traffic; and water resources.
- The NOP public review period ran for 30 days. The Town accepted a number of written comments from various interested parties both expressing support and concern for the Project and its potential impacts. The Town considered these comments when determining the final scope of the EIR's analysis. Written comments in support of the project referred to the potential for an increase in community growth, job opportunity, and additional tax revenue. The scope of the issues identified in the comments expressing concern included potential impacts associated with: aesthetics, air quality, biological resources, economic impacts, traffic, water resources, septic system usage, and noise.
- The Draft EIR was distributed for public review and a Notice of Availability ("NOA") was filed with the State Clearinghouse on July 9, 2007 for a 45-day review period.
- The Town received a total of 9 comment letters from public agencies and 4 from non-governmental organizations. 47 comment letters were received from individuals. The Town prepared specific responses to all comments. Where commentators raised similar and overlapping issues the Town cross-referenced

comments that were identical or nearly identical. The responses to comments are in Appendix P of the Final EIR.

- A Notice of Completion (“NOC”) for the Final EIR was filed with the State Clearinghouse on \_\_\_\_\_. Notice of the Town Council hearing to consider the project was provided in the following newspapers of general and/or regional circulation:
- In accordance with Public Resources Code Section 21092.5, on January \_\_\_\_, 2008, the Town provided written proposed responses to public agencies that commented on the DEIR.
- On \_\_\_\_\_ the Town Planning Commission conducted a public hearing to consider the Project. After considering this EIR and public testimony presented at the hearing, the Planning Commission recommended approval of the Project to the Council.
- On \_\_\_\_\_, this Council held a public hearing to consider the Project and staff recommendations. The Town, after considering written comments and oral testimony on the EIR, determined that no new information was presented that would require recirculation of the EIR. Following public testimony, submission of additional written comments, and staff recommendations, this Council certified the EIR, adopted these Findings and the Statement of Overriding Considerations, and the further recommendations in the Staff Report, dated \_\_\_\_\_ and approved the Project, including the approval of: the Specific Plan; Parcel Map; and Conditional Use Permits.

#### **IV. INDEPENDENT JUDGMENT FINDING**

The Town solicited proposals from independent consultants to prepare the EIR for the Project. Subsequently, the Town selected and retained LSA Associates, Inc. (“LSA”) to prepare the EIR. LSA prepared the EIR under the supervision and direction of the Yucca Valley planning staff.

**Finding:** The EIR for the Project reflects the Town's independent judgment. The Town has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in retaining its own environmental consultant, directing the consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

**A. GENERAL FINDING ON MITIGATION MEASURES**

In preparing the Conditions of Approval for this Project, Town staff incorporated the mitigation measures recommended in the EIR as applicable to the Project. In the event that the Conditions of Approval do not use the exact wording of the mitigation measures recommended in the EIR, in each such instance, the adopted Conditions of Approval are intended to be identical or substantially similar to the recommended mitigation measure. Any minor revisions were made for the purpose of improving clarity or to better define the intended purpose.

**Finding:** Unless specifically stated to the contrary in these findings, it is this Council's intent to adopt all mitigation measures recommended by the EIR which are applicable to the Project. If a measure has, through error, been omitted from the Conditions of Approval or from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all Conditions of Approval repeating or rewording mitigation measures recommended in the EIR are intended to be substantially similar to the mitigation measures recommended in the EIR and are found to be equally effective in avoiding or lessening the identified environmental impact. In each instance, the Conditions of Approval contain the final wording for the mitigation measures.

**V. ENVIRONMENTAL IMPACTS AND FINDINGS**

Town staff reports, the EIR, written and oral testimony at public meetings or hearings, these facts, findings and statement of overriding considerations, and other

information in the administrative record, serve as the basis for the Town's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Chapter 4 of the Draft EIR and Chapter 4 of the Final EIR. Responses to comments from the public and from other government agencies on the Draft EIR are provided in Appendix P of the Final EIR.

The EIR evaluated seventeen major environmental categories for potential impacts including Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Traffic, Utilities and Service Systems, and Urban Decay. Both Project-specific and cumulative impacts were evaluated. Of these seventeen major environmental categories, this Council concurs with the conclusions in the EIR that the issues and sub issues discussed in IV.A and IV. B below either are less than significant without mitigation or can be mitigated below a level of significance. For the remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Section IV.C, overriding considerations exist which make these potential impacts acceptable to this Council.

**A. IMPACTS IDENTIFIED AS LESS THAN SIGNIFICANT  
REQUIRING NO MITIGATION**

The following issues were found in the EIR as having no potential to cause significant impacts and therefore require no Project-specific mitigation. In the presentation below, each resource issue is identified and the potential for significant adverse environmental effects is discussed.

**1. Aesthetics**

**a. Scenic Vistas**

**Potential Significant Impact:** Whether the Project would result in significant impacts to a scenic vista.

**Finding:** Potential impacts of the Project on Aesthetics are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact related to scenic vistas will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** As discussed in detail in Section 4.1.4 of the Draft EIR, the Little San Bernardino Mountains and the Sawtooth Mountains, provide a scenic vista from the site. However, the topography of the Project site and the immediately surrounding area is, for the most part, flat; the difference between the highest and lowest points is 40 feet. There would be only one-story buildings within the Yucca Valley Retail Specific Plan and the tallest building height would be 35 feet, which is less than 40 feet, the maximum allowed by the Town Development Code and the Yucca Valley Retail Center Specific Plan. Although the Project would partially block views of vicinity hillsides and ridges from vantage points near the Project's roadway frontages, vistas would not be completely blocked from viewpoints off the Project site and adjacent roads. Because the Specific Plan, the Town of Yucca Valley's General Plan development guidelines, and the Development Code are designed to preserve scenic vistas and natural view corridors, compliance with the proposed Specific Plan development standards and applicable existing regulations would ensure that the Project would not result in a significant impact to scenic vistas. The Project would be designed and built with consideration for architectural and design

components in a desert environment in accordance with the proposed Specific Plan development standards and applicable existing General Plan development guidelines and Development Code regulations. Accordingly, the impact is less than significant.

**b. Scenic Resources and Scenic Highways**

**Potential Significant Impact:** Whether the Project would significantly impact scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway.

**Finding:** Potential impacts of the Project on Aesthetics are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact to the scenic resources and scenic highways will occur as a result of development of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** As reflected in Section 4.1.4 of the Draft EIR, there are no State-designated scenic highways located within the Town of Yucca Valley. SR-62 is an eligible State scenic highway, but is not an officially designated State scenic highway. However, because SR-62 is designated as a local scenic roadway in the Town Comprehensive General Plan; it was treated as a State scenic highway for purposes of the EIR. There are no substantial rock outcroppings or historic buildings in the immediate vicinity of the Project site; however, Joshua Trees are located on the site and are a scenic resource that can be viewed from SR-62. A total of 129 Joshua trees were found within

the project site. Of the 129 Joshua trees, approximately 92 were determined likely to be relocated successfully. Therefore, where feasible, they will be incorporated into the landscaping plan of the Project, pursuant to the approved Joshua Tree Recovery Plan which will be approved by the Town as a condition of approval. Much of the salvage and replanting of existing Joshua Trees will take place within the Project site, and, as appropriate, the remaining salvaged trees will be put up for adoption pursuant to the Joshua Tree Preservation and Adoption Program. The proposed Joshua Tree Recovery Plan for the Project conforms with Policy 6 of the Biological Resources Element of the Town Comprehensive General Plan and to Town Ordinance No. 140 (Native Plant Permit and Joshua Tree Preservation and Adoption Program). Accordingly, the impact is less than significant.

**c. Existing Visual Character or Quality of Site and its Surroundings**

**Potential Significant Impact:** Whether the Project would significantly impact the existing visual character or quality of the site and its surroundings.

**Finding:** Potential impacts of the Project on Aesthetics are discussed in detail in Section 4.1 of the Draft EIR. Based on the entire record before us, this Council finds that there is no significant impact to the visual character or quality of the site or its surroundings and, therefore, no mitigation is required.

**Facts in Support of the Finding:** While development of the Project will alter the current aesthetic condition of the site, the

development of the proposed commercial use would continue the development trend for the south frontage of SR-62 in the vicinity. The Project's retail uses are consistent with the current General Commercial District zoning for the site and with the current General Plan designation of General Commercial. The Specific Plan provides for the development of commercial retail uses consistent with the existing General Commercial zoning on the site. In addition, the proposed project would match the existing urban core/corridor that has developed along SR-62. The Project would be constructed in a manner consistent with setback and height regulations contained in the Yucca Valley Retail Specific Plan. Variations in horizontal and vertical massing are proposed to avoid the featureless appearance typically associated with the facades of "supercenter" uses. The variation in massing creates the appearance of multiple, smaller uses rather than a single use. The varied roofline and roofline treatment adds to the illusion of multiple uses. A variety of architectural elements proposed include a decorative façade incorporating arches and columns, breaks in height, and decorative cornices, and faced ornamentation. Architectural treatments vary in color, texture and application. Furthermore, landscape features would be provided in setbacks to provide a visual barrier between roadways and SR-62. Detailed reviews of the project design elements by the Town would occur via the processing of a site development permit

prior to issuance of building permits. For the aforementioned reasons, while the Project would change the character of the site, the change is consistent with the Town's vision for the site. Accordingly, the impact to existing visual character or quality of the site and its surroundings is less than significant.

**2. Agricultural Resources**

**a. Conversion of State Designated Farmland**

**Potential Significant Impact:** Whether the proposed Project would significantly impact Prime Farmland, Unique Farmland or Farmland of Statewide Importance.

**Finding:** Potential impacts of the Project on Agricultural Resources are discussed in detail in Section 4.2 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact related to conversion of state designated farmland will occur as a result of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project site is currently vacant. Aerial Photographs dating to 1952 show the project site as vacant with no urban or agricultural uses. The project site is designated as General Commercial by the Town Comprehensive General Plan. According to the Farmland Mapping & Monitoring Program, none of the Town, including the Project site, is Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. Accordingly, no impacts to these resources will occur.

**b. Conflict with an Existing Agricultural Zone**

**Potential Significant Impact:** Whether the Project would significantly impact or conflict with existing zoning for agricultural use.

**Finding:** Potential impacts of the Project on Agricultural Resources are discussed in detail in Section 4.2 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact related to conflict with an existing agricultural zone will occur as a result of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project site is zoned General Commercial. Development of the proposed Project would not conflict with the existing zoning for the Project site. Therefore, no impacts related to this issue will occur.

**c. Termination of Williamson Act Contracts**

**Potential Significant Impact:** Whether the Project would result in the termination of Williamson Act Contracts?

**Finding:** Potential impacts of the Project on Agricultural Resources are discussed in detail in Section 4.2 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact related to termination of Williamson Act Contracts will occur as a result of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project site is not covered by a Williamson Act contract. Development of the Project would not result in the termination of a Williamson Act Contract. Accordingly, no impacts related to this issue will occur.

**d. Conversion of an Existing Agricultural Operation to a Non-Agricultural Use**

**Potential Significant Impact:** Whether the Project would cause a significant impact by converting Farmland to non-agricultural use.

**Finding:** Potential impacts of the Project on Agricultural Resources are discussed in detail in Section 4.2 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact related to conversion of an existing agricultural operation to a non-agricultural use will occur as a result of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project is located within an area designated as General Commercial by the Town Comprehensive General Plan. The Project site is currently vacant and is not currently, nor in the past, been used for agricultural uses. Therefore, no impacts associated with this issue will occur.

**e. Cumulative Impacts**

**Potential Significant Impact:** Whether development of the Project would result in cumulatively significant impacts to agricultural resources when considered along with other closely related past, present and reasonably foreseeable probably future projects.

**Finding:** Based on the entire record before us, this Council finds that no cumulatively significant impacts related to agricultural resources are forecast to occur in relation to the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project would not have potentially significant impacts on agricultural resources. There are no other projects proposed within Yucca Valley that would impact agricultural resources. There is no

land designated as agricultural in the Town of Yucca Valley. Accordingly, the Project will not result in cumulatively significant impacts to agricultural resources.

3. Air Quality

a. **Consistency With Air Quality Management Plan**

**Potential Significant Impact:** Whether the Project would cause significant impacts by conflicting with or obstructing implementation of the applicable air quality plan.

**Finding:** Potential impacts of the Project on Air Quality are discussed in detail in Section 4.3 of the Draft EIR. Based on the entire record before us, this Council finds that the Project would not obstruct the implementation of an applicable air quality plan and, therefore, no mitigation is required.

**Facts in Support of the Finding:** As discussed in the Draft EIR, the Town of Yucca Valley is located within the Mojave Desert Air Basin. Air pollution from stationary sources within the Town of Yucca Valley is regulated by the MDAQMD's AQMP. The AQMP incorporates local General Plan land use assumptions and regional growth projections developed by SCAG to estimate stationary and mobile source emissions associated with projected population and planned land uses. Because the Project is consistent with the local General Plan and regional growth projections adopted in the AQMP, the added emissions generated by the Project have already been evaluated in the AQMP in formulating their emissions reductions strategies. Accordingly, the Project will not conflict or obstruct implementation

of the AQMP, and impacts associated with this issue are less than significant.

**b. Long-Term Microscale (CO Hotspot) Impacts to Sensitive Receptors**

**Potential Significant Impact:** Whether the Project would significantly impact sensitive receptors by exposing them to substantial pollution concentrations.

**Finding:** Potential impacts of the Project on Air Quality are discussed in detail in Section 4.3 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact related to long-term microscale impacts to sensitive receptors will occur as a result of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project would not result in significant impacts to Air Quality from localized carbon monoxide emissions. Analysis of vehicle turn volumes based on the California Air Resource Board (CARB) approved CALINE model for air quality model compared the current CO Hot Spot concentrations at twenty-two intersections where the traffic would be most affected by the Project to the 2007 CO Hot Spot concentrations both with and without the Project. Tables 4.3.E through 4.3.G in the Draft EIR identify the CO concentrations for the existing, 2007, and 2030 conditions at the intersections. The analysis showed that one hour CO Hot Spot concentrations at all twenty-two intersections would remain below the state standards both with and without the Project in 2007. The analysis also concluded that CO Hot Spot concentrations at all twenty-two intersections would remain below the

state standards both with and without the Project in 2030. Accordingly, impacts in this area would be less than significant.

**c. Long-Term Exposure to Sensitive Receptors from Project related Diesel Exhaust**

**Potential Significant Impact:** Whether the Project would significantly impact sensitive receptors by exposing them to substantial pollutant concentrations.

**Finding:** Potential impacts of the Project to Air Quality are discussed in detail in Section 4.3 of the Draft EIR. Based on the entire record before us, this Council finds that no sensitive receptors would be significantly impacted by Project related diesel exhaust and, therefore, no mitigation is required.

**Facts in Support of the Finding:** Long-term diesel exhaust health risk assessment impacts are those associated with project-related truck deliveries and resulting PM<sub>10</sub> emissions. Table 4.3H in the Draft EIR summarizes the PM<sub>10</sub> emission rates expected to be generated by the Project using the number of deliveries that is considered normal for the Project, which includes a Wal-Mart Supercenter, gas station, and fast-food restaurant. Analysis of the aforementioned expected PM<sub>10</sub> emissions using the air dispersion model Tscreen3 predicted the likely PM<sub>10</sub> concentrations at local sensitive receptor sites assuming the wind always blows directly from the delivery area to sensitive receptors, resulting in a worst-case analysis. Table 4.3.I in the Draft EIR summarizes the Tscreen3 analysis and the health risks that will be experienced at sensitive receptor sites at selected distances. Table 4.3.J in the Draft

EIR presents two alternative delivery scenarios, half the expected deliveries and double the expected deliveries, and their associated health risks at selected distances. None of the scenarios will violate applicable thresholds for carcinogenic inhalation health risk or chronic inhalation health risk. Accordingly, the impacts to sensitive receptors from substantial pollution concentrations will be less than significant.

**d. Objectionable Odors**

**Potential Significant Impact:** Whether the Project would cause significant impacts to a substantial number of people by creating objectionable odors.

**Finding:** Potential impacts of the Project on Air Quality are discussed in detail in Section 4.3 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact related to objectionable odors will occur as a result of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project will not generate significant offensive odors except for short-term construction odors and those associated with the preparation of food products. The solid waste generated by the Project will be collected by a contracted waste-hauler ensuring that any odors from the solid waste will be managed. Moreover, the requirements of the Town's Municipal Code with regard to handling and disposal of solid waste will be adhered to. The nearest sensitive receptors to the Project site are the residential dwellings located approximately 150 feet to the southwest as measured from the nearest property line of the Project site. However, the

distance from the fast-food restaurant to the sensitive receptors would be approximately 500 feet and the distance from the supercenter trash enclosures would be approximately 750 feet. Due to the distance of these uses and because solid waste from the project will be managed and collected in a manner that will prevent proliferation of odors, impacts from objectionable odors generated by the Project will be less than significant.

e. **Global Climate Change (Green House Gas Emissions)**

**Potential Significant Impact:** Whether the Project would cause a significant cumulative impact with respect to global climate change.

**Finding:** The Project's global climate change impacts are discussed in detail in Section 4.3.3 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in a significant cumulative impact on global climate change; therefore, no mitigation is required.

**Facts in Support of the Finding:** Currently the law is not clear with regard to regulation of Green House Gas (GHG) emissions. The Federal Government and the State of California have not yet set quantifiable GHG emission thresholds. The State of California has been proactive in studying the impacts of global climate change. To that effect, Executive Order S-3-05 set GHG emission reduction targets intended to decrease emissions to 80 percent below 1990 levels by 2050. The California Environmental Protection Agency Climate Action Team (CAT) developed a report that includes strategies to reduce California

emissions to the levels proposed in Executive Order S-3-05. Because there are no quantifiable GHG emission thresholds, the Project's potential for impacting global climate change is based on a comparative analysis of the Project against the emission reduction strategies contained in the CAT report. As demonstrated in DEIR Table 4.3-Q, the Project complies with all applicable CAT strategies. The Project's compliance with applicable CAT strategies renders impacts in this issue area less than significant.

4. **Biological Resources**

a. **Local Policies and Ordinance Conflicts**

**Potential Significant Impact:** Whether the Project would cause significant impacts by conflicting with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

**Finding:** Potential impacts of the Project on Biological Resources are discussed in detail in Section 4.4 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact related to conflicts with local policies or ordinances protecting biological resources will occur as a result of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** Implementation of the Project would require compliance with the Town's Native Plant Protection and Management Ordinance. The Ordinance requires compliance with the Provisions of the California Desert Native Plants Act. It is required that a plot plan for the Project be approved by the Community Development Department indicating exactly which trees or plants are authorized to be

removed or relocated. In accordance with Policy 3 of the Biological Resources Element of the Town General Plan, development within the Project area has been reviewed and evaluated through several biological surveys and reports to ensure minimal impacts on existing habitat and wildlife. In accordance with Policy 6 of the Biological Resources Element of the General Plan, the Project includes a Native Plant Survey consistent with the Town's Native Plant Protection and Management Ordinance. A Joshua Tree Salvage Plan will be required as a condition of approval for the Project. Finally, in accordance with Policy 8 of the Biological Resources Element of the General Plan, the Project prescribes a palette of plants to be used in landscaping plans within the Project area. Compliance with the Town's Native Plant Protection and Management Ordinance and other applicable local policies and ordinances protecting biological resources as discussed above, will ensure potential impacts in this area will be less than significant.

**b. Jurisdictional Waters/Wetland Communities**

**Potential Significant Impact:**

Whether the Project would significantly impact 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.

**Finding:** Potential impacts of the Project on Biological Resources are discussed in detail in Section 4.4 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact related to jurisdictional waters/wetland communities will occur as a result of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** No potential jurisdictional waters, wetlands, blue-line streams or other water features were identified during the field reconnaissance of the proposed site. As such, no impacts related to jurisdictional waters or wetlands are anticipated to occur with the construction or operation of the proposed on-site uses. Accordingly, the Project would not result in impacts to potential jurisdictional waters/wetland communities.

**c. Habitat Fragmentation/Wildlife Movement**

**Potential Significant Impact:** Whether development of the Project would significantly impact of any native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

**Finding:** Potential impacts of the Project on Biological Resources are discussed in detail in Section 4.4 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact related to habitat fragmentation/wildlife movement will occur as a result of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** Impacts to biological resources are discussed in detail in the comprehensive Biological Resources Report, Desert Tortoise Focused Survey Report, Desert Tortoise Presence/Absence Survey, Biological Reconnaissance Survey and Native Plant

Survey prepared for the Project, and in Section 4.4. of the Draft EIR. The Project site lies in the immediate vicinity of developed areas and roadways to the north, east, and west. These existing buildings and roads serve as barriers to regional wildlife movement. Additionally, habitat quality on-site has been reduced due to a moderate level of disturbance. Although the Project would result in a small incremental loss of Joshua tree woodland, the Project would not result in significant habitat fragmentation or substantially affect established wildlife corridors or impede the movement of wildlife in the Project area. Accordingly, impacts associated with habitat fragmentation and wildlife movement will be less than significant.

**d. Adopted Habitat Conservation Plans**

**Potential Significant Impact:** Whether the Project would cause significant impacts by conflicting with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

**Finding:** Potential impacts of the Project on Biological Resources are discussed in detail in Section 4.4 of the Draft EIR. Based on the entire record before us, this Council finds that no significant impact related to adopted habitat conservation plans will occur as a result of the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project area is not covered by any adopted habitat conservation plan. The West Mojave Plan is currently being reviewed and, if approved, would

include the Project area. The Project site is not within any conservation area delineated in the draft West Mojave Plan ("Plan"). If implemented the Project may be subject to provisions of the Plan (e.g., payment of fees) depending upon the timing of adoption relative to implementation of the Project; however, the Project would not conflict with provisions of the draft Plan. The Project area is within the Western Mojave Recovery Unit of the Desert Tortoise Recovery Plan. Wildlife management areas have been established within the recovery units; however, the Project site is not located in a management area. The Project will not conflict with the Plan if adopted and does not conflict with the Western Mojave Recovery Unit of the Desert Tortoise Recovery Plan. Accordingly, impacts related to adopted habitat conservation plans will be less than significant.

## 5. Cultural Resources

### a. **Human Remains**

**Potential Significant Impact:** Whether the Project would cause significant impacts relative to human remains.

**Finding:** Potential impacts of the Project on Cultural Resources are discussed in detail in Section 4.5 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to human remains and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project site has not been historically used as a cemetery site. Furthermore, in conducting an analysis of potential cultural resources on the

Project site, no evidence was discovered of any human remains. While there is the potential for encountering a previously undetected human burial onsite, construction contractors are required to adhere to Section 7050.5 of the State's Health and Safety Code. If human remains are encountered they will be handled as required by Health and Safety Code Section 7050.5 and no further disturbance can occur until the County Coroner and if necessary the Native American Heritage Commission ("NAHC") are contacted regarding the discovery. Accordingly, the Project will not result in any significant impacts to human remains.

**6. Geology and Soils**

**a. Rupture of a Known Earthquake Fault**

**Potential Significant Impact:** Whether the Project would cause significant impacts by exposing people or structures to potential substantial effects including the risk of loss, injury or death involving the rupture of a known earthquake fault.

**Finding:** Potential impacts of the Project on Geology and Soils are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts by exposing people or structures to rupture of a known earthquake fault; therefore, no mitigation is required.

**Facts in Support of the Finding:** Section 4.6.4 of the Draft EIR discusses in detail potential impacts from rupture of a known earthquake fault. Primary ground damage due to earthquake fault rupture typically results in a relatively small percentage of the total damage in an

earthquake, but being too close to a rupturing fault can cause profound damage. While the Town of Yucca Valley is located within one of the most seismically active regions of the State, the Project site is not located within an Earthquake Hazard Zone established for the San Andreas Fault, Pinto Mountain Fault, or any other fault. Accordingly, the potential for on-site ground rupture is very low and impacts will be less than significant.

**b. Seismic-related Ground Failure, Including Liquefaction**

**Potential Significant Impact:** Whether the Project would cause significant impacts by exposing people or structures to potential substantial adverse effects including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction.

**Finding:** Potential impacts of the Project on Geology and Soils are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts by exposing people or structures to potential substantial adverse effects including the risk of loss, injury or death involving seismic-related ground failure, including liquefaction and, therefore, no mitigation is required.

**Facts in Support of the Finding:** Section 4.6.4 of the Draft EIR discusses seismic-related ground failure, including liquefaction in detail. The possibility of liquefaction occurring at the project site is dependent upon the occurrence of a significant earthquake in the vicinity; sufficient groundwater (within 50 feet of the ground surface) to cause high pore pressures; and on the grain size, plasticity, relative density, and confining pressures

of the soil at the project site. Project site soils predominantly consist of medium dense to silty sand and sand with gravel. Project site surface soils are disturbed, are moderately strong, and are slightly to moderately compressible. Groundwater was not encountered within a depth of 50 feet during Project site boring operations. As such, the potential for seismic-induced liquefaction within the Project site is very low. Ground subsidence can result from the extraction of oil, gas or water from beneath the earth's surface or from natural forces such as earthquakes (when loose unconsolidated soils settle) or hydrocompaction (when unsaturated soils become saturated and reorient into a more compact form. No ground subsidence has been identified in the Project vicinity. Accordingly, Project impacts in the area of liquefaction and ground subsidence will be less than significant.

**c. Landslides**

**Potential Significant Impact:** Whether development of the Project would cause significant impacts by exposing people or structures to potential substantial adverse effects including the risk of loss, injury or death involving landslides.

**Finding:** Potential impacts of the Project on Geology and Soils are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts by exposing people or structures to potential substantial adverse effects including the risk of loss, injury or death involving landslides and, therefore, no mitigation is required.

**Facts in Support of the Finding:** Project site elevations range from approximately 3,190 to 3,230 feet above mean sea level (“AMSL”). The Project site slopes gently to the north. There are no landslides documented within the Town of Yucca Valley and its immediate vicinity; however, a maximum credible earthquake occurring along any of the faults within the Town can create the potential for seismically-induced rockfalls to occur. These rockfalls would occur within the mountain and hilly areas of the Town. The Project site is not located within a mountain or hilly area of Yucca Valley. Additionally, the Yucca Valley Comprehensive General Plan EIR indicates that the Project site is located within an area with low susceptibility to rockslides/landfalls and other slope stability problems. Accordingly, Project landslide impacts will be less than significant and no mitigation is required.

**d. Soil erosion or Loss of Topsoil**

**Potential Significant Impact:** Whether the Project would result in significant impacts by causing substantial soil erosion or the loss of topsoil.

**Finding:** Potential impacts of the Project on Geology and Soils are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts by causing substantial soil erosion or the loss of topsoil.

**Facts in Support of the Finding:** The construction of the Project will require the alteration of the Project site’s topography and the removal or relocation of existing topsoil, which may

facilitate or hasten the erosion of on-site soils. However, the project is required to obtain a NPDES permit issued by the Regional Water Quality Control Board to control soil erosion due to storm water. Additionally, the Project is required to prepare a Storm Water Pollution Prevention Plan (SWPPP). Furthermore, the Project will be required to comply with the MDAQMD Rules 402 and 403 to control fugitive dust. Section 4.3, Air Quality, in the Draft EIR discusses the requirements of Rule 402 and 403 in detail. In summary, they require implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site and that fugitive dust is controlled so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emission source. Compliance with Rules 402 and 403, along with implementation of Best Management Practices as specified by the NPDES permit and the Project specific SWPPP will reduce Project impacts associated with soil erosion and loss of topsoil to less than significant levels.

**e. Expansive Soils**

**Potential Significant Impact:** Whether the Project would cause significant impacts because it is located on expansive soil.

**Finding:** Potential impacts of the Project on Geology and Soils are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts because it is not located on expansive soil; therefore, no mitigation is required.

**Facts in Support of Finding:**

The soils located at the Project site consist of Hanford coarse sandy loam. Hanford coarse sandy loam soils have a low shrink-swell (expansive) potential. Accordingly, impacts associated with expansive soils are considered to be less than significant.

**f. Alternative Wastewater System Soil Capacity**

**Potential Significant Impact:**

Whether the Project would have significant impacts because it is located on soils incapable of supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

**Finding:**

Potential impacts of the Project on Geology and Soils are discussed in detail in Section 4.6 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts because there is no septic system included as part of the Project and; therefore, no mitigation is required.

**Facts in Support of the Finding:**

The Town of Yucca Valley does not currently maintain a sewage collection system or wastewater treatment facility. On-site septic systems have been historically utilized by residences and businesses throughout the Town. Due to the amount of wastewater generation attributable to the Project and the high nitrogen levels in the local groundwater supply, the Project will include on-site secondary effluent treatment with nitrogen removal. There will be no septic system included as part of the Project. Therefore, the Project will create no impact associated with inadequate soil permeability, depth to water table, and susceptibility to flooding

in relation to the use of septic tanks or alternative wastewater disposal. Accordingly, there is no impact related to this issue.

7. **Hazards and Hazardous Materials**

a. **Routine Transport, Use and Disposal of Hazardous Materials**

**Potential Significant Impact:** Whether development of the Project would cause significant impacts from the transport, use, or disposal of hazardous materials.

**Finding:** Potential impacts from Hazards and Hazardous Materials are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts from the transport, use, and disposal of hazardous materials.

**Facts in Support of the Finding:** Potential impacts from transport, use and disposal of hazardous materials are discussed in detail in Section 4.7.4 of the Draft EIR. Potentially hazardous materials such as petroleum products, pesticides, fertilizer, and other household hazardous products such as paint products, solvents, and cleaning products would be stored and sold in conjunction with the supercenter. The transport, storage, handling, and retail sale of these substances are routinely conducted at such sites. All activity involving hazardous substances would be conducted in accordance with applicable local, State, and Federal safety standards. The transport and delivery of fuel to gasoline stations is regulated by the Federal Department of Transportation while the Hazardous Materials Division of the San

Bernardino County Fire Department provides permitting, inspection, and enforcement activities of gas stations including leaking and non-leaking underground storage tanks (USTs) and spill incidents. With adherence to the existing requirements applicable to activities at the supercenter and gas station, potential impacts associated with the use, transport, storage and disposal of hazardous materials will be less than significant.

**b. Reasonable Foreseeable Upset and Accident Conditions**

**Potential Significant Impact:** Whether the Project would result in significant impacts by creating a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

**Finding:** Potential impacts from Hazards and Hazardous Materials are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts by creating a significant hazard to the public or the environment through reasonable foreseeable upset and accident conditions involving the release of hazardous materials into the environment and; therefore, no mitigation is required.

**Facts in Support of the Finding:** The potential for an accidental release of hazardous materials into the environment is present at the Project site. However, due to the size of containers such products would be sold in, any hazardous material spill associated with the household hazardous products sold in the supercenter is likely

to be small and easily contained. As earlier stated, any hazardous materials at the Project site, including those at the gasoline station would be handled in accordance with all applicable State and Federal laws, specifically the Hazardous Materials Business Plan (HMBP), which includes containment, reporting, and remediation requirements in the event of a spill or accidental release. The handling of hazardous materials in accordance with all applicable local, State and federal standards, ordinances, or regulations would reduce the impacts associated with environmental and health hazards related to an accidental release of hazardous materials to a less than significant level.

**c. Existing or Proposed School**

**Potential Significant Impact:** Whether the Project would cause significant impacts by emitting hazardous emissions or handling acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

**Finding:** Potential impacts from Hazards and Hazardous Materials are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts by emitting hazardous emissions or handling acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school and; therefore, no mitigation is required.

**Facts in Support of the Finding:** No existing or proposed schools are located within 0.25 miles of the Project site. Accordingly, no

impact related to the emission or handling of hazardous substances near a school will occur.

**d. Hazardous Material Sites**

**Potential Significant Impact:** Whether the Project would 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 create a significant hazard to the public or the environment.

**Finding:** Potential impacts from Hazards and Hazardous Materials are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts because it is not located at a hazardous materials site and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project site is not listed on the Cortese List. Additionally, the Phase I Environmental Site Assessment prepared for the Project searched Federal and State hazardous materials sites databases and found the Project site and facilities immediately adjacent to the site were not identified on any such database. The Project site is vacant and has never been developed and/or utilized for other uses. No reported hazardous materials were identified during the Phase I Environmental Site Assessment. In addition, the Phase I did not discover any evidence of storage tanks or the storage of hazardous materials during a visual inspection of properties immediately adjacent to the Project site. Accordingly, the presence of hazardous materials on-site is considered unlikely

and impacts associated with this issue are considered less than significant.

**e. Emergency Response Plan**

**Potential Significant Impact:** Whether development of the Project would cause significant impacts because it would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

**Finding:** Potential impacts from Hazards and Hazardous Materials are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts because it will not impair implementation of or interfere with an adopted emergency response plan or evacuation plan and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project is required to design, construct, and maintain structures, roadways, and facilities to comply with applicable local, regional, State and/or Federal requirements related to emergency access and evacuation plans. Construction activities which may temporarily restrict vehicular traffic would be required to implement adequate and appropriate measures to facilitate the passage of persons and vehicles through and around any required road closures. Adherence to these measures will reduce potential impacts in this issue area to a less than significant level.

**f. Within Two Miles of a Public or Private Airport**

**Potential Significant Impact:** Whether the project would cause significant impacts because of its proximity to a public or private airport.

**Finding:** Potential impacts from Hazards and Hazardous Materials are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts because of its proximity to a public or public use airport and, therefore, no mitigation is required.

**Facts in Support of the Finding:** There are no private airports located within the Project vicinity. Yucca Valley Airport is located approximately one mile west of the Project site. According to the Airport Comprehensive Land Use Plan for the Yucca Valley Airport, the Project is located within Safety Review Area 3. Safety Review Area 3 has the lowest exposure to aircraft operations and the lowest potential to be impacted by aviation related hazards. As such, commercial land use with Safety Review Area 3 is compatible with the airport's activities. Accordingly, impacts associated with aviation safety hazards are considered to be less than significant.

**g. Wildland Fires**

**Potential Significant Impact:** Whether the Project would cause significant impacts by exposing people or structures to a significant risk of loss, injury or death involving wildland fires.

**Finding:** Potential impacts from Hazards and Hazardous Materials are discussed in detail in Section 4.7 of the Draft EIR. Based on the entire record before

us, this Council finds that development of the Project will not result in significant impacts by exposing people or structures to significant risk of loss, injury or death involving wildland fires and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project site is located along State Route 62, where nearly all commercial development within Yucca Valley occurs. The Project site is located within a developed area of Yucca Valley and is not located in an area prone to wildland fires. Accordingly, no impacts related to this issue will occur.

#### **h. Cumulative Impacts**

**Potential Significant Impact:** Whether the Project would result in cumulatively significant impacts to hazards and hazardous materials, when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that no cumulatively significant impacts related to hazards or hazardous materials are forecast to occur in relation to the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** Accidental spills and leaks are unplanned occurrences. It is impossible to predict the occurrences of such events and the likelihood of such events occurring in close proximity to each other at the same time is very small; therefore, such events cannot be considered cumulatively. Furthermore, there are no projects that would, in combination with the Project, result in any significant impact associated with the routine

transport, use, and disposal of hazardous materials; the emission or handling of hazardous substances within 0.25 miles of an existing or proposed school; hazardous materials sites; an adopted emergency response or evacuation plan; wildland fires; or aviation safety hazards. Therefore, there are no significant cumulative impacts associated with hazards and hazardous materials.

**8. Hydrology and Water Quality**

**a. Construction-Related Water Quality Impacts**

**Potential Significant Impact:** Whether the Project would cause significant impacts from violation of any water quality standards or waste discharge requirements during construction phases of the Project in the form of increased soil erosion, sedimentation, or stormwater discharges.

**Finding:** Potential impacts to Hydrology/Water Quality are discussed in detail in Section 4.8 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts via violation of any water quality standards or waste discharge requirements during the construction phase and; therefore, no mitigation is required.

**Facts in Support of the Finding:** Section 4.8.4 of the Draft EIR discusses Project construction-related water quality impacts. The construction and grading phases of the Project will require temporary (short-term) disturbance of surface soils and removal of vegetative cover. Grading and excavation activities will result in exposure to soil storm runoff, potentially causing erosion and entrainment of sediment in runoff.

Stockpiles and excavated lots on the Project site would be exposed to runoff and, if not managed properly, the runoff would cause erosion and increased sedimentation in local drainage ways. Potential chemical releases in the form of fuels, solvents, glues, paints and other construction materials could occur. Short-term stormwater pollutant discharges from the Project site would be avoided through compliance with the applicable NPDES permitting process. The implementation of NPDES permits makes sure that the state's mandatory standards for clean water and the Federal minimum standards are met. The NPDES permit will prevent sedimentation and soil erosion through implementation of a storm water pollution protection plan (SWPPP) and requiring periodic inspections by the Regional Water Quality Control Board (RWQCB) staff. The SWPPP describes the construction operator activities necessary to comply with the requirements of the NPDES permit. With implementation of the erosion, sedimentation, pollution control measures required in the NPDES construction permit, short-term construction-related water quality impacts will be reduced to below a level of significance.

