DATE: April 14, 2022

TO: Planning Commission

FROM: Rachel Molina, Assistant City Manager

BY: Ryan Leonard, AICP, Senior Planner

SUBJECT: CUP19-00010, TPM22-00002 & DA22-00001 (Covington Group, Inc.; APNs: 3064-351-03, 3064-361-01, 3064-391-01, 3064-401-02)

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2022-03, recommending that the City Council make the environmental determination pursuant to the California Environmental Quality Act (CEQA) by certifying the Final Environmental Impact Report (FEIR) and adopting a statement of overriding considerations and adopt Resolution Nos. PC-2022-04 and PC-2022-05, recommending that the City Council approve CUP19-00010, TPM22-00002 and DA22-00001.

BACKGROUND

Proposal: A Conditional Use Permit (CUP) has been filed to construct a 3,745,429 square foot distribution center and industrial park on 194.8 gross acres. The project, identified as "Hesperia Commerce Center II" will consist of the construction of three industrial/warehouse buildings with associated office spaces, surface parking and loading areas. The northwesternmost building (referred to as Building 1) is proposed to be 1,567,317 square feet; the southernmost building (referred to as Building 2) is proposed to be 2,065,987 square feet and would potentially be divided between two spaces within the same building; and the northeastern most building (referred to as Building 3) would be 112,125 square feet.

A tentative parcel map has also been filed to rearrange the four existing parcels into four new parcels that generally follow the alignment of the future buildings. In addition, a Development Agreement (DA) is proposed that would allow the CUP to be effective for 12 years initially, with a provision allowing an automatic 8-year extension. In return, the City is requiring the Developer to construct certain off-site water and sewer infrastructure within the first 3 years from when the Development Agreement is executed (described in more detail below). The applicant is also required to provide a one-time agreed upon community benefit contribution to the City.

Location: On the north side of Phelan Road, west of Highway 395, south of Yucca Terrace Drive and east of the transmission line utility corridor.

Current General, Plan, Zoning and Land Uses: The site is within the Commercial Industrial Business Park (CIBP) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The surrounding land is designated as noted on Attachment 2. The 194.8-acre site is vacant. Land uses to the north, on the opposite side of Yucca Terrace Drive, primarily consist of vacant land and scattered sites with unpermitted storage of trucks. The land uses to the east consist of vacant land followed by Highway 395. The land uses to the south consist of vacant land and large

lot rural residences. The utility corridor and City boundary run parallel to the western boundary of the site and a number of rural residences are located on the opposite side of the transmission lines (Attachment 3).

ISSUES/ANALYSIS

CUP19-00010: The Hesperia Commerce Center II project consists of approximately 3,745,429 square feet of gross building area on approximately 194.8 gross acres. The northwesternmost building (referred to as Building 1) is proposed to be 1,567,317 square feet, the southernmost building (referred to as Building 2) is proposed to be 2,065,987 square feet, which would potentially be divided between two spaces within the same building, and the northeastern most building (referred to as Building 3) would be 112,125 square feet. Office space within Building 1 and Building 2 would total up to 20,000 square feet within each building. The office space within Building 3 would total up to 9,000 square feet. Depending on the number of future tenants, office areas could be distributed among four individual office spaces within the corners of each building or may be concentrated within one office in each building. Regardless of how the office spaces are distributed within each individual building, the square footages described above are the maximum amount of office area that would be allowed since it generates a higher parking demand than traditional warehouse area.

The proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The parking regulations require a minimum of 1,771 parking spaces, based upon the requirements listed in Table 1. As proposed the project complies with the minimum number of parking spaces.

TABLE 1-PARKING REQUIREMENTS

BUILDING 1	**Proposed Building Square Footage**	**Parking Formula**	**Spaces Required**	**Spaces Provided**
Warehouse	1,547,317 SF	20 spaces + 0.40/1,000 sq. ft. of building over 10,000 sq. ft	635	
Office	20,000 SF	5 spaces per 1,000 sq. ft. gross floor area	100	
TOTAL	**1,567,317 SF**		**735**	**748**
BUILDING 2				
Warehouse	2,045,987 SF	20 spaces + 0.40/1,000 sq. ft. of building over 10,000 sq. ft	834	
Office	20,000 SF	5 spaces per 1,000 sq. ft. gross floor area	100	
TOTAL	**2,065,987 SF**		**934**	**950**
BUILDING 3				
Warehouse	103,125 SF	20 spaces + 0.40/1,000 sq. ft. of building over 10,000 sq. ft	57	
Office	9,000 SF	5 spaces per 1,000 sq. ft. gross floor area	45	
TOTAL	**112,125 SF**		**102**	**102**
PROJECT TOTAL	**3,745,429 SF**		**1,771**	**1,800**

The conventional parking spaces would be provided along the eastern and western sides of each building. Truck docks are proposed to be located on the north and south sides of Buildings 1 and 2, and on the south side of Building 3. Building 1 would provide 253 loading docks, Building 2 would provide 346 loading docks, and Building 3 would provide 14 loading docks. In addition, the project also provides 1,591 truck/trailer parking spaces. The truck/trailer parking would be provided on the south side of Building 2, in between Buildings 1 and 2, and on the north side Building 1. A gated entry is proposed for each building; the gated areas would not be shared between the buildings. An 8-foot tall wrought iron fence is planned between Buildings 1 and 2 and would separate the row of contiguous truck/trailer parking spaces.

On the south side of the project site, Building 2 is proposed to be setback 245 feet from Phelan Road. Within the 245-foot setback, the front of the building would consist of truck loading docks followed by a single row of approximately 250 oversized parking stalls for trucks/trailers. The truck/trailer parking stalls would be setback 60 feet from Phelan Road. On the north side of the site, Building 1 is proposed to be setback 428 feet from Yucca Terrace Drive. Within the 428-foot setback, the front of the building would consist of truck loading docks, followed by 3 rows of approximately 400 oversized parking stalls for trucks/trailers. The truck/trailer parking stalls would be setback approximately 60 feet from the right-of-way. As proposed, an 8-foot high wrought iron fence would be constructed at the property line and a 60 foot wide landscape planter would be installed in front of both truck parking areas. The Specific Plan requires loading and truck parking areas to be screened. Therefore, as a condition of approval staff is requiring both truck parking areas that are adjacent to the right-of-way to be fully screened by a minimum 8-foot high decorative block wall.

Primary access to the site will be provided from a new public roadway (Caliente Road) that will be constructed by the project. Caliente Road is planned as a 70-foot wide Industrial Collector that will provide reciprocal access with the adjacent properties to the east and will form a connection between Yucca Terrace Drive to the north and Phelan Road to the south. The intersection of Caliente Road and Phelan Road will be fully signalized. A second primary access will be provided at the intersection of Yucca Terrace Drive and Highway 395. This intersection will be fully signalized and will allow full turning movements and controlled access onto Highway 395. Ultimately 9 driveway approaches will provide access from the perimeter streets to the project site; 7 driveway approaches will be provided off Caliente Road; one driveway approach will be provided off Phelan Road at the western end of the site that will provide right-in and right-out access to the site; and one driveway approach will be located off of Yucca Terrace drive at the western end of the site (Attachment 6).

The project would be responsible for the construction of curb, gutter and sidewalk along the project frontage of Yucca Terrace Drive, Phelan Road, the future public street (Caliente Road) and a portion of Highway 395. In addition, the project would be responsible for paving Yucca Terrace Drive, which is currently an unimproved roadway, from the western boundary of the project to Highway 395. The project will also be responsible for the construction of Caliente Road that will connect Phelan Road to the south with Yucca Terrace Drive to the north. Finally, the project will be responsible for constructing the required traffic signals at the Phelan Road and Caliente Road intersection, and the Yucca Terrace Drive and Highway 395 intersection.

The architecture of the proposed warehouse buildings complies with the architectural requirements of the Specific Plan (Attachments 4 & 5). The large concrete tilt-up buildings within the project exhibit a clean, corporate look, exhibiting several exterior building colors and multiple expansion joints. The buildings have been designed to incorporate a prominent glass entry way

at the corners of each building. In addition, the sides of the building which are adjacent to the right-of-way feature prominent tower elements, copper accent panels, sand blasted concrete accent walls and decorative windows. The buildings also feature painted bands, reveals, and decorative panels on all four sides of the building. Building height will be approximately 48 feet.

The project also satisfies the minimum landscaping requirements. The minimum required landscape coverage is 10% of the developed site; the project provides 991,830,700 square feet (11.7%) of total landscape coverage, a majority of which will be located in front of the site and viewable from the right-of-way.

Water and Sewer. Sanitary sewer service to the project will be provided by a new sewer system that will be constructed as a part of the project (Attachment 7). The new sewer system will include a lift station located within the right of way of Yucca Terrace Drive (west of the Oro Grande Wash) and force main and gravity sewers (sizes to be determined) beginning at the intersection of Cataba Road and Acacia Road. From there the sewer system will extend north along Cataba Road to Yucca Terrace Drive, ultimately extending approximately 1,100 feet across the Oro Grande Wash, and then continuing west along Yucca Terrace Drive and crossing under Highway 395 to Caliente Road. From there the sewer system will extend south along Caliente Road to Phelan Road.

The project will also construct a new 16-inch water line to provide adequate water service for the project (Attachment 7). This new 16-inch transmission water line will begin at the intersection of Highway 395 and Sultana Street and traverse west along Sultana Street crossing the Oro Grande Wash to Los Banos Avenue. From there it will traverse north along Las Banos Avenue to Phelan Road, then east along Phelan Road to Caliente Road. From there it will traverse north to Yucca Terrace Drive.

Both the new 16-inch water pipeline and sewer system will be installed using the jack and bore method so as not disturb the Oro Grande Wash. A pit will be constructed at each end of the Wash and the new pipe will be bored through from one pit to the other without disturbing the ground surface.

Drainage. Stormwater collected by the project's stormwater system would drain into two below-grade, open, earthen infiltration basins within the northeastern portion of the project site, and one below grade infiltration basin in the middle of the project site between Buildings 1 and 2. The infiltration/basin system would be designed to infiltrate and retain all of the stormwater generated by the 2-year through 100-year, 24-hour storm event.

Development Agreement. Construction of the 3,745,429 square foot project will likely take several years. The Development Code only provides an initial three-year effective period. Consequently, the developer has negotiated a Development Agreement (DA) to allow the CUP to be effective for 12 years initially, with a provision allowing an automatic 8-year extension. In return, the City is requiring the Developer to construct the off-site water and sewer infrastructure within the first 3 years from when the Development Agreement is executed. In addition, the applicant is required to provide a one-time agreed upon community benefit contribution. The developer is also required to annex into the City-wide industrial community facilities district (CFD) within the first 6 months from when the DA is approved.