**b. Operational-Related Water Quality Impacts**

**Potential Significant Impact:** Whether the Project would cause significant impacts by violating any water quality standards or waste discharge requirements during the operational phases of the Project in the form of increased soil erosion, sedimentation, or urban runoff.

**Finding:** Potential impacts to Hydrology/Water Quality are discussed in detail in Section 4.8 of the Draft EIR. Based on the entire record before us, this Council finds that operation of the Project will not result in significant impacts in the form of violation of any water quality standards or waste discharge requirements and; therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project would result in the conversion of permeable surfaces to impermeable surfaces, which would alter the current drainage pattern. The Project could result in runoff tainted by a variety of pollutants such as sediment, petroleum products, commonly utilized construction materials, landscaping chemicals, and (to a lesser extent) trace metals such as zinc, copper, lead, cadmium, and iron as a result of increased vehicular traffic, increased use of fertilizers and pesticides to maintain landscaping, and increased human use of on-site and off-site facilities and infrastructure, which may lead to the degradation of stormwater in downstream channels. Accordingly the Project would implement and emphasize pollution prevention controls to prevent stormwater pollution. Pollution prevention controls include measures such as common area landscape maintenance practices. In addition, source control BMPS would be implemented to further reduce the amount of pollutants released into the environment. Finally, treatment control BMPS would be implemented to further supplement the pollution prevention and source control measures by actually treating the water to remove pollutants before they are released from the Project site. These measures would be

implemented from the post construction component of the Project's SWPPP. The post construction component of the Project's SWPPP (Post-Construction Management Plan) would be required to identify BMPs (including design criteria for treatment control) that may be applicable to the Project site. The Post-Construction Management Plan would address management of urban runoff both in terms of the amount and quality of water leaving the Project site. The primary objective of the Post-Construction Management Plan is to ensure that the land use approval and permitting process of each jurisdiction minimizes the cumulative regional impact of urban runoff. Section 4.8.4 of the Draft EIR contains examples of what will be required through the Post-Construction Management Plan for the Project. Additional water quality treatment will occur at the downstream terminus of the natural drainage courses. These locations would incorporate water quality basins for the treatment of dry weather flows and first flush stormwater flows. Basins constructed on the site would be anticipated to function as infiltration basins or extended detention basins, depending on the specific site constraints. Finally, the Project would incorporate on-site drainage that would have infrastructure that would meet the Town's as well as the County's, water quality requirements. Because adherence to the requirements of the NPDES permit would be required by the Town prior to, during, and after construction, potential water quality impacts

resulting from operational stormwater and urban runoff would be reduced to a less than significant level.

**c. Groundwater**

**Potential Significant Impact:** Whether the Project would cause significant impacts to groundwater supplies or groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table.

**Finding:** Potential impacts to Hydrology/Water Quality are discussed in detail in Section 4.8 of the Draft EIR. Based on the entire record before us, this Council finds that operation of the Project will not result in significant impacts to groundwater supplies or groundwater recharge and; therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project's ability to interfere substantially with groundwater recharge lies within the installation of impermeable surfaces, which would incrementally reduce the amount of land available for groundwater recharge. The Project site is located within the Warren Valley Basin (Basin). The Basin provides groundwater for the community of Yucca Valley and the Hi-Desert Water District ("HDWD") which has jurisdiction over the Project site. The Basin was adjudicated by the Warren Valley Basin Judgment in 1977. A great portion of water supply needs in the Project area rely on the Mojave Water Agency's (MWA) ability to provide State Water Project water through the Morongo Basin Pipeline. The Basin's total recharge area is 23,741 acres while the Project encompasses 25.5 acres. As such,

the Project is approximately 0.1 percent of the Basin's total recharge area and the loss of 25.5 acres is not significant when compared to the Basin's total recharge area. Storm flows originating onsite would ultimately meet applicable policies and regulations pertaining to groundwater recharge required by the RWQCB, High-Desert Water District, MWA, and the Warren Valley Basin Judgment. Groundwater recharge impacts for the surrounding area are addressed and mitigated in the water management plans of the HDWD, MWA and the Warren Valley Basin Judgment and, there is a recharge program currently in place. Because the total loss of recharge area is not significant and the Project will meet the policies and regulations pertaining to groundwater recharge required by applicable agencies, impacts related to the lowering of groundwater levels or interference with groundwater recharge are anticipated to be less than significant.

**d. Drainage Pattern-Related Impacts**

**Potential Significant Impact:** Whether the proposed Project would cause significant impacts by substantially altering the existing local drainage patterns of the site and substantially increasing the rate or amount of surface runoff in a manner that would result in substantial erosion, siltation, or flooding on or off-site.

**Finding:** Potential impacts to Hydrology/Water Quality are discussed in detail in Section 4.8 of the Draft EIR. Based on the entire record before us, this

Council finds that operation of the Project will not result in significant drainage pattern-related impacts and; therefore, no mitigation is required.

**Facts in Support of the Finding:** Section 4.8.4 in the Draft EIR discusses drainage pattern-related impacts in detail. The Project site currently drains in a northeasterly pattern; however, the Project site is comprised of two distinct drainage areas. Flows coming from the west half of the Project site currently discharge onto State Route 62. Flows coming from the east half of the Project site currently discharge into a natural drainage swale located midway along the eastern property line of the Project site. The Project proposes a drainage system for the Project site that will provide adequate flood protection to the site, as well as adjacent and downstream properties. To accomplish this, two distinct incoming flows from the south (southwesterly and southeasterly) would discharge into detention basins during operation of the Project. Once waters from the Project and off-site flows are channeled into the on-site detention basin, flows from the Project site would be conveyed into an outlet pipe that connects to Home Depot's outflow pipe, where Project flows would be combined with flows from the Home Depot site. Flows from both the Project and Home Depot would then be routed to a drainage pipe/structure located at the northeastern corner of the Home Depot property where flows would be transported through conveyance features through the adjacent parcel on the east until reaching Covington Wash. The proposed preliminary drainage system is

illustrated in Figure 4.8.1 in the Draft EIR. In the few instances wherein basins or vegetated swales cannot be used, other structural BMPs would be employed to achieve treatment. In addition, the design and installation of the proposed drainage improvements would be required to adhere to applicable Town and County standards. Accordingly, impacts associated with this issue will be less than significant.

**e. Drainage Capacity-Related Impacts**

**Potential Significant Impact:** Whether the Project would cause significant impacts by creating or contributing runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide additional sources of polluted runoff.

**Finding:** Potential impacts to Hydrology/Water Quality are discussed in detail in Section 4.8 of the Draft EIR. Based on the entire record before us, this Council finds that operation of the Project will not result in significant drainage capacity-related impacts and; therefore, no mitigation is required.

**Facts in Support of the Finding:** Drainage capacity-related impacts are discussed in detail in Section 4.8.4 of the Draft EIR. Table 4.8.G in the Draft EIR identifies changes in the volume of storm runoff that would result from the development and operation of the Project. To reduce the flows to below or equal to pre-development conditions, anticipated on-site flows will be routed to proposed on-site detention basins. As indicated in aforementioned Table 4.8.G, the Project would adequately account for increased storm runoff levels due to the development and

operation of the Project and would not adversely affect neighboring or downstream properties with its drainage system improvements in place. When comparing the post-development flows with the inclusion of drainage improvements with pre-development flows, for all analyzed storm events post development flows are at or below pre development flows for the Project site and the entire watershed. Accordingly, no significant impacts related to runoff are anticipated. Additionally, the Project would implement best available pollution control measures and would not provide substantial additional sources of polluted runoff. The Project drainage system is designed to detain post-development runoff to the pre-development rates that presently exist at the Project site. Furthermore, the proposed system would be able to accommodate post-development flows as the detention basin's design volume is 3.6 acre feet, which exceeds the required minimum storage volume of 1.4 acre feet. Because no significant impacts related to runoff are anticipated and the post-development flows would be less than pre-development runoff flow conditions, impacts related to drainage capacity are anticipated to be less than significant.

**f. Flooding-Related Impacts**

**Potential Significant Impact:** Whether the Project would cause significant flood related impacts.

**Finding:** Potential impacts to Hydrology/Water Quality are discussed in detail in Section 4.8 of the Draft EIR. Based on the entire record before us, this

Council finds that operation of the Project will not result in significant flood related impacts and; therefore, no mitigation is required.

**Facts in Support of the Finding:** Based on the FEMA Flood Insurance Rate Maps (FIRMs) and as indicated in figure 4.8.2 in the Draft EIR, the Project site is not located within an identified flood hazard area or dam inundation area. According to the FIRM, Community Panel 06071C8120F, the Project site is located in Zone X, an area outside the 500-year floodplain. The Project site is not within a 100-year flood hazard area as identified in the town of Yucca Valley Comprehensive General Plan EIR. Because the Project site does not fall within a 100-year, 500-year, or within a dam inundation zone, impacts related to this issue are anticipated to be less than significant.

**g. Seismic-Related Impacts**

**Potential Significant Impact:** Whether the Project would cause significant impacts by exposing people or structures to a significant risk of loss, injury, or death involving inundation by seiche, tsunami, or mudflow.

**Finding:** Potential impacts to Hydrology/Water Quality are discussed in detail in Section 4.8 of the Draft EIR. Based on the entire record before us, this Council finds that operation of the Project will not result in significant impacts to people or structures as a result of inundation by seiche, tsunami, or mudflow and; therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project site is not located in any identified dam inundation area. As such, no potential for flooding resulting from the failure of a dam is anticipated to occur. Lakes in seismically active areas are at risk

from seiches and tsunamis; however, the proposed Project site is not located immediately adjacent to any lake. As such, no seiche or tsunami-related flooding is anticipated to occur on-site. For the aforementioned reasons impacts related to seismic flooding issues are considered to be less than significant.

#### **h. Waste Discharge Impacts**

**Potential Significant Impact:** Whether the Project would cause significant impacts from increased waste water discharge.

**Finding:** Potential impacts to Hydrology/Water Quality are discussed in detail in Section 4.8 of the Draft EIR. Based on the entire record before us, this Council finds that operation of the Project will not result in significant impacts increased water discharge and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Project will include on-site secondary effluent treatment with nitrogen removal. The on-site treatment system will consist of a package system or underground treatment system involving several chambers and pumps. The discharge of effluent is regulated by the RWQCP pursuant to authority granted by the Porter-Cologne Water Quality Control Act. Through issuance of wastewater flow permits, the RWQCB prescribes waste discharge requirements (WDRs) for all wastewater treatment systems. The WDRs are designed to maintain consistency with the Colorado River Basin RWQCB Water Quality Objectives. The Water Quality Objectives are designed to be in accordance with all pertinent State and Federal requirements.

Compliance with the RWQCB Water Quality Objectives will ensure the treatment plant's discharge complies with applicable water quality standards and waste discharge requirements. Additionally, the Project will install dry sewer lines and record acceptance of connection when available in order to assure connection of the Project to the proposed Hi Desert Water District (HDWD) wastewater treatment facility in the future. Finally, the Project would be required to adhere to the NPDES permit system in the future if the wastewater treatment facility is constructed. The NPDES requires all existing and future municipal and industrial discharges to surface waters within the Town to be subject to requirements specified in the Basin Plan and in Project permits. In addition, future operational discharge flows would be treated and would be required to comply with the Project's associated WDRs. Compliance with the NPDES in addition to adherence to permit requirements established by the Town and HDWD, would ensure that discharges into the sewer or stormwater system resulting from the operation of the proposed Project do not exceed applicable RWQCB wastewater treatment requirements. Accordingly, impacts related to this issue are anticipated to be less than significant.

**i. Cumulative Impacts**

**Potential Significant Impact:** Whether the Project would result in cumulatively significant impacts to hydrology and water quality, when considered along with other closely related

past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that no cumulatively significant impacts related to hydrology and water quality are forecast to occur in relation to the Project and therefore; no mitigation for cumulative impacts is required. The cumulative impacts related to hydrology and water quality are discussed in detail in Section 4.8.5 of the Draft EIR.

**Facts in Support of the Finding:** The drainage system for the Project would be designed so that runoff from off-site locations and runoff from the site after Project development are equal to or less than pre-development conditions. This same requirement would be placed on all other development in the vicinity Project. Accordingly, the potential for cumulative drainage impacts is less than significant. The Project's water quality impacts would be mitigated through on-site detention basins and other water pollution control mechanisms. Similar requirements would be placed on all other development in the vicinity of the Project, further reducing the potential for cumulative impacts. Increases in the amount of development in the Town and surrounding areas would increase the potential for pollutants in runoff, which in turn would impact water quality. Adherence to NPDES permitting requirements would reduce any such cumulative water quality impact to a less than significant level. While cumulative development in the Town and region would reduce the amount of permeable surfaces, groundwater recharge policies and practices

implemented by the RWQCB, HDWD, MWA, the Warren Valley Basin Judgment and other local agencies would ensure groundwater supplies are maintained at appropriate levels. In particular, the Warren Valley adjudication mandates that the groundwater extractions from the Basin do not exceed the estimated annual supplies, and empowers the Watermaster of the Basin to enforce the prescribed pumping limits to ensure that the groundwater basin is not overdrafted. Other regulatory mechanisms such as the current recharge program in the Warren Valley Basin or water management plan conservation policies (such as education and outreach to residents and business owners) further ensure that cumulative impacts to groundwater levels are maintained at the appropriate levels. As such, no significant cumulative water quality impact is anticipated to occur as a result of the Project.

9. **Land Use and Planning**

a. **Physically Divide an Established Community**

**Potential Significant Impact:** Whether the Project would physically disrupt or divide an established community.

**Finding:** Potential impacts to land uses are discussed in detail in Section 4.9 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in physical disruption or division of an established community and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Project site is undeveloped and does not contain any existing housing that constitutes a part

of a community or neighborhood. None of the land immediately adjacent to the Project site is designated for residential development in the future nor does the Project have the potential to divide an established community. Additionally, the site would not be located within or divide existing neighborhoods, nor would it introduce a barrier between residential uses. Accordingly, a less than significant impact related to the division of an established community would occur.

**b. Conflict with Applicable Land Use Plans, Policies, or Regulations**

**Potential Significant Impact:** Whether development of the Project would conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the Project.

**Finding:** Potential impacts to land uses are discussed in detail in Section 4.9 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to conflicts with any applicable land use plan, policy, or regulation and, therefore; no mitigation is required.

**Facts in Support of the Finding:** Section 4.9.4 of the Draft EIR contains a comprehensive analysis of land use impacts of the Project. The Project is consistent with State regulations regarding requirements for Specific Plans. The Land Use Element and the Economic Development Element of the Town Comprehensive General Plan defines goals and policies related to land use in the Town. The Yucca Valley Retail Specific Plan is consistent with the policies of the

Comprehensive General Plan. The Project is consistent with Town Ordinance 87 which outlines the requirements for a Specific Plan. Moreover, the Yucca Valley Retail Specific Plan does not conflict with the uses permitted in the applicable General Commercial land use designation, nor does it conflict with the General Commercial zoning designation (Ordinance 88). Because the Project is consistent with the Town Comprehensive General Plan, uses permitted in the General Commercial land use designation and the policies contained in Ordinances 87 and 88, the Project does not conflict with applicable land use plans, policies, or regulations of the Town. Accordingly, impacts in this issue area will be less than significant.

**c. Conflict with Applicable Airport Land Use Plans**

**Potential Significant Impact:** Whether the Project would cause significant impacts because of a conflict with any applicable airport land use plan.

**Finding:** Potential impacts to land uses are discussed in detail in Section 4.9 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to conflicts with any applicable airport land use plan and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Yucca Valley Airport is one mile southwest of the Project site. According to the Airport Comprehensive Land Use Plan for the Yucca Valley Airport, the Project is located within Safety Review Area 3. Safety Review Area 3 has the lowest exposure to aircraft operations and the

lowest potential to be affected by aviation-related hazards. As such, commercial land use within the area is compatible with the airport's activities. Because of the compatibility of Project land uses with airport activities, the Project would not conflict with the airport land use plan. Accordingly, no significant impacts are anticipated in this issue area.

**d. Conflict with Any Applicable Habitat or Natural Community Conservation Plan**

**Potential Significant Impact:** Whether the Project would cause significant impacts by conflicting with any applicable habitat conservation plan or natural community conservation plan.

**Finding:** Potential impacts to land uses are discussed in detail in Section 4.9 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts due to conflicts with any applicable habitat or natural community conservation plan and, therefore; no mitigation is required.

**Facts in Support of the Finding:** Section 4.4. of the Draft EIR explains that the Project site is not currently covered by any adopted habitat conservation plan. The West Mojave Plan is currently being reviewed and, if approved, would include the Project site. However, the Project site is not within any conservation area delineated in the draft West Mojave Plan. If adopted, the Project may be subject to the provisions of the Plan (e.g., payment of fees); however, the Project does not conflict with provisions of the draft Plan. The Project site is also located within the boundaries of the Desert Tortoise Recovery Plan, and is located

within the Western Mojave Recovery Unit of the Desert Tortoise Recovery Plan. The Town of Yucca Valley will require that the Project be in compliance with the Desert Tortoise Recovery Plan. Accordingly, impacts associated with habitat plans are considered less than significant.

**e. Cumulative Impacts**

**Potential Significant Impact:** Whether the Project will result in cumulatively significant land use and planning impacts, when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that no cumulatively significant impacts related to land use and planning will result from the project, when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Facts in Support of the Finding:** The Project would not result in any significant land use planning impacts. Moreover, because the Town General Plan contemplates development of commercial uses at the Project site and the adjacent Home Depot Center, the projects would not physically divide an established community, conflict with applicable land use plans, policies, or regulations, or conflict with an approved habitat conservation plan. Therefore, there are no significant cumulative impacts associated with land use and planning.

10. **Mineral Resources**

a. **Loss of Statewide or Regional Mineral Resources**

**Potential Significant Impact:** Whether development of the Project would result in loss of availability of a known mineral resource that would be of value to the region or the residents of the state.

**Finding:** Potential impacts to land uses are discussed in detail in Section 4.10 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to statewide or regional mineral resources and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Project site is currently undeveloped and not utilized for extraction of any mineral resources. The Project site is not located within an area identified by the California Department of Mines and Geology as having substantial mineral resources. In addition, the Town's General Plan does not identify any aggregate extraction areas within the limits of the Project site or in the vicinity of the Project site. Accordingly, no impacts related to this issue would occur.

b. **Loss of Locally Important Mineral Resources**

**Potential Significant Impact:** Whether development of the Project would cause significant impacts to a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

**Finding:** Potential impacts to land uses are discussed in detail in Section 4.10 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts to a

locally important mineral resource and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local plan. The Town's General Plan does not identify any aggregate extraction areas or extraction of mineral resources within the limits of the Project site. Accordingly, no impacts related to this issue will occur.

**c. Cumulative Impacts**

**Potential Significant Impact:** Whether the Project would result in cumulatively significant impacts to mineral resources, when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that development of the Project will not result in cumulatively significant impacts to mineral resources and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Project site is not located in an area that has important mineral resources, either locally or regionally. As a result, development of the Project together with other development throughout the Town will not reduce the availability of mineral resources. Accordingly, mineral resource impacts are considered insignificant on a cumulative basis.

**11. Noise**

**a. Airport Noise**

**Potential Significant Impact:** Whether the Project would expose people residing or working in the Project area to excessive airport noise.

**Finding:** Potential noise impacts are discussed in detail in Section 4.11 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant impacts from excessive airport noise and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Yucca Valley Airport is located approximately one mile west of the Project site. According to the Airport Comprehensive Land Use Plan for the Yucca Valley Airport, the proposed Project site is located outside of the 60 CNEL contour line for the Yucca Valley Airport. Although there may be occasional aircraft flyover noise that is higher than the ambient noise level, because the proposed Project is located outside of the 60 CNEL contour line for the Yucca Valley Airport, airport noise levels at the Project site are within normally acceptable levels, resulting in a less than significant impact.

**b. Long-Term Traffic-Related Noise Impacts**

**Potential Significant Impact:** Whether the Project would result in a substantial permanent increase in traffic-related noise levels in the Project vicinity.

**Finding:** Potential noise impacts are discussed in detail in Section 4.11 of the Draft EIR. Based on the entire record before us, this Council finds that

development of the Project will not result in significant long-term traffic-related noise impacts and, therefore; no mitigation is required.

**Facts in Support of the Finding:** It takes a doubling of the traffic volume to cause a three-decibel increase in traffic noise. Tables 4.11.F – 4.11.J in the Draft EIR reflect predicted traffic noise impacts with and without the Project in 2007 and in 2030. The noise levels reflected represent the worst-case scenario, which assumes that no shielding is provided between the traffic and the locations where the noise contours are drawn. Table 4.11.H demonstrates that there would be a noise level increase of more than 3 dBA under the 2007 with Project scenario, along Avalon Avenue between SR-62 and the Project driveway. However, there are no noise-sensitive uses that would be impacted by this increase, and the 70 dBA CNEL community noise exposure standard for residential uses would be complied with. Table 4.11.J shows that under the 2030 Project scenario, no active use area on the site would be exposed to traffic noise exceeding the town's 75 dBA CNEL standard for commercial uses. Accordingly, impacts in this issue area are anticipated to be less than significant.

**c. Long-Term Operational Noise Impacts**

**Potential Significant Impact:** Whether the Project would cause significant impacts by resulting in a substantial permanent increase in ambient noise levels in the Project vicinity.

**Finding:** Potential noise impacts are discussed in detail in Section 4.11 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant long-term operational noise impacts and, therefore; no mitigation is required.

**Facts in Support of the Finding:** During the long-term, or operational, phase of the Project, potential noise impacts would be created by on-site activities. Operations at the Project site that could generate high noise levels are the auto service center, truck loading and unloading, truck movements on service driveways, parking lot activities, and other noise-generating activities.

**Auto Service Center:** Existing residences west of and across Avalon Avenue are located approximately 560 feet from the proposed auto service center. Based on the Noise Impact Analysis prepared in connection with the Draft EIR, Project, peak noise levels associated with the auto service activities would range up to 80 dBA  $L_{max}$  at 50 feet. However, noise attenuation would result in a noise level of up to 59 dBA which is lower than the Town's exterior noise standards of 75 dBA  $L_{max}$  during the day (7:00 a.m. to 10:00 p.m.) and 70 dBA  $L_{max}$  during the night (10:00 p.m. to 7:00 a.m.). Because the proposed auto service center will not operate before 7:00 a.m. or after 10:00 p.m., potential nighttime noise impacts would be eliminated. Assuming the worst-case scenario of the noise level continuing for an extended period, noise could last for as much as 15 minutes in any one hour period and still be under the 60 dBA  $L_{25}$  threshold. However, it is not anticipated that the

maximum noise level would last more than 15 minutes in any one hour period as activities conducted with the auto service center are short in duration. Accordingly, a less than significant noise impact would occur from auto service center activity.

**Truck Movements on Service Driveway:** Truck delivery to the proposed on-site commercial uses would have trucks traveling about 150 feet from the Project's western boundary, or 300 feet from the nearest residences to the southwest. The trucks would generate an average of 73 dBA Leq from a distance of 50 feet. With the effect of distance divergence (16 dBA), truck pass-by noise would be reduced to 59 dBA  $L_{max}$  or lower in the backyard of the nearest frontline residences to the southwest. Accordingly, truck pass-by noise will not exceed the Town's day and night noise standards discussed above, unless it occurs cumulatively over 30 minutes in any hour during the daytime hours or cumulatively over 15 minutes during the nighttime hours. It is not expected that such a scenario would occur. Moreover, residences to the north of the Project site would not be exposed to truck noise from truck movements on the service drive exceeding 50 dBA  $L_{max}$ , because it would be masked by noise on SR-62 and Paxton Road. Accordingly, impacts from truck movements on the service driveway are anticipated to be less than significant.

**Parking Lot Activities:** Parking lot noise would generate approximately 60 dBA  $L_{max}$  at 50 feet. The majority of the parking areas proposed at the Project site are more than 700 feet from the nearest residences to the west. As such, these residences will experience approximately 23 dBA in noise reduction when compared to the noise level measured at 50 feet. In addition, proposed on-site buildings would provide shielding from most parking lot noise. Some employee parking areas are located closer to Avalon Avenue and would be approximately 300 feet from the residences to the southwest. At this distance, the noise would be reduced by 16 dBA compared with the noise level at 50 feet. With the noise attenuation effect from the proposed on-site building and distance divergence (16 dBA or more), noise in the parking lot would be reduced to 44 dBA or lower. Accordingly, parking lot noise is not anticipated to cause significant impacts.

**Other Noise-Generating Activities:** The Project would have rooftop heating, ventilating, and air conditioning (HVAC) mechanical equipment, as well as garbage compactors on the ground floor. Rooftop HVAC units generate noise levels of approximately 62 dBA at 50 feet. The minimum distance between the residences to the southwest and a feasible rooftop equipment location is 200 feet. As such, 12 dBA in noise attenuation by distance divergence will occur. The roof of the building would cause further attenuation.

Therefore, HVAC noise levels at the nearest residences to the west would be less than significant. Noise from the speakers at the drive-through fast food restaurant would reach up to 55 dBA  $L_{max}$  at 50 feet. As discussed above, this is below daytime and nighttime peak noise thresholds for neighboring residential uses. Accordingly, there is no significant drive-through noise impact. Noise associated with garbage compactors is approximately 70 dBA at six feet. Project garbage compactors would be located approximately 600 feet from the nearest residences to the southwest. The distance provides approximately 40 dBA in noise attenuation. Accordingly, distance divergence would reduce garbage compactor noise to less than 30 dBA. Therefore, no significant impacts from garbage compactor operation will occur.

**d. Interior Noise Levels**

**Potential Significant Impact:** Whether the Project would cause significant impacts by exposing persons to or generating noise levels in excess of standards established in the General Plan or noise ordinance, or applicable standards of other agencies.

**Finding:** Potential noise impacts are discussed in detail in Section 4.11 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant interior noise levels and, therefore; no mitigation is required.

**Facts in Support of the Finding:** As discussed above in the Long-Term Traffic-Related Noise Impacts section, the Project will have a less than significant impact on roadway noise

levels. Accordingly, the Project will have a less than significant impact insofar as maintaining the Town's interior noise standard of 45 dBA CNEL at the residences located to the southwest and north of the Project site. Based on EPA data, standard southern California homes provide at least 12 dBA of exterior to interior noise attenuation with windows open and 24 dBA with windows closed. Accordingly, homes would need to be exposed to peak exterior noise levels exceeding 99 dBA  $L_{max}$  during the daytime hours and 94 dBA during nighttime hours to exceed Town noise standards. No homes to the west would be exposed to maximum noise from the Project site that exceeds these levels. Accordingly, interior noise level impacts are anticipated to be less than significant.

**12. Population and Housing**

**a. Population Growth**

**Potential Significant Impact:** Whether the Project would cause significant impacts by inducing substantial population growth in the area, either directly (i.e., new homes and businesses) or indirectly (i.e., extension of roads and infrastructure).

**Finding:** Potential population and housing impacts are discussed in detail in Section 4.12 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant population and housing impacts and, therefore, no mitigation is required.

**Facts in Support of the Finding:** Tables 4.12.A and 4.12.B in the Draft EIR detail population growth and employment growth in the Town of Yucca Valley. The increase in

employment within the Town of Yucca Valley has not kept up with the increase in population. The growth trend in employment is decreasing, as residents of the Town seek employment outside the area or become unemployed. Utilizing employment factors of one employee for every 400 square feet of retail space and one employee for every 250 square feet of restaurant use, the Project is anticipated to generate approximately 589 jobs. Not all of these jobs will be newly created, as much of the approximately 260 persons employed at the vacated Wal-Mart are already residing in the area. Accordingly, it can be surmised that approximately 329 new jobs will be created by the Project. The addition of 329 new sales and service jobs may help the employment levels keep up with the population levels. Furthermore, because new jobs created by the Project are likely to be filled by persons already residing in the area, substantial impacts from population growth in the area are not anticipated. Accordingly, impacts in this issue area are anticipated to be less than significant.

**b. Displace Substantial Housing/People**

**Potential Significant Impact:** Whether the Project would cause significant impacts by displacing substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere.

**Finding:** Potential population and housing impacts are discussed in detail in Section 4.12 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in displacement of a

substantial number of people or necessitate the construction of replacement housing, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Project site is vacant and undeveloped. The Project site is zoned General Commercial. No residential uses were ever anticipated for the proposed site. There are approximately 1,000 vacant housing units located in the Town. As such, there is adequate stock of housing available if new Project employees relocated to the Town. Based on the foregoing, no substantial displacement of housing or residents is anticipated to occur as a result of the Project. Potential impacts associated with this issue are less than significant.

**c. Cumulative Impacts**

**Potential Significant Impact:** Whether the Project would result in cumulatively significant impacts to population and housing, when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that no cumulatively significant impacts related to population and housing are forecast to occur in relation to the Project and, therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project includes development of retail uses in compliance with existing zoning for the site as envisioned in the Town's General Plan. Retail uses are typically developed to capture or serve the retail demand that already exists or is expected to exist based on new residential growth in an area. The Project together with other retail development

projects in the area will serve the cumulative demand for retail and related services. This is not considered to be a significant cumulative impact on population. The Project does not displace any housing and there are no other projects that would work in combination with the Project to create such a cumulative impact. Accordingly, cumulative impacts will be less than significant.

**13. Public Services**

**a. Schools**

**Potential Significant Impact:** Whether the Project would cause significant impacts by increasing demand on schools.

**Finding:** Potential public services impacts are discussed in detail in Section 4.13 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in increased demand on schools and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Morongo Unified School District imposes development fees of \$0.34 per square foot of commercial development. Accordingly, development of the Project will result in a fee of approximately \$95,800 being paid to Morongo Unified School District. Utilizing employment factors of one employee for every 400 square feet of retail space and one employee for every 250 square feet of restaurant use, the Project is anticipated to generate approximately 589 jobs. However, as discussed above in the population and housing section, it is anticipated that most of the new employment opportunities generated by the Project will be filled by persons already residing in the

community. As such, the Project is not anticipated to result in new residents to the Town. Therefore; there will be no need for the Morongo Unified School District to construct additional school facilities or modify existing school facilities to meet increased demand on schools generated by the Project. Because development fees will be paid to the Morongo Unified School District and the Project is not anticipated to increase demand on District schools, impacts in this issue area will be less than significant.

**b. Parks**

**Potential Significant Impact:** Whether the Project would cause significant impacts with respect to parks and related facilities.

**Finding:** Potential public services impacts are discussed in detail in Section 4.13 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in significant environmental impacts associated with new parks and related facilities.

**Facts in Support of the Finding:** A full discussion of potential impacts to parks is contained in Section 4.14 of the Draft EIR, Parks and Recreation. The Project does not include a residential, park or recreation component. While development of the Project site with retail and restaurant uses would generate employment opportunities, new positions are likely to be filled by persons already residing in the community. As the Project is unlikely to significantly increase local or regional populations, a less than significant increase in demand on existing or planned neighborhood/regional parks or other recreational

facilities will occur. With a less than significant increase in demand on existing park or recreational facilities, development of the Project will not require the construction or expansion of park facilities; therefore, a less than significant impact will occur.

**c. Other Public Facilities**

**Potential Significant Impact:** Whether the Project would cause significant impacts by increasing the demand on public facilities and infrastructure.

**Finding:** Potential public services impacts are discussed in detail in Section 4.13 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in increased demand on any other public facilities or infrastructure and, therefore; no mitigation is required.

**Facts in Support of the Finding:** Maintenance of public facilities and infrastructure in the Town would not be significantly altered by development of the Project. The services and utilities required to operate the Project would be typical of other uses in the Town, and will not result in excessive wear and tear on the existing circulation, storm drain, or other public facilities. Additionally, the Town will require the formation of a maintenance district for roads and other facilities in vicinity of the Project. Accordingly potential direct and indirect impacts are less than significant.

**14. Parks and Recreation**

**a. Increased use of Parks or Recreational Facilities**

**Potential Significant Impact:** Whether the Project would cause significant impacts by increasing 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.

**Finding:** Potential parks and recreation impacts are discussed in detail in Section 4.14 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in increased demand on any regional parks or recreation facilities and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Project does not include a residential, park or recreation component. While development of the Project site with retail and restaurant uses would generate employment opportunities, new positions are likely to be filled by persons already residing in the community. As the Project is unlikely to significantly increase local or regional populations, a less than significant increase in demand on existing or planned neighborhood/regional parks or other recreational facilities will occur. With a less than significant increase in demand on existing park or recreational facilities, development of the Project will not require the construction or expansion of park facilities; therefore, a less than significant impact will occur.

**b. Provide Parks or Recreational Facilities**

**Potential Significant Impact:** Whether the Project would cause significant impacts by including recreational facilities or requiring the construction or expansion of recreational facilities.

**Finding:** Potential parks and recreation impacts are discussed in detail in Section 4.14 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not require the construction or expansion of any recreational facilities and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Project does not include a park or residential component. Moreover, the Project will not significantly increase the local or regional population base; therefore, it will not create a need for new or expanded parks or recreational facilities. Accordingly, there is a less than significant impact.

**c. Cumulative Impacts**

**Potential Significant Impact:** Whether the Project would result in cumulatively significant impacts relative to parks and recreation when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that development of the Project will not result in cumulatively significant impacts relative to parks and recreation and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Project's potential for producing impacts on the provision of parks and other recreational facilities is inherently a cumulative impacts discussion. The determination of impacts associated with the

provision of parks or recreation facilities is based on the incremental effect that the Project will produce on the Town's ability to provide these services. This determination includes existing and future demands produced by other development projects in the Town's service areas, providing a cumulative analysis. As discussed in Section 4.12 of the Draft EIR, population and housing, the employment rates in the Town have not kept pace with population. Accordingly, while the Project will result in new jobs, and other similar commercial development will result in new jobs for the area, the new jobs will likely be filled by persons already living in the community, the cumulative effect of new jobs in the area is not expected to result in population growth. For this reason, the Project in combination with other projects would not result in significant cumulative impacts to parks and recreational facilities.

**15. Traffic**

**a. Change in Air Traffic Patterns**

**Potential Significant Impact:** Whether the Project would cause significant impacts to air traffic patterns.

**Finding:** Potential traffic impacts are discussed in detail in Section 4.15 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not significantly impact air traffic patterns and, therefore; no mitigation is required.

**Facts in Support of the Finding:** As discussed above, the Project is located within Safety Review Area 3, pursuant to the Yucca Valley Airport Comprehensive Land Use Plan.

Commercial land use in Safety Review Area 3 is compatible with the airport's activities. Development of the Project will not alter or affect the frequency or pattern of air traffic at the Yucca Valley Airport. Due to the low probability of aviation hazards occurring within Safety Review Area 3 and the compatibility of land uses of the Project with airport activities, the impacts associated with air traffic patterns are considered to be less than significant.

**b. Result in Inadequate Emergency Access**

**Potential Significant Impact:** Whether the Project would cause significant impacts by resulting in inadequate emergency access.

**Finding:** Potential traffic impacts are discussed in detail in Section 4.15 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not significantly impact emergency access and, therefore; no mitigation is required.

**Facts in Support of the Finding:** Primary access to the Project site will be provided via a new signalized driveway on SR-62 located on the eastern portion of the site and by a full-access driveway on Avalon Avenue. Secondary access points are provided by a right in/out only driveway on SR-62 and by the extension of Palisade Drive. Palisade Drive would be extended from Avalon Avenue to the eastern limits of the Project, leading to the truck docks located on the south side of the Wal-Mart Supercenter. The Project site is located at the intersection of SR-62, the main thoroughfare through town, and Avalon Avenue. With the

extension of Palisade Drive adjacent to the site, adequate emergency access would be provided. Furthermore, the final design of all roadways and intersections within the Project site will be reviewed by a licensed professional civil engineer to ensure adequate emergency access to and from the Project site. Moreover, the Project will be required to comply with applicable existing requirements of the Town, Caltrans, and/or other agencies to reduce impacts associated with this issue. Accordingly, impacts will be less than significant.

**c. Result in Inadequate Parking Capacity**

**Potential Significant Impact:** Whether the Project would result in inadequate parking capacity.

**Finding:** Potential traffic impacts are discussed in detail in Section 4.15 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in inadequate parking capacity, therefore; no mitigation is required.

**Facts in Support of the Finding:** The Town's parking regulations require 1 space per 250 square feet. The Project will provide 1,163 on-site spaces for the Supercenter, which exceeds the Town's requirement of 1,016 spaces. 915 spaces are required for the Supercenter. An additional 80 parking spaces, as well as stacking distance to accommodate a minimum of 10 vehicles for drive up service, are required for the fast-food restaurant. Nominal parking spaces are required for the gas station. 11 spaces are required for people with disabilities. Parking for people with disabilities will be accommodated by provision of 22 spaces. Based

on the foregoing, impacts associated with parking capacity are less than significant.

**d. Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation**

**Potential Significant Impact:** Whether the Project would cause significant impacts by conflicting with adopted policies, plans, or programs supporting alternative transportation.

**Finding:** Potential traffic impacts are discussed in detail in Section 4.15 of the Draft EIR. Based on the entire record before us, this Council finds that development of the Project will not result in a conflict with adopted policies, plans, or programs supporting alternative transportation, therefore; no mitigation is required.

**Facts in Support of the Finding:** The design of the Project will be required to adhere to applicable Town standards contained within the Town's General Plan, which support and/or facilitate alternative means of transportation, such as providing site access to public transportation. Furthermore, the Project will provide additional bus shelters along Avalon Avenue to facilitate public transportation services. Accordingly, impacts associated with this issue are less than significant.

**16. Utilities and Service Systems**

**a. Land Fill Capacity**

**Potential Significant Impact:** Whether the Project would cause significant impacts because it is not served by a landfill with sufficient permitted capacity to accommodate Project solid waste disposal needs.

**Finding:** Potential utilities and service systems impacts are discussed in detail in Section 4.16 of the Draft EIR. Solid waste services impacts are

specifically discussed in Section 4.16.1. Based on the entire record before us, this Council finds that the Project is served by a landfill with sufficient permitted capacity for its solid waste disposal needs and, therefore; no mitigation is required.

**Facts in Support of the Finding:** Based on California Integrated Waste Management Board waste generation characteristics, Project uses will generate approximately 1,646 pounds (.82 ton) of solid waste per day. Solid waste from the Project site will be collected and transported to Landers Landfill. Landers Landfill is currently permitted to accept a maximum of 1,200 tons of solid waste per day, and the landfill is currently accepting an average of 386 tons per day. As such, there is surplus capacity of approximately 814 tons per day. The volume of solid waste generated by the Project represents 0.06 percent (less than 1%) of the permitted daily capacity of the landfill, and approximately 0.1 percent (less than 1%) of the current surplus capacity of the landfill. Development of the Project is not anticipated to affect the Landers Landfill. Accordingly, impacts are considered less than significant.

**b. Compliance with State, Federal and Local statutes and Regulations Pertaining to Solid Waste**

**Potential Significant Impact:** Whether the Project would fail to comply with applicable Federal, State and local statutes and regulations related to solid waste.

**Finding:** Potential utilities and service systems impacts are discussed in detail in Section 4.16 of the Draft EIR. Solid waste services impacts are specifically discussed in Section 4.16.1. Based on the entire record before

us, this Council finds that the Project will comply with applicable Federal, State and local statutes and regulations related to solid waste and, therefore; no mitigation is required.

**Facts in Support of the Finding:** As part of standard operating procedures, the proponent will coordinate with a certified waste hauler to develop collection of recyclable materials for the Project on a common schedule as set forth in applicable Town, County, and State programs. Commercial uses developed within the Project site will be required to comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Access Act of 1991) and other applicable local, State, and Federal solid waste disposal standards. Because of the adherence to established regulations and standards, potential impacts associated with solid waste disposal are considered less than significant.

**c. Solid Waste Cumulative Impacts**

**Potential Significant Impact:** Whether the Project would result in cumulatively significant impacts relative to solid waste when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that no cumulatively significant impacts related to solid waste are forecast to occur in relation to the Project and, therefore; no mitigation is required.

**Facts in Support of the Finding:** Section 4.16.1 of the Draft EIR demonstrates that the Project will not produce potentially significant impacts to solid waste disposal. There are no other projects that will, in combination with the Project,

result in any significant impact related to solid waste disposal. Therefore, there are no significant cumulative impacts associated with solid waste.

**d. Wastewater Capacity**

**Potential Significant Impact:** Whether the Project would result in existing or planned facilities not having adequate capacity to serve Project demand.

**Finding:** Potential utilities and service systems impacts are discussed in detail in Section 4.16 of the Draft EIR. Wastewater services impacts are specifically discussed in Section 4.16.2. Based on the entire record before us, this Council finds that the Project will comply with applicable Federal, State and local statutes and regulations related to solid waste and, therefore; no mitigation is required.

**Facts in Support of the Finding:** Wastewater capacity impacts are discussed in detail in Section 4.16.2 of the Draft EIR. There is currently no wastewater facility that serves the Town of Yucca Valley. The Wal-Mart facility will generate 6,120 gpd, and the Gas and Food parcel will generate 3,500 gpd, for an anticipated combined average of approximately 9,620 gpd of wastewater flow per day. Based on consultation with the Town, HDWD and the RWQCB the Project will include on-site secondary effluent treatment with nitrogen removal. The total capacity of the on-site effluent treatment system is anticipated to be 10,000 gallons. Accordingly, the system can adequately treat the Project's anticipated flow. As discussed in Section 4.8 of the Draft EIR, Hydrology and Water Quality, the discharge of treated effluent at the Project site will be regulated

by the RWQCB and, accordingly; will be in accordance with all pertinent State and Federal requirements. Furthermore, wastewater flows from the Project site would eventually be conveyed to and processed by the Town's Wastewater Treatment Facility, once constructed. Based on the HDWD Wastewater Management Plan, the wastewater treatment facility will have a design capacity of 1 million gallons per day (mgd) for Phase 1, a design capacity of 2 mgd for Phase 2, and each subsequent phase will provide a 1 mgd increment in capacity. Because the treatment facility is not yet constructed, data does not currently exist on the surplus area of the treatment facility plant. However, it can be inferred that the future treatment facility would be able to accommodate the Project site's wastewater flows. The Project's wastewater flows are equivalent to approximately 4.3 percent of the proposed treatment facility's average daily capacity. Because the Project will be required to provide on-site secondary effluent treatment with nitrogen removal prior to completion of the Town's proposed wastewater treatment facility, and adequate capacity would be present at the future wastewater treatment facility, impacts related to this issue area will be reduced to a less than significant level.

**e. Construction of New Wastewater Treatment Facilities**

**Potential Significant Impact:** Whether the Project would cause significant impacts by requiring the construction of new wastewater treatment facilities or expansion of

existing facilities, the construction of which would cause significant environmental effects.

**Finding:** Potential utilities and service systems impacts are discussed in detail in Section 4.16 of the Draft EIR. Wastewater services impacts are specifically discussed in Section 4.16.2. Based on the entire record before us, this Council finds that the Project will not cause significant impacts by requiring construction or expansion of wastewater facilities; accordingly, no mitigation is required.

**Facts in Support of the Finding:** There is no wastewater facility that serves the Town. The Town currently relies on septic systems to dispose of wastewater. Due to the history of groundwater contamination from septic systems in the form of nitrogen, HDWD, San Bernardino County (County) and the RWQCB require on-site treatment of Project effluent for Projects with generation of 5,000 gpd or greater. As indicated above, and in the Project Description, the Project will include an on-site secondary effluent treatment system. The system will be designed in accordance with requirements of the HDWD, the County, and the RWQCB. Accordingly, the Project will be self-supporting with respect to wastewater services and will not require the construction of new wastewater treatment facilities or the expansion of existing facilities. As such, there will be a less than significant impact in this issue area. Although the Project will have a less than significant impact in this area and no mitigation measures are necessary, the Project will install dry sewer lines and record acceptance of connection when available against the parcel so as not to rule out the possibility of

connecting seamlessly to the Town wastewater treatment facility when it is completed. The installation of dry sewer lines would occur during the construction phase of the Project, precluding the need to retrofit sewer lines after construction is complete. In addition, the on-site treatment facility will be easily removed without disrupting the existing parking areas and traffic flow, providing a smooth transition to a permanent condition. Eventually connecting to the Town wastewater treatment facility will not require construction of new facilities, further solidifying the conclusion that there will be a less than significant impact in this issue area.

**f. Compliance with Colorado River Basin RWQCB Requirements**

**Potential Significant Impact:** Whether the Project would cause a significant impact because it will exceed the wastewater treatment requirements of the Colorado River Basin RWQCB.

**Finding:** Potential utilities and service systems impacts are discussed in detail in Section 4.16 of the Draft EIR. Wastewater services impacts are specifically discussed in Section 4.16.2. Based on the entire record before us, this Council finds that the Project will not cause significant impacts by exceeding the wastewater treatment requirements of the Colorado River Basin RWQCB and, therefore; no mitigation is required.

**Facts in Support of the Finding:** The NPDES permit system requires that all existing and future municipal and industrial discharges to surface waters within the Town be subject to requirements specified in the Colorado River Basin

Plan and in Project permits. In addition, operational discharge flows would be treated and would be required to comply with associated waste discharge requirements. Compliance with the NPDES and permit requirements established by the Town and HDWD will ensure that discharges into the sewer or stormwater system resulting from the operation of the Project do not exceed applicable Colorado River Basin RWQCB wastewater treatment requirements. Accordingly, no significant impact related to the exceedance of wastewater treatment requirements would occur.

**g. Cumulative Wastewater Impacts**

**Potential Significant Impact:** Whether the Project would result in cumulatively significant impacts relative to wastewater when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that no cumulatively significant impacts relative to wastewater are forecast to occur in relation to the Project and, therefore; no mitigation is required.

**Facts in Support of the Finding:** Section 4.16.2 of the Draft EIR finds that the Project will not produce potentially significant impacts to wastewater treatment. Because the Project will fully mitigate potential wastewater impacts by including on-site secondary effluent treatment with nitrogen removal, no wastewater will be discharged and there is no potential cumulative wastewater impact created by the Project. Consequently, there are no projects that would, in

combination with the Project, result in any significant impact related to wastewater treatment; therefore, there are no significant cumulative impacts associated with wastewater.

#### **h. Water Supply**

**Potential Significant Impact:** Whether the Project would cause significant impacts by requiring new, or the expansion of existing water supply entitlements and resources.

**Finding:** Potential utilities and service systems impacts are discussed in detail in Section 4.16 of the Draft EIR. Water supply impacts are specifically discussed in Section 4.16.3. Based on the entire record before us, this Council finds that the Project will not cause significant impacts by requiring construction of new or the expansion of existing water supply entitlements and resources and; therefore, no mitigation is required.

**Facts in Support of the Finding:** The Project site is within the jurisdiction of the HDWD. The HDWD main groundwater source is from the Warren Valley Groundwater Basin, which underlies the Town. The HDWD also has pumping rights to an adjacent groundwater basin, the Ames Valley Basin, for 800 acre-feet of water per year. In addition to local groundwater supplies, in January 1995, the District started importing State Water Project (SWP) water via the Morongo Basin Pipeline Project. The 71-mile pipeline runs from the SWP canal located in the City of Hesperia to the Town. HDWD's allotment of SWP water is 4,270 acre-feet per year. To service existing customers, HDWD purchases 3,000 acre-feet through this water source, which is approximately 70.3 percent of the available capacity. The remaining 29.7

percent is reserve capacity to serve growth in addition to local groundwater supplies. Although the SWP supplies that recharge the Warren Valley Basin have high annual variability, the groundwater basins used within the service area are sufficiently large to allow for continued water use during dry periods with only a temporary decline in groundwater levels. In addition, Mojave Water Agency (MWA) has a SWP water contract for up to 75,800 acre-feet per year of which 7,257 acre-feet is allocated for the Morongo Basin/Johnson Valley Area. According to the Final State Water Project Reliability Report, MWA should expect to receive an average of about 58,400 acre-feet per year each year if they request their full entitlement under year 2020 conditions, thereby preserving the existing allotment of SWP to the Morongo Basin/Johnson Valley Area. The Project is expected to demand approximately 51,020 gallons of water per day. The HDWD had 283.2 acre-feet of excess capacity in the 2004/2005 water year. Accordingly, the Project's requirements would be approximately 20.1 percent of the HDWD's total excess water. Pursuant to the California Water Code, the Project does not require completion of a water supply assessment. Furthermore, according to the Yucca Valley Retail Specific Plan, water service to the Project will be provided with a connection to an existing public water line. As such, no major construction activities will be required to provide the extensions. Landscaping for the Project will

comply with Town standards to minimize the need for irrigation. In addition, during construction and operations phases, Ordinance 140, relating to plant protection and management will be followed. Accordingly, potential water supply impacts will be less than significant.

**i. Water Supply Cumulative Impacts**

**Potential Significant Impacts:** Whether the Project would result in cumulatively significant impacts relative to water supply when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that no cumulatively significant impacts related to water supply are forecast to occur in relation to the Project and; therefore, no mitigation is required.

**Facts in Support of the Finding:** As discussed in Section 4.16.3 of the Draft EIR, the Project will not produce potentially significant impacts to water supply. Although the Project together with all future development will incrementally increase the demand for water within the region, the impact of this increase in water demand has been addressed by the HDWD's Urban Water Management Plan and the MWA's Regional Water Management Plan. These documents include provisions for groundwater recharge in the surrounding area particularly in the Warren Valley Basin area. There are no projects that would, in combination with the Project, result in any significant impact related to water supply; therefore,

there are no significant cumulative impacts associated with water supply.

**j. Stormwater Drainage**

**Potential Significant Impact:** Whether the Project would require new stormwater drainage facilities or the expansion of existing stormwater drainage facilities, the construction of which would cause significant environmental impacts.

**Finding:** Potential utilities and service systems impacts are discussed in detail in Section 4.16 of the Draft EIR. Stormwater drainage impacts are specifically discussed in Section 4.16.4. Based on the entire record before us, this Council finds that the Project will not cause significant impacts by requiring new stormwater drainage facilities or the expansion of existing stormwater drainage facilities and; therefore, no mitigation is required.

**Facts in Support of the Finding:** The purpose of the proposed drainage system at the Project site is to provide adequate flood protection to the site, as well as adjacent or downstream properties. The design criteria for the Project site drainage system were established through correspondence with the engineering department of the Town of Yucca Valley. It was concluded that the County standards and procedures regarding the design of stormwater conveyance systems were to be implemented. In addition, the detention basin's design volume is 3.6 acre-feet, which exceeds the required storage volume of 1.4 acre-feet. With the proposed drainage improvements in place, the Project will be adequately protected from storm runoff and will not adversely affect neighboring or downstream properties. Because future capacity of

the detention basin can sufficiently accommodate the stormwater flow demands of the Project, no significant impact would occur. Additionally, prior to Project approval, the Project would include conditions of approval to construct all off-site and on-site stormwater facilities needed to distribute water throughout the development area. As any environmental effect resulting from the installation of required water infrastructure would be offset through conditions imposed on the Project by the Town and HDWD and through the payment of required fees, impacts related to this issue are less than significant.

**k. Cumulative Impacts**

**Potential Significant Impact:** Whether the Project would result in cumulatively significant impacts relative to stormwater drainage when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that no cumulatively significant impacts related to stormwater drainage are forecast to occur and; therefore, no mitigation is required.

**Facts in Support of the Finding:** Section 4.16.4 of the Draft EIR concludes that the Project will not produce potentially significant impacts to stormwater drainage. There are no projects that would, in combination with the Project, result in any significant impact related to stormwater drainage. Therefore, no significant cumulative impacts associated with stormwater drainage are anticipated.

**17. Urban Decay**

**a. Business Closures**

**Potential Significant Impact:** Whether the Project would cause significant impacts by diverting sales from existing retail facilities severe enough to result in business closures.

**Finding:** Potential urban decay impacts are discussed in detail in Section 4.17 of the Draft EIR. Based on the entire record before us, this Council finds that the Project will not cause significant impacts by resulting in business closures and; therefore, no mitigation is required.

**Facts in Support of the Finding:** The potential for the Project to result in significant urban decay impacts is discussed in detail in Section 4.17.4 of the Draft EIR. This section discusses the potential for the Project to divert sales from existing businesses and whether such sales diversion would be significant enough in scale to result in the closure of existing competitive retail establishments. The analysis looks at the Projects competitive effects in the areas of General Merchandise, Apparel, Furniture, and Other/Specialty (GAFO) sales; Fast-food restaurant sales; Service station sales and Grocery sales. The analysis also looks at the impact of the Project on the downtown area and analyzes whether there is sufficient demand to support reuse of the existing Wal-Mart building.

**GAFO Sales:** The demand for new GAFO (General Merchandise) retail space within the trade area is projected to be around 106,000 square feet in 2007 and is anticipated to grow to 130,800 square feet by

2011. Although, the Projects GAFO space would total 169,000 square feet, a full 110,000 square feet would be a replacement of the existing Yucca Valley Wal-Mart store. Thus, the Project results in a net increase of 59,000 GAFO square feet. 59,000 square feet is less than 60 percent of the 2007 retail demand for new GAFO space. Moreover, the Project is projected to generate incremental GAFO sales of 17.7 million. As such, it will only absorb about 61% of the incremental demand for GAFO sales at Project opening. Accordingly, there appears to be sufficient demand to support the Project without negatively affecting existing GAFO sales in the trade area, and no significant impact is anticipated.

**Fast-Food Restaurant Sales:** Demand for new restaurant retail space in Yucca Valley is 10,632 square feet in 2007 and will grow to 17,240 in 2011. The unmet demand for restaurant sales is projected at \$2.7 million in 2007, growing to \$4.3 million in 2011. The \$2.7 million in unmet demand is nearly three times the forecast restaurant sales of \$1.0 million at the Project site. Accordingly, there will be sufficient demand to support the Project without negatively affecting existing restaurants in the trade area, and no significant impact is anticipated.

**Service Station Sales:** The unmet demand for service station sales in Yucca Valley is anticipated to be \$3.5 million in 2007. The service station at the Project site would generate sales of approximately \$3.6 million per year. Accordingly,

the Project's gasoline sales would be fully supportable without any impacts to existing service stations by 2008, when demand is expected to increase to \$4.0 million. By 2011, demand is projected to be \$5.5 million. Accordingly, there will be sufficient demand to support the Project service station without negatively affecting the long-term health of existing gas stations in the trade area; accordingly, no significant impact is anticipated.

**Reuse or Redevelopment of the existing Wal-Mart Store:** The Project will result in the relocation of the existing Wal-Mart store located at 57980 Twentynine Palms to the Project site. Together the Project and the existing Wal-Mart constitute approximately 173,000 square feet of non-grocery retail space that needs to be absorbed in the Town. The 2007 total demand for the Town, of 261,436 square feet, is more than sufficient to absorb the 173,000 square feet. Additionally, the existing Wal-Mart building is under contract for sale, pending approval and development of the Project. The purchaser plans to redevelop the store for multiple retail tenants, and the sale would close 90 days after the Project opens. Moreover, the potential for reuse of the existing Wal-Mart store with small-sized to mid-sized tenants seems viable given that the Morongo Basin is currently significantly underserved with the types of national retail chains that would normally be found in community shopping centers. All of the

aforementioned factors leave the potential for long-term blight at the existing Wal-Mart building low. Accordingly, no significant impact is anticipated.

**Old Town Area:** As discussed above, leakage in the Town market area will be sufficient to support the Project without diverting sales from existing stores. Furthermore, there is no visible indication of economic distress in the Old Town area. In fact, economic trends in the Old Town area have been on a positive path, despite the fact that merchants in the trade area already face superstore competition from the existing Wal-Mart store and other major retail facilities in the Coachella Valley. The Old Town area totals approximately 60,000 square feet of retail space, and 60,000 square feet is fully occupied at this time. Finally, tenants in the Old Town area have a unique concentration of antique stores and other specialty stores that offer a mix of merchandise that is not directly comparable to the types of goods available at Wal-Mart. Accordingly, significant impacts to the Old Town area are not anticipated.

**Grocery Sales in the Trade Area:** The four existing supermarkets in Yucca Valley provide an estimated 148,561 square feet of grocery retail space in the Town. In 2007, new demand for supermarket space is projected to reach 65,400 square feet. The grocery component of the Project will total 60,000 square feet. Thus, incremental demand for new supermarket space would be sufficient to fully support the Project in 2007.

According to the Urban Land Institute, the national median sales volume for supermarkets in 2002 was \$354 per square foot. The median sales volume for supermarkets in the western United States was \$408 per square foot. By 2011, sales potentials for the existing grocery stores in Yucca Valley stores will reach \$454 per square foot. As such, the likelihood of store closures because of the Project is unlikely, and no significant impacts to grocery stores are anticipated.

**b. Viability of Existing Shopping Centers or Districts**

**Potential Significant Impact:** Whether the Project would cause significant impacts by directly forcing business closures significant enough in scale to affect the viability of existing shopping centers or districts that are either in a blighted condition or would be considered blighted with the business closure.

**Finding:** Potential urban decay impacts are discussed in detail in Section 4.17 of the Draft EIR. Based on the entire record before us, this Council finds that the Project will not cause significant impacts by forcing business closures and; therefore, no mitigation is required.

**Facts in Support of the Finding:** As discussed above, in the business closures finding, the demand in the Project area is large enough to support Project: GAFO sales; fast-food sales; service station sales; and the reuse of the existing Wal-Mart's retail space. Moreover, the viability of the Old Town area will not be affected by the Project. As such, the Project would not directly force business closures as it pertains to any of these businesses. While some existing grocery

stores may have a temporary reduction in sales because of the Project; the long-term closure of existing grocery stores is unlikely. The temporary decrease in grocery sales levels at existing stores is expected to recover as population growth in the trade area creates a new demand for grocery sales; therefore, significant business closures are unlikely to occur, and the Project would not directly force business closures significant enough in scale to affect the viability of existing grocery stores. Accordingly, impacts in this issue area will be less than significant.

**c. Cumulative Impacts**

**Potential Significant Impact:** Whether the Project would result in cumulatively significant impacts relative to urban decay when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that no cumulatively significant impacts related to urban decay are forecast to occur in relation to the Project and; therefore, no mitigation is required. The cumulative impacts related to urban decay are discussed in detail in Section 4.17.5 of the Draft and Final EIR.

**Facts in Support of the Finding:** There are four projects that could be built within the next two years and that could have a cumulative impact with respect to business closures. These projects include the following: (1) reconfiguration of the former Kmart (37,000 square feet); (2) Home Depot Retail Center (174,893 square feet); (3) reconfiguration of existing Wal-Mart (110,000

square feet); (4) Project's net new space (63,000 square feet); and (5) Applebee's (5,000 square feet). The total square footage of these projects is 389,893 square feet. For the purpose of analyzing cumulative impacts to the market, the former Kmart is assumed to be reconfigured for multiple retail and office tenants. The Home Depot Retail Center is presumed to include the Home Depot (137,283 square feet) and a specialty retail/restaurant (37,610 square feet). In addition, it is understood that the existing Wal-Mart would be reconfigured for multiple retail tenants. The Project's net new space of 63,000 square feet includes GAFO space and a fast-food restaurant pad. The cumulative analysis assumes that none of the cumulative project space, including the existing Wal-Mart will be used for grocery sales. Based on potential demand for new retail space and the total square feet of future planned retail project in the Town, in a worst-case scenario, the developed building space in the market area would exceed demand for building space by 93,516 square feet in 2010. If the four projects are built at approximately the same time and if the entire 93,516 square feet of building space remains vacant, the overall vacancy rate in the town would reach approximately 7.9 percent. A normal vacancy rate is generally in the 5 to 10 percent range. With this worst-case scenario, the vacancy rate would be well within the range of normal vacancy levels. Considering the trade area currently exhibits a very low vacancy rate and there are no current

indications of urban decay, an increase in vacancy rates to 7.9 percent will not result in significant urban decay impact. Further, based on continued growth in households in the trade area and the resulting increased demand for retail sales, vacancies would fall back to approximately 5.9 percent in 2012, which is five years after the Project's assumed 2007 opening date. Thus, the cumulative impact of the Project would not cause significant physical blight by directly forcing business closures significant enough to affect the viability of existing shopping centers or districts.

**B. POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE AND MITIGATION MEASURES**

Public Resources Code ("PRC") Section 21081 states that no public agency shall approve or carry out a project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

The following issues from eight of the environmental categories analyzed in the EIR, including Aesthetics, Air Quality, Biological Resources, Cultural Resources,

Geology and Soils, Noise, Public Services, and Traffic, were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. This Council hereby finds pursuant to PRC § 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR; and that these mitigation measures are included as Conditions of Approval and set forth in the Mitigation Monitoring and Reporting Program adopted by this Council. Specific findings of this Council for each category of such impacts are set forth in detail below.

Each mitigation measure discussed in this section of the findings has a number code correlating it with the environmental category used in the Mitigation Monitoring and Reporting Program and in the EIR.

1. Aesthetics

a. **Light and Glare**

**Potential Significant Impact:** The EIR evaluated and concluded that the Project could create a new source of substantial light or glare in the area.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through mitigation measures 4.1.1A through 4.1.1C. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to light and glare are discussed in detail in Impact Section 4.1.4 of the Draft EIR. The following mitigation measures will mitigate impacts from light and glare to below a level of significance:

4.1.1A *Pole-mounted floodlights at the main entry façade shall be fitted with glare shields or adjustable "barn doors" to control unwanted spill light.*

4.1.1B *All exterior wall-mounted area lights on project buildings, the fast-food drive-through land lights, and the fast-food restaurant parking lot lights shall be equipped with "cut-off" optics to mitigate spillover light and direct glare within the project boundary. Specifically, the Illumination Engineering Society (IES) definition for the cut-off fixture classification is as follows: Intensity at 80 degrees from nadir (0-degree-angle pointing directly downward from the lighting fixture) does not exceed 100 candela (cd) per 1000 lamp lumens, nor at 90 degrees from nadir does the intensity exceed 25 cd per 1,000 lamp lumens.*

4.1.1C *Prior to the issuance of grading permits, the applicant shall submit to the Town a photometric study (to include parking areas and access way lights, external security lights, and lighted signage), proving that the project light sources do not spill over to adjacent off-site properties.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.1.1A through 4.1.1C to reduce this potentially significant impact to a less than significant level. The mitigation measures will reduce the potentially significant impact from spillover light toward adjacent properties to the east and south. Implementation of the mitigation measures reduces potential light and glare impacts to a less than significant level by ensuring that there is no spillover light from on-site lighting.

**b. Cumulative Impacts**

**Potential Significant Impact:** The EIR evaluated and concluded that the Project could result in cumulatively significant impacts to aesthetics when considered along with other closely related past, present and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measures 4.1.1A through 4.1.1C, discussed above. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level.

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.1.1A through 4.1.1C to reduce potentially significant impact in this issue area to a less than significant level. The cumulative effect caused by the potential degradation of the existing visual character or quality of Project surroundings from the combination of the Project and the Home Depot project would be less than significant because both projects would be developed in a manner consistent with existing development trends along SR-62 and regulated by applicable land use development requirements contained in the Specific Plan and Zoning Code. The Home Depot project would be constructed with similar outdoor and parking lighting to the project, which could potentially create light and glare impacts additive to the impacts associated with either project individually. However, the Home Depot project, like the Project, will have requirements imposed to reduce spillover light on adjacent property. This together with Mitigation Measures 4.1.1A through 4.1.1C will reduce potentially significant impacts from spillover light. Accordingly, cumulative

impacts associated with aesthetics will be reduced to a less than significant level.

**2. Biological Resources**

**a. Non-listed Sensitive Species**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in impacts to migratory birds including the Loggerhead shrike, California horned lark and burrowing owl. The Loggerhead shrike and California horned lark are protected by the Migratory Bird Treaty Act (MBTA), while the burrowing owl is protected under Section 3503 of the California Fish and Game Code and the MBTA.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through Mitigation Measures 4.4.1A through 4.4.1C. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. Potential impacts to the Loggerhead shrike, California horned lark, burrowing owl, and other migratory birds protected by the MBTA are discussed in detail in Impact Section 4.4.1 of the Draft EIR. The following mitigation measures will mitigate the identified impacts to migratory birds including the burrowing owl to below a level of significance:

**4.4.1A** *Prior to site grading, a focused survey for the burrowing owl shall be conducted on the project site by a qualified biologist to determine on-site presence/absence of this species. The focused burrowing owl survey shall be conducted during the appropriate breeding season (February 1 to August 31) and/or within 30 days prior to the commencement of grading*

*activities. If the survey determines that the burrowing owl is absent from the project site, no further mitigation is required.*

**4.4.1B** *Any burrowing owls identified during on-site focused surveys shall be relocated by a qualified biologist prior to the commencement of grading activities. The relocation of any specimen shall be conducted per applicable CDFG and USFWS procedures. Relocation of on-site burrowing owls shall not be permitted during the nesting season for this species.*

**4.4.1C** *In accordance with the MBTA, the removal of vegetation or other potential nesting habitat shall be conducted outside of the avian nesting season (February through August). If construction occurs during the avian nesting season, a pre-construction nesting bird survey shall be conducted seven days prior to any ground disturbing activities. If birds are found to be nesting inside, or within 250 feet (500 feet for raptors) of the impact area, construction will need to be postponed until it is determined by a qualified biologist that the nest is no longer active.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.4.1A through 4.4.1C to reduce this potentially significant impact to a less than significant level. The mitigation measures will reduce impacts to the Loggerhead shrike, California horned lark, burrowing owl, and any other raptor or migratory bird protected by the MBTA to below a level of significance by regulating the removal of vegetation or other potential nesting habitat in accordance with the MBTA and determining whether burrowing owls are present and then removing and relocating them if present.

**b. Riparian Habitat or Other Sensitive Communities**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may affect sensitive natural communities within the Project area because the Project's plant palette calls for the planting of Mexican palo verde trees (*Parkinsonia aculeate*).

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through Mitigation Measure 4.4.2A. The mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to Mexican palo verde trees, are discussed in detail in Impact Section 4.4.2 of the Draft EIR. The following mitigation measure will mitigate identified impacts to sensitive natural communities to below a level of significance:

*4.4.2A Exclude the Mexican Palo Verde tree (Parkinsonia aculeate) from the plant palette proposed in the landscaping plan.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measure 4.4.2A to reduce this potentially significant impact to a less than significant level. Mexican palo verde trees will be excluded from the plant palette proposed in the landscaping plan, reducing potential impacts to sensitive natural communities in the area to a less than significant level.

**c. Endangered and Threatened Species**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in impacts to desert tortoise located in the project vicinity.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures 4.4.3A through 4.4.3E. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts to desert tortoise, are discussed in detail in Impact Section 4.4.3 of the Draft EIR. The following mitigation measures will mitigate the identified impacts to desert tortoise to below a level of significance:

4.4.3A *In compliance with the USFWS 1992 Field Survey Protocol for desert tortoise, a pre-construction clearance survey is required in addition to the focused protocol survey. A pre-construction clearance survey shall be conducted within 30 days prior to any ground disturbing activities. If the clearance survey is positive, incidental take permits will be required from the USFWS and the CDFG prior to any ground disturbing activities. The permits would stipulate required actions such as relocation of the tortoises, installation of a tortoise proof fence, etc.*

4.4.3B *Pursuant to the USFWS 1992 Field Survey Protocol, focused presence/absence surveys, which must be conducted during the activity period of the tortoise between March 25 and May 31, are valid for one year. Therefore, if construction is not initiated prior to March 25, 2007, another focused protocol survey will be required between March 25 and May 31 to determine presence/absence of desert tortoise within the project site impact area. If the focused protocol survey is positive, incidental take permits will be required from the USFWS and the CDFG.*

4.4.3C *In order to minimize impacts due to increased numbers of common ravens on desert tortoise, all trash containers shall be securely covered. In addition, to reduce littering, signage shall be posted throughout the project site stating fines for trash dumping in open areas.*

4.4.3D *Prior to the initiation of grading activities, all construction personnel shall participate in an education program. The program will be taught by a qualified biologist and will inform personnel of the status of the tortoise under the Endangered Species Act, that desert tortoise are not to be handled or otherwise harassed, that if a desert tortoise is encountered all construction must cease until proper action is taken, and provide the contact information of a biologist qualified to handle desert tortoise in the unlikely event that a desert tortoise is encountered.*

4.4.3E *If a desert tortoise is encountered during ground-disturbing activities, the qualified biologist shall be contacted. The qualified biologist will take appropriate actions to avoid take of the tortoise. All actions will be coordinated with the USFWS and CDFG.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.4.3A through 4.4.3E to reduce this potentially significant impact to a less than significant level. The mitigation measures will reduce impacts to the desert tortoise by determining whether they are present and protecting and avoiding them if encountered. With implementation of the mitigation measures, impacts to the desert tortoise will be reduced to below a level of significance.

**d. Cumulative Impacts**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in cumulatively significant impacts to biological resources, when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level

through implementation of Mitigation Measures 4.4.1A through 4.4.3E discussed above. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The cumulative impacts to biological resources are discussed in detail in Impact Section 4.4.5 of the Draft EIR.

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.4.1A through 4.4.3E to reduce potentially significant impacts in this issue area to a less than significant level. The development of the Project in tandem with other proposed projects in the vicinity would result in the removal of Joshua Trees. However, the projects would be required to adhere to the Town's Plant Protection and Management Ordinance, which includes the incorporation of Joshua Trees into landscaping. The Project site is moderately disturbed and provides only marginal habitat for desert tortoises and seven special status species. A protocol survey and a presence/absence survey determined that desert tortoises were absent from the site and that the Project would not affect the desert tortoise. Furthermore, due to the Project site's marginal-disturbed condition, no impacts to other non-listed special interest species identified as potentially occurring on-site are anticipated. Accordingly, no cumulatively considerable reduction in habitat would occur. Furthermore, because of the Project site's disturbed condition, resulting limited habitat value, and the absence of any endangered or

threatened species on-site, the Project would not make a cumulatively considerable contribution to an impact on endangered or threatened species. The site is not considered an essential component of any wildlife corridor. The Project site is bordered by SR-62 to the north, Avalon Avenue to the west and the Home Depot to the east. Due to their location, these features act as barriers to the movement of wildlife. Accordingly, development of the site would not make a cumulatively considerable contribution to loss of any such corridor, and no cumulatively significant biological resource impacts are anticipated.

### 3. Cultural Resources

#### a. Historic Structures and Features

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in impacts to unknown buried historical resources.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through Mitigation Measure 4.5.1A. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to unknown buried historical resources are discussed in detail in Impact Section 4.5.1 of the Draft EIR. The following mitigation measure will mitigate the identified impacts to unknown buried historical resources to below a level of significance:

*4.5.1A In the event a historical resource is uncovered, discovered, or otherwise detected or observed during the course of grading or construction of the*

*project, ground-disturbing activities within 50 feet of the find shall cease until the nature and extent of the find can be valuated by a qualified historian (meeting Secretary of Interior Standards). If any such resource is uncovered during the course of project-related grading or construction, appropriate mitigation measures, recordation, and removal procedures shall be required prior to any resumption of work in the affected area of the project.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measure 4.5.1A to reduce this potentially significant impact to a less than significant level. With implementation of the mitigation measure impacts to unknown buried historical resources will be mitigated below a level of significance.

**b. Archaeological Resources**

**Potential Significant Impact:** The EIR evaluated and concluded that the Project may result in impacts to unknown buried archaeological resources during the course of grading or construction of the Project.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measures 4.5.2A and 4.5.2B. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to less than significant. The impacts related to unknown archeological resources are discussed in detail in Impact Section 4.5.2 of the Draft EIR. The following mitigation measures will mitigate the identified impacts to unknown archeological resources to below a level of significance:

4.5.2A

*Prior to grading activities, an archeological resource monitoring plan shall be submitted for review and approved by the town. The archeological resource monitoring plan shall require monitoring of the upper ten (10) feet of topsoil. If after 100 percent of soils to five (5) feet below original grade has been monitored and no archaeological resources have been identified, the Project Archaeologist may discontinue monitoring. In the event an archaeological resource is uncovered, discovered, or otherwise detected or observed during the course of grading of construction of the project, ground-disturbing activities within 50 feet of the find shall cease until the nature and extent of the find can be evaluated by a qualified archaeologist (meeting Secretary of Interior Standards). If any such resource uncovered during the course of project-related grading or construction, appropriate mitigation measures, recordation, and removal procedures shall be required prior to any resumption of work in the affected area of the project.*

4.5.2B

*In the event a Native American cultural resource is uncovered, discovered, or otherwise detected or observed during the course of grading or construction of the project, the monitor, hired by the project applicant, shall contact the Morongo Band of Mission Indians ("Tribe"). If requested by the tribe, the monitor, at the applicant's discretion, shall consult on the discovery of its disposition.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.5.2A and 4.5.2B to reduce this potentially significant impact to a less than significant level. By developing an archeological resource monitoring plan and agreeing to contact the Morongo Band of Mission Indians if a Native American cultural resource is uncovered, impacts to archeological resources are reduced to a less than significant level.

c. **Paleontological Resources**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in impacts to paleontological resources at an undetermined depth.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of Mitigation Measure 4.5.3A. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to paleontological resources are discussed in detail in Impact Section 4.5.3 of the Draft EIR. The following mitigation measure will mitigate the identified impacts to paleontological resources to below a level of significance:

4.5.3A *Prior to grading activities, a paleontological resource monitoring plan shall be submitted for review and approved by the Town. The paleontological resource monitoring plan shall require monitoring of the upper ten (10) feet of topsoil. If after 100 percent of soils to five (5) feet below original grade has been monitored and no paleontological resources have been identified, the Project Paleontologist may discontinue monitoring. In the event that a paleontological resource is uncovered, discovered, or otherwise detected or observed during the course of grading or construction of the project, ground-disturbing activities within 50 feet of the find shall cease until the nature and extent of the find can be evaluated by a qualified paleontologist (meeting Secretary of Interior Standards). If any such resource uncovered during the course of project-related grading or construction, appropriate mitigation measure, recordation, and removal procedures shall be required prior to any resumption of work in the affected area of the project.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measure 4.5.3A to reduce this potentially significant impact to a less than significant level. Mitigation measure 4.5.3A will allow for monitoring of the Project site by a paleontologist; accordingly, impacts to paleontological resources will be less than significant.