The Development Agreement will allow the reimbursement for the cost of the offsite infrastructure (i.e. construction of the offsite water and sewer facilities). As future development occurs in the

area, development projects that directly connect to and benefit from the offsite water and sewer infrastructure will be conditioned to pay their fair share fee obligation to the developer. The requirement to construct all of the off-site infrastructure within the first 3 years from when the Development Agreement is executed will ultimately benefit the surrounding area and will provide the required infrastructure for other development projects to move forward. The Development Agreement allows the reimbursement provisions for a maximum of 10 years from when the Development Agreement is executed.

TPM22-00002 (Parcel Map No. 20257): A tentative parcel map has also been filed to rearrange the four existing parcels into four new parcels that generally follow the alignment of the future buildings. Recordation of the parcel map will allow separate ownership of the buildings. An irrevocable reciprocal access and shared parking agreement is required as a condition of approval, ensuring that all businesses within the project will have adequate access and parking.

ENVIRONMENTAL ANALYSIS

Given the size and regional importance of this project, CEQA requires that the environmental impact of the project be analyzed. An initial study was prepared, which determined that the project may have a significant impact on the environment. As a result, an Environmental Impact Report (EIR) was required. A Notice of Preparation (NOP) was distributed for public review for a period of 30 days from November 21, 2019 thru December 20, 2019 and the Draft EIR was distributed for a 45-day public period from September 16, 2020 thru October 31, 2020. The public review period was subsequently extended until November 16, 2020 The environmental document was circulated to local, state and federal agencies and organizations as well as surrounding property owners. Eight comment letters were received during the Initial Study/NOP comment period; seven comment letters were received during the Draft EIR comment period; and two letters were received on the Draft EIR after the comment period was closed. The letters, as well as the responses to them are included in the Final EIR. The Draft and Final EIR are available for review on the City website and have been provided to the Commission under separate cover.

The Draft EIR identified potentially significant impacts of the project and discussed numerous mitigation measures proposed to address potential impacts of the project. Mitigation measures presented in the Draft EIR have been included in the Mitigation Monitoring Reporting Program, which is attached as Attachment 8 and also incorporated by reference in the conditions of approval (Attachments 9 & 10). The mitigation measures for the project will reduce potentially significant impacts to Aesthetics, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Tribal Cultural Resources. However, the EIR concluded that in spite of mitigation measures, the project could result in significant and unavoidable impacts to Air Quality, Greenhouse Gas Emissions, Noise and Transportation. Consequently, pursuant to CEQA guidelines, a statement of overriding considerations must be made in order to approve the project. The following is a summary of the significant and unavoidable impacts as a result of the project:

Air Quality: The Project site is located within the Main Street and Freeway Corridor Specific Plan and is designated for Commercial/Industrial Business Park (CIBP) uses. The CIBP designation is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses. The Project proposes land uses that are consistent with development anticipated under the site's existing General Plan designation. The Project would therefore conform to local land use plans.

However, the long-term project operation will create vehicular emissions that would exceed the Mojave Desert Air Quality Management District's (MDAQMD) daily emission thresholds. The project's impacts related to volatile organic compounds (VOC), nitric oxide (NOx) and particulate matter (PM10) emissions will individually and cumulatively result in significant and unavoidable air quality impacts. In addition, the project would result in cumulatively considerable impacts related to the potential to conflict with the MDAQMD's thresholds, result in a cumulatively considerable net increase of criteria pollutants (VOC, NOx, and PM10), and expose sensitive receptors to substantial pollutant concentrations (VOC, NOx, and PM10). Additionally, it should be noted that the majority of the Project's NOX and PM10 emissions are derived from vehicle usage. Although mitigation measures would reduce operational emissions from on-road vehicles to the extent feasible, due to the size and type of the project, it is not feasible to implement mitigation measures to reduce the operational mobile source emissions. Therefore, the project's impacts related to the potential to conflict with or obstruct implementation of the MDAQMD's regional thresholds and the project operational VOC, NOx, and PM10 emissions would remain significant. In addition, the project would result in cumulatively considerable impacts related to the potential to conflict with the MDAQMD regional thresholds, result in a cumulatively considerable net increase of criteria pollutants (VOC, NOx, and PM10), and expose sensitive receptors to substantial pollutant concentrations (VOC, NOx, and PM10). The EIR concludes that there are significant unavoidable impacts to air quality and a finding of overriding considerations is included in the resolution certifying the EIR.

Greenhouse Gas Emissions: Long-term operations of the Project would result in greenhouse gas emissions through mobile sources and on-site equipment, area sources (landscape maintenance equipment); energy use (natural gas and generation of electricity consumed by the Project); generation of electricity associated with wastewater treatment and with water supply, treatment, and distribution; and solid waste disposal. Annual greenhouse gas emissions from these sources were estimated in the EIR.

With applicable regulatory requirements and project design features, the Project would result in approximately 55,599 MT CO2e per year, which would exceed the GHG threshold of 3,000 MT CO2e per year. Therefore, the Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and this would represent a cumulatively potentially significant impact. Mitigation measures would be required that would reduce project-generated construction and operational GHG emissions. The EIR determined that the effectiveness of the required mitigation measures cannot be accurately quantified. Therefore, project-generated greenhouse gas emissions would still exceed the applied threshold of 3,000 MT CO2e per year. The EIR concludes that there are significant unavoidable impacts upon greenhouse gas emissions and a finding of overriding considerations is included in the resolution certifying the EIR for this project.

Noise: The EIR determined that the project would result in significant off-site operational traffic noise impacts along Main Street between U.S. Highway 395 and Cataba Road. Based on the infeasibility of potential mitigation to adequately reduce off-site project traffic noise levels to less-than-significant levels, and because there are no assurances that noise-reducing measures could be adequately implemented, no reasonably feasible and implementable mitigation measures have been identified. Thus, impacts related to the project's off-site operational traffic noise impacts would remain significant and unavoidable and a finding of overriding considerations is included in the resolution certifying the EIR for this project.

Traffic/Circulation: Beginning on July 1, 2020, vehicle miles traveled (VMT) is used to determine the significance of transportation impacts. The San Bernardino Transportation Analysis Model (SBTAM) is an accepted program to estimate VMT as it considers interaction between different land uses based on socio-economic data such as population, households, and employment. The EIR determined that the project would exceed the current thresholds for VMT, resulting in a project-specific VMT impact that is significant and unavoidable. Mitigation Measures are proposed in the EIR to reduce impacts. However, the effectiveness of some of the mitigation strategies that have potential to reduce the project VMT are dependent on unknown building tenant(s). In addition, the EIR determined that the project may increase a hazardous condition due to queuing impacts at various intersections that the City does not have jurisdiction over, therefore, these improvements cannot be assumed to be in place prior to project's occupancy. The EIR determined that the project's impact to increase hazardous conditions (i.e. queuing) would be significant and unavoidable.

Mitigation measures are proposed to reduce potential transportation impacts, however, since implementation of the roadway improvements cannot be guaranteed by project opening or project build-out, mitigation and improvements are rendered infeasible. The significance determinations are based on a conservative worst-case scenario whereby it is assumed that mitigation for all significant impacts outside the control of the City are infeasible and therefore, the impacts are significant and unavoidable. A finding of overriding considerations is included in the resolution certifying the EIR for this project.

Overriding Considerations: Pursuant to CEQA, the City must balance the benefits of the project against any significant and unavoidable environmental impacts that cannot be mitigated to less than significant. If the benefits of the Project outweigh these environmental impacts, those impacts are considered "acceptable." Since the impact upon Air Quality, Greenhouse Gas Emissions, Noise and Transportation are considered significant and unavoidable, findings for a Statement of Overriding Considerations must be made. The project's benefits include strengthening the local economy by providing new employment opportunities for local residents and generating tax revenues to maintain adequate infrastructure facilities. Further, the project will help satisfy the City's deficiency of high quality local jobs, as most residents must currently travel outside the City to obtain higher paying jobs. The proposed project would use the locational characteristics (specifically, the project's proximity to the 15 freeway and Highway 395) to provide needed flexible industrial space to businesses wishing to invest in the City, as well as to provide approximately 3,134 permanent jobs both directly and indirectly in the region. The project's social and economic benefits render these significant and unavoidable impacts acceptable.

Conclusion: In summary, because the project is consistent with the City's General Plan, most of the project's impacts, whether less than significant, mitigable, or significant and unavoidable were known and acknowledged by the City when the General Plan EIR was adopted in 2010. Prior to acting on the project, the Planning Commission must recommend that the City Council make the environmental determination, certifying that the Final EIR is complete; that it has been prepared in compliance with CEQA; that it reflects the City's independent judgment; and that all impacts from carrying out the project have been identified and disclosed to the public. Resolution PC-2022-03 has been prepared to document this determination. Once that has occurred, the Planning Commission can consider the conditional use permit and the tentative parcel map. If recommended for approval, the mitigation monitoring and reporting program will be administered with the project approval.

FISCAL IMPACT

None. The development will be subject to payment of development impact fees and will be required to annex into the City Industrial CFD to pay for the ongoing maintenance of public infrastructure and services.