**d. Cumulative Impacts**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in significant impacts to cultural resources when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measures 4.5.1A through 4.5.3A discussed above. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level.

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.5.1A through 4.5.3A to reduce potentially significant impacts in this issue area to a less than significant level. The Town's General Plan Draft EIR indicates that although the record of prehistoric human habitation within the Town is not precisely known, it is likely that Native American Indians did occupy the area. However, the Project would not result in any potentially significant impacts human remains. Furthermore, there are no

projects that would, in combination with the Project, result in any significant cumulative impacts to human remains. Although the proposed Project could create a potentially significant impact related to disturbance of historical, archaeological, and paleontological resources, such impacts are reduced to a less than significant level with implementation of the aforementioned mitigation measures. Accordingly, any significant cumulative impacts associated with cultural resources will be mitigated to a less than significant level.

4. Geology/Soils

a. **Strong Seismic Ground Shaking**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may expose people or structures to potential substantial adverse effects including the risk of loss, injury, or death involving strong seismic ground shaking.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measure 4.6.1A. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to seismic ground shaking are discussed in detail in Impact Section 4.6.1 of the Draft EIR. The following mitigation measure will mitigate the identified impacts related to strong seismic ground shaking below a level of significance:

4.6.1A *The design and construction of the proposed on-site uses shall adhere to the recommendations identified in the geotechnical investigation*

prepared for the proposed project; engineering standards detailed in the UBC for development within Seismic Zone 4; and/or other design requirements established by the Town. The geotechnical investigation prepared for this project identifies the potential for some degree of structural damage during seismic shaking, but the risk can be reduced through recommendations contained in the geotechnical investigation. These design and construction measures, from the geotechnical investigation, shall include the following:

- To minimize post-construction soil movement and provide a uniform support for the buildings, overexcavation and recompaction within the proposed footings shall be performed to a minimum depth of 3 feet below existing grades or 2 feet below the bottom of the proposed footings, whichever is deeper.
- The overexcavation and recompaction within the interior slab-on-grade areas shall be performed to a depth of 2 feet below existing grades or 1 foot below the bottom of the proposed slab sections, whichever is deeper.
- The overexcavation and recompaction shall also extend laterally 10 feet beyond the edges of the proposed footings.
- Within the proposed exterior flatwork and pavement areas, overexcavation and recompaction shall be performed to at least 12 inches below existing grade or finish grade, whichever is lower.
- Prior to placement of fill soils, the upper 8 inches of native soils shall be scarified, moisture-conditioned to near optimum moisture content, and recompacted to a minimum of 95 percent of maximum dry density based on ASTM D1557 Test Method.
- The proposed structures shall be supported on a shallow foundation system bearing on at least 2 feet of engineered fill.

- *Shoring or sloping back trench sidewalls shall be required within these sandy soils.*
- *The proposed structure footings shall be designed utilizing an allowable bearing pressure of 2,500 pounds per square foot (psf) for dead-plus-live loads. Footings should have a minimum depth of 18 inches below pad subgrade (soil grade) or adjacent exterior grade, whichever is deeper.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measure 4.6.1A to reduce this potentially significant impact to a less than significant level. The mitigation measure will ensure that building footings and foundations are designed to current seismic standards, which in turn would withstand an accepted magnitude of earthquake. Accordingly, potential impacts from seismic ground shaking will be reduced to a less than significant level.

**b. Unstable Soils**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in impacts due to unstable soils, as a result of differential settlement.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measure 4.6.2A. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to unstable soils are discussed in detail in Impact Section 4.6.2 of the Draft EIR. The following mitigation measure will mitigate the identified impacts related to unstable soils below a level of significance:

4.6.2A

*The design and construction of the proposed on-site uses shall adhere to the recommendations identified in the geotechnical investigation prepared for the proposed project. The geotechnical investigation prepared for this project identifies the potential for some degree of soil settlement, but the risk can be reduced through adherence to recommendations contained in the geotechnical investigation. These design and construction measures, from the geotechnical investigation, shall include the following:*

- *To minimize post-construction soil movement and provide a uniform support for the building, it is recommended that overexcavation and recompaction within the proposed footings be performed to a minimum depth of 3 feet below existing grades or 2 feet below the bottom of the proposed footings, whichever is deeper.*
- *The overexcavation and recompaction within the interior slab-on-grade areas shall be performed to a depth of 2 feet below existing grades or 1 foot below the bottom of the proposed slab sections, whichever is deeper.*
- *The overexcavation and recompaction shall also extend laterally 10 feet beyond the edges of the proposed footings.*
- *Within the proposed exterior flatwork and pavement areas, it is recommended that overexcavation and recompaction be performed to at least 12 inches below existing grade or finish grade, whichever is lower.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measure 4.6.2A to reduce this potentially significant impact to a less than significant level. Adherence to recommendations described in the mitigation measure and the requirements of the UBC and Town Seismic Design Code would reduce potential impacts associated with unstable soils and

settlement caused by an earthquake to a less than significant level.

c. **Expansive and Collapsible Soils**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in impacts due to expansive and collapsible soils, creating substantial risks to life or property.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measure 4.6.3A. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to expansive and collapsible soils are discussed in detail in Impact Section 4.6.3 of the Draft EIR. The following mitigation measure will mitigate the identified impacts related to unstable soils below a level of significance:

4.6.3A *The design and construction of the proposed on-site uses shall adhere to the recommendations identified in the geotechnical investigation prepared for the proposed project, which identifies the potential for some degree of post-construction settlement. The risk can be reduced through adherence to recommendations contained in the geotechnical investigation. These recommendations include (but shall not be limited to) the following:*

- *Prior to the placement of fill soils, the upper 8 inches of native soils shall be scarified, moisture-conditioned to near optimum moisture content and recompacted to a minimum of 95 percent of maximum dry density based on ASTM D1557 Test Method.*
- *Native silty sand or silty sand soils/sand soils are suitable for reuse as engineered fill. Fill material shall be compacted to a*

*minimum of 95 percent of maximum density based on ASTM D1557-91 Test Method.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends the mitigation measure 4.6.3A to reduce this potentially significant impact to a less than significant level. Adherence to recommendations contained in the mitigation measure and the requirements of the UBC and Town Seismic Design Code would reduce potential impacts associated with expansive and collapsible soils to a less than significant level.

**d. Cumulative Impacts**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in cumulatively significant impacts to geology and soils resources when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measures 4.6.1A through 4.6.3A, discussed above. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level.

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.6.1A through 4.6.3A to reduce potentially significant impacts in this issue area to a less than significant level. The Project will not result in impacts related to ground failure, the rupture of a known earthquake fault, landslides,

expansive soils, or soil erosion. There are no projects that would, in combination with the Project, result in any significant impacts related to the aforementioned issues. Although the Project would create potentially significant impacts associated with ground shaking, unstable soil conditions, collapsible soils, and the capability of soils to support a septic system, such impacts are reduced to a less than significant level with implementation of mitigation measures. Furthermore, there are no projects that would, in combination with the Project, result in any significant impacts related to these issue areas. While the Project will include on-site secondary effluent treatment, there would be no cumulative project impact associated with septic discharges to groundwater and/or soils, because the Project will be conditioned to install dry sewer lines. The dry sewer lines will be used to connect to the proposed town wastewater treatment facility when it becomes available for use in the future. For this reason, long-term cumulative wastewater impacts are addressed. Therefore, there are no significant cumulative impacts associated with geology and soils.

5. Noise

a. **Loading/Unloading Operations**

**Potential Significant Impact:**

The EIR evaluated and concluded the Project may result in impacts because noise levels from loading and unloading operations may exceed the Town

noise standard during nighttime hours, at the closest residences to the west, for very limited times.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measures 4.11.3A and 4.11.3B. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to loading and unloading operations are discussed in detail in Impact Section 4.11.3 of the Draft EIR. The following mitigation measures will mitigate the identified impacts related to loading and unloading operations below a level of significance:

*4.11.3A Nighttime operation of delivery trucks shall be limited to less than 30 minutes each.*

*4.11.3B Nighttime operation of delivery truck beepers shall be prohibited for all on-site vehicles.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.11.3A and 4.11.3B to reduce this potentially significant impact to a less than significant level. Adherence to the mitigation measures will insure that noise related to loading and unloading operations during nighttime hours would be reduced to a less than significant level.

**b. Cumulative Impacts**

**Potential Significant Impact:** The EIR evaluated and concluded the Project may result in cumulatively significant impacts to noise, when considered along with other closely related

past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measures 4.11.1A through 4.11.3B, discussed in Section 4.11 of the DEIR. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level.

**Facts in Support of the Finding:** Section 4.11 of the Draft EIR contains a detailed discussion of potential noise impacts of the Project. Among other facts, the EIR recommends mitigation measures 4.11.1A through 4.11.3B to reduce this potentially significant impact to a less than significant level. The future roadway noise assessment concludes that there would be no significant roadway noise impacts associated with cumulative and cumulative plus Project conditions. The noise analysis also assesses short-term construction-related impacts. The Home Depot Center project is located adjacent and to the east of the Project site. The Home Depot development would result in similar short-term construction noise impacts as those identified for the Project. Although it is not possible to predict if this or other contiguous properties may be constructed at the same time as the proposed Project, creating cumulative noise impacts that would be greater than if developed at separate times, implementation of mitigation measures would render such cumulative

noise impacts less than significant. The noise analysis also provides an assessment of on-site operational noise impacts to adjacent existing and future sensitive uses. On-site operational noises are individual noise occurrences and are not additive in nature; therefore, projects located adjacent or nearby would not, in combination with the Project, produce on-site operational noise impacts, with the implementation of mitigation measures contained in the Draft EIR. Accordingly, no significant cumulative noise impacts will occur with implementation of proposed mitigation measures.

**6. Public Services**

**a. Fire Protection**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in physical impacts associated with the provision of fire protection services.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measures 4.13.1A and 4.13.1B. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to fire protection services are discussed in detail in Impact Section 4.13.1 of the Draft EIR. The following mitigation measures will mitigate the identified impacts related to fire protection services below a level of significance:

4.13.1A *Prior to the issuance of occupancy permits, the project applicant shall make payment of fair share contribution fees (as determined by the Fire Chief) to a Town-wide public services assessment district.*

4.13.1B *Prior to the issuance of grading permits, the project applicant shall submit for review and approval by the Fire Chief, a site plan design which includes looped water service which provides adequate fire flow (as determined by the Fire Chief).*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.13.1A and 4.13.1B to reduce this potentially significant impact to a less than significant level. Implementation of the mitigation measures will reduce impacts related to increased fire flow demand, increased emergency calls, and increased traffic on SR-62 which may slow response times and potentially increase traffic collisions. Accordingly, impacts to fire protection services will be reduced to below a level of significance.

**b. Police Protection**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in physical impacts associated with the provision of police protection.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measure 4.13.2A. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to police protection are discussed in detail in Impact Section 4.13.2 of the Draft EIR. The following mitigation

measures will mitigate the identified impacts related to police protection below a level of significance:

*4.13.2A Prior to the issuance of occupancy permits, the project applicant shall make payment of fair share contribution fees to a City-wide public services assessment district.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measure 4.13.2A to reduce potentially significant impacts in this issue area to a less than significant level. Implementation of the mitigation measure will reduce impacts due to increased demand and reduce overall impacts related to police protection to below a level of significance.

**c. Cumulative Impacts**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in cumulatively significant impacts relative to public services when considered along with other closely related past, present, and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measures 4.13.A through 4.13.2A, discussed above. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level.

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.13.1A through 4.13.2A to reduce potentially significant impacts in this issue area to a less than significant level. The Project's potential

to produce impacts on the provision of public services, is inherently a cumulative impact discussion. This is because the determination of impacts associated with the provision of these services is based on the incremental effect that the Project would have on the agencies' ability to provide services. This impacts determination contemplates the existing and future demands that will be produced by other development projects in the agencies' service areas, resulting in a cumulative analysis. While the development of the Project and other projects occurring within the Town would result in increased demand for police and fire protection services, each project would be required to pay fees to a Town-wide public services assessment. The payment of fees by each of the projects provides local police and fire agencies with funds required to meet the need for staffing and equipment resulting from increased demand. Similarly, each project is required to pay school impact fees to reduce cumulative impacts to schools. Therefore, although each project contributes to a cumulative increase, the payment of fees by each project ensures that the cumulative impact remains less than significant. While the Project and other new commercial development projects in the area would result in new jobs, the Town's employment rates have not kept pace with population increases. As such, the cumulative effect of several commercial retailers bringing new jobs to the area is not expected to result in

population growth, but will likely result in the fulfillment of new positions by persons already residing in the area. For this reason, the Project, in combination with other projects occurring within the Town, would not result in substantial population growth for the area, and therefore, would not result in significant cumulative impacts to schools, parks, and other public facilities. Therefore, with implementation of the mitigation measures there will be no significant cumulative impacts associated with the provision of public services.

**7. Traffic**

**a. Increased Traffic in Relation to Existing Load and Capacity**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in impacts to five intersections in the opening day plus project scenario.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measures 4.15.1A and 4.15.1B. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to increased traffic are discussed in detail in Impact Section 4.15.1 of the Draft EIR. The following mitigation measures will mitigate the identified impacts related to increased traffic below a level of significance:

**4.15.1A** *Prior to issuance of certificates of occupancy, the project applicant shall construct the following improvements:*

- *Inca Trail/Twenty-nine Palms Highway (SR-62). Install traffic signal.*
- *Old Woman Springs Road (SR-247)/Buena Vista Drive. Install traffic signal.*
- *Joshua Lane/Yucca Trail. Install traffic signal.*
- *Joshua Lane/Onaga Trail. The re-striping of a southbound shared lane to a southbound shared left-turn/through lane, and the addition of a southbound shared through/right-turn lane.*
- *Palomar Avenue/Yucca Trail. Install traffic signal.*

*4.15.1B Prior to issuance of Certificate of Occupancy, the project applicant shall pay all applicable Town traffic and signal impact fees.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.15.1A and 4.15.1B to reduce this potentially significant impact to a less than significant level. With implementation of the mitigation measures, all affected intersections will operate at LOS C or better under opening year with project conditions. Accordingly, impacts in this issue area will be reduced to below a level of significance.

**b. Traffic in Excess of Level of Service Standards Established by County Congestion Management Agency**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in impacts to eighteen study intersections in the year 2030 plus project scenario.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measure 4.15.2A. This mitigation

measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to traffic in excess of County CMP standards are discussed in detail in Impact Section 4.15.2 of the Draft EIR. The following mitigation measure will mitigate the identified impacts related to traffic in excess of CMP standards below a level of significance:

*4.15.2A Prior to issuance of certificates of occupancy, the project applicant shall pay all applicable CMP fair-share fees as determined by the TIA (\$676,097).*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measure 4.15.2A to reduce this potentially significant impact to a less than significant level. The Project's contribution to the mitigation of year 2030 impacts will be satisfied by implementation of the mitigation measure. The timing and necessity of the completion of the improvements will be determined in conjunction with the completion of future development projects on other properties within the traffic study area and by the Town's capital improvements for roadways, consistent with the Town's General Plan, and traffic and signal impact fee requirements. Accordingly, impacts will be reduced to a less than significant level.

**c. Design Hazards**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in impacts due to traffic design hazards, because signalization of a driveway on SR-62 could present a significant hazard due to improper site distance.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measure 4.15.3A. This mitigation measure is adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The impacts related to traffic design hazards are discussed in detail in Impact Section 4.15.3 of the Draft EIR. The following mitigation measure will mitigate the identified impacts related to traffic design hazards to below a level of significance:

**4.15.3A** *Prior to issuance of grading permits, the project applicant shall submit and receive Town approval of detailed grading and landscaping plans to ensure that grading elevation, height of landscaping, vegetation, fencing, monumentation, signage, and other visual obstructions along the project site frontage do not obstruct the minimum sight distance requirement of 942 feet westerly from the proposed signalized driveway on SR-62. This area falls primarily within the proposed detention basin between the proposed signalized driveway and the proposed right in/out only driveway on SR-62.*

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measure 4.15.3A to reduce this potentially significant impact to a less than significant level. The mitigation measure will ensure that proper site distance is maintained; therefore, impacts will be reduced to a less than significant level.

**d. Cumulative Impacts**

**Potential Significant Impact:** The EIR evaluated and concluded that development of the Project may result in cumulatively significant impacts relative to traffic when considered along

with other closely related past, present and reasonably foreseeable or probable future projects.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be mitigated to a less than significant level through implementation of mitigation measures 4.151A through 4.15.3A, discussed above. These mitigation measures are adopted and incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing this potentially significant impact to a less than significant level. The cumulative impacts related to traffic are discussed in detail in Section 4.15.5 of the Draft EIR.

**Facts in Support of the Finding:** Among other facts, the EIR recommends mitigation measures 4.15.1A through 4.15.3A to reduce potentially significant impacts in this issue area to a less than significant level. In compliance with CMP guidelines, the Project traffic impact assessment was based on an analysis of opening day (2007) and year 2030 scenarios to provide an assessment of potential impact in the near-term and long-term time horizons. Both the opening day (2007) and year 2030 analysis inherently provide a cumulative assessment of potential traffic impacts. Traffic volumes for the year 2030 plus Project scenario are based on forecast traffic volumes from the Town General Plan traffic model, as reported in the General Plan EIR. This yields a cumulative analysis, based on the projections approach consistent with CEQA. As described in Section 4.15 of the Draft EIR, specific improvements to 15 intersections are required to maintain the Town's level of service standard. The improvement measures defined are consistent with the General

Plan. Given the long-term time frame for when these improvements will be needed, their implementation is not needed until traffic volumes reach the levels estimated for the 2030 scenario. Consequently, in accordance with CMP procedures, the Project will be responsible for contributing its fair share toward the funding of the future improvements, resulting in less than significant cumulative traffic impacts.

**C. IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE SIGNIFICANT AND UNAVOIDABLE**

With the implementation of all available and feasible mitigation measures recommended in the EIR, the following adverse impacts of the Project stated below are considered to be significant and unavoidable, based upon information in the EIR and in the administrative record. These impacts are considered significant and unavoidable despite the imposed mitigation measures which will reduce impacts to the extent feasible.

**1. Air Quality**

**a. Short-Term Construction Emissions**

**Significant Unavoidable Impact:** The EIR concluded that the Project could result in significant impacts to air quality due to emissions realized during construction of the Project.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant but can be reduced through mitigation measures. The Council finds that mitigation measure 4.3.1A is incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing the potentially significant impacts from construction-related air emissions. However, the Council finds that the Project's potential impacts on air quality from construction-related emissions may be potentially significant after mitigation. The impacts to air quality from construction are discussed in

detail in Impact Section 4.3.1 in the Draft EIR. The following mitigation measure will mitigate impacts to air quality from construction-related emissions to the extent feasible, but the impacts will remain significant and unavoidable:

4.3.1A *Prior to issuance of grading permits, the construction contractor shall provide evidence showing that the following measures shall be implemented to reduce NOx and PM<sub>10</sub> emissions from ground disturbance and VOC emissions from application of architectural coatings:*

- *The construction contractor shall select the construction equipment used on site based-on low emission factors and high energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.*
- *The construction contractor shall demonstrate to the Town that construction activities shall make use of alternatively fueled equipment or catalyst-equipped diesel powered equipment to the extent such alternative fuels are available.*
- *The construction contractor shall ensure that construction grading plans include a statement that work crews will shut of equipment when not in use.*
- *The construction contractor shall time the construction activities so as not to interfere with peak hour traffic and to minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadway.*
- *The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.*

- *The construction contractor shall demonstrate compliance with fugitive dust suppression measures 403 a) through 403 e) contained in MDAQMD Rule 403.*
- *The construction contractor shall demonstrate compliance with the VOC suppression measures contained in MDAQMD 1113.*
- *The construction contractor shall apply non-toxic chemical soil stabilizers according to manufacturers' specifications to all inactive construction areas (previously graded areas inactive for 10 days or more).*
- *The construction contractor shall water active sites at least twice daily (Locations where grading is to occur shall be thoroughly watered prior to earthmoving).*
- *The construction contractor shall provide evidence to the Town that all trucks hauling dirt, sand, soil, or maintain at least two feet of freeboard (vertical space between the top of the load and top of the trailer) in accordance with the requirements of California Vehicle Code (CVC) section 23114.*
- *The construction contractor shall pave construction access roads at least 100 feet onto the site from the main road.*
- *The construction contractor shall promote the reduction of traffic speeds on all unpaved roads to 15 miles per hour (mph) or less.*

**Facts in Support of the Finding:** The EIR recommended implementation of mitigation measure 4.3.1A to reduce potential impacts to air quality from construction-related emissions. However, despite the implementation of the mitigation measure, potential impacts associated with NOx emissions from construction equipment exhaust, PM<sub>10</sub> emissions from construction equipment exhaust and fugitive dust from ground

disturbance activities, and VOC emissions from application of architectural coatings remain significant and unavoidable.

**b. Long-Term Project-Related Emissions Impacts**

**Significant Unavoidable Impact:** The EIR concludes that the Project could significantly impact air quality from emissions resulting from operation of the Project.

**Finding:** Based on the entire record before us, this Council finds that this impact is significant and can be reduced through mitigation measures. The Council finds that mitigation measure 4.3.2A is incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing the potentially significant impacts from long-term project-related air emissions. However, the Council finds that the Project's potential impacts on air quality from long-term project-related emissions impacts may be potentially significant after mitigation. The impacts to air quality from project-related emissions are discussed in detail in Impact Section 4.3.2 in the Draft EIR. The following mitigation measure will mitigate impacts to air quality from long-term project-related emissions to the extent feasible, but the impacts will remain significant and unavoidable:

*4.3.2A Prior to issuance of building permits, the project applicant shall provide evidence to the Town that applicable (as determined by the Town) Transportation Demand Management (TDM) measures are incorporated into the design of the proposed project. At a minimum, the TDM measures shall include: 1) Bicycle Storage – the project shall provide secure, adequate and convenient bicycle storage facilities for a minimum of 12 bicycles; 2) Information Center – A transportation information center shall be provided within the Wal-Mart store; and 3) preferential parking for employee carpool. The information center shall be located in a central location with good customer visibility. The information center shall*

*provide information concerning public transportation options including route and schedules for local bus service.*

**Facts in Support of the Finding:** The Draft EIR concludes that Project related emissions for CO, ROC, NO<sub>x</sub> and PM<sub>10</sub> would exceed the MDAQMD daily emissions thresholds due to increased vehicle trips. Moreover, pollutant emissions of NO<sub>x</sub> that would exceed the MDAQMD thresholds may contribute to ozone formation in the region. Although implementation of mitigation measure 4.3.2A may reduce vehicle trips associated with the Project, it is not possible to quantify the reduction in the amount of emissions that may occur. Considering the volume of emissions estimated to be generated by the Project and current commuter habits of retail customers, it is unlikely that the implementation of TDM measures will result in a reduction of operational Project emissions to below MDAQMD thresholds. No other mitigation measures have been identified to reduce the operational emissions of CO, ROC, NO<sub>x</sub> and PM<sub>10</sub> to a less than significant level. Because the Project site is located in a nonattainment air basin for criteria pollutants, and there is an absence of mitigation measures that would reduce the Project's emissions of CO, ROC, NO<sub>x</sub> and PM<sub>10</sub> to below MDQAMD thresholds, potential long-term air quality impacts resulting from operation of the Project will remain significant and unavoidable.

**c. Cumulative Impacts**

**Significant Unavoidable Impact:** The EIR concludes that the Project could significantly impact air quality due to emissions realized during construction of the Project and from emissions resulting from operation of the Project.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant and cannot be reduced to a less than significant level through implementation of mitigation measures. Accordingly, cumulative impacts to air quality due to project construction and operation emissions remain significant and unavoidable.

**Facts in Support of the Finding:** Section 4.3.5 of the Draft EIR concludes that the region is currently designated as “nonattainment” under State and federal ozone ambient air quality standards and also under PM<sub>10</sub> ambient air quality standards. It was determined that the Project would exceed the MDAQMD significance threshold for NO<sub>x</sub> and PM<sub>10</sub> emissions during construction and the CO, ROC, NO<sub>x</sub> and PM<sub>10</sub> emissions thresholds during Project operations. The volume of emissions that will result from construction and operation of the Project contribute toward creation of basin-wide O<sub>3</sub> and PM<sub>10</sub> levels; therefore, the development of the Project constitutes a significant cumulative and project-level impact. Aside from mitigation measures 4.3.1A and 4.3.2A discussed above, no feasible mitigation measures or additional emission reduction measures have been identified to further reduce O<sub>3</sub> and PM<sub>10</sub> levels. Despite implementation of mitigation measures 4.3.1A and 4.3.2A, cumulative impacts from construction and

operational emissions remain significant and unavoidable.

2. Noise

a. **Short-Term Construction Noise Impacts**

**Significant Unavoidable Impact:** The EIR concluded that the Project could result in significant short-term noise impacts due to grading and other construction activities.

**Finding:** Based on the entire record before us, this Council finds that this impact is significant and can be reduced through mitigation measures. The Council finds that mitigation measure 4.11.1A is incorporated into the Mitigation Monitoring and Reporting Program for the Project, and will be implemented as specified therein, thereby reducing the potentially significant impacts from short-term construction noise impacts. However, the Council finds that the Project's potential short-term construction noise impacts may be potentially significant after mitigation. The noise impacts from short-term construction noise are discussed in detail in Impact Section 4.11.1 of the Draft EIR. The following mitigation measure will mitigate noise impacts due to short-term construction noise to the extent feasible, but the impacts will remain significant and unavoidable:

*4.11.1A Construction activities are restricted within the Town to the hours of 7:00 a.m. to 10:00 p.m. Monday through Saturday. The following measures would reduce short-term construction-related noise impacts resulting from the proposed project:*

- *During all project site excavation and grading on-site, the project contractors shall equip all construction equipment, fixed or mobile, with properly operating and maintained mufflers consistent with manufacturers' standards.*

- *The project contractor shall place all stationary construction equipment so that emitted noise is directed away from sensitive receptors nearest the project site.*
- *The construction contractor shall locate equipment staging in areas that will create the greatest distance between construction-related noise sources and noise-sensitive receptors nearest the project site during all project construction.*

**Facts in Support of the Finding:** Short-term noise impacts would be associated with excavation, grading, and erecting of buildings on-site during construction of the Project. Construction-related short-term noise levels would be higher than existing ambient noise levels in the project area today, but would no longer occur once construction of the Project is completed. The residences nearest to the Project site are about 150 feet to the southwest of the project boundary and may be subject to short-term, intermittent, maximum noise reaching 81 dBA  $L_{max}$ . The residences to the north approximately 200 feet from the project boundary would potentially experience noise up to 79 dBA  $L_{max}$ . Implementation of mitigation measure 4.11.1A will reduce potential impacts related to this issue; however, even with implementation of the mitigation measure, short-term construction-related noise impacts would remain significant and unavoidable.

**b. Groundborne Vibration**

**Significant Unavoidable Impact:** The EIR concluded that the Project could result in significant impacts due to the potential for

excessive groundborne vibration during construction activities.

**Finding:** Based on the entire record before us, this Council finds that this impact is potentially significant and cannot be reduced through mitigation measures. This Council finds that there are no feasible mitigation measures that may be adopted and incorporated into the Mitigation Monitoring and Reporting Program for this Project. Accordingly, groundborne vibration impacts during constructions remain significant and unavoidable.

**Facts in Support of the Finding:** Impact Section 4.11.2 concludes that groundborne vibration during construction activities would exceed the threshold of 75 VdB during the construction phase of the Project. The range of groundborne vibration levels would result in potential annoyance at residences near the Project site; however, it would not cause any damage to buildings. Although groundborne vibration during construction activities would be temporary, impacts from project-related groundborne vibration during construction would be significant and mitigation would be required. However, there are no mitigation measures that would reduce this impact to a less than significant level. Accordingly, this impact would remain significant and unavoidable.

#### **D. ADDITIONAL TOPICS REQUIRED BY CEQA**

##### **1. Significant Irreversible Environmental Effects**

CEQA mandates that any significant irreversible environmental changes that would be involved with the Project are addressed as part of the EIR process. While the Project will permanently commit the site to urban development, no significant agricultural, cultural, mineral or scenic resources will be lost as a result of Project implementation. The Project will affect existing land use and establish long-term urban

use for the Town and surrounding communities. Furthermore, natural resources in the form of construction materials and energy resources will be utilized in the construction of the Project, and energy resources in the form of electricity and gas will be used during the long-term operations of the Project. However, their use is not expected to negatively impact the availability of these resources. Accordingly, significant irreversible environmental effects are not anticipated.

## 2. Growth Inducing Impacts

CEQA requires a discussion of ways in which a Project could be growth inducing. The CEQA Guidelines, specifically Section 15126.2 (d), identify a project as growth inducing if fosters economic or population growth, or the construction of additional housing either directly (such as by proposing new homes and businesses) or indirectly (such as through extension of roads or other infrastructure) in the surrounding environment.

Utilizing employment factors of one employee for every 400 square feet of retail space and one employee for every 250 square feet of restaurant use, the Project is anticipated to generate approximately 589 jobs. The jobs cannot be assumed to be newly created, as a fair number of the approximately 260 employees previously employed at the vacated Wal-Mart already reside in the area. Accordingly, there will be an increase of about 329 new sales and service jobs, which will help the Town employment levels, keep up with population levels. As the new jobs created by the Project are likely to be filled by persons already residing in the area, the Project would not induce substantial population growth in the area.

The Project site is currently vacant and undeveloped. The Project does not propose any housing. Moreover, there are approximately 1,000 vacant housing units located within the Town. Accordingly, if there were new Project employees who relocated to the Town, there is an adequate stock of housing available. Because no housing currently exists on the Project site, and approximately 1,000 housing units are vacant within the Town, no displacement of housing or residents will occur with this Project.

The Project is consistent with Town General Plan and Southern California Association of Governments (SCAG) population projections. The Project does not foster growth or a concentration of population in excess of what is assumed in the Town General Plan or by SCAG, nor does the Project provide infrastructure or service capacity to accommodate growth beyond the levels currently permitted by the General Plan. Accordingly, there are no significant growth inducing impacts that will result from the Project.

## **E. PROJECT ALTERNATIVES**

The EIR analyzed the following four alternatives to the Project as proposed, and evaluated these alternatives for their ability to meet the Project's objectives as described in Section II.B above. CEQA requires the evaluation of a "No Project Alternative" to assess a maximum net change in the environment as a result of implementation of the Project. CEQA also requires evaluation of alternatives that can reduce the significance of identified impacts and "feasibly attain most of the basic objectives of the proposed Project." Thus, in order to develop a range of reasonable alternatives, the Project objectives must be considered when this Commission is evaluating the alternatives.

### **1. No Project Alternative/Existing Zoning**

Under the No Project Alternative/Existing Zoning Alternative, the Project would not go forward. However, the alternative would allow development of the site according to the existing land use regulations in the Town's General Plan and Zoning Code (General Commercial and General Commercial District (C-G)); accordingly, it would allow development of commercial square footage equal to that of the Project (233,000 square feet). Because of the range of commercial uses permitted on-site, potential development scenarios for the site are numerous and varied. In the event of denial of the Project, it is reasonable to conclude that a different national discount retailer would elect to develop the site. Other development scenarios may include a multi-tenant shopping center anchored by a number of mid-sized anchors (50,000 to 60,000 square feet) with smaller specialty retail and service outlets; a single supercenter anchor (125,000 to 150,000 square feet) with smaller specialty retail and service outlets; or a retail, entertainment, dining mix that could combine theater, dining, and smaller specialty retail

and services. Based on the size and location of the property, existing General Plan and zoning designations, current development trends, existing deficiency in local retail opportunities, and the construction of a driveway that will be shared jointly with the Home Dept Center, it is reasonable to conclude that, in the absence of the Project, development of the site will consist of development of retail uses in similar size and configuration to the Project.

**Finding:** Based on the entire record, this Council finds that the No Project/Existing Zoning Alternative would result in similar on-site project-specific and cumulative impacts to those analyzed for the Project in the EIR. The alternative would result in similar impacts related to aesthetics, air quality, biological resources, noise, public services, recreation, traffic, and utilities and service systems. Impacts related to population and housing would be greater than those identified for the Project due to the possibility for creation of a larger number of jobs, but would have the same magnitude as the Project as there would still be development of a retail center. Impacts related to urban decay would be less than those identified for the Project as no market impact to competing grocery stores would be created thereby reducing the potential for grocery store closures. However, the EIR concluded that no significant urban decay impacts would result from the Project. The No Project/Existing Zoning Alternative will not serve to reduce potential impacts in any issue area to less than significant levels and would not fulfill the Project objective of providing additional convenient grocery shopping opportunities for area residents; accordingly, this Council does not find the alternative to be more desirable than the Project and rejects the No Project/Existing Zoning Alternative.

## 2. Mixed Commercial/Office

Under this alternative a general office building of approximately 115,000 square feet occupying half of the major retail square footage permitted at the Project site, a smaller retailer of approximately 115,000 square feet of the remaining major retail square footage (with no gas station), and the same 4,000-square foot fast-food restaurant fronting

SR-62 would be developed instead of the Project. Development of this alternative would result in development of less intense commercial uses on the site, as permitted by the existing land use regulations in the Town's General Plan and Zoning Code.

**Finding:** Based on the entire record before us, this Council finds that although the Mixed Commercial/Office Alternative will result in fewer air quality, noise, traffic and urban decay impacts, it would result in similar impacts to aesthetics, agricultural resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology, land use and planning, and mineral resources, and greater impacts to population and housing, public services, recreation, and utilities. Moreover, it does not meet the project objective of providing additional convenient grocery shopping opportunities for area residents and limits the provision of new retail options in close proximity to local consumers. Accordingly, this Council finds the Mixed Commercial/Office Alternative less desirable than the Project and rejects the Mixed Commercial/Office Alternative.

### 3. Off-Site Location

Under this alternative the Project would be developed in a different location. An alternative site would require adequate land, access, and services, and must be compatible with adjacent uses. Based on review of the available site, there are three such properties. Two of the properties considered are the current Wal-Mart site and the vacant Kmart building, located approximately 2.75 and 3 miles southwest of the Project site, respectively. Both of the sites are smaller than the Project site. Additionally, the Kmart building owners recently received approval to reconfigure the building and it is no longer available as an alternative site. Furthermore, the existing Wal-Mart is located in a multi-tenant center, south of the Yucca Valley Airport. Because of the proximity of the airport and other retail tenants, expansion of the existing 110,000 square foot Wal-Mart at its present location is not feasible. Both the Kmart and Wal-Mart site would require the demolition of an existing building to implement the Project. Noise and air quality impacts associated with the demolition of the existing buildings, coupled with the inadequate lot size, make the vacant Kmart and current Wal-Mart site unsuitable for the

off-site location alternative. Accordingly, the third off-site alternative located at the northwest corner of Balsa Avenue and Yucca Trail was considered the Off-Site Location Alternative for purpose of the EIR analysis. The off-site location consists of five undeveloped parcels totaling approximately 81 acres. Due to the large undeveloped area at the location and the configuration of the parcels, the Project could be situated on portions and/or combinations of several of the parcels. The site is accessible from both Balsa Avenue and Yucca Trail, and is adequate in size for the implementation of the Project. However, because the area is largely undeveloped the roadways are not presently configured to accept increasing traffic volumes. The Town has designated the location C-MU (Mixed Use Commercial). The C-MU designation is intended for a mix of land uses including: commercial, professional office, recreational, and high density residential uses in and near the downtown area. The purpose of the district is to allow highly integrated commercial uses with residential development that can rely on pedestrian access to commercial services and employment centers, and to create new consumer retail markets in the downtown area. Development within areas designated C-MU requires preparation of a Specific Plan. Residential uses are located to the east and south of the off-site alternative and would be located in closer proximity to proposed retail than they would be with the Project.

**Finding:** Based on the entire record before us, this Council finds that, because the Off-Site Location Alternative would place retail uses in closer proximity to residential uses and because the roadways accessing the alternative site are not presently configured to support the increased traffic volumes associated with the proposed development, air quality, traffic and noise impacts would exceed those identified for the Project. Furthermore, because impacts to the desert tortoise and Joshua tree are unknown, impacts associated with biological resources may be greater under this alternative than the Project. Because the type and scale of development equals that which would occur on the Project site, no reduction in the emission of construction or operation air pollutants would occur. Additionally, development of the alternative would not compliment the existing retail base along SR-62 and it would be a less desirable location

for local shoppers. Therefore, the Off-Site Location Alternative is rejected.

#### 4. Reduced Intensity Commercial

The Reduced Intensity Commercial Alternative was crafted to reduce operational air pollution emissions associated with development of the Project site to below MDAQMD daily thresholds. Under this alternative, the Project site would be developed with approximately half of the 233,000 square feet of uses envisioned for the Project. The 115,000 square feet of commercial uses under the Reduced Intensity Commercial Alternative would consist of a multi-tenant shopping center hosting a single mid-size anchor (50,000-60,000 square feet). The balance of the developed uses would consist of smaller specialty retail and service outlets.

**Finding:** Based on the entire record before us, this Commission finds that, although the Reduced Intensity Commercial Alternative would result in a lower magnitude of impacts compared to the Project, it will not meet Project objectives. Under the Reduced Intensity Commercial Alternative impacts related to agricultural resources, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology, land use and planning, mineral resources, population and housing, and recreation would remain similar to those associated with the Project. Visual resource impacts would be reduced under the Reduced Intensity Commercial Alternative. Moreover, because of the reduction in vehicle trips achieved under the alternative, impacts to the operation of local roadways and intersections would be proportionally reduced. The reduction in traffic would ensure that emissions of NO<sub>x</sub>, SO<sub>x</sub>, ROC, and PM<sub>10</sub> do not exceed MDAQMD daily thresholds. Emissions of CO, while exceeding the total daily amount allowed, would not create or contribute to CO concentrations in excess of State or Federal 1- and 8-hour standard. The significant air quality impacts associated with the Project would not occur under the alternative. Due to its smaller size, and the attenuation received from the siting of the building along the eastern project boundary, operational

noise levels would be reduced from that identified with the Project. However, the alternative will not meet the stated project objectives. Specifically, the Reduced Intensity Commercial Alternative does not provide development consistent with the Town standards that allow for as much as 233,000 square feet of retail development at the Project site, and reduces the potential for high quality commercial uses because the reduction in square footage will not accommodate a national retailer, such as the Supercenter proposed as part of the Project. Moreover, the Reduced Intensity Commercial Alternative provides for fewer tax-generating uses, and employment-generating opportunities at the Project site. Accordingly, the Reduced Intensity Commercial Alternative is rejected.

## **F. PROJECT BENEFITS**

### **1. Introduction**

This Council finds that the Project will provide several benefits to the public and the Town in general. These benefits include:

- The Project will achieve several benefits with regard to the goals and objectives of the Town of Yucca Valley General Plan.
- The Project will contribute to Town and regional economic growth by providing employment opportunities and the consumption of goods and services by the Town and its surrounding area.

As stated in Section II.B., the purpose of the Project is to provide a new retail commercial use to the Town of Yucca Valley. Implementation of the Specific Plan and the Project would accomplish the following objectives:

- Provide development consistent with the Town's General Plan land uses and in conformance with municipal standards, codes, and policies;
- Provide for orderly and master planned development of land uses within the project area to ensure that an economically viable project can be developed;

- Allow the potential for development of high quality commercial uses within an undeveloped portion of the Town;
- Augment the Town's economic base by providing tax-generating uses;
- Create employment-generating opportunities for the citizens of Yucca Valley and surrounding communities;
- Provide additional convenient grocery shopping opportunities for area residents;
- Expand and provide new retail options in close proximity to local consumers by providing daytime and nighttime shopping opportunities in a safe and secure environment;
- Compliment the existing retail base in the Town of Yucca Valley along SR-62; and
- Locate a commercial project at the intersection of two major streets, thereby maximizing access opportunities for the convenience of patrons.

2. **Discussion of Economic, Social, Environmental and Other Benefits**

This Council finds that the Project will achieve several objectives that are considered benefits in light of the Town of Yucca Valley General Plan and that it will contribute substantially to the Town of Yucca Valley economy. Specifically, the Project will:

- Create a productive and attractive Commercial/Retail use capitalizing on the Project's proximity to major roadways, its location adjacent to the proposed Home Depot Center, and its access to major transit corridor, SR-62.
- The Project will allow for productive use of currently vacant land within the Town of Yucca Valley, and will provide for a commercial retail use in contrast to the existing empty lot on the Project site. The

Project will also provide goods and services to the residents of the Town and the surrounding community.

- The Project will provide development of additional high-quality commercial/retail uses which will provide for increased economic benefit to the Town, including increased revenues to the Town for sales tax and benefits to local residents, including employment opportunities.
- The Project will provide the development of needed commercial/retail shopping in the Town and extend the existing retail uses currently located along the SR-62 corridor.

#### **G. STATEMENT OF OVERRIDING CONSIDERATIONS**

The Town Council of the Town of Yucca Valley adopts this Statement of Overriding Considerations with respect to the significant unavoidable impacts associated with adoption of the Project as addressed in the EIR, specifically:

1. Short-term construction emissions;
2. Long-term operational emissions;
3. Cumulative air emissions;
4. Short-term construction noise levels;
5. Short-term construction groundborne vibration.

This section of the findings specifically addresses the requirement of Section 15093 of the CEQA Guidelines, which requires the lead agency to balance the benefits of a proposed project against its unavoidable significant impacts and to determine whether the impacts are acceptably overridden by the Project benefits. If the Council finds that the previously stated major project benefits outweigh the unavoidable significant adverse environment impacts noted above, then the Council may, nonetheless, approve the Project. Each of the separate benefits are hereby determined to be, in itself, and independent of other Project benefits, basis for overriding all unavoidable environmental impacts identified in the EIR and these findings.

The Council's findings set forth in the preceding sections identified all of the adverse environmental impacts and feasible mitigation measures which can reduce impacts to less than significant levels where feasible, or to the lowest feasible levels where significant impacts remain. The findings have also analyzed four alternatives to determine whether there are reasonable or feasible alternatives to the proposed action, or whether they might reduce or eliminate the significant adverse impacts of the Project. The EIR presents evidence that implementing the development of the Project will cause significant adverse impacts which cannot be substantially mitigated to non-significant levels. These significant impacts have been outlined above and this Council makes the following finding:

**Finding:** Having considered the unavoidable adverse impacts of the Project, this Council hereby determines that all feasible mitigation has been adopted to reduce or avoid the potentially significant impacts identified in the EIR, and that no additional feasible mitigation is available to further reduce significant impacts. Further, this Council finds that economic, social and other considerations of the Project outweigh the unavoidable adverse impacts described above. The reason for accepting these remaining unmitigated impacts are described below. In making this finding, this Council has balanced the benefits of the Project against its unavoidable environmental impacts and has indicated its willingness to accept those effects.

The Council further finds that the Project's benefits are substantial and override each unavoidable impact of the Project as follows:

1. **Findings Related to Air Quality Impacts**

a. **Short-term Construction Emissions**

Development of the Project will have significant and unavoidable impacts to air quality due to short-term construction emissions. The Project will exceed AQMD daily emission thresholds for NO<sub>x</sub> and PM<sub>10</sub>. The impacts of the Project due to short-term construction emissions will remain significant despite

implementation of the best available control technology and emission reducing measures identified in the EIR. However, benefits obtained from the Project are sufficient to justify approval of the Project. These impacts are overridden by Project benefits described in Section IV.F. of this document.

**b. Long-term Operational Emissions**

Long-term, stationary and mobile source emissions will exceed the AQMD thresholds for CO, ROC, NO<sub>x</sub> and PM<sub>10</sub>, despite the imposition of the best available control technology and emission reducing measures identified in the EIR. The primary generators of long-term CO, ROC, NO<sub>x</sub>, and PM<sub>10</sub> are the vehicle trips associated with the Project and it is not possible to quantify the reduction in the amount of emissions that may occur due to implementation of proposed mitigation measures. Accordingly, impacts will remain significant even with imposition of suggested mitigation measures. However, benefits obtained from the Project are sufficient to justify approval of the Project. These impacts are overridden by Project benefits described in Section IV.F. of this document.

**c. Cumulative Impacts**

Development of the Project will have significant and unavoidable impacts to air quality due to short-term construction emissions and long-term operational impacts as discussed above. The project will exceed AQMD significance thresholds for NO<sub>x</sub> and PM<sub>10</sub> emissions during the construction phase and will exceed AQMD thresholds for ROC, NO<sub>x</sub>, and PM<sub>10</sub> during project operations and. As the volume of emissions that will result from the construction and operation of the Project contribute towards the creation of basin-wide O<sub>3</sub> and PM<sub>10</sub> levels, the development of the Project constitutes a significant cumulative impact. However, benefits obtained from the Project are sufficient to justify approval

of the Project. These impacts are overridden by Project benefits described in Section IV.F of this document.

**2. Findings Related to Noise Impacts**

**a. Short-term Construction Noise Levels**

Development of the Project will result in significant short-term construction noise impacts. Noise levels from grading and other construction activities for the Project may range up to 81 dBA  $L_{max}$  at the closet residences west of the Project site when construction occurs near the project's boundary. Such noise levels are in excess of Town noise standards. The impacts due to short-term construction related emissions will remain significant despite implementation of the best available control technology and mitigation measures identified in the EIR. However, benefits obtained through development of the Project are sufficient to justify approval of the Project. These impacts are overridden by Project benefits described in Section IV.F. of this document.

**b. Groundborne Vibration**

Groundborne vibration during construction activities would exceed the threshold of 75 VdB. Although this is a temporary impact which would occur only during the construction phase of the Project, impacts will remain significant because there are no identified mitigation measures that would reduce this impact to a less than significant level. However, benefits obtained through development of the Project are sufficient to justify approval of the Project. These impacts are overridden by Project benefits described in Section IV.F. of this document.

As the CEQA Lead Agency for the proposed action, the Town of Yucca Valley has reviewed the Project description and the alternatives presented in the EIR, and fully understands the Project and Project alternatives proposed for development. Further, this Council finds that all potential adverse environmental impacts and all feasible mitigation

measures to reduce the impacts from the project have been identified in the Draft EIR, the Final EIR and public testimony. This Council also finds that a reasonable range of alternatives was considered in the EIR and this document, Section IV.E above, and finds that approval of the Project is appropriate.

This Commission has identified economic and social benefits and important policy objectives, Section IV.F. above, which result from implementing the Project. The Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this Council finds that the benefits identified herein override the unavoidable environmental effects.

California Public Resource Code 21002 provides: "In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual projects can be approved in spite of one or more significant effects thereof." Section 21002.1(c) provides: "In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a project on the environment, the project may nonetheless be approved or carried out at the discretion of a public agency..." Finally, California Administrative Code, Title 4, 15093 (a) states: "If the benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered 'acceptable.'"

#### **VI. ADOPTION OF A MONITORING PLAN FOR THE CEQA MITIGATION MEASURES**

Section 21081.6 of the Public Resources Code requires this Council to adopt a monitoring or reporting program (MMRP) regarding the changes in the Project. The MMRP is adopted because it fulfills the CEQA mitigation monitoring requirements:

- a) The MMRP is designed to ensure compliance with the changes in the Project and mitigation measures imposed on the Project during Project implementation; and

- b) **Measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements or other measures.**

**CEQA FINDINGS**  
**TABLE OF CONTENTS**

<b>I.</b>	<b>INTRODUCTION .....</b>	<b>1</b>
<b>II.</b>	<b>PROJECT SUMMARY .....</b>	<b>1</b>
	<b>A. PROJECT DESCRIPTION .....</b>	<b>1</b>
	1. Site Location .....	1
	2. Actions Covered by the EIR .....	<b>Error! Bookmark not defined.</b>
	<b>B. PROJECT OBJECTIVES .....</b>	<b>2</b>
<b>III.</b>	<b>ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION .....</b>	<b>3</b>
<b>IV.</b>	<b>INDEPENDENT JUDGMENT FINDING .....</b>	<b>5</b>
	<b>A. GENERAL FINDING ON MITIGATION MEASURES .....</b>	<b>6</b>
<b>V.</b>	<b>ENVIRONMENTAL IMPACTS AND FINDINGS .....</b>	<b>6</b>
	<b>A. IMPACTS IDENTIFIED AS LESS THAN SIGNIFICANT REQUIRING NO MITIGATION .....</b>	<b>7</b>
	1. <b>Aesthetics .....</b>	<b>7</b>
	a. Scenic Vistas .....	7
	b. Scenic Resources and Scenic Highways.....	9
	c. Existing Visual Character or Quality of Site and its.....	10
	d. Cumulative Impacts .....	97
	2. <b>Agricultural Resources .....</b>	<b>12</b>
	a. Conversion of State Designated Farmland.....	12
	b. Conflict with an Existing Agricultural Zone .....	13
	c. Termination of Williamson Act Contracts.....	13
	d. Conversion of an Existing Agricultural Operation to a Non- Agricultural Use.....	14
	e. Cumulative Impacts .....	14
	3. <b>Air Quality .....</b>	<b>15</b>
	a. Air Quality Management Plan .....	15
	b. Long-Term Microscale (CO Hotspot) Impacts to Sensitive Receptors.....	16
	c. Long-Term Exposure to Sensitive Receptors from Project related Diesel Exhaust.....	17
	d. Objectionable Odors .....	18

<b>4. Biological Resources</b>	20
a. Local Policies and Ordinance Conflicts	20
b. Jurisdictional Waters/Wetland Communities	21
c. Habitat Fragmentation/Wildlife Movement	22
d. Adopted Habitat Conservation Plans	23
e. Cumulative Impacts	103
<b>5. Cultural Resources</b>	24
a. Human Remains	24
b. Cumulative Impacts	109
<b>6. Geology and Soils</b>	25
a. Rupture of a Known Earthquake Fault	25
b. Seismic-related Ground Failure, Including Liquefaction	26
c. Landslides	27
d. Soil erosion or Loss of Topsoil	28
e. Expansive Soils	29
f. Alternative Wastewater System Soil Capacity	30
g. Cumulative Impacts	115
<b>7. Hazards and Hazardous Materials</b>	31
a. Routine Transport, Use and Disposal of Hazardous Materials	31
b. Reasonable Foreseeable Upset and Accident Conditions	32
c. Existing or Proposed School	33
d. Hazardous Material Sites	34
e. Emergency Response Plan	35
f. Within Two Miles of a Public or Private Airport	36
g. Wildland Fires	36
h. Cumulative Impacts	37
<b>8. Hydrology and Water Quality</b>	38
a. Construction-Related Water Quality Impacts	38
b. Operational-Related Water Quality Impacts	39
c. Groundwater	42
d. Drainage Pattern-Related Impacts	43
e. Drainage Capacity-Related Impacts	45
f. Flooding-Related Impacts	46

g. Seismic-Related Impacts.....	47
h. Waste Discharge Impacts.....	48
i. Cumulative Impacts .....	49
<b>9. Land Use and Planning .....</b>	<b>51</b>
a. Physically Divide an Established Community.....	51
b. Conflict with Applicable Land Use Plans, Policies, or Regulations .....	52
c. Conflict with Applicable Airport Land Use Plans .....	53
d. Conflict with Any Applicable Habitat or Natural Community Conservation Plan .....	54
e. Cumulative Impacts .....	55
<b>10. Mineral Resources .....</b>	<b>56</b>
a. Loss of Statewide or Regional Mineral Resources .....	56
b. Loss of Locally Important Mineral Resources.....	56
c. Cumulative Impacts .....	57
<b>11. Noise .....</b>	<b>58</b>
a. Airport Noise.....	58
b. Long-Term Traffic-Related Noise Impacts .....	58
c. Long-Term Operational Noise Impacts .....	59
d. Interior Noise Levels .....	63
e. Cumulative Impacts .....	117
<b>12. Population and Housing .....</b>	<b>64</b>
a. Population Growth .....	64
b. Displace Substantial Housing/People .....	65
c. Cumulative Impacts .....	66
<b>13. Public Services.....</b>	<b>67</b>
a. Schools.....	67
b. Parks.....	68
c. Other Public Facilities.....	69
d. Cumulative Impacts .....	121
<b>14. Parks and Recreation .....</b>	<b>70</b>
a. Increased use of Parks or Recreational Facilities.....	70
b. Provide Parks or Recreational Facilities .....	71

c.	Cumulative Impacts .....	71
<b>15.</b>	<b>Traffic .....</b>	<b>72</b>
a.	Change in Air Traffic Patterns .....	72
b.	Result in Inadequate Emergency Access .....	73
c.	Result in Inadequate Parking Capacity .....	74
d.	Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation .....	75
e.	Cumulative Impacts .....	126
<b>16.</b>	<b>Utilities and Service Systems .....</b>	<b>75</b>
a.	Land Fill Capacity.....	75
b.	Compliance with State, Federal and Local statutes and Regulations Pertaining to Solid-Waste .....	76
c.	Solid Waste Cumulative Impacts.....	77
d.	Wastewater Capacity .....	78
e.	Construction of New Wastewater Treatment Facilities .....	79
f.	Compliance with Colorado River Basin RWQCB Requirements .....	81
g.	Cumulative Wastewater Impacts .....	82
h.	Water Supply .....	83
i.	Water Supply Cumulative Impacts .....	85
j.	Stormwater Drainage .....	86
k.	Cumulative Impacts .....	87
<b>17.</b>	<b>Urban Decay .....</b>	<b>88</b>
a.	Business Closures .....	88
b.	Viability of Existing Shopping Centers or Districts .....	92
c.	Cumulative Impacts .....	93
<b>B.</b>	<b>POTENTIALLY SIGNIFICANT IMPACTS WHICH CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE AND MITIGATION MEASURES .....</b>	<b>95</b>
<b>1.</b>	<b>Aesthetics .....</b>	<b>96</b>
a.	Light and Glare .....	96
<b>2.</b>	<b>Air Quality.....</b>	<b>97</b>
a.	Global Climate Change (Green House Gas Emissions)Error! Bookmark not defin	
<b>3.</b>	<b>Biological Resources .....</b>	<b>99</b>

a.	Non-listed Sensitive Species .....	99
b.	Riparian Habitat or Other Sensitive Communities .....	101
c.	Endangered and Threatened Species.....	101
4.	<b>Cultural Resources</b> .....	105
a.	Historic Structures and Features .....	105
b.	Archaeological Resources.....	106
c.	Paleontological Resources .....	108
5.	<b>Geology/Soils</b> .....	110
a.	Strong Seismic Ground Shaking.....	110
b.	Unstable Soils .....	112
c.	Unstable Soils .....	114
6.	<b>Noise</b> .....	116
a.	Loading/Unloading Operations.....	116
7.	<b>Public Services</b> .....	119
a.	Fire Protection.....	119
b.	Police Protection .....	120
8.	<b>Traffic</b> .....	123
a.	Increased Traffic in Relation to Existing Load and Capacity .....	123
b.	Traffic in Excess of Level of Service Standards Established by County Congestion Management Agency .....	124
c.	Design Hazards .....	125
<b>C.</b>	<b>IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE SIGNIFICANT AND UNAVOIDABLE</b> .....	128
<b>1.</b>	<b>Air Quality</b> .....	128
a.	Short-Term Construction Emissions.....	128
b.	Long-Term Project-Related Emissions Impacts .....	131
c.	Cumulative Impacts .....	133
<b>2.</b>	<b>Noise</b> .....	134
a.	Short-Term Construction Noise Impacts .....	134
b.	Groundborne Vibration.....	135
<b>D.</b>	<b>ADDITIONAL TOPICS REQUIRED BY CEQA</b> .....	136
1.	Significant Irreversible Environmental Effects .....	136
2.	Growth Inducing Impacts .....	137

<b>E.</b>	<b>PROJECT ALTERNATIVES</b> .....	138
1.	No Project Alternative/Existing Zoning .....	138
2.	Mixed Commercial/Office .....	139
3.	Off-Site Location .....	140
4.	Reduced Intensity Commercial .....	142
<b>F.</b>	<b>PROJECT BENEFITS</b> .....	143
1.	Introduction .....	143
2.	Discussion of Economic, Social, Environmental and Other Benefits .....	144
<b>G.</b>	<b>STATEMENT OF OVERRIDING CONSIDERATIONS</b> .....	145
1.	Findings Related to Air Quality Impacts .....	146
a.	Short-term Construction Emissions .....	146
b.	Long-term Operational Emissions .....	147
c.	Cumulative Impacts .....	147
2.	Findings Related to Noise Impacts .....	148
a.	Short-term Construction Noise Levels .....	148
b.	Groundborne Vibration .....	148
<b>VI.</b>	<b>ADOPTION OF A MONITORING PLAN FOR THE CEQA MITIGATION MEASURES</b> .....	149

**CEQA FINDINGS**

**YUCCA VALLEY TOWN COUNCIL**

**Findings Related to The Yucca Valley Retail  
Specific Plan in Compliance with the California  
Environmental Quality Act ("CEQA").**

**PLANNING COMMISSION REVISED  
CONDITIONS OF APPROVAL  
Specific Plan 01-04, Conditional Use Permit 02-04**

This approval is for Specific Plan 01-04 and Conditional Use Permit 02-04, to allow development of a 184,146 square foot Super WalMart, a 3,500 square foot retail building, and a 4,000 square foot fast food restaurant on a 28 acre site located at the southeast corner of SR 62 and Avalon. The property is identified as Assessor Parcel Number 601-201-37.

1. The project proponent/owner shall agree to defend at his sole expense any action brought against the Town, its agents, officers, or employees, because of the issuance of such approval, or in the alternative, to relinquish such approval, in compliance with the Town of Yucca Valley Development Code. The owner shall reimburse the Town, its agents, officers, or employees for any court costs, and attorney's fees which the Town, its agents, officers or employees may be required by a court to pay as a result of such action. The Town may, at its sole discretion, participate at its own expense in the defense of any such action but such participation shall not relieve owner of his obligations under this condition.
2. This Conditional Use Permit application shall become null and void if construction has not been commenced within two (2) years of the Town of Yucca Valley date of approval. Extensions of time may be granted by the Planning Commission and/or Town Council. The project proponent is responsible for the initiation of an extension request.

Approval date: (Town Council action date)

Expiration date: (Town Council action date)

3. The project proponent/owner shall ascertain and comply with requirements of all State, County, Town and local agencies as are applicable to the project area. These include, but are not limited to, Environmental Health Services, Transportation/Flood Control, Fire Warden, Building and Safety, State Fire Marshal, Caltrans, High Desert Water District, Airport Land Use Commission, California Regional Water Quality Control Board, the Federal Emergency Management Agency, MDAQMD-Mojave Desert Air Quality Management District, Community Development, Engineering, and all other Town Departments.
4. All conditions are continuing conditions. Failure of the project proponent to comply with any or all of said conditions at any time shall result in the revocation of the approval on the property.
5. As soon as WalMart has relocated to the project site, WalMart shall keep the landscape, hardscape and building exterior at the existing WalMart site well maintained. The physical condition of the structure and hardscape shall be kept, at a minimum, at the level of condition that exists as of the date of approval of this Specific Plan and Conditional Use Permit. The physical condition of the landscaping

shall be maintained to the reasonable satisfaction of the Community Development Director. The determination of the Community Development Director shall be subject to appeal to the Planning Commission in accordance with the Town's Development Code. In addition, nothing shall be done to the existing structure that would give the appearance that the building has been vacated. Any graffiti shall be removed within two business days. The site shall not be used for storage.

WalMart shall actively market the existing building and shall make every effort to assure that it is reoccupied within 24 months of its being vacated.

6. After final plan check by the Town, original mylars (4 mil) shall be submitted to the Town for signature by the Town Engineer. All original mylars submitted for Town Engineer's signature must contain the design engineer's wet signature and stamp and all other required signatures.
7. An exterior lighting plan, in conformance with Town Outdoor Lighting Ordinance, and including a photometric plan, shall be submitted to the Town for approval prior to the issuance of building permits.
8. The project proponent shall pay all fees charged by the Town as required for processing, plan checking, construction and/or electrical inspection. The fee amounts shall be those which are applicable and in effect at the time the work is undertaken and accomplished.
9. All improvements shall be inspected by the Town's Building and Safety Division, as appropriate. Any work completed without proper inspection may be subject to removal and replacement under proper inspection.
10. Site shall be kept clean at all times. Scrap materials shall be consolidated, and a container must be provided to contain trash that can be carried away by wind.
11. At the time of permit issuance the project proponent shall be responsible for the payment of fees associated with electronic file storage of documents.
12. **The project proponent shall pay Development Impact Fees in place at the time of issuance of Building Permits prior to the pre-final inspection. The fees have been adjusted to reflect a credit for qualifying street and traffic improvements funded as part of this proposed development. The fees for General Facility (1.74 cents per square foot) and Storm Drainage (17.48 cents per square foot) improvements will be assessed, as they are not part of a qualifying improvement associated with this development.**
13. A plan identifying all protected plants under the California Food and Agriculture Code as well as a Joshua Tree Relocation Plan with any area proposed to be disturbed in

- accordance with the Town's Native Plant Protection Ordinance shall be submitted for approval prior to issuance of grading permits for the project. A minimum 60 day adoption period before land disturbance in accordance with the grading plan may commence.
14. An irrigation system shall be installed in the landscaping areas around the project site, with an electric timer.
  15. A final landscaping and irrigation plan shall be submitted to the Town for review and approval.
  16. Prior to the delivery of combustible materials, the following items shall be accepted as complete:
    - a) The water system is functional from the source of water past the lots on which permits are being requested (i.e. All services are installed, valves are functional and accessible, etc.); and
    - b) Fire hydrants are accepted by the Fire Marshal and the Department of Public Works.
  17. In conjunction with the preparation of improvement plans, the project proponent shall cause to be formed or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities or other infrastructure as required by the Town. The project proponent shall initiate the maintenance and benefit assessment district(s) formation by submitting a landowner petition and consent form (provided by the Town of Yucca Valley) and deposit necessary fees concurrent with application for street and grading plan review and approval and said maintenance and benefit assessment district(s) shall be established concurrent with the approval of the final map in the case of subdivision of land, or prior to issuance of any certificate of occupancy where there is no subdivision of land.
  18. The project proponent shall form a public safety assessment district on the properties subject to Town Council adoption of a fiscal impact model.
  19. Utility undergrounding shall be required for all new service and distribution lines that provide direct service to the property being developed; existing service and distribution lines that are located within the boundaries being developed that provide direct service to the property being developed; existing service and distribution lines between the street frontage property line and the centerline of the adjacent streets of the property being developed; existing Service and Distribution lines located along or within 10 feet of the

lot lines of the property being developed; or existing service and distribution lines being relocated as a result of a project.

20. **Separate Site Plan Review(s) or Conditional Use Permit(s), as appropriate, shall be required for Outparcel A and Outparcel B.**
21. **The Specific Plan shall be amended as follows:**
  - a. **The Commercial Use section shall be amended to include a provision that any use altering the outside of the structure approved under CUP 02-04 shall require review and approval by the Planning Commission as an amendment to the CUP.**
  - b. **Section 3.2, Permitted Uses, shall be amended to delete item 3.2.1.b., "Retail Use."**
  - c. **A Section 3.4 shall be added, titled "Parking Requirements" which enumerates a standard of 1 space per 200 square feet for the Super Walmart, and compliance with the Development Code for other land uses.**
  - d. **Section 3.2.2.a. shall be amended to read "...except for the holiday season, including ~~but not limited to~~ the period from Thanksgiving through New Years Day."**
  - e. **Section 3.2.2.b. shall be amended to read "...along the front of the store overnight, *in specified areas as shown in Figure 3-1....*"**
  - f. **Table 4-2 shall be amended to require 36 inch box trees as the minimum required for Parkway Canopy Trees.**
  - g. **Section 6.1, Phase 1: the fourth bullet shall be amended to sewage treatment system instead of septic system; the 9<sup>th</sup> bullet shall be amended to add Palisade Drive to the landscaping; and the 10<sup>th</sup> bullet shall be deleted.**
  - h. **Section 6.2, Site Plan Review shall be amended to clearly state that the appropriate criteria are those of the Specific Plan, not the Development Code (line 3); that the Site Plan Review will be approved by the Planning Commission, not the Director of Community Development (line 7); and that review by the Traffic Advisory Committee will occur "if necessary" (line 8).**
  - i. **Section 6.2, Conditional Use Permit will be amended to clearly state that CUPs and amendments to CUPs will be approved by the Planning Commission.**
  - j. **The Exhibits in the document shall be amended to reflect the corrected exhibits approved for the CUP.**
22. **Within 30 days of approval of the Specific Plan, 5 paper copies and one (1) electronic copy (on a CD in PDF format) of a Final Specific Plan, including all required amendments and approved Conditions of Approval included as an Appendix, shall be delivered to the Town.**
23. **The chain link fence shown on the CUP site plan is to be removed from the site plan, and prohibited within the project, consistent with the Specific Plan.**

24. **The four foot fence proposed around the detention basin shall be constructed of wrought iron or tubular steel painted in an earth tone, to blend with the environment, and not of chain link, consistent with the requirements of the Specific Plan.**
25. **The palette storage area on the south property line shall be screened by a 6 foot high decorative block wall, painted stucco, or similar on the south, west and east sides of the storage area. A solid metal gate shall be located on the north side of the area. The gates shall be painted to match the decorative block wall.**
26. **The fencing on the Garden Center, and on the "Fenced Area" immediately east of the garden center, shall be constructed of tubular steel or wrought iron, painted or treated to integrate into the architecture of the building. No chain link fencing shall be permitted.**
27. **The project shall be required to connect to regional sanitary sewer facilities, and properly close the on-site treatment plant, immediately when regional service is available.**
28. **The landscape plan shall be amended to distribute the relocated Joshua trees in all portions of the site, except the detention basin.**
29. **The landscape plan shall be amended to replace Mexican fan palm with a more high desert-appropriate tree.**
30. **Storage containers may be placed in the area shown as "container storage" in the southwestern portion of the site only for the period from November 15 to January 1 of each year.**
31. **During construction, equipment and vehicle maintenance on the site, if it occurs, shall be on an impermeable surface, with appropriate NPDES best management practices, to assure that storm water and groundwater are not impacted.**
32. **The outparcel pads shall be treated with either a chemical soil stabilizer or hydroseeded with a desert wildflower mix. In addition, bollards or decorative fencing, consistent with the Specific Plan, shall be installed surrounding the pads to prevent parking or access.**

## CIRCULATION

### Twenty-Nine Palms Highway (SR 62)

33. A reciprocal access agreement shall be executed between the YVRC and Home Depot for the access from SR 62.
34. The SR 62 right-of-way dedication was obtained and improvements from Avalon Avenue to the east were constructed with the development of the Home Depot.
35. Complete the construction of the right in/out only driveway for YVRC east of the Avalon intersection.

### Avalon Avenue

36. A Conceptual Alignment Plan for the ultimate improvements on Avalon Avenue from Yucca Trail to SR 62 was developed by AGA & Associates for the Home Depot project submittal. The project proponent's Engineer shall develop a precise alignment plan for Avalon Avenue from 200 feet south of Palisade Drive to SR 62 based upon the plan developed by AGA.
37. The project proponent shall dedicate the necessary right-of-way for the ultimate width of 96 feet for Avalon Avenue from SR 62 to Palisade Drive.
38. Complete an "As-Built" plan for the Avalon Avenue improvements from SR 62 to the end of the improvements south of Palisade Drive.
39. From Palisade Drive to SR 62 in the northbound direction, the Project proponent shall design and construct the ultimate paved width, with a 10 foot parkway including curb and gutter and sidewalk. The roadway design shall include the following all meeting the approval of the Town Engineer:
  - a) Two northbound through lanes transitioning to one through lane, two northbound left turn lanes and an exclusive right turn lane at the SR 62 intersection.
  - b) An exclusive right turn lane shall be installed for the YVRC entrance between SR 62 and Palisade Drive.
40. From SR 62 to the YVRC Driveway in the southbound direction, the Project proponent shall design and construct the following on the ultimate alignment meeting the approval of the Town Engineer:
  - a) Two southbound through lanes and a left turn lane for the YVRC driveway;
  - b) Improvements shall include curb, gutter and sidewalks

41. From the YVRC Driveway to Palisade Drive in the southbound direction, the Project proponent shall design and construct the following on the ultimate alignment meeting the approval of the Town Engineer:
  - a) Transition the two southbound lanes to one southbound lane and widen the west side pavement within the existing right-of-way to provide width for a left turn for Palisade Drive;
  - b) Improvements shall include curb, gutter and sidewalks.
42. The interim improvements on Avalon Avenue for the north bound approach at Palisade Drive shall include one north bound through lane and one north bound left turn lane (if adequate right-of-way is obtained to make this configuration possible). The interim improvements on Avalon Avenue south of Palisade Drive in the southbound direction shall provide enough paved lane width within the right-of-way to adequately transition to the existing lanes from the configuration on the north side of Palisade.

#### Palisade Drive

43. Design and construct the Palisade Drive west bound approach improvements to join the ultimate width geometric improvements for Avalon Avenue. Construct a 35 foot radius curb return for the northbound turning movement from Palisade Drive onto Avalon Avenue to facilitate truck turning movements.
44. The Project proponent shall locate the right-of-way for Palisade Drive on the west side of Avalon Avenue. The Project proponent shall design and construct the realignment of the Palisade Drive east bound approach within the existing right-of-way to more closely align with the west bound approach.

#### SITE PLAN

45. Interior traffic control markings shall follow Manual of Uniform Traffic Control Design (MUTCD) standards, including directional lane markings, pavement legends, signing, chevrons, and other installations.
46. At the western entrance on-site, place stop signs on the north drive aisle for east and west bound traffic. The entering traffic does not stop. Place a stop sign at the exit to SR 62. Place a stop sign at the exit to Outparcel A.
47. At the main entrance place a stop sign on the north road for east bound through and left turn traffic. Place a stop sign at the north bound approach at this intersection. On the east road, place a stop sign for northbound traffic at the main Home Depot parking lot driveway south of the main entrance.

48. **At the Avalon Avenue driveway, place a stop sign for exiting vehicles. Place stop signs at the Outparcel B exits. Place stop signs on the west road intersecting this entry road. The entry road does not stop.**
49. **Place stop signs at the Palisade Drive exits.**
50. **The Project proponent shall install stop bars at the end of each aisle-way where it intersects with conflicting traffic.**

### TRAFFIC

51. **A traffic impact analysis was completed for the YVRC that found significant impacts for the opening day scenario. The following mitigations will reduce potential impacts related to this issue to a less than significant level. As detailed in the Traffic Report for the YVRC, prior to issuance of certificates of occupancy, the project Project proponent shall construct the following improvements:**
  - a) **Inca Trail/Twenty-nine Palms Highway (SR-62).** Install traffic signal.
  - b) **Joshua Lane/Yucca Trail.** Install traffic signal.
  - c) **Joshua Lane/Onaga Trail.** The re-striping of a southbound shared lane to a southbound shared left-turn/through lane, and the addition of a southbound shared through/right-turn lane.
  - d) **Palomar Avenue/Yucca Trail.** Install traffic signal.
52. **Eighteen study intersections are forecast to exceed the Town's level of service threshold in the year 2030 plus project scenario, creating a potentially significant cumulative impact. In order to mitigate these future levels of service deficiencies, the following improvements will be necessary. Note that the improvements previously identified for the opening day plus project conditions have been repeated.**
  - a) **Inca Trail/ Twenty-nine Palms Highway (SR-62).** Installation of a traffic signal.
  - b) **Pioneer Road/Deer Trail/SR-62.** Addition of a southbound left-turn lane, re-striping of the eastbound right-turn lane to an eastbound shared through/right-turn lane, re-striping the westbound right-turn lane to a westbound shared through/right-turn lane.
  - c) **Sage Avenue/SR-62/Yucca Trail.** Re-striping the eastbound shared through/right-turn lane to an eastbound through lane, addition of an eastbound through lane, addition of an eastbound right-turn lane, addition of a westbound through lane, and addition of a northbound left-turn lane.
  - d) **Old Woman Springs Road (SR-247)/Aberdeen Drive.** Installation of a traffic signal.
  - e) **Old Woman Springs Road (SR-247)/Buena Vista Drive.** Installation of a traffic signal and add one northbound left turn lane and one southbound left turn lane.
  - f) **Old Woman Springs Road (SR-247)/Twenty-nine Palms Highway (SR-62).** Addition of one eastbound through lane, one eastbound left-turn lane, one dedicated eastbound right-turn lane, one dedicated westbound right-turn lane, one westbound

through lane, one dedicated southbound right-turn lane, one southbound left-turn lane, one northbound left-turn lane, and one dedicated northbound right-turn lane. The re-striping of a southbound shared through/right-turn lane to a southbound through lane, the re-striping of a northbound through-right to a northbound through lane, the re-striping of an eastbound through right to an eastbound through lane and the re-striping of an westbound through right to an westbound through lane. Modification of signal phasing to provide northbound and southbound protected left turns and a right-turn overlap in all directions.