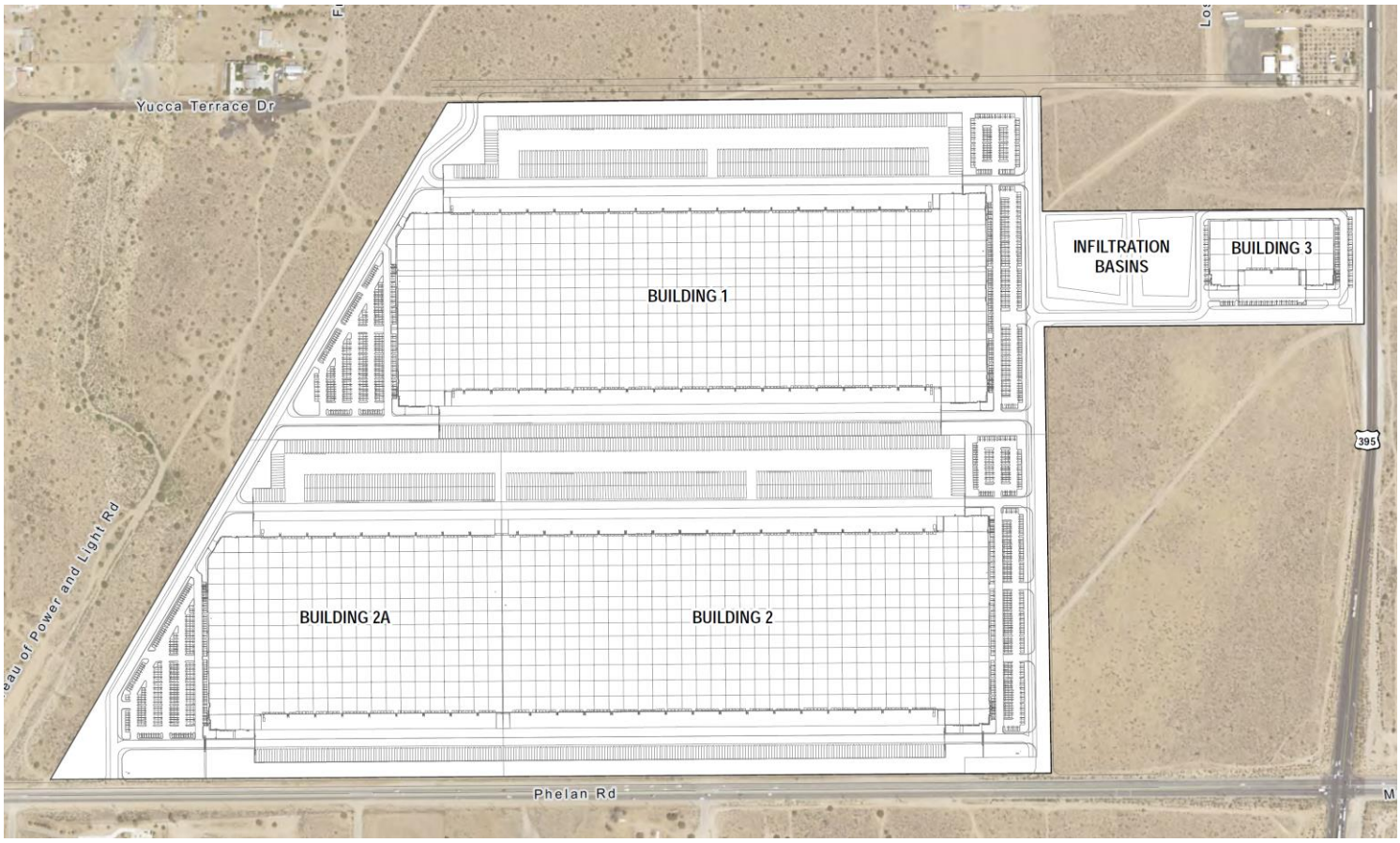
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Site plan
2. General Plan / Zoning Map
3. Aerial photo
4. Color rendering
5. View Analysis
6. Traffic and Circulation Improvements
7. Off-site Water and Sewer Alignments
8. Resolution No. PC-2022-03 (Environmental findings to recommend adoption of the EIR including the Findings of Fact, Statement of Overriding Considerations and MMRP)
9. Resolution No. PC-2022-04, with list of conditions (CUP19-00010)
10. Resolution No. PC-2022-05, with list of conditions (TPM22-00002/PM-20257)
11. Draft EIR (provided under separate cover)
12. Final EIR (provided under separate cover)
13. Development Agreeement (provided under separate cover)

ATTACHMENT 1



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LOCATION: ON THE NORTH SIDE OF PHELAN ROAD, WEST OF HIGHWAY 395, SOUTH OF YUCCA TERRACE DRIVE AND EAST OF THE TRANSMISSION LINE UTILITY CORRIDOR.	**APNs:** 3064-351-03, 3064-361-01, 3064-391-01, 3064-401-02

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,745,429 MILLION SQUARE FOOT DISTRIBUTION CENTER AND INDUSTRIAL PARK IN CONJUNCTION WITH A TENTATIVE PARCEL MAP TO REORGANIZE THE FOUR EXISTING PARCELS INTO FOUR NEW PARCELS AND A DEVELOPMENT AGREEMENT ON 194.8 GROSS ACRES. THE PROPOSAL INCLUDES AN ENVIRONMENTAL IMPACT REPORT PREPARED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

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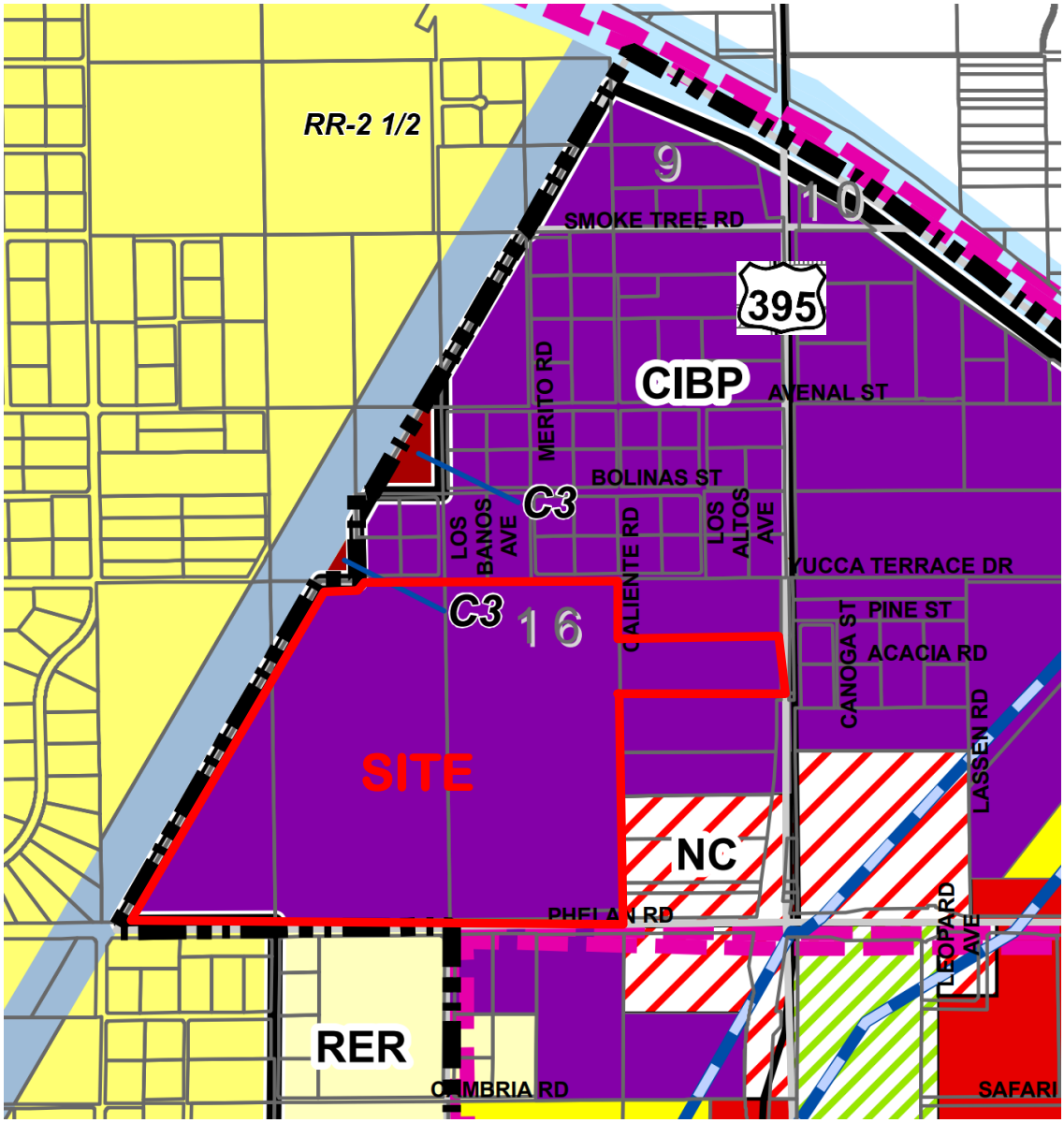
SITE PLAN

ATTACHMENT 2



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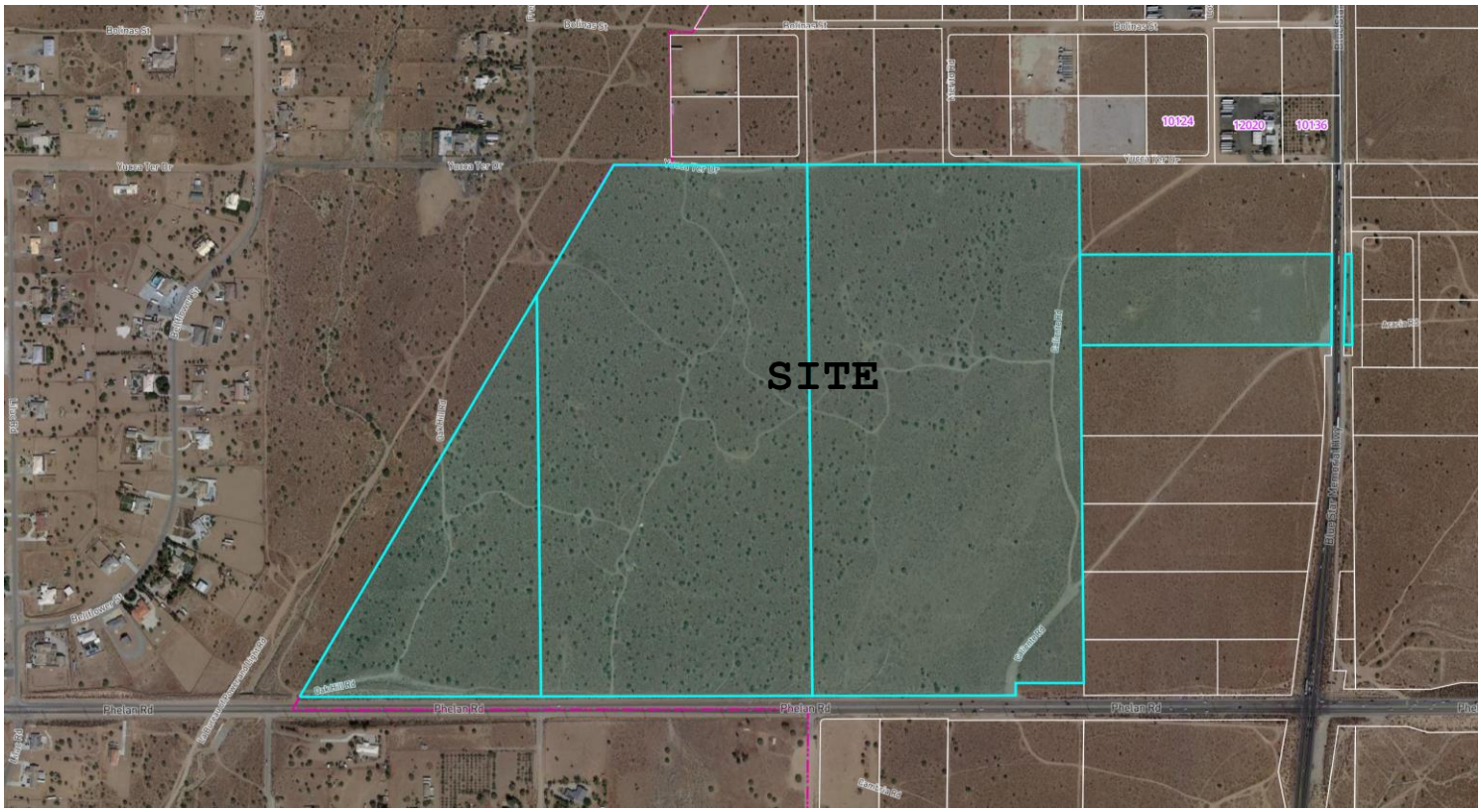
GENERAL PLAN AND ZONING MAP