- g) **Joshua Lane/Yucca Trail.** Installation of a traffic signal with permission left turns in all directions.
- h) **Joshua Lane/Onaga Trail.** Installation of a traffic signal, the addition of one southbound left-turn lane, the re-striping of a southbound shared lane to a shared through/right-turn lane, the addition of one northbound left-turn lane, and the re-striping of a northbound shared lane to a northbound shared through/right-turn lane.
- i) **Balsa Avenue/Hanford Avenue/SR-62.** The addition of one eastbound through lane, one dedicated eastbound right-turn lane, the re-striping of an eastbound shared through/right-turn lane to an eastbound through lane, the addition of one westbound through lane, one dedicated westbound right-turn lane, and the re-striping of a westbound shared through/right-turn lane to a westbound through lane.
- j) **Avalon Avenue/Driveway 1.** Addition of one westbound shared left-right lane, and one southbound through lane.
- k) **Avalon Avenue/Palisade Drive.** Addition of one southbound through lane.
- l) **Avalon Avenue/Palomar Avenue/Yucca Trail.** Installation of a traffic signal.
- m) **Palomar Avenue/Joshua Lane** Change intersection stop control to an all-way stop control intersection, addition of one eastbound left-turn lane and the re-striping of eastbound shared through/left-turn lane to an eastbound through lane.
- n) **Yucca Mesa Road/Buena Vista Drive.** Addition of one dedicated eastbound right-turn lane and the re-striping of a shared eastbound shared lane to a left-turn lane.
- o) **Yucca Mesa Road/La Contenta Road/SR-62.** Addition of one eastbound through lane, one dedicated eastbound right-turn lane, one westbound through lane, and one southbound left-turn lane, and the re-striping of an eastbound shared through/right-turn lane to an eastbound through lane.
- p) **La Contenta Road/Yucca Trail.** Installation of a traffic signal. The modification of signal phasing to provide permissive northbound and southbound left turns.
- q) **Sunny Vista Road/Alta Loma Drive.** The addition of an eastbound shared through/left-turn lane and the re-striping of an eastbound shared lane to an eastbound shared through/right-turn lane. The addition of a westbound shared through/left-turn lane, and the re-striping of a westbound shared through/right-turn lane to a westbound shared through/right-turn lane.
- r) **Park Boulevard/Alta Loma Road.** Installation of a traffic signal.

In accordance with CMP procedures, the project will be responsible for contributing its fair share toward the funding of the future improvements, resulting in a less than

significant cumulative impact Prior to issuance of certificates of occupancy, the project Project proponent shall pay all applicable CMP fair-share fees as determined by the TIA (\$676,097).

53. No staging of construction equipment or parking of worker's vehicles shall be allowed within the public right-of-way.
54. The development of the property shall be in conformance with FEMA and the Town's Floodplain Management Ordinance requirements. Adequate provision shall be made to intercept and conduct the existing tributary drainage flows around or through the site in a manner which will not adversely affect adjacent or downstream properties at the time the site is developed.

#### **PRIOR TO ISSUANCE OF GRADING PERMIT**

55. The Project proponent shall cause a site specific soils investigation and report to be completed and submitted to the Town Engineer for approval prior to issuance of a grading permit. Recommendations for onsite and offsite pavement structural section design, pavement mix design and any requirement for base material beneath the concrete improvements shall be included. Prior to the issuance of a grading permit a soils report shall be prepared and stamped by a registered soils engineer and submitted along with the grading plan.
56. The geotechnical/soils engineer shall review and approve the design and installation of septic systems within the area of the fault lines.
57. Prior to the issuance of a grading permit, a grading plan prepared by a recognized professional shall be submitted by the Project proponent for Town review and approval. No clearing or grading shall commence without issuance of a grading permit by the Town. Prepared grading plan shall conform to the approved site plan. The final grading plan shall be reviewed and approved by the Engineering Division prior to issuance of grading permits. No grading on his property may begin without an approved grading plan and grading permit. The project proponent is responsible for all fees incurred by the Town.
58. Prior to the issuance of a grading permit the Project proponent shall submit written proof to the Building Official, that the conditions of approval or comments, as required, from the High Desert Water District for landscaping, and Colorado Regional Water Quality Control Board and sewer/septic have been satisfied. Project proponent shall comply with requirements of NPDES (Non-Point Pollution Discharge Elimination System) as applicable.

59. Project proponent shall comply with NPDES requirements as applicable. The Project proponent shall develop and submit for review and approval a SWPPP prior to grading plan issuance. Erosion control devices shall be included on the grading plan and installed and maintained by the Contractor to the satisfaction of the Town Engineer. Prior to rough grading erosion control devices shall be installed at all perimeter openings and slopes. No sediments are to leave the job site. This information shall be provided as part of the grading plan subject to approval by the Town Engineer.
60. The Project proponent shall submit a final Hydrology/Drainage Report with the submittal of the grading plans. The analysis shall be performed to conform to the San Bernardino County Hydrology Manual and the Town of Yucca Valley ordinances, policies, and engineering standards and subject to the review and approval of the Town Engineer. The Report shall include but not be limited to the following:
- Hydrology Report
- a) Report Outline: The Hydrology Report shall be a professionally engineered and written document and include the items listed in the following outline and conform to the following requirements as applicable.
  - b) A hydrology study report of the property's tributary area, amount of property run-off and location of "drainage "pick-up" points. The project shall retain the required incremental increase in runoff generated by the improvements.
  - c) Provide an introductory section in the hydrology report that summarizes the master planned facilities tributary to this development according to the Town's Master Plan of Drainage. Include a discussion of the tributary area to the development and how the project area discharges into the master planned facilities.
  - d) Provide a complete, clear, and accurate overall drainage map of the project. Clearly show the tributary areas to the project including the retention basins, the master planned regional/local facilities, the ten year Q, the 25 year Q, the 100 year Q, the on-site and off-site drainage patterns, both the existing and the proposed. Show all off-site tributary areas referenced in the report on the drainage map and the Q's resulting from those areas.
  - e) Provide the hydrology and hydraulic analysis/calculations for the drainage generated from each area tributary to the project including the regional/local facilities and the sizing of those proposed facilities.
  - f) Justification of specific assumptions, issues and items within the report requires a reference to the table, exhibit, or calculations developed in the report regarding the assumption, issue or item and an explanatory narrative about how the results were obtained from the basis of the reasoning behind your justification.
  - g) Review all required drainage facilities offsite and onsite within the master plan area tributary to this project to eliminate any impact to adjacent or downstream properties in excess of Town policies, ordinances, or requirements from this project. Add a statement to the conclusion of this report that the analysis has been accomplished.
  - h) Provide detailed analysis of flow entering the retention basin and the analysis of flows within the drainage easements. Show all escape-ways and drainage easements.

Show that the conveyance systems will be able to handle a 10 year, 25 year and 100 year Q. Include maintenance issues, no-build areas, and enforcement requirements. The retention basin will require maintenance by the Project proponent and ongoing by the owners.

- i) On the grading plan, show the water surface elevation, bottom elevation and freeboard for all retention basins based upon maximum Q for critical peaks for 1 hour, 3 hour, 6 hour, and 24 hours during the 100 year event as required by the San Bernardino Hydrology Manual. One foot of freeboard (minimum) shall be provided when the 100 year storm is contained. Freeboard is the elevation differential between the 100 year water surface and the nearest street flow line elevation. Show the elevation at the entrance to the basin and the slope protection.
- j) Retention basins should be designed to overflow to Town-arterial highways or the adjacent local street. Follow the historical flow routes but consideration should be given to direct flow concentrations away from adjacent open land or off-site developments to adjacent streets.
- k) **Coordinate the results of the hydrology study for the YVRC with the previous hydrology study prepared for the easterly Home Depot site.**

- 61. The Project proponent shall establish a mechanism to maintain any retention/detention basins and keep them free from brush and other debris. They shall be cleaned and scraped on a regularly scheduled maintenance program.
- 62. Any grading or drainage onto private off-site or adjacent property shall require a written permission to grade and/or a permission to drain letter from the affected property owner.
- 63. Any off-site stockpile/borrow location within the Town shall require the approval of the Town Engineer. Any stockpile in excess of 200 cubic yards shall require a Grading Plan and permit.
- 64. For any import or export of material, the Project proponent shall provide the following for review by the Town Engineer: the route of travel, number of trucks, daily schedule, and length of time required. No hauling of material shall begin without the Town Engineer's approval.
- 65. Prior to any work being performed in the public right-of-way, fees shall be paid and an encroachment permit shall be obtained from the Town. The Project proponent shall apply for an encroachment permit from the Town for utility trenching, utility connection, or any other encroachment onto public right-of-way. The Project proponent shall be responsible for the associated costs and arrangements with each public utility.
- 66. Prior to any work being performed within the public right-of-way, the Project proponent shall provide the name, address, telephone, facsimile number, and e-mail address of the

Contractor to perform the work. A description of the location, purpose, method of construction, and surface and subsurface area of the proposed work shall be supplied. A plat showing the proposed location and dimensions of the excavation and the facilities to be installed, maintained, or repaired in connection with the excavation, shall be provided and such other details as may be required by the Town Engineer.

#### **PRIOR TO THE ISSUANCE OF A BUILDING PERMIT**

67. The Project proponent shall retain a qualified Civil Engineer to design and prepare construction plans and specifications for all improvements. The plans shall include a block for the Town Engineer's approval.
68. The Project proponent shall construct all street improvement plans designed and stamped by a California licensed civil engineer for the construction of the required improvements. The final improvement plans shall be reviewed and approved by the Engineering Division prior to issuance of encroachment permits. The plans shall include an approval block for the Town Engineer's signature indicating plan approval.
69. The Project proponent shall design necessary street improvements for Avalon Avenue conforming to Town Standard Drawings and the requirements in these conditions. Ultimate Improvements on the east and west side shall be designed beginning at the south curb of Palisade Drive to SR 62. Improvements shall include concrete curb and gutter, concrete sidewalk, landscape, street lighting, drainage improvements, wheel chair ramps, sewer and other infrastructure. The widened portion shall include the full-depth asphalt concrete section adjacent to the gutter as recommended by the Soils Engineer's Report.
70. The Project proponent shall design and construct Avalon Avenue south of Palisade to the requirements in these conditions.
71. The Project proponent's Engineer shall design and construct Palisade Drive east bound approach on the west side of Avalon Avenue to align as closely as possible to the Palisade Drive west bound approach on the east side of Avalon. Pavement mix and structural section design shall be provided by a Soils Engineer for review by the Town Engineer.
72. A traffic control plan for construction of Avalon Avenue improvements shall be designed and stamped by a Traffic Engineer and submitted for review and approval by the Town Engineer.
73. The Engineer-of-Record shall survey and certify that the site grading was completed in substantial conformance with the approved grading plans.

**PRIOR TO CERTIFICATE OF OCCUPANCY**

74. Prior to final inspection all street improvements shall be constructed and finalized by the appropriate agency prior to the issuance of a Certificate of Occupancy.
75. The Project proponent shall retain the services of a recognized soils engineering firm to analyze the soils and base materials within **Avalon Avenue and Palisade Drive** to provide recommendations for the trenching requirements, asphalt pavement structural section (AC/Base and full depth), pavement mix design, overlay thickness based upon the pavement condition, and requirements for any base material beneath the concrete improvements. The section shall be rounded up to the next whole number (minimum 3" AC/ 4" AB) or 0.05 feet. The Soils-Engineer's report, including a narrative with project recommendations, backup material, and sealed by the Civil Engineer in responsible charge, shall be submitted to the Town Engineer for review with the submittal of the engineered Grading Plan. The Project proponent's Contractor shall not begin work on the street improvements prior to the Town Engineer's approval of the report. The Project proponent shall construct the following:
- a) **The Project proponent shall complete the construction of the improvements for Avalon Avenue from south of Palisade Drive to SR 62 as required by these conditions. The pavement structure shall be constructed as recommended by the Soils Engineer and approved by the Town Engineer. The overlay thickness determined by the Soils Engineer shall be rounded up to the nearest inch or 0.05 feet. The widened area shall include the recommended structural section approved by the Town Engineer. The trenching for subsurface improvements shall conform to the Soils Engineer's requirements. Install the striping and pavement legends required, including the right turn lane for the YVRC and SR 62.**
  - b) **Construct full width street improvements for the realignment of Palisade Drive on the west side of Avalon Avenue conforming to Town Standard Drawing #101, including curb and gutter, sidewalk, street lights, and drainage improvements. The Contractor shall construct the Palisade Drive pavement section as recommended by the approved Soils Engineer's pavement analysis. Install the striping and pavement legends required.**
76. The Project proponent shall install all required water and sewer systems necessary to serve the project.
77. All existing street and property monuments within or abutting this project site shall be preserved consistent with AB 1414. If during construction of onsite or offsite improvements monuments are damaged or destroyed, the Project proponent shall retain a qualified licensed land surveyor or civil engineer to reset those monuments per Town Standards and file the necessary information with the County Recorder's office as required by law (AB 1414).

78. All property corners, lots, easements, street centerlines, and curve radii shall be monumented and horizontally tied to identified control points. A copy of the monumentation survey and centerline tie notes shall be provided to the Town Engineer prior to certificate of occupancy.
79. The Project proponent shall restore any pavement cuts required for installation or extension of utilities for his project within the public right-of-way. In all cases where cuts are allowed, the Project proponent is required to patch the cuts to Town standards and the approval of the Town Engineer. The patching shall include a grinding of the pavement to a depth of 0.10 feet width four feet beyond the edge of the trench on each side, or as determined by the Town Engineer, and replacement with the full-depth asphalt concrete determined by the Soils Engineer.
80. The Project proponent shall observe the construction of this project to make certain that no damage or potential for damage occurs to adjacent roadway, existing improvements, adjacent property and other infrastructure. The Project proponent shall be responsible for the repair of any damage occurring to offsite infrastructure as determined by the Town Engineer. The Project proponent shall repair any such damage prior to Certificate of Occupancy. If the damage is such that it is not repairable within a reasonable amount of time as determined by the Town Engineer, the Project proponent may petition the Town Engineer for additional conditions that may allow him the time, amount of surety and other requirements to repair the damage.
81. The Project proponent shall be responsible for all improvements that he has constructed within the public right-of-way as required by the conditions of approval. The improvements shall be constructed to the standards and requirements as determined and approved by the Town Engineer. Any improvements not considered to be to the required standards shall be replaced by the Project proponent. The Project proponent shall be required to maintain and repair those improvements prior to and after acceptance by the Town Council for the length of time required by the applicable conditions, standards and ordinances.
82. **"No parking" restriction signs or red curb shall be placed on Avalon Avenue and Palisade Drive adjacent to the project.**
83. Prior to Certificate of Occupancy, the Project proponent shall cause the beginning of proceedings or shall not protest the formation of a maintenance district(s) for landscape, lighting, streets, drainage facilities and/or other infrastructure as required by the Town.
84. The Project proponent shall record a non-opposition agreement to the future formation of a public safety assessment district on the property.

Project # SP 01-04, CUP 02-04

Project Name YUCCA VALLEY RETAIL CENTER (SUPER WALMART\_

DATE April 15, 2008 Planning Commission Meeting

---

I HEREBY CERTIFY THAT THE APPROVED CONDITIONS OF APPROVAL WILL BE SATISFIED PRIOR TO OR AT THE TIMEFRAMES SPECIFIED AS SHOWN ABOVE. I UNDERSTAND THAT FAILURE TO SATISFY ANY ONE OF THESE CONDITIONS WILL PROHIBIT THE ISSUANCE OF ANY PERMIT OR ANY FINAL MAP APPROVAL.

Applicant's Signature \_\_\_\_\_ Date \_\_\_\_\_



Prepared for:



Town of Yucca Valley  
58928 Business Center Drive  
Yucca Valley, CA 92284

April 2008

# **Yucca Valley Retail Specific Plan**

Prepared for

**Town of Yucca Valley**  
58928 Business Center Drive  
Yucca Valley, CA 92284

Prepared by

**Applied Planning, Inc.**  
5817 Pine Avenue, Suite A  
Chino Hills, CA 91709

April 2008

## TABLE OF CONTENTS

### SECTION 1 - PLAN OVERVIEW

1.1	Introduction.....	1-1
1.2	Project Location.....	1-1
1.3	Project Setting and Site Features.....	1-4
1.4	Relationship to the General Plan and Zoning Ordinance.....	1-7
1.5	Project Objectives.....	1-9
1.6	Compliance with CEQA.....	1-9

### SECTION 2 - LAND USE

2.1	Land Use Plan.....	2-1
2.2	Land Use Summary.....	2-1

### SECTION 3 - COMMERCIAL USE REGULATIONS

3.1	General Provisions.....	3-1
3.2	Permitted Uses.....	3-1
3.3	Development Standards.....	3-5

### SECTION 4 - DESIGN GUIDELINES

4.1	Grading Concept.....	4-1
4.2	Architectural Concept.....	4-3
4.3	Landscape Concept.....	4-8
4.4	Walls and Fences.....	4-12
4.5	Signage and Lighting.....	4-12

### SECTION 5 - INFRASTRUCTURE, UTILITIES, AND PUBLIC SERVICES

5.1	Circulation.....	5-1
5.2	Drainage.....	5-2
5.3	Water.....	5-2
5.4	Wastewater.....	5-2
5.5	Dry Utilities.....	5-3
5.6	General Infrastructure and Service Requirements.....	5-3

### SECTION 6 - IMPLEMENTATION AND ADMINISTRATION

6.1	Financing and Phasing of Development.....	6-1
6.2	Application Processing.....	6-2
6.3	Specific Plan Amendments.....	6-5

**LIST OF EXHIBITS**

1-1 Regional Location ..... 1-2  
1-2 Project Vicinity ..... 1-3  
1-3 Off-Site Improvements ..... 1-6  
2-1 Specific Plan Land Use Concept ..... 2-1  
3-1 Outdoor Sales Area ..... 3-4  
4-1 Grading Concept ..... 4-2  
4-2 Building Elevations ..... 4-4  
4-3 Color and Materials ..... 4-7  
4-4 Landscape Plan Concept ..... 4-9  
4-5 Proposed Sign Locations ..... 4-14  
5-1 Sewer Plan ..... 5-4

**LIST OF TABLES**

2-1 Land Use Summary ..... 2-1  
4-1 Proposed Materials and Color Palette ..... 4-6  
4-2 Proposed Plant Palette ..... 4-10

**APPENDICES**

- Appendix A: Legal Description
- Appendix B: General Plan Consistency
- Appendix C: Native Plant Survey
- Appendix D: Comprehensive Sign Program

**SECTION 1: PLAN OVERVIEW**

## SECTION 1: PLAN OVERVIEW

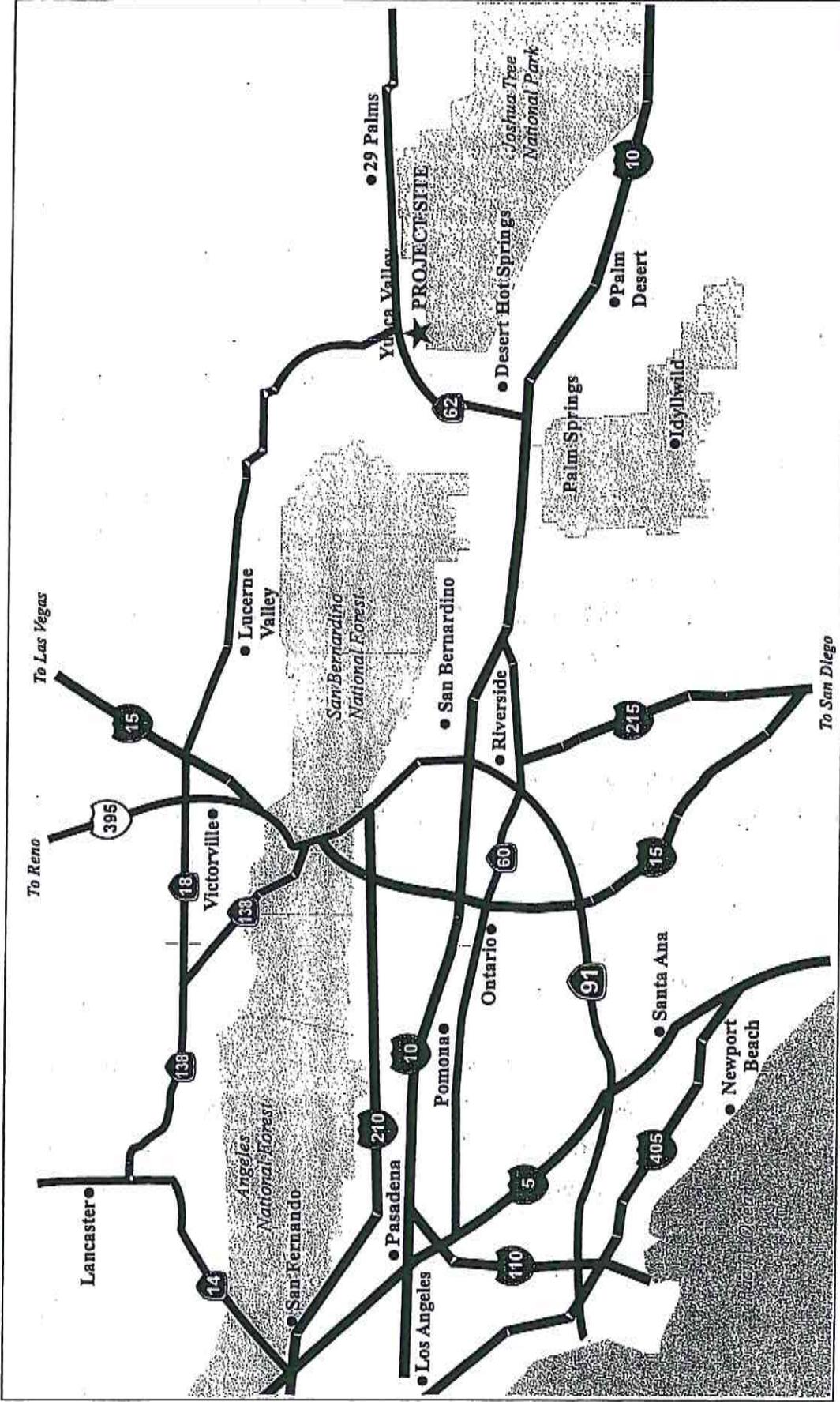
### 1.1 - INTRODUCTION (PURPOSE & AUTHORITY)

The Yucca Valley Retail Center Specific Plan has been prepared pursuant to the provisions of the California Government Code, Title 7, Division 1, Chapter 3, Article 8, and Sections 65450 through 65457. The California Government Code authorizes jurisdictions to adopt Specific Plans by resolution as policy documents or by ordinance as regulatory documents. The law allows preparation of Specific Plans, as may be required for the implementation of the General Plan, and further allows for their review and adoption. Article 13 of Title 8, Division 3, Chapter 3 of the Development Code of the Town of Yucca Valley, provides the requirements and procedures for preparation and processing of Specific Plans in the Town. Specific Plans act as a bridge between the General Plan and individual development proposals. Specific Plans combine development standards and guidelines, capital improvement programs and financing methods into a single document that is tailored to meet the needs of a specific area.

The Yucca Valley Retail Specific Plan, when adopted, will serve to implement the General Plan land use designation of "General Commercial" and zoning designation of "General Commercial District" for the project area. This Specific Plan establishes the development requirements and design guidelines to be applied to all development within the project area.

### 1.2 - PROJECT LOCATION

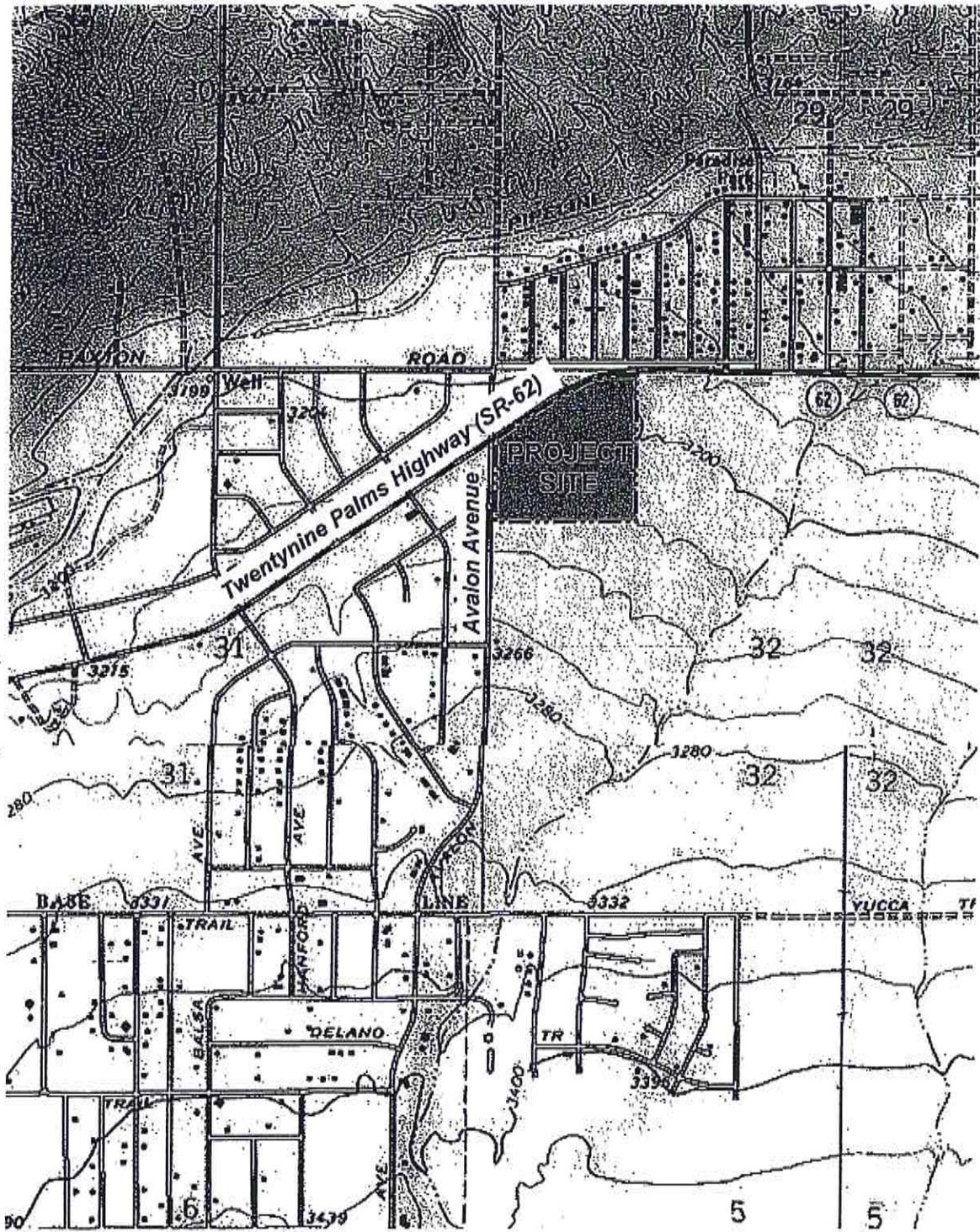
The project site encompasses approximately 28 acres located at the southeast corner of the intersection of Twentynine Palms Highway (State Highway 62) and Avalon Avenue. The legal description for the proposed project site is contained in Appendix A. The location of the project site is illustrated in Figure 1-1, "Regional Location" and Figure 1-2, "Project Vicinity."



Sources: Applied Planning, Inc.

**appliedplanning**  
inc

Figure 1-1  
Regional Location



NOT TO SCALE

Source: Applied Planning, Inc.  
 Base printed from: TOPOI © 1999 Wildflower Productions (www.topo.com)

### 1.3 - PROJECT SETTING AND SITE FEATURES

The project site is designated by the General Plan of the Town of Yucca Valley as General Commercial, and the zoning is General Commercial District (C-G), and includes a Specific Plan (SP) overlay.

#### Existing Site Features

The average elevation of the project site is approximately 3,200 feet above mean sea level. The site slopes from the south to north with approximately 35 feet difference in elevation from the extension of Palisade Drive to State Highway 62.

The site is currently vacant land covered with native brush. Joshua trees and creosote bush are the dominant vegetative species. There are approximately 129 Joshua trees and two (2) Mojave Yucca within the project impact area where grading will occur. The Native Plant Survey (Appendix C) indicates that approximately 92 trees were determined to be salvageable. Both Yuccas are expected to be translocated successfully. The integration of these plants within the project landscape plan is described in Section 4.3, Landscape Concept.

#### Surrounding Land Use Designations

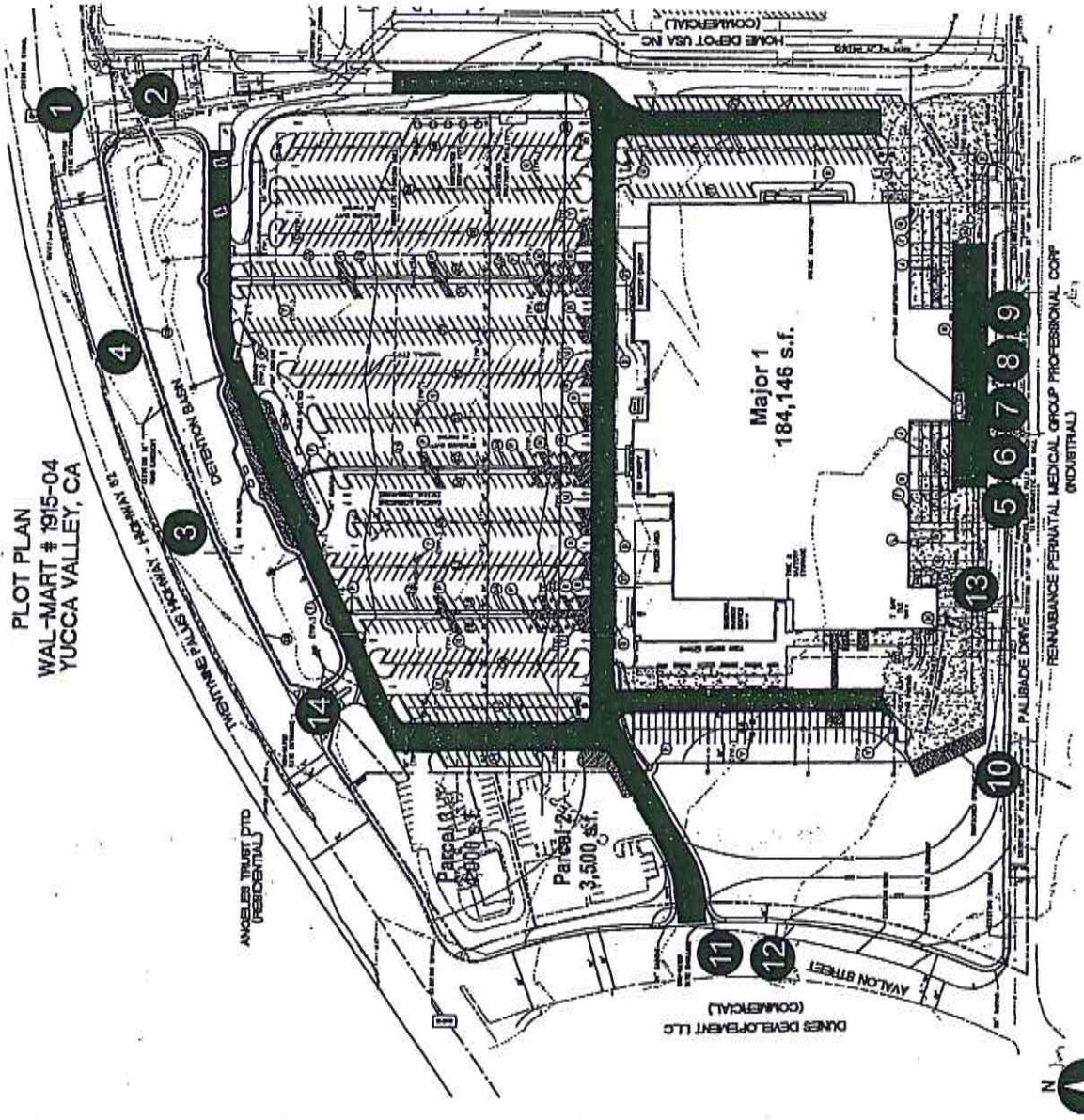
The project site is currently designated C-G, General Commercial. Property to the east is also designated C-G, and a Home Depot store has recently been constructed on this property. Property to the south is zoned I, Industrial and is currently vacant.

As previously mentioned, the adjacent property to the east has been recently developed for retail uses, including a Home Depot. This project will share a common entrance and exit on State Highway 62 with the Yucca Valley Retail Center.

The development of the project will require the construction of improvements, as shown on Figure 1-3. As part of the development of the adjacent Home Depot project, a number of off-site improvements were previously constructed that will serve both the proposed project and the Home Depot project. The proposed project is required to participate in a reimbursement arrangement for these improvements. Following is a list of the off-site improvements previously constructed to serve both projects:

1. Install Traffic Signal at State Highway 62 and the proposed primary project entrance (shared with the Home Depot Retail Center to the east of the project site).
2. Construct a shared driveway south of the new signalized intersection on State Highway 62.
3. Construct street improvements on the south side of State Highway 62 including medians along the street frontages of the Yucca Valley Retail Center and The Home Depot Retail Center.
4. Construct catch basins and install drain pipes on State Highway 62 along the street frontages.
5. Construct permanent storm drain inlet structures and storm drain pipes in Palisade Drive.
6. Grade Palisade Drive southerly of the project site for improvements described in item 7 below.
7. Install a 12" Water Line in Palisade Drive southerly of the project site.
8. Construct 35-foot wide Palisade Drive southerly of the project site including: curb, gutter, sidewalk, and travel lanes on the north side of the street centerline and one lane on the south side of the street centerline.

PLOT PLAN  
 WAL-MART # 1915-04  
 YUCCA VALLEY, CA



- Off-Site Improvements - Previously Constructed**
1. Traffic Signal
  2. Shared Driveway
  3. Street Improvements
  4. Catch Basins/Drain Pipes
  5. Storm Drain Inlet/Storm Drain Pipes
  6. Grade Palisade Drive
  7. Install 12" Water Line
  8. Construct 35'- Wide Palisade Drive
  9. Install T-valves
  10. Fire Hydrants

- Off-Site Improvements - To Be Constructed**
11. Widen Avalon Avenue
  12. Construct curbs, gutters, sidewalk and travel lanes
  13. Secondary Driveway from Palisade Drive
  14. Secondary Driveway from State Highway 62

Source: Nasland Engineering, Applied Planning, Inc.



Figure 1-3  
 Off-Site Improvements

9. Provide connection or T-valves at 300-foot intervals along Palisade Drive east of Avalon Avenue, southerly of the project site.
10. Provide fire hydrants at 300-foot intervals along the Yucca Valley Retail Center street frontage at Palisade Drive.

The following is a list of additional off-site improvements which will be constructed and funded as part of the Yucca Valley Retail Center:

11. Widen Avalon Avenue to allow full turn movements at the Yucca Valley Retail Center Driveway.
12. On Avalon Avenue, construct curbs, gutters, sidewalk and travel lanes on the east side of the centerline of Avalon Avenue. Median and traffic lane striping will be provided at Avalon Avenue.
13. Construction of a secondary driveway from Palisade Drive.
14. Construction of a secondary (right-in/right/out) driveway from improved State Highway 62 near the westerly property line.

#### -1.4 - RELATIONSHIP TO THE GENERAL PLAN AND ZONING ORDINANCE

The Yucca Valley Retail Center Specific Plan implements the goals and policies of the Town of Yucca Valley General Plan within the Specific Plan area. The goals and objectives found in the Land Use Element support the Town's desire to continue to create a future in which the traditional character of the Town is preserved and enhanced by new development. Appendix B, the General Plan Consistency Analysis, demonstrates how the Yucca Valley Retail Center implements applicable goals and objectives of the General Plan. Various land use goals that support a viable economic future direction for the Town while preserving its traditional character are described.

Because an adopted specific plan must be consistent with the Town General Plan, all projects that are found to be consistent with this Specific Plan are deemed consistent with the General Plan.

The Yucca Valley Retail Center Specific Plan works in concert with the Town of Yucca Valley Development Code, but provides additional development standards and guidelines that are customized to achieve the specific vision for the project area. The Town's zoning standards are utilized for certain aspects, such as parking, while the Specific Plan provides other standards that are tailored to the Yucca Valley Retail Center. Development projects and new uses shall be subject to the review procedures, findings and provisions of the Town of Yucca Valley Development Code and the provisions of this Specific Plan. Related and/or subsequent approvals, such as Conditional Use Permits, Site Plan Reviews, and Parcel Maps, must be consistent with both the guidelines of the Yucca Valley Retail Center Specific Plan and the Town's Development Code.