ATTACHMENT 3



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AERIAL PHOTO

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COLOR RENDERING

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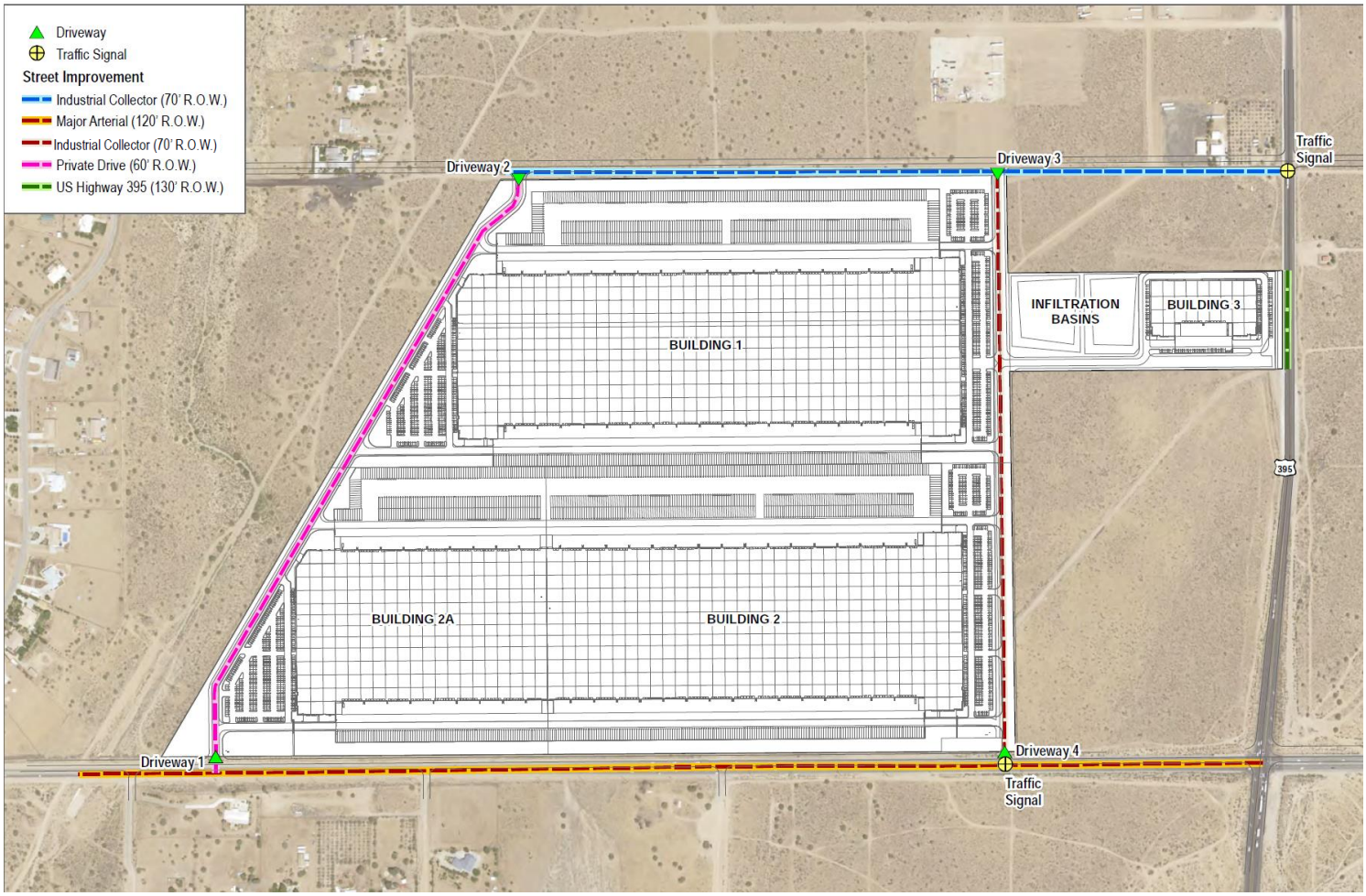
LINE OF SIGHT

ATTACHMENT 6



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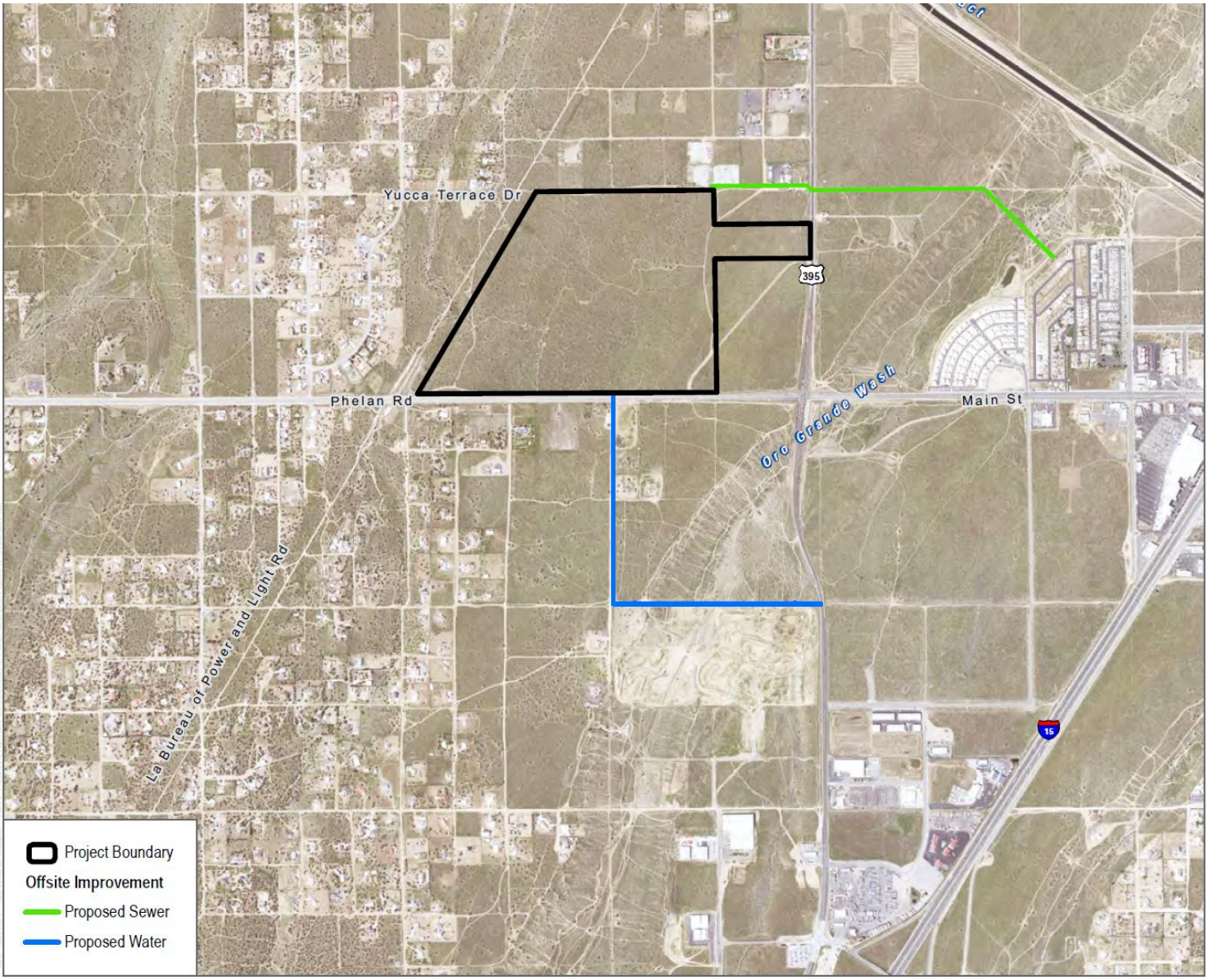
TRAFFIC AND CIRCULATION IMPROVEMENTS

ATTACHMENT 7



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LOCATION: ON THE NORTH SIDE OF PHELAN ROAD, WEST OF HIGHWAY 395, SOUTH OF YUCCA TERRACE DRIVE AND EAST OF THE TRANSMISSION LINE UTILITY CORRIDOR.	**APNs:** 3064-351-03, 3064-361-01, 3064-391-01, 3064-401-02

PROPOSAL:
CONSIDERATION OF A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,745,429 MILLION SQUARE FOOT DISTRIBUTION CENTER AND INDUSTRIAL PARK IN CONJUNCTION WITH A TENTATIVE PARCEL MAP TO REORGANIZE THE FOUR EXISTING PARCELS INTO FOUR NEW PARCELS AND A DEVELOPMENT AGREEMENT ON 194.8 GROSS ACRES. THE PROPOSAL INCLUDES AN ENVIRONMENTAL IMPACT REPORT PREPARED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

N
↑

OFF-SITE WATER AND SEWER ALIGNMENTS

ATTACHMENT 8

RESOLUTION NO. PC-2022-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT ENVIRONMENTAL FINDINGS PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH #2019110418), ADOPT THE STATEMENT OF OVERRIDING CONSIDERATIONS, AND ADOPT A MITIGATION MONITORING AND REPORTING PROGRAM

WHEREAS, the Hesperia Commerce Center II project would consist of the construction of a 3,745,429 square foot distribution center and industrial park on 194.8 gross acres. The project includes the construction of three industrial/warehouse buildings with associated office spaces, surface parking and loading areas. The northwesternmost building (referred to as Building 1) is proposed to be 1,567,317 square feet; the southernmost building (referred to as Building 2) is proposed to be 2,065,987 square feet; and the northeastern most building (referred to as Building 3) would be 112,125 square feet. A tentative parcel map has also been filed to rearrange the four existing parcels into four new parcels that generally follow the alignment of the future buildings. In addition, a Development Agreement (DA) is proposed that would among other things, allow the CUP to be effective for 12 years initially, with a provision to allow an automatic 8-year extension.

WHEREAS, the Project would be accessible to US Highway 395 and ultimately Interstate 15 and would promote the City's economic development by creating approximately 3,134 jobs for the citizens of Hesperia and surrounding communities, would increase the City's tax base, would fulfill the growing demand for distribution and light industrial uses in the region, and would develop the land to the highest and best allowable use that is compatible with the City's General Plan, and Main Street and Freeway Corridor Specific Plan; and

WHEREAS, pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code $ 21000 et. seq,) and the State CEQA Guidelines (14 CCR $ 15000 et. seq.), the City of Hesperia is the lead agency for the Project as the public agency with general governmental powers; and

WHEREAS, the City of Hesperia, as lead agency, prepared an initial study, from which it was determined that an Environmental Impact Report ("EIR') should be prepared pursuant to CEQA in order to analyze all adverse environmental impacts of the Project; and

WHEREAS, a Notice of Preparation (NOP") and the Initial Study identifying the scope of environmental issues were distributed to numerous state, federal, and local agencies and organizations from November 21, 2019 thru December 20, 2019, for a period of 30 days, pursuant to State CEQA Guidelines sections 15082(a), 15103, and 15375. Eight comment letters were received during the Initial Study/NOP comment period and were incorporated into the Draft EIR ("DEIR"); and

WHEREAS, a public scoping meeting for the EIR was held at Hesperia City Hall on December 12, 2019; and

WHEREAS, the City completed the DEIR and circulated it with the Notice of Availability ('NOA") to affected public agencies and interested members of the public for a 45-day public period from September 16, 2020 thru October 31, 2020. The public review period was subsequently extended until November 16, 2020; and

WHEREAS, on April 14, 2022, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing, at which time all interested parties were provided the opportunity to give testimony for or against the issue; and

WHEREAS, as contained herein, the City has endeavored in good faith to set forth the basis for its decision on the project; and

WHEREAS, the EIR for the project reflects the City's independent judgment. The City has exercised independent judgment in accordance with Public Resources Code Section 21082.1(c)(3) in directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and accompanying studies and finds that the report reflects the independent judgment of the City for the purposes of making decisions on the merits of the project; and

WHEREAS, all the requirements of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines have been satisfied in the EIR, which is sufficiently detailed so that all of the significant environmental effects of the project have been adequately evaluated; and

WHEREAS, the EIR prepared in connection with the project sufficiently analyzes both the feasible mitigation measures necessary to avoid or substantially lessen the project's environmental impacts and a range of feasible alternatives capable of eliminating or reducing these effects in accordance with CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines.

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced April 14, 2022, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

a) The Planning Commission has independently reviewed, analyzed and considered the Final EIR and all written documentation and public comments prior to making recommendations on the proposed project; and

b) The Final EIR was prepared and completed in compliance with the provisions of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines; and

c) The information and analysis contained in the Final EIR reflects the City's independent judgment as to the environmental consequences of the proposed Project; and

d) The documents and other materials, including without limitation, staff reports, memoranda, maps, letters, and minutes of all relevant meetings, which constitute the administrative record of proceedings upon which the Planning Commission's decision is based are located at the City of Hesperia, Planning Division, 9700 Seventh Avenue, Hesperia, CA 92345. The custodian of the records is the Planning Division.

Section 3. That on the basis of the evidence contained in the administrative record of the Final EIR, the Planning Commission finds based on the information submitted, following the conclusion of the public comment period on the Draft EIR, and following the consultant's responses thereto, there is no significant new information concerning the project's environmental effects, feasible mitigation measures, or feasible project alternatives; therefore there is no need or requirement to recirculate the EIR for additional public comment

Section 4. That the Planning Commission of the City of Hesperia hereby recommends that the City Council certify the Final EIR.

Section 5. **Exhibit A** (Findings of Facts and Statement of Overriding Considerations) and **Exhibit B** (Mitigation Monitoring and Reporting Program) of this Resolution provide findings required under Section 15091 of the State CEQA Guidelines for significant effects of the Project. Exhibit A of this Resolution provides the findings required under Section 15093 of the State CEQA Guidelines relating to the acceptable adverse impacts of the project due to overriding considerations. The City has balanced the economic, legal, social, technological, and other benefits of the project against the unavoidable environmental risks that may result, and finds that the specific economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects. Therefore, the Planning Commission hereby recommends that the City Council adopt the Findings of Facts and Statement of Overriding Considerations attached hereto as **Exhibit A**.

Section 6. Pursuant to Public Resources Code Section 21081.6, the Planning Commission hereby recommends approval of the Mitigation Monitoring and Reporting Program attached as **Exhibit B** to this Resolution and recommends the Council require the Project to comply with the mitigation measures contained therein. The Planning Commission finds that these mitigation measures are fully enforceable on the Project and shall be binding upon the City and affected parties.

Section 7. The Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 14th day of April 2022.

_____

ATTEST: Roger Abreo, Chair, Planning Commission

_____

Maricruz Montes, Secretary, Planning Commission

EXHIBIT A- FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATION

Findings of Fact and Statement of Overriding Considerations
Hesperia Commerce Center II EIR
SCH No. 2019110418

Prepared for:

City of Hesperia, Planning Department
9700 Seventh Avenue
Hesperia, California 92645

Prepared by:

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Pasadena, California 91101

MARCH 2022

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1 Introduction

This statement of Findings of Fact (Findings) addresses the environmental effects associated with the proposed Hesperia Commerce Center II Project (project), as described in the Environmental Impact Report (EIR). These Findings are made pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.), specifically California Public Resources Code, Sections 21081, 21081.5, and 21081.6, and the CEQA Guidelines (14 CCR 15000 et seq.), specifically Sections 15091 and 15093. The EIR examines the full range of potential effects of construction and operation of the project and identifies standard mitigation practices that could be employed to reduce, minimize, or avoid those potential effects.

1.1 Purpose

California Public Resources Code, Section 21081, and CEQA Guidelines Section 15091 require that the lead agency, in this case the City of Hesperia (City), prepare written findings for identified significant effects, accompanied by a brief explanation of the rationale for each finding. Specifically, CEQA Guidelines Section 15091 states, in part, that:

a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
   1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
   2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
   3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

In accordance with California Public Resource Code, Section 21081, and CEQA Guidelines Section 15093, whenever significant effects cannot be mitigated to below a level of significance, the decision-making agency is required to balance, as applicable, the benefits of the project against its unavoidable environmental risks when determining whether to approve the project. If the benefits of a project outweigh the unavoidable adverse environmental effects, the adverse effects may be considered “acceptable.” In that case, the decision-making agency may prepare and adopt a Statement of Overriding Considerations (SOC), pursuant to the CEQA Guidelines.

Section 15093 of the CEQA Guidelines state that:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."
b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the

agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

The Final EIR identified potentially significant effects that could result from the project. The City finds that the inclusion of certain mitigation measures as part of the approval of the project will reduce most, but not all, of those effects to less-than-significant levels. Those impacts that are not reduced to less-than-significant levels are identified and overridden due to specific project benefits (see Section 5, Statement of Overriding Considerations).

As required by CEQA, the City, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program (MMRP) for the project. The City finds that the MMRP, which is incorporated by reference and made a part of these Findings, meets the requirements of California Public Resources Code, Section 21081.6, by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

In accordance with the CEQA Statutes and Guidelines, the City adopts these Findings for the project. Pursuant to California Public Resources Code, Section 21082.1(c)(3), the City also finds that these Findings reflect the City's independent judgment as the lead agency for the project.

1.1.1 Record of Proceedings

For the purposes of CEQA and the Findings herein set forth the record of proceedings for the project and consists of those items listed in CEQA Section 21167.6(e), along with other miscellaneous items contained within the City's files that are relevant to the consideration of the project. The record of proceedings for the City's decision on the project consists of the following documents, at a minimum and without limitation, which are incorporated by reference and made part of the record supporting these Findings:

- The Notice of Preparation, Notice of Availability, and all other public notices issued by the City in conjunction with the project
- The Draft EIR for the project and all technical appendices and documents relied upon or incorporated by reference
- All written comments submitted by agencies, organizations, or members of the public during the public review comment period on the Draft EIR and the City's responses to those comments
- The Final EIR for the project
- The MMRP for the project
- All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the City or consultants to the City with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the project
- All documents submitted to the City by other public agencies or members of the public in connection with the Draft EIR
- Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the project

- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings
- All resolutions adopted by the City regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations
- Any documents expressly cited in these Findings, in addition to those cited above; and any other materials required for the record of proceedings by CEQA Section 21167.6(e)

1.1.2 Custodian and Location of Records

The documents and other materials that constitute the Record of Proceedings for the City's actions related to the project are located at the City of Hesperia, Planning Department, 9700 Seventh Avenue, Hesperia, California 92645. The City is the custodian of the Record of Proceedings for the project.

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2 CEQA Findings of Independent Judgement

2.1 Independent Review and Analysis

Under CEQA, the lead agency must (1) independently review and analyze the EIR; (2) circulate draft documents that reflect its independent judgment; (3) as part of the certification of an EIR, find that the report or declaration reflects the independent judgment of the lead agency; and (4) submit copies of the documents to the State Clearinghouse if there is state agency involvement or if the project is of statewide, regional, or area-wide significance (California Public Resources Code, Section 21082.1[c]).

This Findings reflects City's independent judgment. The City has exercised independent judgment in accordance with CEQA Section 21082.1(c)(3) in retaining its own environmental consultant in the preparation of the EIR, as well as reviewing, analyzing and revising material prepared by the consultant.