Where development regulations in this Specific Plan differ from those established in the Town Code, the provisions of the Yucca Valley Retail Specific Plan shall prevail. Where this Specific Plan is silent on a development regulation, the Town Code shall prevail.

### 1.5 - PROJECT OBJECTIVES

The purpose of the Yucca Valley Retail Specific Plan is to define the range of permitted uses, development regulations, requirements, and design guidelines for the development of the project area. Implementation of this Specific Plan will accomplish the following objectives:

- Provide for the orderly and master planned development of land uses within the project area, to ensure that an economically viable project or projects can be developed.

- Allow the potential for development of high quality commercial uses within an undeveloped portion of the Town.

#### 1.6 - COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

Adoption or amendment of a Specific Plan constitutes a project under the California Environmental Quality Act (CEQA). An Environmental Impact Report (EIR) SCH# 2005051047 has been prepared in accordance with the CEQA Guidelines (CCR, Title 14, Division 6, Chapter 3 Section 15000-15387), and Guidelines Section 15 161 ('Project EIR') in particular, to analyze the environmental impacts of the Yucca Valley Retail Center Specific Plan. The EIR establishes the existing, on-site environmental conditions and evaluates the potential impacts of this Specific Plan. The EIR references project design features and includes various mitigation measures that will be implemented through either the Mitigation Monitoring Plan or Conditions of Approval.

**SECTION 2: LAND USE**

## SECTION 2: LAND USE

### 2.1 - LAND USE PLAN

The project area is approximately 28 acres in size and is generally bounded by State Highway 62 to the north, developed lands to the east, Palisade Drive to the south, and Avalon Avenue to the west. Please also refer to Figure 2-1, "Specific Plan Land Use Concept." A general description of uses proposed within the Specific Plan is provided below.

### 2.2 - LAND USE SUMMARY

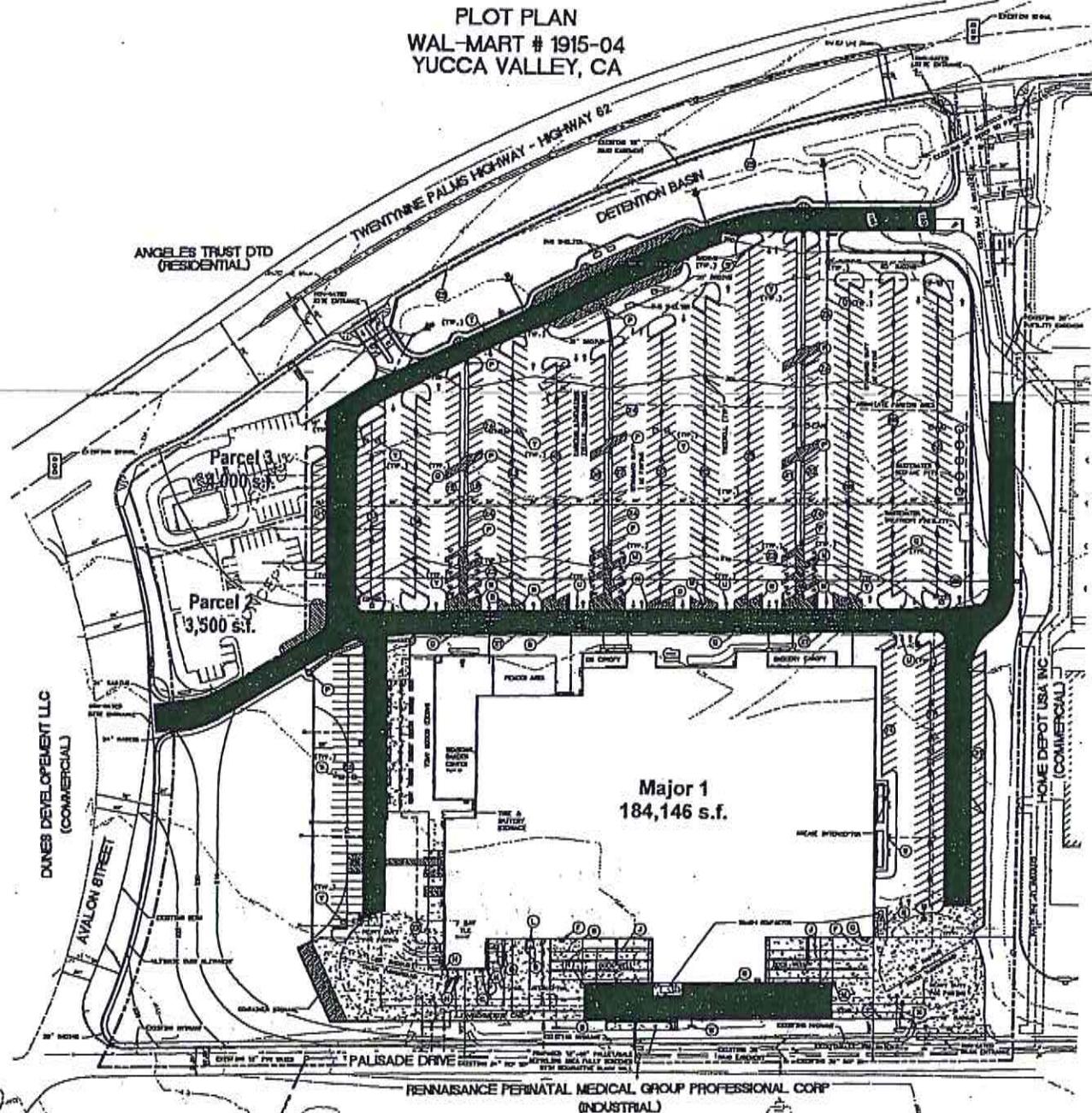
Parcel 1 (25.3 acres) will be developed with an approximately 184,146 s.f. single retail use and 920 parking spaces. Parcel 2 (0.75 acres) will be developed with a 3,500 s.f. retail use. Parcel 3 (0.84 acres) will be developed with a 4,000 s.f. fast-food restaurant use. Parcel 4 (1.82 acres) is a retention basin. Open space areas will be landscaped pursuant to the landscape concept and approved plant palette, and will serve a variety of functions, including separation and buffering from adjacent uses, providing visual amenity and storm water detention. A summary of proposed land uses is presented in Table 2-1. Additional specificity regarding these uses is presented in Section 3.0, "Commercial Use Regulations" of this document.

Table 2-1

Yucca Valley Specific Plan Land Use Summary

Land Use	Parcel Area	Building-Area	Comments
Major 1	25.3 ac	184,146 s.f.	General merchandiser with grocery sales and garden center
Parcel 2	0.75 ac	3,500 s.f.	Retail
Parcel 3	0.84 ac	4,000 s.f.	Fast-Food Restaurant
Parcel 4	1.82 ac	-	Retention Basin
Total	28.71 ac		

PLOT PLAN  
 WAL-MART # 1915-04  
 YUCCA VALLEY, CA



  
 NOT TO SCALE  
 Source: Nasland Engineering

**SECTION 3: COMMERCIAL USE REGULATIONS**

## SECTION 3: COMMERCIAL USE REGULATIONS

### 3.1 - GENERAL PROVISIONS

The regulations provide for implementation of a General Commercial (C-G) District classification as a community-level commercial shopping center, anchored by a retail store consisting of a total of 184,146 square feet, with all appurtenant structures and facilities for the sale of general merchandise, groceries, liquor and other alcoholic beverages, including without limitation, a garden center, truck docks and loading facilities, tire and lube facilities, outdoor sale facilities, a bagged goods pick-up area, rooftop proprietary satellite communication facilities and parking facilities. The store may contain without limitation, a drive thru pharmacy, a vision care center, a food service center, a photo studio, a photo finishing center, a banking center and an arcade. The store may, among other things, carry pool chemicals, petroleum products, pesticides, paint products, firearms and ammunition. The store may be developed in more than one phase and will operate on a 24-hour basis.

The standards set forth in this section will ensure that future development proceeds in a manner consistent with Town requirements and design guidelines. Upon adoption of the Yucca Valley Retail Center Specific Plan by the Town of Yucca Valley, this Specific Plan shall be the zoning document for the subject property, superseding other zoning designations and development standards of the Town of Yucca Valley as described herein. If not specifically addressed in this Specific Plan, the applicable provisions of the Town of Yucca Valley Development Code shall apply.

### 3.2 - PERMITTED USES

Those uses specified below and in Section 84.0350 of the Town of Yucca Valley Development Code (CG-General Commercial District) shall apply.

3.2.1 Principal Uses: The following uses shall be permitted, subject to approval of a Site Plan Review, as specified in Section 6.2 herein:

a. General Retail Merchandiser, including:

- The sale of general merchandise, including groceries, liquor and other alcoholic beverages. The store may, among other things, carry pool chemicals, petroleum products, pesticides, paint products, firearms and ammunition.
- A garden center.
- Tire and lube facilities.
- A drive thru pharmacy.
- A vision care center.
- A food service center.
- A photo studio.
- A medical clinic.
- A photo finishing center.
- A banking center.
- An arcade.
- A bagged goods pick-up area.
- Truck docks and loading facilities.
- Outdoor sale facilities.
- Rooftop proprietary satellite communication facilities, which will be screened by the parapet wall.
- Parking facilities.

b. Retail use

c. Restaurant, including:

- Full service restaurant
- Fast food with drive-thru, take out, delivery.

d. Other Commercial Uses designated 'SPR' Site Plan Review in Section 84.0350 of the Development Code.

3.2.2 Operations: The following describes the operations of the major tenant of the Yucca Valley Retail Center, which are part of the primary retail sales as listed in Section 3.2.1,a.

- a. Outdoor Seasonal Garden Area - Approximately 10,000 square feet. A minimum of eight special events per year lasting no more than two weeks except for the holiday season, including but not limited to the period from Thanksgiving through New Years Day.
- b. The project will be permitted, by right, to leave the outdoor display items along the front of the store overnight. Additionally, tents and awnings will be used in conjunction with seasonal sales and enclosed by a chain link fence for security.
- c. The project will be permitted, by right, to display merchandise in front of the store in designated areas on a daily basis. These areas are shown in Figure 3-1.
- d. The project will be permitted, by right, to place vending machines in vestibules inside the store.
- e. The project will be permitted, by right, to install pay phones in vestibules inside the store.
- f. The major anchor will be permitted, by right, to operate the store 24 hours.

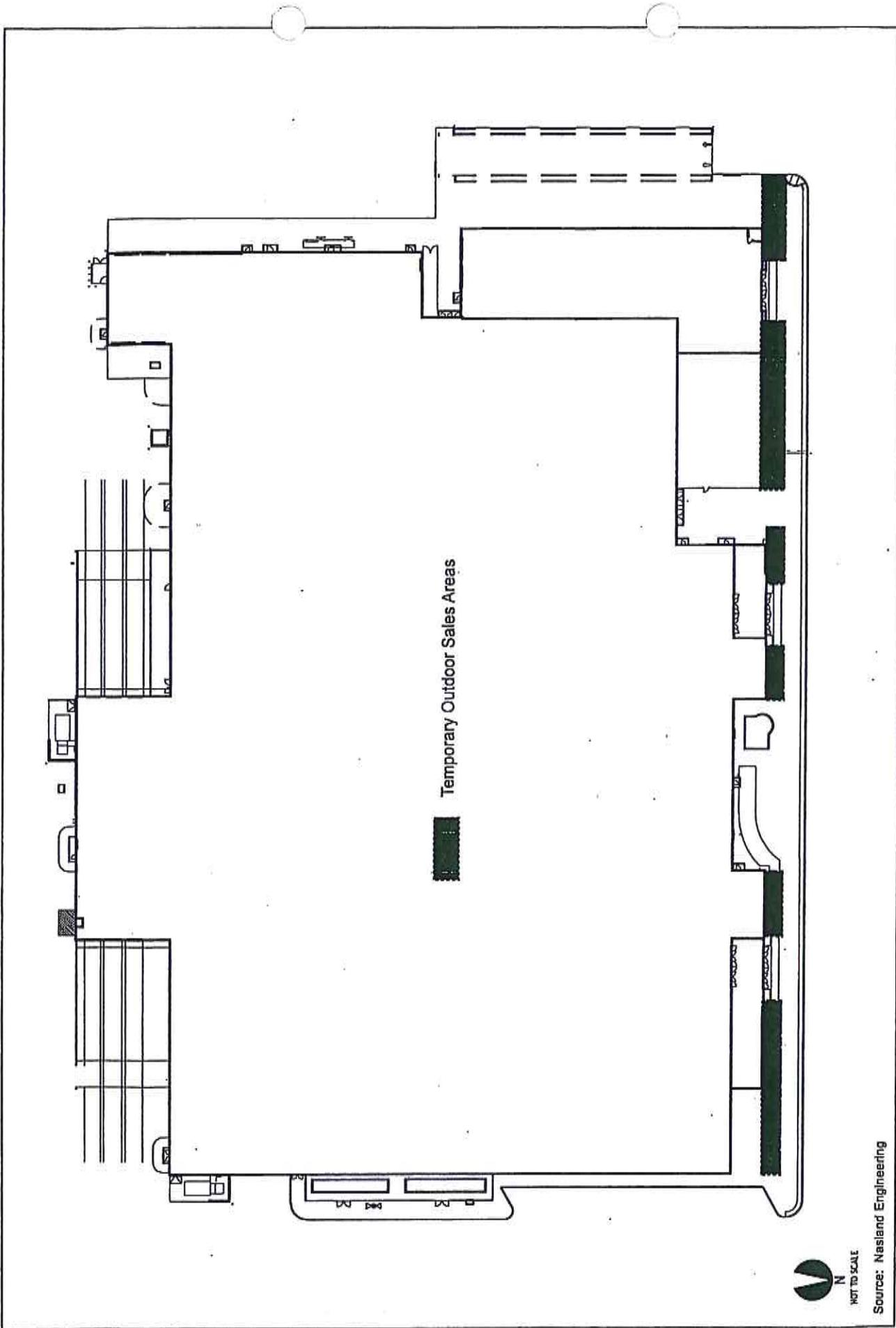


Figure 3-1  
Outdoor Sales Areas

3.2.3 Uses Permitted Subject to a Conditional Use Permit: The following uses may be permitted on the project site, subject to approval of a Conditional Use Permit:

- a. Arcade (Freestanding)
- b. Automobile rental
- c. Convenience store
- d. Entertainment, live (excluding adult entertainment)
- e. Fitness centers
- f. Maintenance & repair services: major

### 3.3 - DEVELOPMENT STANDARDS

The following Property Development Standards shall apply.

Maximum Structure Height	40 feet
Minimum Lot Size	0.70 acre
Maximum Building Lot Coverage	60 percent
Maximum Lot Dimension (width to depth ratio)	1:3
Minimum lot dimensions (width to depth ratio)	120 feet x 120 feet
Front Yard Setback	15 feet
Side Yard Setbacks	10 feet (only one side yard is required to provide emergency access. If the adjacent property is not designated commercial or industrial, a side yard shall be required along that side of the property.)
Rear Yard Setback	10 feet (A rear yard is required only when the adjacent property is not designated commercial or industrial.)
Street Side Setbacks	10 feet
Maximum Floor Area Ratio (FAR - Fl. Area/Lot Area)	1.20
Minimum District Size	5 acres

**SECTION 4: DESIGN GUIDELINES**

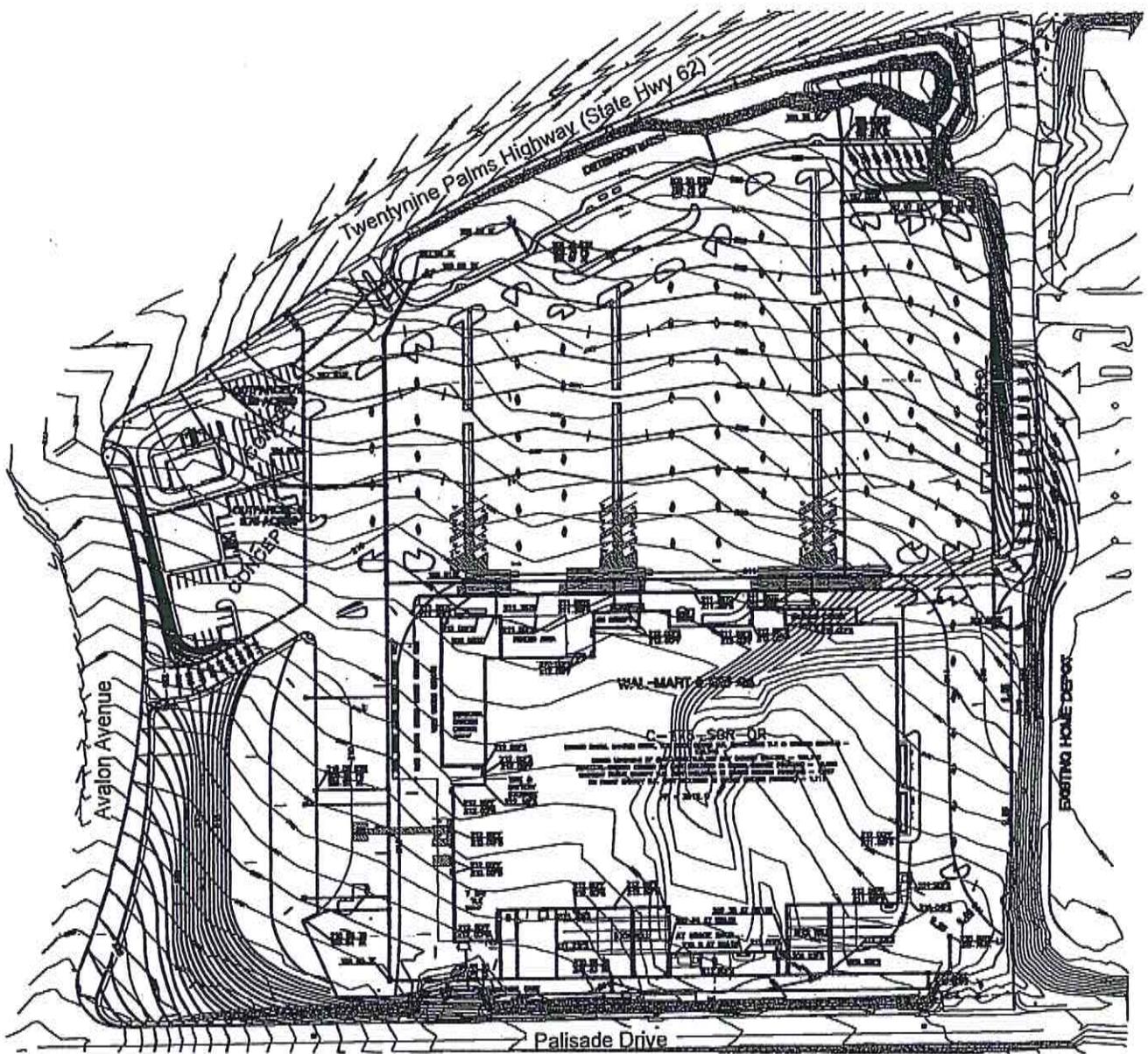
## SECTION 4: DESIGN GUIDELINES

### 4.1 - GRADING CONCEPT

The existing topography of the site could generally be described as a sloped desert landscape. The site naturally drains from a northwest to southwest direction.

The proposed grading concept, presented in Figure 4-1, illustrates the extent of grading required to achieve the design concept for the Project. This grading plan will provide level building pads for the proposed structures, assure safe and adequate drainage patterns across the project site, and manage the conveyance of storm water run-off to appropriate discharge and/or detention facilities. The finish grade would generally drain in a south to north direction.

In addition, grading will occur as part of the construction of the shared off-site improvements as part of the Phase I improvements listed in Section 6.1. The easements for these improvements will be a condition on the subdivision maps for the project. The Grading Plan is designed to follow the requirements of the Town of Yucca Valley development ordinances and is to be submitted to the Town for review, approval, and permit issuance prior to the initiation of grading.



NOT TO SCALE

Source: Nasland Engineering

## 4.2 - ARCHITECTURAL CONCEPT

The architectural style of the Yucca Valley Retail Center will conform to exterior materials, treatments and colors reflected in the building elevations depicted in Figure 4-2.

Development within the project area shall comply with the design guidelines contained within the adopted Town Code. Except as provided herein, the design guidelines in the Town Code shall apply to all improvements within the project area including new construction, remodels, additions, landscaping, paving, signage, amenities, and related facilities. They are provided to guide developers, builders, architects, engineers, landscape architects, and others involved in the preparation of future development proposals to ensure a consistent level of quality throughout the project area. The design guidelines will assist the Town of Yucca Valley staff and decision-making authorities with criteria to evaluate future development proposals.

### Architectural Design Objectives

- To establish a comprehensively designed project that incorporates unity through the use of complementary colors, materials and landscape themes.
- To design within the context of the local environs.
- To create a project that provides for efficient circulation for both vehicles and pedestrians.

### Architectural Design Guidelines

These Architectural Design Guidelines are intended to provide an overall direction in the design of structures within the Specific Plan. No particular style is intended to dominate; however, architectural concepts shall be compatible with existing, surrounding uses. These Guidelines are meant to be flexible over time and correspond with changing conditions in lifestyles, the marketplace and economic conditions.



North Elevation



West Elevation



South Elevation



East Elevation

Source: WPIIDC, Inc.

### ***Building Mass, Form and Elements***

Building massing, scale and roof forms are the primary design components within the Yucca Valley Retail Specific Plan. Therefore, these require careful articulation. The rear and side elevations, as well as the front, should provide variation in massing, wall and roof forms. Repetitive elements and modular materials are important elements and are encouraged.

### ***Building Materials***

Materials should be selected and detailed for compatibility throughout the site. Buildings should incorporate a mix of at least two of the prevalent materials including block, block veneer, stucco, wood or tile. These materials shall be used in traditional combinations that yield an impression of permanence as well as respect for the surrounding environment. Please refer also to Figure 4-3, "Color and Materials."

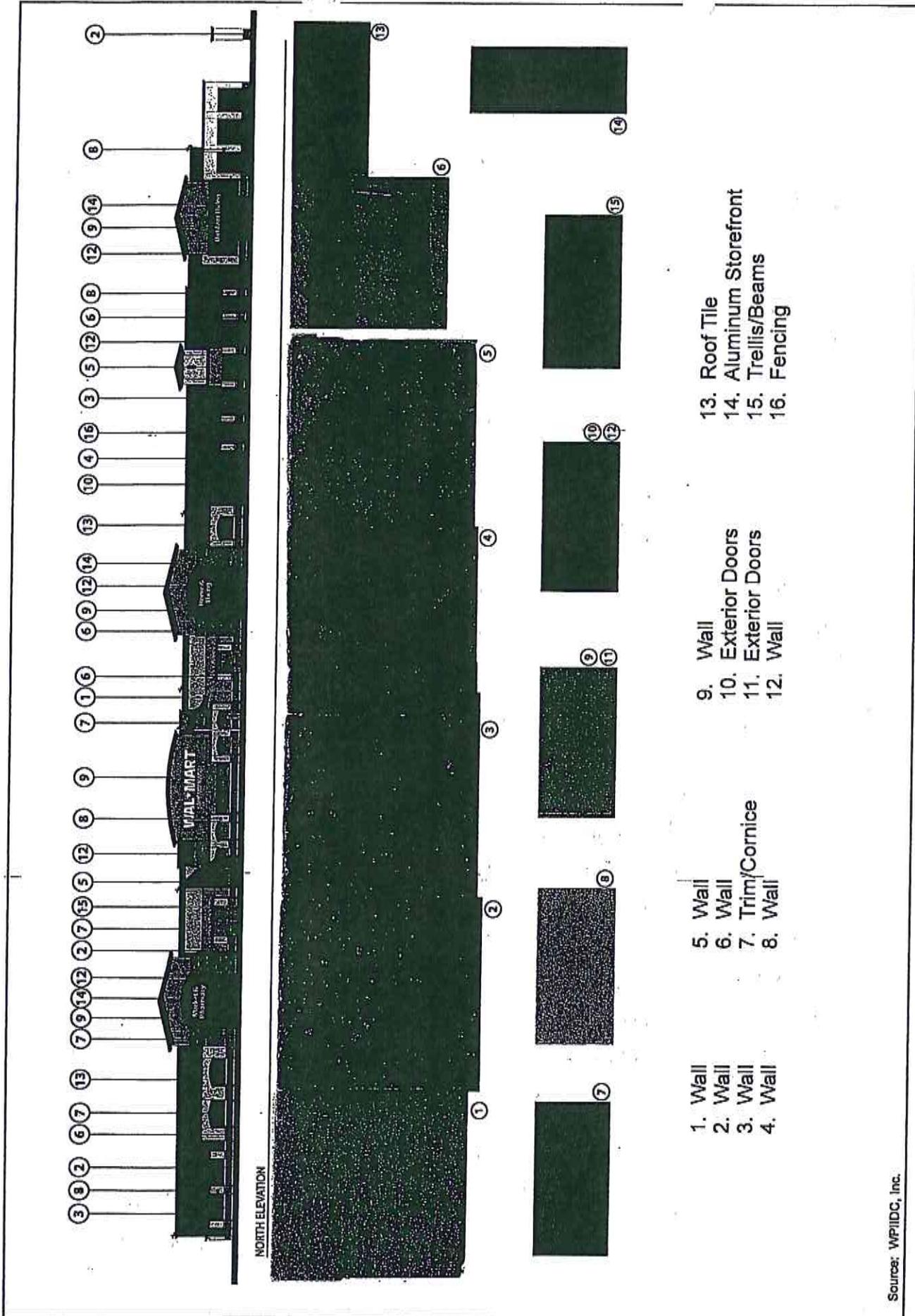
### ***Color Palette***

The use of complementary earth tones should be applied to building facades. The use of a neutral color palette and stone and/or tile accents that shall be repeated on multiple structures will act to unify the Specific Plan area. Company logos and colors shall be allowed on trims and accents. Acceptable materials and colors are presented within Table 4-1.

Table 4-1

## Proposed Materials and Color Palette

Major 1 Materials and Color Palette	
1. Smooth Face Block	Angelus Block 8"x8"x16" Color: "Champagne"
2. 4-Score Split Face Block	Angelus Block 10"x8"x16" Color: "Wine"
3. Split Face Block	Angelus Block 8"x8"x16" Color: "Sienna Brown"
4. Smooth Face Block	Angelus Block 8"x8"x16" Color: "Wine"
5. Split Face Block	Angelus Block 8"x8"x16" Color: "Sandstone"
6. Wall	Coronado Stone – Desert Ridge "Rustic Southern LedgeStone"
7. Trim/Cornice	Color: Sherwin Williams SW2808 "Rockwood Dark Brown"
8. Wall	Color: Sherwin Williams SW6113 "Interactive Cream"
9. Wall, Doors	Color: Sherwin Williams SW6115 "Totally Tan"
10. Wall, Doors	Color: Sherwin Williams SW6034 "Arresting Auburn"
11. Clay Roof Tile	Eagle Roofing Capistrano "Mission Red Flashed"
12. Storefront	1 ¾" x 4" Aluminum Frames "Dark Bronze"
13. Trellis, Beams	Color: Sherwin Williams SW3524 "Chestnut"
14. Fence	Ameristar Painted Steel Picket Fencing "Black"
Expanded Materials and Color Palette for Outpad uses	
Split Face Block	
Angelus Block 8"x8"x16" Color: "Sandstone" Split Faced	
Angelus Block 8"x8"x16" Color: "Sienna Brown" Split Faced & Fluted	
Angelus Block 8"x8"x16" Color: "Wine" Smooth Face	
Paint Color – Sherwin Williams:	
SW6114 "Bagel"	
SW6116 "Tatami Tan"	
SW6034 "Arresting Auburn"	
SW2808 "Rockwood Dark Brown"	
SW6115 "Totally Tan"	
SW6046 "Swing Brown"	
Trellis	Wood: Stain Color: OK627 Other: Wildgrasses Frazee 8175D



P.397

Source: WP/IDC, Inc.

Figure 4-3  
Color and Materials

#### 4.3 - LANDSCAPE CONCEPT

The landscaping and streetscape of the Yucca Valley Retail Specific Plan is an important component of project development. Quality in landscape design will serve to enhance the overall appearance and character of the entire Specific Plan development. Please refer also to Figure 4-4, "Landscape Plan Concept." Landscape/streetscape criteria include the following:

- Commercial entry monumentation will be compatible with the building architecture and provide a statement of identification. A distinctive landscape theme will be developed at these entries and maintained throughout the site.
- Xeriscape landscaping shall be used and the design shall reflect the surrounding community's desert character.
- Shrubs and trees will be planted around the buildings to soften building architecture, as well as to enhance and define spaces. All slopes greater than 3:1 gradient that occur within the Specific Plan site will be planted with ground cover, shrubs and trees. All planted areas will be irrigated with an automatic system.
- Parking lot tree plantings will include a design and species that are compatible with the desert landscape.
- Long-term maintenance of on- and off-site improvements, including but not limited to, roadways, parking areas, landscape areas, detention basins, and drainage easements, will be guaranteed through the execution of a private maintenance agreement between the Yucca Valley Retail Center, the adjacent Home Depot Center, and other benefited property owners.



## Plant Materials

The landscaping theme will enhance the overall Specific Plan's character. All landscape areas within the site will be planted with a combination of ground cover, shrubs and trees. Landscaped areas will also be top dressed with decomposed granite. Table 4-2 presents the proposed plant palette.

Table 4-2  
Proposed Plant Palette

Botanical Name	Common Name	Size	Approx. Quantity
<b>TREES</b>			
Relocated Yucca Brevifolia	Joshua Tree	N/A	65
Parkway Canopy Tree (40' height, 40' spread)		24" Box	25
Such as:			
Prosopis Chilensis	Chilean Mesquite		
Gleditsia Triacanthos	Honey Locust		
Parking Lot Shade Tree (20' height, 30' spread)		24" Box	200
Such as:			
Rhus Lancea	African Sumac		
Cercidum "Desert Museum"	Palo Verde		
Interior Driveway Tree (30' height, 20' spread)		24" Box	48
Such as:			
Eucalyptus Sideroxylon Rosea	Red Ironbark		
Koelreuteria Paniculata	Goldenrain Tree		
Parkway Flowering Tree (15' - 20' height, 20' spread)		24" Box	43
Such as:			
Lagerstroemia Indica	Crape Myrtle		
Chitalpa Tashkentensis	Pink Dawn		
Screening Tree (20' height, 20' spread)		24" Box	24
Such as:			
Pinus Halepensis	Aleppo Pine		
Vertical Accent Tree (60' - 100' height)		16' BTH	25
Such as:			
Washingtonia Robusta	Mexican Fan Palm		
<b>SHRUBS/GROUNDCOVER</b>			
Low to Medium Scale, Drought Resistant Shrubs and Groundcovers for Slopes - Drip Irrigation		1 Gallon	8,100
Acacia Redolens "Desert Carpet"	Prostrate Acacia		
Baccharis Pilularis "Centennial"	NCN		
Cotoneaster Species	Cotoneaster		
Dalea Pulchra	Bush Dalia		
Leucophyllum Frutescens "Compacta"	Texas Sage		

**Table 4-2  
Proposed Plant Palette**

Salvia Greggii	Red Sage		
Rosmarinus Officinalis	Rosemary		
Low to Medium Scale, Drought Resistant Shrubs and Groundcovers – Drip Irrigation		1 Gallon	4,600
Buddleia Marrubifolia	Wooly Butterfly Bush		
Calliandra Eriophylla	Fairy Duster		
Dalea Greggii	Trailing Indigo Bush		
Leucophyllum Frutescens "Compacta"	Texas Sage		
Salvia Greggii	Red Sage		
Tecoma Alata	Orange Bells		
Senna Artemisioides	Feathery Senna		
Dasyliirion Wheeleri	Desert Spoon		
Hesperaloe Pavifolia	Red Yucca		
Baccharis Pilularis "Centennial"	NCN		
Low Scale, Drought Resistant Interior Planter Shrubs and Groundcovers – Drip or Overhead Spray Irrigation		1 Gallon	2,900
Gazania Hybrids	Gazania		
Hemerocallis Hybrids	Daylily		
Mulhenbergia Capillaris	Pink Mulhy		
Mulhenbergia Rigens	Deer Grass		
Cotoneaster Horizontalis	Rock Cotoneaster		
Pennisetum Setaceum "Rubrum"	Purple Fountain Grass		
Lavandula Spp.	Lavender		
Leucophyllum Frutescens "Compacta"	Texas Sage		
Rosmarinus Officinalis	Rosemary		

N/A – Not Applicable

BTH – Brown Trunk Height

### Native Plant Protection and Treatment Guidelines

The Yucca Valley Retail Center Specific Plan conforms with the Town of Yucca Valley Native Plant Protection and Management Ordinance (Ordinance No. 140). According to the Native Plant Survey (Appendix C) conducted for the project, Joshua trees and Mojave Yuccas are the only plant species listed in the Ordinance that occur within the Specific Plan area. A total of 129 Joshua trees and two (2) Mojave Yuccas occur on site. Some of these plants will be salvaged and replanted within the site. Remaining salvaged trees will be put up for adoption pursuant to the Ordinance and Town's

Joshua tree adoption program. Any plants indicated to be removed by this Specific Plan in conformance with the Native Plant Survey will be removed pursuant to Ordinance No. 140, concurrent with the grading permit for the project.

#### 4.4 - WALLS AND FENCES

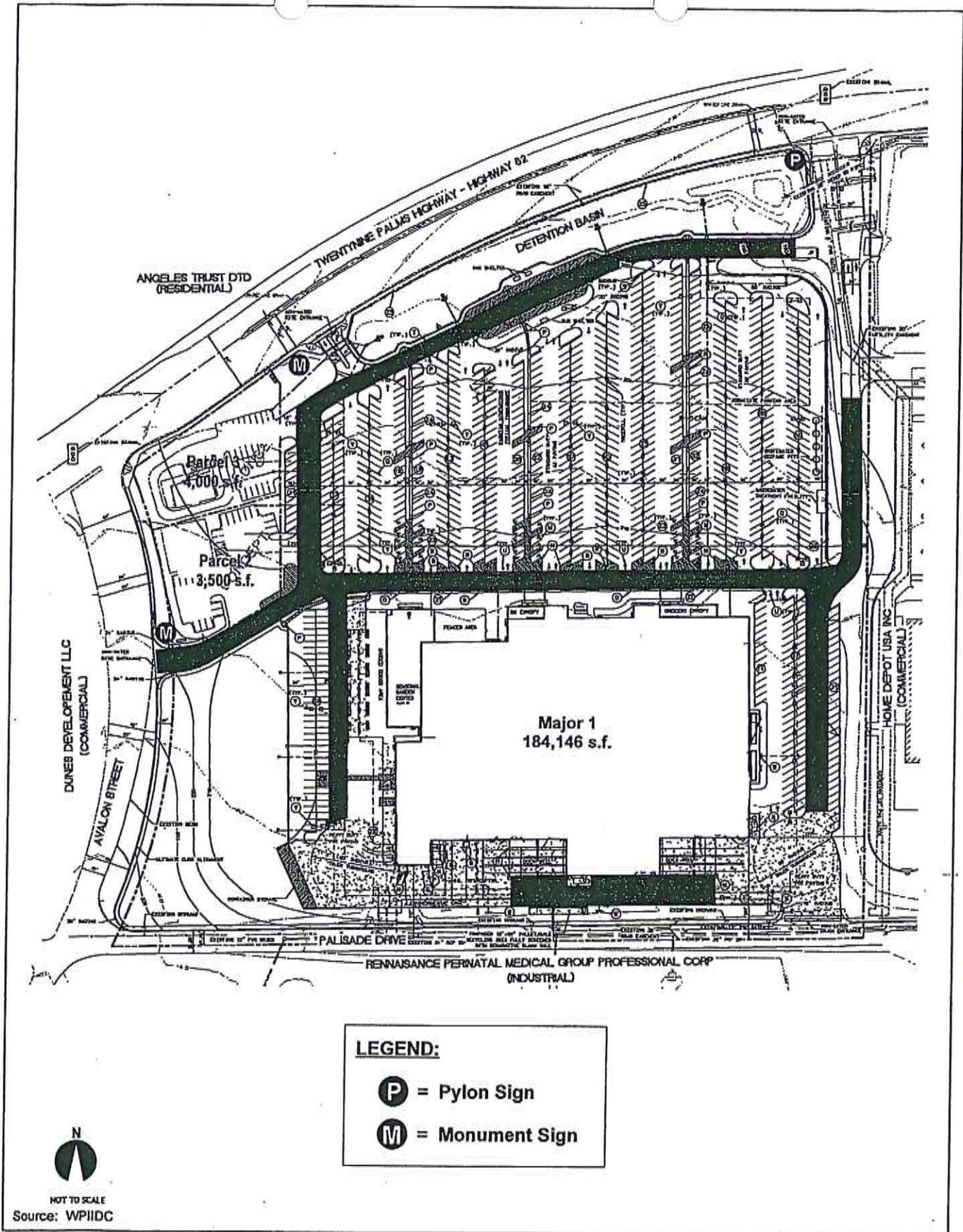
Walls and/or fences are permitted along the north, west, and south boundaries of the retail center. If installed, such walls or fences will be designed to provide security, while allowing for territorial views of the surrounding desert landscape and more distant hills. Walls/fences shall be constructed of block masonry, stone, or brick, as appropriate. Any wall adjacent to a public right of way, such as State Highway 62 or Palisade Drive, will be landscaped with a selection of trees, shrubs/hedges, and groundcover and is subject to review, approval, and permits issued by the Town of Yucca Valley and/or Caltrans.