Having received, reviewed, and considered the information in the Final EIR, as well as any and all other information in the record, the City hereby makes findings pursuant to and in accordance with CEQA Sections 21081, 21081.5, and 21081.6.

2.2 Impacts Determined to Be Significant and Unavoidable

This section identifies the significant unavoidable impacts that require a statement of overriding considerations to be issued by the City, pursuant to Section 15093 of the CEQA Guidelines, if the project is approved. Based on the analysis contained in the EIR, the following impacts have been determined to fall within the "significant unavoidable impacts" category:

- Air Quality
  - Applicable air quality plan
  - Cumulatively considerable net increase of criteria pollutants
    - Long-term operational impacts
    - Health effects of criteria air pollutants
  - Expose sensitive receptors to substantial pollutant concentrations
    - Criteria air pollutant emissions and associated pollutant concentrations
  - Cumulative air quality impacts
- Greenhouse Gas Emissions
  - Generation of greenhouse gas emissions
  - Cumulative greenhouse gas impacts
- Noise
  - Increase in noise levels
  - Cumulative noise impacts

- Transportation
  - Conflict with CEQA Guidelines Section 15064.3(b)
  - Design hazards
    - Queuing analysis
  - Cumulative transportation impacts

Other impacts addressed under cumulatively considerable net increase of criteria pollutants (construction) are addressed in Section 2.3, Impacts Determined to Be Less Than Significant with Mitigation, and other impacts under expose sensitive receptors to substantial pollutant concentrations (local carbon monoxide concentrations, toxic air contaminant exposure, and valley fever) and other emissions (such as those leading to odors) are addressed in Section 2.4, Impacts Determined to Be Less Than Significant. In addition, other impacts not addressed under increase in noise levels (short-term construction impacts and on-site operational noise) are addressed in Section 2.4. Other impacts not addressed under conflicts with design hazards (hazardous design features and incompatible uses) are addressed in Section 2.4.

2.2.1 Air Quality

2.2.1.1 Potentially Significant Impacts to Air Quality

Applicable Air Quality Plan

The Federal Particulate Matter Attainment Plan and Ozone Attainment Plan for the Mojave Desert set forth a comprehensive set of programs that will lead the MDAB into compliance with federal and state air quality standards. The control measures and related emission reduction estimates within the Federal Particulate Matter Attainment Plan and Ozone Attainment Plan are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. A project is non-conforming with an air quality plan if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable MDAQMD rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan). Zoning changes, specific plans, general plan amendments and similar land use plan changes which do not increase dwelling unit density, do not increase vehicle trips, and do not increase vehicle miles traveled are also deemed to comply with the applicable air quality plan (MDAQMD 2016).

The Project would be required to comply with all applicable MDAQMD Rules and Regulations, including, but not limited to Rules 401 (Visibile Emissions), 402 (Nuisance), and 403 (Fugitive Dust). The Project site is located within the Main Street and Freeway Corridor Specific Plan and is designated for Commercial/Industrial Business Park (CIBP) uses. The CIBP designation is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses. The Project Applicant proposes land uses that are consistent with development anticipated under the site's existing General Plan designation. The Project would therefore conform to local land use plans.

As discussed below, Project construction-source emissions would not exceed applicable MDAQMD regional thresholds after implementation of Mitigation Measure (MM) AQ-1. However, Project operational-source air pollutant emissions would result in exceedances of regional thresholds for emissions of VOC, NO_x, and PM_{10}, even after implementation of MM-AQ-4 through MM-AQ-6. As such, VOC, NO_x, and PM_{10} emissions are considered

significant and unavoidable and the Project would have the potential to increase the frequency or severity of a violation in the federal or state ambient air quality for on-going Project operations.

Based on the preceding considerations, the Project would conform to local land use plans and would comply with all applicable all MDAQMD Rules and Regulations. However, Project operational-source emissions have the potential to increase the frequency or severity of a violation in the federal or state ambient air quality standards. On this basis, the Project is considered to potentially conflict with the Federal Particulate Matter Attainment Plan and Ozone Attainment Plan for the MDAB. Therefore, impacts associated with the conflicting with the MDAQMD would be significant and unavoidable.

Cumulatively Considerable Net Increase of Criteria Pollutants

Construction and operation of the Project would result in emissions of criteria air pollutants from mobile, area, and/or stationary sources, which may cause exceedances of federal and state ambient air quality standards or contribute to existing nonattainment of ambient air quality standards. The following discussion identifies potential short-term construction and long-term operational impacts that would result from implementation of the Project.

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the MDAQMD develops and implements plans for future attainment of ambient air quality standards. Although the area of the MDAB where the Project is located is currently designated a nonattainment area for federal and state O_3 standards and federal and state PM_{10} standards, the MDAB has experienced a substantial reduction in maximum 8-hour concentrations of O_3 over the past 30 years, as well as reductions in PM_{10} over time, as described in the respective MDAQMD O_3 and PM_{10} attainment plans. CEQA thresholds are established at levels that the air basin can accommodate without affecting the attainment date for the AAQS. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.

Long-Term Operational Impacts

Operation of the Project would generate VOC, NO_x, CO, SO_x, PM_{10}, and $PM_{2.5}$ emissions from mobile sources, including passenger vehicle and truck trips; area sources, including the use of consumer products, architectural coatings for repainting, and landscape maintenance equipment; energy sources, including combustion of fuels used for space and water heating; and on-site equipment. CalEEMod utilizes summer and winter EMFAC2017 emission factors in order to derive vehicle emissions associated with on-road vehicle activities, which vary by season.

The Project would exceed the numerical thresholds of significance established by the MDAQMD for emissions of VOC, NO_X, and PM_{10}. This impact would be potentially significant without mitigation.

Mitigation measures are required to minimize operational-related air quality impacts (MM-AQ-4 through MM-AQ-6). For VOC emissions, the majority are derived from consumer products, including cleaning supplies, aerosols, and other consumer products. As such, the Project Applicant cannot meaningfully control the use of consumer products by future building users via mitigation; nonetheless, MM-AQ-6, requiring a low-VOC/green cleaning product educational program, would be implemented in effort to reduce VOC emissions from consumer products. Additionally, the majority of the Project's NO_X and PM_{10} emissions are derived from vehicle usage, which neither the Project Applicant nor the City can substantively or materially affect reductions in Project mobile source emissions beyond what is already required. Nonetheless, MM-AQ-4 and MM-AQ-5 would be implemented to reduce mobile-source emissions of VOC, NO_X, and PM_{10}. While MM-AQ-4 through MM-AQ-6 would reduce Project-generated operational criteria air pollutant emissions, the associated emission reductions cannot be accurately quantified at

this time; therefore, emissions of VOC, NO_X, and PM_{10} would still exceed the MDAQMD thresholds with implementation of mitigation. Furthermore, no feasible mitigation measures or project design features beyond those already identified exist that would reduce these emissions to levels that are less than significant. Therefore, even with the incorporation of mitigation, long-term impacts associated with a cumulatively considerable net increase of criteria pollutants for which the Project region is non-attainment would be significant and unavoidable.

Health Effects of Criteria Air Pollutants

Construction of the Project would result in emissions that would not exceed the MDAQMD thresholds for criteria air pollutants, including VOC, after implementation of MM-AQ-1. Operation of the Project, however, would result in emissions that would exceed the MDAQMD thresholds for criteria air pollutants including VOC, NO_x, and PM_{10}, even after implementation of MM-AQ-4 through MM-AQ-6.

Under the heading Pollutants and Effects, health effects associated with O_3 include respiratory symptoms, worsening of lung disease leading to premature death, and damage to lung tissue (CARB 2019a). VOCs and NO_x are precursors to O_3, for which the MDAB is designated as nonattainment with respect to the NAAQS and CAAQS. The contribution of VOCs and NO_x to regional ambient O_3 concentrations is the result of complex photochemistry. The increases in O_3 concentrations in the MDAB due to O_3 precursor emissions tend to be found downwind of the source location because of the time required for the photochemical reactions to occur. Further, the potential for exacerbating excessive O_3 concentrations would also depend on the time of year that the VOC emissions would occur, because exceedances of the O_3 NAAQS and CAAQS tend to occur between April and October when solar radiation is highest. Due to the lack of quantitative methods to assess this complex photochemistry, the holistic effect of a single project's emissions of O_3 precursors is speculative. That being said, because the Project would exceed the MDAQMD VOC and NO_x thresholds during Project operations, the Project could contribute to health effects associated with O_3.

Health effects associated with NO_x and NO_2 include lung irritation and enhanced allergic responses (CARB 2019b). Although Project-related NO_x emissions would exceed the MDAQMD construction mass daily thresholds, because the MDAB is a designated attainment area for NO_2 (and NO_2 is a constituent of NO_x) and the existing NO_2 concentrations in the area are well below the NAAQS and CAAQS standards,[1] it is not anticipated that the Project would cause an exceedance of the NAAQS and CAAQS for NO_2 or result in potential health effects associated with NO_2 and NO_x. Nonetheless, because the Project would exceed the MDAQMD NO_x threshold during Project operations, the Project could contribute to health effects associated with NO_x and NO_2.

Health effects associated with CO include chest pain in patients with heart disease, headache, light-headedness, and reduced mental alertness (CARB 2019c). CO tends to be a localized impact associated with congested intersections. The potential for CO hotspots is discussed under the subsequent impact criterion below and determined to be less than significant. Thus, the Project's CO emissions would not contribute to significant health effects associated with CO.

Health effects associated with PM_{10} include premature death and hospitalization, primarily for worsening of respiratory disease (CARB 2017). Operation of the Project would exceed the MDAQMD threshold for PM_{10}. As such, the Project would potentially contribute to exceedances of the NAAQS and CAAQS for particulate matter and obstruct the MDAB from

[1] Ambient concentrations of NO_2 at the Victorville monitoring station have not exceeded the NAAQS or CAAQS between 2016 and 2018.

coming into attainment for these pollutants. Because the Project has the potential to contribute substantial particulate matter during operation, the Project could result in associated health effects.

The California Supreme Court's *Sierra Club v. County of Fresno* (2018) 6 Cal. 5th 502 decision (referred to herein as the Friant Ranch decision) (issued on December 24, 2018), addresses the need to correlate mass emission values for criteria air pollutants to specific health consequences, and contains the following direction from the California Supreme Court: "The Environmental Impact Report (EIR) must provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must explain what the agency *does* know and why, given existing scientific constraints, it cannot translate potential health impacts further" (Italics original). Currently, MDAQMD, CARB, and EPA have not approved a quantitative method to reliably, meaningfully, and consistently translate the mass emission estimates for the criteria air pollutants resulting from the Project to specific health effects. In addition, there are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days.

In connection with the judicial proceedings culminating in issuance of the Friant Ranch decision, the SCAQMD and the San Joaquin Valley Air Pollution Control District (SJVAPCD) filed amicus briefs attesting to the extreme difficulty of correlating an individual project's criteria air pollutant emissions to specific health impacts. Both the SJVAPCD and the SCAQMD have among the most sophisticated air quality modeling and health impact evaluation capabilities of the air districts in the state. The key, relevant points from the SCAQMD and SJVAPCD briefs is summarized herein.

In requiring a health impact type of analysis for criteria air pollutants, it is important to understand how O_3 and PM is formed, dispersed and regulated. The formation of O_3 and PM in the atmosphere, as secondary pollutants,[2] involves complex chemical and physical interactions of multiple pollutants from natural and anthropogenic sources. The O_3 reaction is self-perpetuating (or catalytic) in the presence of sunlight because NO_2 is photochemically reformed from nitric oxide (NO). In this way, O_3 is controlled by both NO_x and VOC emissions (NRC 2005). The complexity of these interacting cycles of pollutants means that incremental decreases in one emission may not result in proportional decreases in O_3 (NRC 2005). Although these reactions and interactions are well understood, variability in emission source operations and meteorology creates uncertainty in the modeled O_3 concentrations to which downwind populations may be exposed (NRC 2005). Once formed, O_3 can be transported long distances by wind and due to atmospheric transport, contributions of precursors from the surrounding region can also be important (EPA 2008). Because of the complexity of O_3 formation, a specific tonnage amount of VOCs or NO_X emitted in a particular area does not equate to a particular concentration of O_3 in that area (SJVAPCD 2015). PM can be divided into two categories: directly emitted PM and secondary PM. Secondary PM, like O_3, is formed via complex chemical reactions in the atmosphere between precursor chemicals such as SO_x and NO_x (SJVAPCD 2015). Because of the complexity of secondary PM formation, including the potential to be transported long distances by wind, the tonnage of PM-forming precursor emissions in an area does not necessarily result in an equivalent concentration of secondary PM in that area (SJVAPCD 2015). This is especially true for individual projects, like the Project, where Project-generated criteria air pollutant emissions are not derived from a single "point source," but from construction equipment and mobile sources (passenger cars and trucks) driving to, from and around the Project site.

Another important technical nuance is that health effects from air pollutants are related to the concentration of the air pollutant that an individual is exposed to, not necessarily the individual mass quantity of emissions associated with an individual project. For example, health effects from O_3 are correlated with increases in the ambient level of O_3 in the air a person breathes (SCAQMD 2015). However, it takes a large amount of additional precursor emissions to cause a modeled increase in ambient O_3 levels over an entire region (SCAQMD 2015). The lack of link between

[2] Air pollutants formed through chemical reactions in the atmosphere are referred to as secondary pollutants.

the tonnage of precursor pollutants and the concentration of O_3 and $PM_{2.5}$ formed is important because it is not necessarily the tonnage of precursor pollutants that causes human health effects; rather, it is the concentration of resulting O_3 that causes these effects (SJVAPCD 2015). Indeed, the ambient air quality standards, which are statutorily required to be set by EPA at levels that are requisite to protect the public health, are established as concentrations of O_3 and $PM_{2.5}$ and not as tonnages of their precursor pollutants (EPA 2018b). Because the ambient air quality standards are focused on achieving a particular concentration region-wide, the tools and plans for attaining the ambient air quality standards are regional in nature. For CEQA analyses, project-generated emissions are typically estimated in pounds per day or tons per year and compared to mass daily or annual emission thresholds. While CEQA thresholds are established at levels that the air basin can accommodate without affecting the attainment date for the AAQS, even if a project exceeds established CEQA significance thresholds, this does not mean that one can easily determine the concentration of O_3 or PM that will be created at or near the project site on a particular day or month of the year, or what specific health impacts will occur (SJVAPCD 2015).

In regard to regional concentrations and air basin attainment, the SJVAPCD emphasized that attempting to identify a change in background pollutant concentrations that can be attributed to a single project, even one as large as the entire Friant Ranch Specific Plan, is a theoretical exercise. The SJVAPCD brief noted that it "would be extremely difficult to model the impact on NAAQS attainment that the emissions from the Friant Ranch project may have" (SJVAPCD 2015). The situation is further complicated by the fact that background concentrations of regional pollutants are not uniform either temporally or geographically throughout an air basin, but are constantly fluctuating based upon meteorology and other environmental factors. SJVAPCD noted that the currently available modeling tools are equipped to model the impact of all emission sources in the San Joaquin Valley Air Basin on attainment (SJVAPCD 2015). The SJVAPCD brief then indicated that, "Running the photochemical grid model used for predicting O_3 attainment with the emissions solely from the Friant Ranch project (which equate to less than one-tenth of one percent of the total NO_x and VOC in the Valley) is not likely to yield valid information given the relative scale involved" (SJVAPCD 2015).

SCAQMD and SJVAPCD have indicated that it is not feasible to quantify project-level health impacts based on existing modeling (SCAQMD 2015; SJVAPCD 2015). Even if a metric could be calculated, it would not be reliable because the models are equipped to model the impact of all emission sources in an air basin on attainment and would likely not yield valid information or a measurable increase in O_3 concentrations sufficient to accurately quantify O_3-related health impacts for an individual project.

Nonetheless, following the Supreme Court's Friant Ranch decision, some EIRs where estimated criteria air pollutant emissions exceeded applicable air district thresholds have included a quantitative analysis of potential project-generated health effects using a combination of a regional photochemical grid model (PGM)[3] and the EPA Benefits Mapping and Analysis Program (BenMAP or BenMAP–Community Edition [CE]).[4] The publicly available health impact assessments (HIAs) typically present results in terms of an increase in health incidences and/or the increase in background health

[3] The first step in the publicly available HIAs includes running a regional PGM, such as the Community Multiscale Air Quality (CMAQ) model or the Comprehensive Air Quality Model with extensions (CAMx) to estimate the increase in concentrations of O_3 and $PM_{2.5}$ as a result of project-generated emissions of criteria and precursor pollutants. Air districts use photochemical air quality models for regional air quality planning. These photochemical models are large-scale air quality models that simulate the changes of pollutant concentrations in the atmosphere using a set of mathematical equations characterizing the chemical and physical processes in the atmosphere (EPA 2017).

[4] After estimating the increase in concentrations of O_3 and $PM_{2.5}$, the second step in the five examples includes use of BenMAP or BenMAP-CE to estimate the resulting associated health effects. BenMAP estimates the number of health incidences resulting from changes in air pollution concentrations (EPA 2018a). The health impact function in BenMAP-CE incorporates four key sources of data: (i) modeled or monitored air quality changes, (ii) population, (iii) baseline incidence rates, and (iv) an effect estimate. All of the five example HIAs focused on O_3 and $PM_{2.5}$.

incidence for various health outcomes resulting from the project's estimated increase in concentrations of O_3 and $PM_{2.5}$.[5] To date, the five publicly available HIAs reviewed have concluded that the evaluated project's health effects associated with the estimated project-generated increase in concentrations of O_3 and $PM_{2.5}$ represent a small increase in incidences and a very small percentage of the number of background incidences, indicating that these health impacts are negligible and potentially within the models' margin of error. It is also important to note that while the results of the five available HIAs conclude that the project emissions do not result in a substantial increase in health incidences, the estimated emissions and assumed toxicity is also conservatively inputted into the HIA and thus, overestimate health incidences, particularly for $PM_{2.5}$.

As explained in the SJVAPCD brief and noted previously, running the PGM used for predicting O_3 attainment with the emissions solely from an individual project like the Friant Ranch project or the Project is not likely to yield valid information given the relative scale involved. The five examples reviewed support the SJVAPCD's brief contention that consistent, reliable, and meaningful results may not be provided by methods applied at this time. Accordingly, additional work in the industry and more importantly, air district participation, is needed to develop a more meaningful analysis to correlate project-level mass criteria air pollutant emissions and health effects for decision makers and the public. Furthermore, at the time of writing, no HIA has concluded that health effects estimated using the PGM and BenMAP approach are substantial provided that the estimated project-generated incidences represent a very small percentage of the number of background incidences, potentially within the models' margin of error.

In summary, operation of the Project could result in exceedances of the MDAQMD significance thresholds for VOC, NO_x, and PM_{10}, and the Project would potentially result in health effects associated with those pollutants. Because construction of the Project would not exceed any MDAQMD thresholds (after mitigation), and operation of the Project would not exceed the MDAQMD thresholds for CO, SO_x or $PM_{2.5}$, and because the MDAQMD thresholds are based on levels that the MDAB can accommodate without affecting the attainment date for the AAQS and the AAQS are established to protect public health and welfare, the Project is not anticipated to result in health effects associated with CO, SO_x or $PM_{2.5}$.

Notably, there are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days, and methods available to quantitatively evaluate health effects may not be appropriate to apply to emissions associated with the Project, which cannot be estimated with a high-level of accuracy. Notwithstanding, because operation of the Project could result in exceedances of MDAQMD significance thresholds for VOC, NO_x, and PM_{10}, even after implementation of MM-AQ-4 through MM-AQ-6, the potential health effects associated with criteria air pollutants are conservatively considered significant and unavoidable.

Expose Sensitive Receptors to Substantial Pollutant Concentrations

Criteria Air Pollutant Emissions and Associated Pollutant Concentrations

As discussed above, because operation of the Project could result in exceedances of the MDAQMD significance thresholds for VOC, NO_x, and PM_{10}, the Project would potentially result in health effects associated with those pollutants. Because construction of the Project would not exceed any MDAQMD thresholds (after implementation of MM-AQ-4 through MM-AQ-6), and operation of the Project would not exceed the MDAQMD thresholds for CO, SO_x

[5] The following CEQA documents included a quantitative HIA to address Friant Ranch: (1) California State University Dominguez Hills 2018 Campus Master Plan EIR (CSUDH 2019), (2) March Joint Powers Association K4 Warehouse and Cactus Channel Improvements EIR (March JPA 2019), (3) Mineta San Jose Airport Amendment to the Airport Master Plan EIR (City of San Jose 2019), (4) City of Inglewood Basketball and Entertainment Center Project EIR (City of Inglewood 2019), and (5) San Diego State University Mission Valley Campus Master Plan EIR (SDSU 2019).

or $PM_{2.5}$, and because the MDAQMD thresholds are based on levels that the MDAB can accommodate without affecting the attainment date for the AAQS and the AAQS are established to protect public health and welfare, the Project is not anticipated to result in health effects associated with CO, SO_x or $PM_{2.5}$.