#### 4.5 - SIGNAGE AND LIGHTING

##### 4.5.1 - Signage

The intent of the Sign Program is to achieve a visually coordinated, balanced and appealing signage system throughout the Yucca Valley Retail Center, particularly one that promotes compatibility with the architectural styles and landscape concepts identified within this Specific Plan. The program will conform to the Town of Yucca Valley Sign Ordinance (Ordinance No. 156), except where specifically superseded in this Specific Plan. Proposed signage is discussed below. The design and configuration of all proposed signs is presented within the Comprehensive Sign Program, which is provided as Appendix D. Sign locations are also presented in Figure 4-5, "Proposed Sign Locations."

Code Reference	Code Requirement	Specific Plan Proposal
<p><b>Wall Signs</b></p> <p>Section 87.07122 § b.1.A</p>	<p>For each use or occupancy, one building sign per building frontage oriented towards a street, driveway, or parking area based on a maximum of one (1) square-foot of sign area per one linear foot of use or occupancy. For each occupancy with a minimum width of 80 feet, a maximum of two building signs shall be allowed on each building frontage oriented towards a street, driveway, or parking area provided the combined area of the two signs does not exceed the allowable square-footage.</p>	<p><b>Anchor tenant:</b> Total amount of proposed wall signage is 560.57 SF. Code allows 1, 518.15 SF.</p> <p><b>Outparcel tenant:</b> Total amount of proposed wall signage is 1 square-foot per lineal square-foot of street frontage.</p>
<p><b>Freestanding Signs</b></p> <p>Section 87.07122 § b.2.A</p> <p>Section 87.07122 § b.2.B</p> <p>Section 87.07122 § b.2.E</p>	<p>The cumulative total sign area allowed for freestanding signs shall be one (1) square-foot per five (5) linear feet of street frontage on which the sign is located.</p> <p>No single sign shall exceed three hundred (300) square-feet in area.</p> <p>Freestanding building pads located adjacent to a highway or street may be permitted a monument sign not to exceed 25 square-feet.</p>	<p><b>Anchor tenant:</b> Pylon sign with proposed signage of 100 SF. Code allows 135.8 SF.</p> <p><b>Outparcel tenants:</b> Monument sign with proposed signage of 25 SF. Code allows 25 SF.</p>



### *Freestanding Sign*

There are three (3) proposed freestanding monument signs. Please refer to Figure 4-5, "Proposed Sign Locations", for the sign locations.

The anchor tenant pylon sign will not exceed 25' in height and 22' in length. Both of the the outparcel tenant monument signs are not to exceed 8' in height and 19' in length. All three signs will be internally illuminated with fluorescent tube or LED.

### *Wall Signs*

Wall signs are proposed on the facades of the major retail structure. These signs include both illuminated and non-illuminated signage.

### *Illuminated Signs*

#### **Anchor Tenant Identification Wall Sign**

The sign shall be located approximately in the center of the building and will consist of channel letters with vacuum formed face (pan formed) anchored to the building surface. The identification sign, comprised of two lines of illuminated text, will be internally illuminated with fluorescent tube or LED. The illuminated text in the sign will not exceed 7' in height and 38' in length. The total sign area will not exceed 229 square feet.

#### **Pad Identification Sign**

The buildings proposed on Parcel's 2 and 3 will be permitted wall signage not to exceed the limits of Section 87.07122 § b.1.A of Ordinance No. 156 which allows a maximum of one (1) square-foot of sign area per one (1) square-foot of linear building frontage. These will consist of channel letters with vacuum formed face (pan formed) anchored to the building surface. The signs will be internally illuminated with fluorescent tube or LED.

### *Non-illuminated Signs*

#### *Anchor Wall Signs*

A total of ten (10) non-illuminated identification and directional signs will be placed on the anchor tenant building. These signs will consist of Plexiglas formed letters that are stud mounted to the wall. A complete inventory of these signs is presented within the Sign Program, presented as Appendix D of this Specific Plan.

Non-illuminated wall signs consist of between one and three lines of text. No single line of text will exceed 2' 6" in height and 23' 11 ½" in length.

On the anchor tenant building, excluding the non-illuminated text within the anchor identification sign, the total amount of non-illuminated wall signage will not exceed 370.57 square feet.

The anchor tenant building will not exceed a total of 560.57 square feet of wall signs. The code allows a maximum of 1,518.15 square feet of allowable wall signage.

#### *4.5.2 - Lighting*

The Yucca Valley Retail Center Specific Plan shall conform to lighting standards of the Town of Yucca Valley. This includes measures to minimize light pollution which has a detrimental effect on the environment and the enjoyment of the night sky, and measures such as shielding of parking area light fixtures to prevent nuisance spillover effects on surrounding properties.

A Lighting Plan (i.e. Photometric Plan) in conformance with the Town Outdoor Lighting and Night Sky Protection Ordinance (Ordinance No. 90) shall be prepared, to include parking areas and access way lights, external security lights and lighted signage.

## General Provisions for Lighting

- Parking areas and access ways - All lighting will be installed as required to conform with the Town's Outdoor Lighting Plan and Night Sky Protection Ordinance - Illuminated with free-standing light standards with metal halide fixtures. The Yucca Valley Retail Site has been designed with 42-foot pole heights (39 feet on a 3-foot base). The site will utilize Full Cut Off Light Fixtures and Shielded Fixtures around the perimeter of the site, to comply with the Town's Outdoor Lighting and Night Sky Protection Ordinance.
- Signage lighting - In conformance with signage specifications and standards.
- Security lighting - For the major anchor, wall-mounted light fixtures will be located along the rear and side elevation walls, including the rear loading dock. Security lighting will be set on a timer to run from dusk to dawn every day.

**SECTION 5:  
INFRASTRUCTURE, UTILITIES, AND PUBLIC SERVICES**

SECTION 5:  
INFRASTRUCTURE, UTILITIES, AND PUBLIC SERVICES

Infrastructure and services to support the Yucca Valley Retail Center shall be extended and improved in conjunction with its phased development. Primary infrastructure facilities are described below.

5.1 - CIRCULATION

The project site's primary access will be from a signalized driveway on Highway 62. This driveway will be a shared access with the Home Depot Retail Center located immediately east of the project. Additional project access will be located on the north-south oriented Avalon Avenue, with truck delivery access provided from Palisade Drive.

In support of the project, a traffic signal has been installed at the project's main entrance, at Twentynine Palms Highway. Avalon Avenue will be widened to its ultimate width. The north side of Palisade Drive has been improved to its ultimate width along the southern boundary of the project site. The roadway was constructed as part of The Home Depot Retail Center, but will be jointly funded by both retail center projects.

Parking requirements for the project are based on the Town of Yucca Valley's parking requirements. The Town requires retail shopping centers provide four (4) parking spaces for each 1,000 square feet of building area. Major 1 provides for 184,146 square feet of retail space and as such, the minimum parking requirement is 737 parking spaces. The project will provide 920 parking spaces for this use, thus exceeding the requirement. Additional parking required for the fast-food restaurant and retail pads would be provided in compliance with Town requirements. The project will provide a total of 54 parking spaces for these uses, thus exceeding the requirement of 29 spaces.

## 5.2 - DRAINAGE

On-site drainage will be captured via a series of catch basins and transported via underground pipes to the retention basin proposed on the northern perimeter of the site.

The retention area straddles the northern boundary of the site and will retain onsite flows to pre-development discharges. The basin will be designed so that post-development water released will be equal to pre-development conditions. This will allow the surface water flows from the site to drain to the existing storm drain facilities within State Highway 62.

## 5.3 - WATER

Public water service is provided by High Desert Water District. Water service to the plan area will be provided with a connection to the 12" public water line in Avalon Avenue, and the extension of a public water line along the alignment of Palisade Drive and northerly onto the project site near the westerly property line to serve both the major retail and the outparcels. These extensions will be constructed by the project and dedicated to the Water District. There will be private water lines within the site to provide service to the major retail and outparcel buildings.

## 5.4 - WASTEWATER

Currently, the Town of Yucca Valley does not provide sewer treatment to any portion of the Town, therefore, requiring development projects to provide and maintain their own private system.

The anticipated combined average flow from the project site is approximately 9,620 GPD with 6,120 GPD from the Wal-Mart building, and an additional 3,500 GPD estimated for the outparcel buildings. The Town of Yucca Valley, Community

Development Department has, in conjunction with the State RWQCB, set a mandated maximum of 5,000 GPD per development for "Local Agency approval" for any proposed sewer treatment system. Flows exceeding that amount require both San Bernardino County Health Department and the State RWQCB approvals.

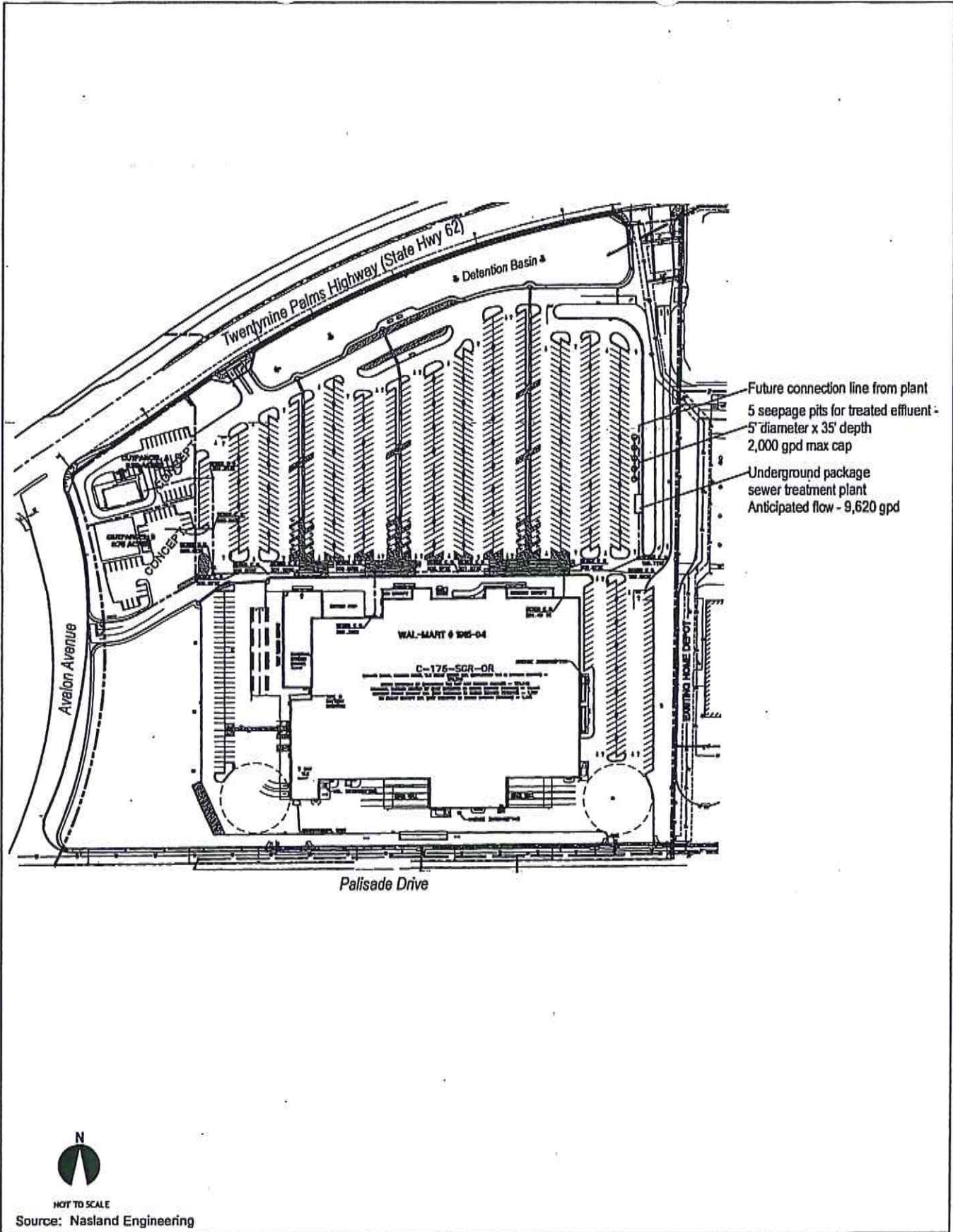
Project-generated effluent will be handled by an on-site secondary effluent treatment system that includes nitrogen removal. The package sewer treatment plant will be constructed under the easterly portion of the parking lot. The plant will have sufficient capacity to accommodate the projected wastewater flows anticipated to be generated by the project. After treatment, the wastewater effluent will be discharged into five (5) seepage pits located below the parking lot. The effluent will then naturally percolate back into the ground. Please refer also to Figure 5-1, "Sewer Plan."

#### 5.5 - DRY UTILITIES

The Yucca Valley Retail Center lies within the service areas of Southern California Edison (electricity), Southern California Gas Company (natural gas), and Verizon (telephone). The utility network will be expanded to meet the future demands of the project. Electric, gas and telephone service lines will be extended from State Highway 62 within a joint trench along the western site boundary. The specific design and sizing requirements of necessary improvements and/or additions will be determined as part of the Town and utility provider's processing and permitting procedures.

#### 5.6 - GENERAL INFRASTRUCTURE AND SERVICE REQUIREMENTS

- 5.6.1 Any offsite installation of curbs, sidewalks, street and driveway paving, and street lighting as may be required by the Town shall be subject to the provisions of the Town's Standard Improvement Plans.
- 5.6.2 All onsite water supply, wastewater collection, storm drainage lines and facilities shall be provided by the developer.



- 5.6.3 All utility lines serving the project area shall be placed underground by the developer as a condition of approval.
- 5.6.4 Adequate water for estimated domestic consumption and for fire flow requirements, as determined by San Bernardino County Fire Department, shall be provided by the developer.
- 5.6.5 Development of the project area shall comply with all requirements of the San Bernardino County Fire Department in providing adequate fire flow, number and location of hydrants, building clearances, and street and driveway/aisle turning radii for access.
- 5.6.6 The developer shall review with the Police Department the nature and design of the development, and types of security measures to be implemented.

**SECTION 6:**  
**IMPLEMENTATION AND ADMINISTRATION**

SECTION 6:  
IMPLEMENTATION AND ADMINISTRATION

**6.1 - FINANCING AND PHASING OF DEVELOPMENT**

The Yucca Valley Retail Center is a self-supporting commercial project with individual owners/developers responsible for on and offsite improvements necessary to support development of the project. Development of the plan area will occur in two phases, generally as follows:

**Phase 1:**

- Rough Grading of the entire 28-acre site and building pads
- Precise grading of Parcel 1 and driveways onto State Highway 62 and Palisade Drive
- Detention basin/drainage improvements (onsite and offsite)
- Installation of onsite septic system and dry lines for future connection
- Provision of dry utilities (gas, electric, telephone)
- Access from State Highway 62 (Driveways)
- Construction of the major retail, and required parking area
- Construction of secondary drives onto State Highway 62 and Palisade Drive
- Landscape (Parcel 1, State Highway 62 frontage, State Highway 62 entry corners, drives along Avalon Avenue)
- Future sewer line connection to offsite wastewater treatment plant (Parcel 1 only)
- Palisade Drive extension and improvements funded according to Section 1.3
- Off-Site Improvements (as detailed in Section 1.0, "Plan Overview")

**Phase 2:**

- Precise Grading and pad preparation for outparcel buildings (Parcel 2 and 3)
- Construction of outparcel buildings (Parcel 2 and 3)
- Wet and dry utility connection (Parcel 2 and 3)

- Landscape (remainder parking area and corners in Parcel 2 and 3)
- On-site septic system to serve outparcel buildings

## 6.2 - APPLICATION PROCESSING

Following is a summary of the application requirements for the Yucca Valley Retail Center Specific Plan and individual projects within the Specific Plan. This section summarizes the processing procedures and is not intended to replace the Development Code or other ordinance requirements of the Town of Yucca Valley except where noted herein.

The Town of Yucca Valley has adopted and amended the County of San Bernardino's Development Code (Articles 1-6) General Procedures. The Development Code uses five procedures to review all types of development applications: Public Hearing, Design Review, Administrative Review, Staff Review with Notice, and Staff Review without Notice.

### Overview of Applications and Meeting Requirements

Approval of a Specific Plan, Conditional Use Permits (CUPs) (if needed), Site Plan, and Subdivisions each require a discretionary action at public hearings before the Planning Commission and Yucca Valley Town Council. Applications are first reviewed by Staff. Then they are set for review by the Development Review Committee (DRC) and, in some cases, forwarded to the Traffic Advisory Committee (TAC). The recommendations of the DRC and TAC are forwarded to the Planning Commission, which provides a recommendation to the Town Council. Applications for Specific Plan, CUP and Site Plans can be considered concurrently; however, separate and distinct development applications must be made and the appropriate fees paid for each type of action requested. In addition, an Environmental Application must be made with each project.

## Specific Plan

Ordinance 87 (February 19, 1998, Yucca Valley Town Council) established Article 13 for Specific Plans in the Town of Yucca Valley. The purposes of this ordinance are:

- To facilitate implementation of the General Plan by establishing procedures for adoption, maintenance and administration of Specific Plans per Sections 65450, et seq., of the California Government Code; and,
- To provide a framework for future development which encourages flexibility and creativity in design, efficient use of resources, infrastructure planning, conservation of open space, and development of various types of housing and living environments for the Town of Yucca Valley.

Where a Specific Plan is not consistent with the General Plan, appropriate General Plan amendments must be considered concurrently with the Specific Plan.

An adopted specific plan supersedes the town zoning, as shown on the Zoning District Map and in the Town Zoning Ordinance (Ordinance No. 79), for the site area included in the proposed land use plan of the Specific Plan.

All other provisions of the Town Development Code, which are applicable to the site, shall apply unless identified in the Specific Plan.

### Division of Land Procedures (Subdivision Map Act)

Implementation of the Specific Plan would require the subdivision of land with a Parcel Map pursuant to California Government Code, Title 7, Division 2, Subdivision Map Act, and Chapter 4 of the Town of Yucca Valley Development Code. When the subdivision of land is associated with the Specific Plan, a public hearing is required for the approval of subdivisions.

**Site Plan Review (Article 12):** Individual projects may be considered under the Town Site Plan Review procedures if they are conforming to the appropriate criteria of the Development Code. Staff determines whether Site Plan Review is appropriate during the Pre-Application process. A Site Plan Review Application is submitted with a letter of explanation for the proposed uses. The application is accompanied by the site plan and appropriate fees. Site Plan Review applications must be reviewed by the Planning Commission or the Director of Community Development. The recommendations of the Development Review Committee and Traffic Advisory Committee are forwarded to the Planning Commission for their consideration.

**Conditional Use Permit (Article 1):** A Conditional Use Permit (CUP) is required for specific uses listed in the land use districts of the Development Code. A CUP may be needed for new development and/or expansion, alteration and/or disturbance of land associated with an existing commercial, industrial, institutional or multiple residential site pursuant to the criteria of the Development Code. Additionally, the conversion of non-conforming land uses is subject to CUP requirements. A CUP is required for Specific Plan uses listed in Section 3.2.3 herein. The Town Staff would determine the need for a Conditional Use Permit during the Pre-Application process.

**Temporary Uses:** The Development Code allows for temporary or seasonal uses subject to review and approval of the Planning Director. These types of uses require a Temporary Use Permit Application to be submitted to the Community Development Department along with a site plan and application fees.

**Appeals:** Appeals can be made to the Town Council within ten days of any action. An Appeal Application must be submitted to the Community Development Department with the applicable fees.

### 6.3 - SPECIFIC PLAN AMENDMENTS

The Town of Yucca Valley Community Development Director shall be responsible for administering the provisions of this Specific Plan in accordance with the provisions of the State of California Government Code, Subdivision Map Act, and the Town of Yucca Valley General Plan and Development Code.

The Specific Plan may be amended per Section 83.0301335 of the Town Development Code.

#### Minor Amendments

Minor amendments include simple modifications to text or graphics that do not change the meaning, intent, or are contrary to any provision of the Specific Plan. Minor modifications may be accomplished administratively by the Director of Community Development and are appealable to the Planning Commission and Town Council.

#### Major Amendments

Major modifications are amendments to exhibits or text that are intended to change the intent, development standards or other significant provisions of the Specific Plan. Major modifications require a Specific Plan Amendment and approval by the Planning Commission and Town Council in accordance with requirements of Section 83.0301335 of the Development Code (Specific Plans).

#### Interpretations

Interpretations of the provisions of this Specific Plan are subject to Section 83.0301350 of the Development Code, except as follows:

- When there is a question or ambiguity regarding the interpretation of any provision of this Specific Plan, the Director of Community Development has the authority to interpret the intent of such provision.
- The Director of Community Development may, at his/her discretion, refer interpretations to the Planning Commission for its consideration and action. Such a referral shall be accompanied by a written analysis of issues related to the interpretation.
- All interpretation made by the Director of Community Development may be appealed to the Planning Commission in accordance with the appeal procedures set forth in the Development Code.

**APPENDICES**

**APPENDIX A:  
LEGAL DESCRIPTION**

## LEGAL DESCRIPTION

That portion of the northwest one-quarter of the northwest one-quarter of Section 32, Township 1 North, Range 6 East, San Bernardino Meridian, in the City of Yucca Valley, County of San Bernardino, State of California, according to the official plat thereof, lying southeasterly and southerly of the southeasterly line of 29 Palms Highway conveyed to the State of California by deed recorded October 13, 1976 in book 9031, page 97 of official records.

Excepting therefrom that portion of said land as described in that certain final order of condemnation out of the Superior Court of the State of California, Case No. MCV 004131 and recorded August 1, 2002 as Instrument No. 2002-0403529 of official records.

**APPENDIX B:  
GENERAL PLAN CONSISTENCY**

## RELATIONSHIP TO TOWN OF YUCCA VALLEY GENERAL PLAN

California Government Code Section 65302 establishes seven (7) mandatory elements of the General Plan: Land Use, Circulation, Housing, Conservation, Open Space, Safety, and Noise. All of the mandated elements are found within the Yucca Valley Comprehensive General Plan, which integrates the mandatory and discretionary elements into five (5) major chapters, organized to reflect compliance with State requirements that the General Plan be internally consistent, comprising an integrated and compatible statement of policies for the Town.

The Town of Yucca Valley Comprehensive General Plan provides for the creation of Specific Plans consistent with provisions of California Government Code Section 65455.

Specific Plans are required for lands designated with the Specific Plan overlay on the Town Land Use Map. As indicated in the General Plan, "Specific Plans often provide detailed design and analysis of complex mixed-use projects, and indicate precise land use locations and designs. In addition, the Specific Plan "...must also be consistent with all facets of the General Plan and, in turn, zoning, subdivision, and public works projects must be consistent with an existing Specific Plan" (General Plan, page II-4).

The Yucca Valley Retail Center Specific Plan, as stated above, is required to be consistent with all elements of the Town General Plan and will refine the policies contained in the General Plan for application to the Specific Plan area. The relationship of the Specific Plan to applicable goals in the General Plan is described in this section.

### COMMUNITY DEVELOPMENT CHAPTER

#### Land Use

**Goal 1:** A balanced mix of functionally integrated land uses which meet general social and economic needs of the community through compatible and harmonious land use and zoning designations.

Goal 2: A well-rounded community of desirable neighborhoods, a strong employment base and a variety of community facilities.

### Commercial

Goal 1: A full range of commercial land uses conveniently and appropriately distributed throughout the Town, meeting the community's needs and taking full advantage of emerging development and economic opportunities.

### Economic Development

Goal 1: A broadly based, healthy and balanced economy that provides a full range of economic and employment opportunities.

Goal 2: Continued growth which assures the maintenance of a revenue base adequate to support present and future public services and facilities needs.

*Response:* The Yucca Valley Retail Center Specific Plan reflects a commercial-retail center that is consistent with the General Plan land use and zoning designations for the site. These designations are established by the Town with the intent of implementing an appropriate balance and mix of compatible uses within the Town. In addition to the temporary employment generated by the construction activities, the Project will provide approximately 300 full time and part time jobs to the Town. The Project will also will broaden the range of retail opportunities available, and will fill a clear community need for a general retail merchandiser that is accessible to Town residents. The Yucca Valley Retail Center will contribute retail sales tax revenues to support Town services and facilities, and will promote the fiscal health of the community.

## **Public Facilities**

**Goal 1:** Maintenance of logical expansion of public services and facilities ensuring that they meet the needs of existing and future residents, businesses, and visitors of the Town.

## **Circulation**

**Goal 1:** A circulation network that efficiently, safely, and economically moves people, emergency vehicles, vehicles and goods using transportation facilities that meet the current demands and projected needs of the Town, while maintaining and protecting its rural residential character.

*Response:* The proposed commercial-retail center will contribute revenues to support public services and facilities. Utilities, access roadways, and other infrastructure will be extended in an orderly manner to the plan area to support the proposed uses, consistent with Specific Plan infrastructure plans. Safe and efficient access will be provided consistent with Town standards.

## **Open Space and Conservation**

**Goal 1:** Conservation, management, and designation of open space areas to protect environmental resources, guard against environmental hazards, and provide enhanced recreational opportunities and aesthetic character for the Town.

**Goal 2:** Land use patterns which preserve the Town's rural atmosphere, including scenic resources such as hillsides, ridgelines, waterways, and native desert wildlife communities.

## Community Design

**Goal:** An integrated, coherent, and flexible set of principles that direct community judgment on land use, environmental, ecological, economic, aesthetic and spiritual values and aspirations of the Town of Yucca Valley.

## Scenic Highways

**Goal:** Preservation and enhancement of natural scenic resources associated with major roadway viewsheds and open space corridors, as essential assets reflecting the community's image and character.

*Response:* The plan area is gently sloping terrain of the valley floor and does not impact environmental or scenic resources. Retention of significant natural open space within the site to promote recreation or resource protection objectives would be inconsistent with the designation and intended purpose of the site as a commercial retail center. Nevertheless, site design will create limited opportunities to include protected native plant species (e.g. Joshua trees) within created open space islands, consistent with Town policies and the native plant protection ordinance. Views of valley hillsides that form a southerly backdrop to the plan area will be available through the site from adjacent State Highway 62, a scenic highway. The Specific Plan Landscape Concept Plan includes landscape elements along the State Highway 62 edge that complement scenic highway objectives. The planned commercial retail center will include selected design elements that complement the desired 'desert southwestern' Town character, as reflected in the General Plan and Town of Yucca Valley Commercial Design Guidelines.

## ENVIRONMENTAL RESOURCES CHAPTER

### Biological Resources

**Goal:** Protect and preserve the Town's biological resources, especially those sensitive, rare, threatened and endangered species of plants and wildlife and

their habitats, and a functional, harmonious relationship and balance between nature and human development.

### **Open Space and Conservation**

**Goal 1:** Conservation, preservation and management of open space areas and protection of environmental resources and threatened animal species, protection against environmental hazards, and provision of enhanced recreational opportunities, and scenic qualities of the Town.

**Goal 2:** Preservation of the Town's rural atmosphere, including maintenance of natural and scenic resources.

*Response:* A complete Environmental Impact Report (EIR) has been prepared to address Specific Plan impacts on biological resources, environmental hazards and scenic resources. Measures to reduce any significant effects consistent with the General Plan resource protection goals has been identified in the EIR and implemented through the Specific Plan. The plan area is gently sloping terrain of the valley floor and does not include unique environmental or scenic resources. Retention of significant natural open space within the site to promote recreation or resource protection objectives would be inconsistent with the designation and intended purpose of the site as a commercial retail center. Nevertheless, site design will create some opportunities to include protected native plant species (e.g. Joshua trees) within created open space islands, consistent with Town policies and the native plant protection ordinance. The proposed Landscape Concept Plan incorporates many native plant species in the proposed design. Views of valley hillsides that form a southerly backdrop to the plan area will be available through the site from adjacent State Highway 62, a scenic highway.

## ENVIRONMENTAL HAZARDS CHAPTER

### Seismic Safety

**Goal:** Minimized vulnerability to, and maximized protection of, the general health, safety, and welfare of the community from the effects of seismic hazards that may impact lives, property, and economic well-being of the community.

### Slopes, Sediment Control and Soil Conservation

**Goal 1:** Protection of public health, safety, and welfare from hazards associated with steep or unstable slopes and areas subject to erosion and associated hazards.

**Goal 2:** Conservation of soil, protection of hillsides and mountains as valuable scenic resources, and limitation of erosion debris on streets and in drainage channels and in habitats.

*Response:* The plan area features gently sloping terrain of the valley floor and does not present any unique geologic or soil limitations to the proposed commercial retail development. Development will proceed in conformance with the Uniform Building Code and local codes established to protect the public from geologic, soil and seismic hazards. Construction phase best management practices (BMPs) to prevent erosion and sedimentation impacts to streets and drainage channels will be implemented, consistent with State and local permit requirements.

## PUBLIC SERVICES AND FACILITIES CHAPTER

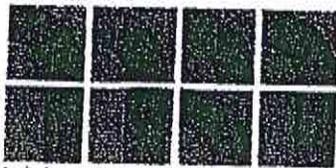
### Emergency Preparedness

**Goal:** Provision of a thoroughly coordinated, responsive and effective emergency preparedness implementation plan in the Town of Yucca Valley, assuring a high degree of readiness to respond to natural and man-made disasters in a

manner that maximizes Town, County, State and Federal response capabilities.

*Response:* The Specific Plan circulation plan includes adequate site access, and safe ingress and egress consistent with Town standards and emergency response plans.

**APPENDIX C:  
NATIVE PLANT SURVEY**



Michael Brandman Associates

ENVIRONMENTAL SERVICES • PLANNING • NATURAL RESOURCES MANAGEMENT

May 22, 2006

Michael Birkland  
Nasland Engineering  
4740 Ruffner Street  
San Diego, CA 92111

**SUBJECT: Results of Native Plant Survey for Proposed Wal-Mart Site in the Town of Yucca Valley, California**

Dear Mr. Birkland:

At your request, Michael Brandman Associates (MBA) has prepared this letter report to document the results of our native desert plant survey for the proposed Wal-Mart site in Yucca Valley, California.

**Project Location and Description**

The project site consists of undeveloped land located near the eastern boundary of the Town of Yucca Valley, within the County of San Bernardino, California (Exhibit 1). The project site is bound on the north by Highway 62 (Twentynine Palms Highway) and on the west by Avalon Avenue (Exhibit 2). The site is located in Section 32, Township 1 North, and Range 6 East of the Yucca Valley North 7.5 minute U.S. Geological Survey (USGS) quadrangle map.

It is our understanding that the proposed project would include a Walmart retail store and associated infrastructure (Exhibit 3).

**Regulatory Framework**

The Town of Yucca Valley General Plan recognizes the Joshua tree as a symbol of the Mojave Desert and Chapter 1, Desert Native Plant Protection, of Town Ordinance No. 140, the Plant Protection and Management Ordinance, aims to preserve and protect native plants unique to Yucca Valley. Plants protected by the Ordinance include all species of mesquites (*Prosopis* spp.), yuccas (*Yucca* spp.), creosote rings (10 feet or greater in diameter), Joshua trees (*Yucca brevifolia*), California juniper (*Juniperus californica*), desert willow (*Chilopsis linearis*), pinon pine (*Pinus monophyll*), Palo Verde (*Cercidium* spp.), and manzanita (*Arctostaphylos* spp.). The Ordinance states that protected desert native plants shall not be removed except under a permit issued by the Community Development Director. Prior to the issuance of a native tree or plant removal permit, a plot plan shall be approved by the Community Development Department indicating exactly which trees or plants are authorized to be removed or relocated. In the event that it is found to be unreasonable to maintain a Joshua tree in its original place, translocation onsite is one option, or the Town has established an adoption program to allow for members of the public to adopt Joshua trees.

Bakersfield 661.334.2755 • Irvine 714.508.4100 • Sacramento 916.296.4857 • San Bernardino 909.884.2255 • San Ramon 925.830.2733 • Santa Cruz 831.262.1731 • San Diego 619.823.4937 • Visalia 559.739.0400

www.brandman.com

e-mail: mba@brandman.com

### Field Survey Methods

MBA biologists conducted a field survey during two visits to the project site: March 16 and April 8, 2006. The entire site was walked on foot, and all protected native desert plants within the project site and in the project impact area were documented. Aerial photographs, as well as GPS units (Magellan Platinum), were used for reference while conducting the survey.

Due to the prevalence of Joshua trees within the project site, the survey focused on documenting the potential for individual Joshua trees to be translocated. Based on accepted protocol<sup>1</sup>, the following guidelines were used to assess if a tree was suitable for translocation:

- The tree's fork was 6 feet high or less;
- The tree had less than 6 branches;
- The tree's canopy was less than 4 feet in width;
- The branches were not widely spreading; and
- The trees were not leaning (generally defined as less than a 45 degree angle to the ground).

These guidelines are general and the potential for trees to be translocated was determined based on an individual basis, taking into account the apparent health and shape of each tree. Data recorded included the diameter at breast height (DBH), height to the first fork, overall height of the tree, crown diameter, number of branches, and suitability for translocation. Due to time constraints, not all data fields were recorded for all trees. In general, data was recorded for trees that were determined to not be suitable for translocation in order to document the reason for exclusion. Trees were tagged with round aluminum tags. Tags were numbered from 276 to 377 and were nailed onto the north side of the tree. Young trees could not be tagged due to the lack of bark. A GPS coordinate was taken for these trees and they were named beginning with the letters JT.

### Existing Conditions

The proposed project site is a vacant lot with surrounding land uses including undeveloped land to the south, retail to the east and west, and residential development to the north. The site is relatively flat at an elevation of approximately 3,200 feet above mean sea level. It is dominated by Joshua trees and creosote bush (*Larrea tridentata*).

### Results

Two species that are present within the project site are protected by the Plant Protection and Management Ordinance—Joshua tree and Mohave Yucca (*Yucca schidigera*). A total of 129 Joshua trees were mapped within the project impact area (Exhibit 4). Of these 129 Joshua trees, 37 were determined to be unlikely to survive after translocation, leaving 92 with a potential to be translocated successfully. Two Mohave yucca were observed and mapped. Both yuccas are expected to be translocated successfully. The Joshua trees range from 1 to 25 feet in height, with an average height of approximately 9 feet. The DBH ranged from less than 6 inches to 14 inches (see Attachment 1, Data).

### Recommendations

A Joshua tree salvage plan will be written prior to issuance of a grading permit. The plan will detail methods for removal, storage, transplantation, and maintenance of the Joshua trees. The trees that will be

<sup>1</sup> Personal Communication, Paul Kielhold

used on the project site will be stored separately. The remaining trees that are removed successfully will be made available for adoption pursuant to the Town's Joshua tree adoption program.

### Final Conclusions

A native desert plant survey, consistent with the Town's Ordinance No. 140 was conducted for the proposed Wal-Mart Retail Store site in Yucca Valley. There are two species protected by the ordinance present within the project site, Joshua tree and Mohave yucca. A total of 92 Joshua trees and 2 Mohave yucca are suitable for translocation. Any plants not utilized as part of the project's landscaping will be made available for adoption pursuant to the Town's native desert plant adoption program. A conservative approach was taken when determining if a tree could be salvaged and MBA makes no guarantees as to the likelihood of successful translocation for trees marked as salvageable.

Please feel free to call me at 909.884.2255 if you have any questions concerning the information provided in this report. We look forward to continuing to assist you with work on this and other sites.

Sincerely,

Linda Archer, Project Manager  
Michael Brandman Associates  
621 E. Carnegie Drive, Suite 100  
San Bernardino, CA 92408

Attachments: Exhibit 1: Regional Vicinity Map  
Exhibit 2: Local Vicinity Map  
Exhibit 3: Site Plan  
Exhibit 4: Native Plant Survey  
Attachment 1: Joshua Tree Data  
Attachment 2: Site Photos

LMA:sep

cc: Gary Brown, Gresham Savage Nolan & Tilden