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Cumulative Air Quality Impact

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the MDAQMD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality. Individual projects that do not generate operational or construction emissions that exceed the MDAQMD's recommended daily thresholds for project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the MDAB is in nonattainment, and, therefore, would not be considered to have a significant, adverse air quality impact.

The area of the MDAB in which the Project is located is a nonattainment area for O_3 and PM_{10} under the NAAQS and/or CAAQS. The poor air quality in the MDAB is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emission sources. Projects that emit these pollutants or their precursors (i.e., VOC and NO_x for O_3) potentially contribute to poor air quality. Daily construction emissions associated with the Project would not exceed the MDAQMD significance thresholds after implementation of mitigation of MM-AQ-1. However, as presented in the preceding analysis, Project operational-source air pollutant emissions would result in exceedances of regional thresholds for emissions of VOC, NO_X, and PM_{10}. As previously stated, the majority of VOC emissions are derived from consumer products, the use of which the Project Applicant cannot meaningfully control for future building users via mitigation. On this basis, it is concluded that Project operational-source VOC emissions cannot be definitively reduced below applicable MDAQMD thresholds.

Additionally, it should be noted that the majority of the Project's NO_X and PM_{10} emissions are derived from vehicle usage. Although MM-AQ-4 through MM-AQ-6 would reduce operational emissions from on-road vehicles to the extent feasible, since neither the Project Applicant nor the City of Hesperia have regulatory authority to control tailpipe emissions, no feasible MMs exist that would reduce these emissions to levels that are less-than-significant. As such, Project operational-source VOC, NO_X, and PM_{10} emissions exceedances of applicable MDAQMD regional thresholds would be significant and unavoidable, and thus, cumulatively considerable.

2.2.1.2 Mitigation Measures

MM-AQ-1 The Project shall utilize "Super-Compliant" low VOC paints which have been reformulated to exceed the regulatory VOC limits put forth by MDAQMD's Rule 1113. Super-Compliant low VOC paints shall be no more than 10 grams per liter (g/L) of VOC. Alternatively, the Project Applicant may utilize tilt-up concrete buildings that do not require the use of architectural coatings.

MM-AQ-2 The Project shall implement the following measures in order to reduce construction air pollutant emissions to the extent feasible:

- Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero emission equipment and tools.
- Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology, vehicles, and equipment that will be operating onsite during construction. Necessary infrastructure may include the physical (e.g. needed footprint), energy, and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.

MM-AQ-3 The Project shall include the following language within construction contracts in order to reduce construction air pollutant emissions to the extent feasible:

- All off-road diesel-powered equipment used during construction shall be equipped with Tier 4 or cleaner engines. If the operator lacks Tier 4 equipment, and it is not available for lease or short-term rental within 50 miles of the project site, Tier 3 or cleaner off-road construction equipment may be utilized subject to City approval.
- Heavy-duty trucks entering the construction site during grading and building construction phases should be model year 2014 or later. All heavy-duty trucks should also meet CARB's lowest optional low oxides of nitrogen (NO_x) standard starting in the year 2022.[6]
- All construction equipment and fleets shall be in compliance with all current air quality regulations.

MM-AQ-4 The Project shall implement the following measures in order to reduce operational air pollutant emissions to the extent feasible:

- Only haul trucks meeting model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the Project site.
- Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and the CARB to report violations. Prior to the issuance of an occupancy permit, the City of Hesperia shall conduct a site inspection to ensure that the signs are in place.
- Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the City of Hesperia demonstrating that occupants/tenants of the Project site have been provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment.

[6] In 2013, CARB adopted optional low-NO_x emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce technologies to reduce NOx emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model year 2010 and later. CARB's optional low-NO_x emission standard is available at: https://ww2.arb.ca.gov/our-work/programs/optional-reduced-nox-standards.

- Automobile electric vehicle (EV) charging stations with Level 2 or faster chargers shall be provided. The number of EV charging stations shall equal at least 25% employee parking spots.
- In addition, the buildings shall include electrical infrastructure sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations in the future.
- Conduit shall be installed to tractor trailer parking areas in logical locations determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available.
- The Project shall include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid. The Project Applicant or successor in interest shall maintain, replace, and upgrade the solar panels per manufacturers recommendations through the life of the Project. Should the capacity for solar connections increase, additional solar panels shall be added to the Project.

MM-AQ-5 The Project shall include the following language within tenant lease agreements in order to reduce operational air pollutant emissions to the extent feasible:

- Require tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles, equipment, and appliances that would be operating on site. This requirement shall apply to equipment such as forklifts, handheld landscaping equipment, yard trucks, office appliances, etc.
- Require future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans, when economically feasible.
- Tenants shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation[7], Periodic Smoke Inspection Program (PSIP)[8], and the Statewide Truck and Bus Regulation[9].
- Cold storage operations shall be prohibited unless additional environmental review, including a Health Risk Assessment, is conducted and certified pursuant to the California Environmental Quality Act.

MM-AQ-6 **Low-VOC/Green Cleaning Product Educational Program.** Prior to the occupancy of any on-site development, the Applicant or its designee shall provide evidence to the City of Hesperia that the Applicant/phase developer has developed a Green Cleaning Product and Paint education program to be made available at rental offices, leasing spaces, and/or on websites.

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7 In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at: https://www.arb.ca.gov/cc/hdghg/hdghg.htm.

8 The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at: https://www.arb.ca.gov/enf/hdvip/hdvip.htm.

9 The regulation requires that newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at: https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.

2.2.1.3 Findings per CEQA Guidelines

The City finds that the above mitigation measures are feasible, are adopted, and will reduce the proposed project's air quality impact. Construction emissions would be reduced to below the MDAQMD's regional thresholds with implementation of MM-AQ-1. However, Project operational-source air pollutant emissions would result in exceedances of regional thresholds for emissions of VOC, NO_x, and PM_{10}, even after implementation of MM-AQ-4 through MM-AQ-6. As such, VOC, NO_x, and PM_{10} emissions are considered significant and unavoidable. In addition, the project would result in cumulatively considerable impacts related to the potential to conflict with the MDAQMD's thresholds, result in a cumulatively considerable net increase of criteria pollutants (VOC, NO_x, and PM_{10}), and expose sensitive receptors to substantial pollutant concentrations (VOC, NO_x, and PM_{10}). Additionally, it should be noted that the majority of the Project's NO_X and PM_{10} emissions are derived from vehicle usage. Although MM-AQ-4 through MM-AQ-6 would reduce operational emissions from on-road vehicles to the extent feasible, since neither the Project Applicant nor the City of Hesperia have regulatory authority to control tailpipe emissions, no feasible MMs exist that would reduce these emissions to levels that are less-than-significant. As such, Project operational-source VOC, NO_X, and PM_{10} emissions exceedances of applicable MDAQMD regional thresholds would be significant and unavoidable, and thus, cumulatively considerable.

Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR, and the identified air quality impacts are thereby acceptable because of specific overriding considerations (see Section 5).

2.2.1.4 Facts in Support of the Findings Related to Air Quality

Based on the impact analysis, the proposed project would result in significant operational VOC, NO_x, and PM_{10} emission impacts. Implementation of MM-AQ-1 through MM-AQ-6 would reduce potential impacts from criteria air pollutants and project emissions. However, due to the size and type of the project, it is not feasible to implement mitigation measures to reduce the operational mobile source emissions. Various mitigation measures were considered, including land use strategies such as proximity to transit station; however, these strategies and MM-AQ-4 through MM-AQ-6 cannot be quantified due to the uncertainty. Thus, the project's impacts related to potential to conflict with or obstruct implementation of the MDAQMD's regional thresholds and the project operational VOC, NO_x, and PM_{10} emissions would remain significant. In addition, the project would result in cumulatively considerable impacts related to the potential to conflict with the MDAQMD regional thresholds, result in a cumulatively considerable net increase of criteria pollutants (VOC, NO_x, and PM_{10}), and expose sensitive receptors to substantial pollutant concentrations (VOC, NO_x, and PM_{10}).

2.2.2 Greenhouse Gas Emissions

2.2.2.1 Potentially Significant Impacts to Greenhouse Gas Emissions

Generation of Greenhouse Gas Emissions

For construction phase Project emissions, GHGs are quantified and amortized over the life of the Project. MDAQMD follows the SCAQMD recommendation in calculating the total GHG emissions for construction activities by amortizing the emissions over the life of the Project by dividing it by a 30-year Project life then adding that number

to the annual operational phase GHG emissions. As such, construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions.

Total estimated GHG emissions generated during construction of the Project is approximately 3,885 MT CO_2e. Estimated Project-generated construction emissions amortized over 30 years would be approximately 130 MT CO_2e per year.

Long-term operations of the Project would result in GHG emissions through mobile sources and on-site equipment, area sources (landscape maintenance equipment); energy use (natural gas and generation of electricity consumed by the Project); generation of electricity associated with wastewater treatment and with water supply, treatment, and distribution; and solid waste disposal. Annual GHG emissions from these sources were estimated using CalEEMod.

To effectively analyze operational GHG emissions associated with the Project, two scenarios were modeled. The first scenario represents Project emissions under a without regulatory measures and PDFs (shown as "unmitigated" emissions in CalEEMod), which estimates Project emissions absent federal, state, and local measures and without Project features intended to reduce GHG emissions upon Project buildout. The second scenario (shown as "mitigated" emissions in CalEEMod) represents Project emissions with implementation of applicable federal, state, and local GHG reduction measures and Project features. Without accounting for applicable regulatory requirements and PDFs, the Project would result in approximately 63,906 MT CO2e per year.

The Project would be required to comply with all mandates imposed by the State of California and the MDAQMD. Those measures that are applicable to the Project and that would assist in the reduction of GHG emissions are as follows:

- Global Warming Solutions Act of 2006 (AB 32).
- Regional GHG Emissions Reduction Targets/Sustainable Communities Strategies (SB 375).
- Pavley Fuel Efficiency Standards (AB 1493). Establishes fuel efficiency ratings for new vehicles.
- Title 24 California Code of Regulations (California Building Code). Establishes energy efficiency requirements for new construction.
- Title 20 California Code of Regulations (Appliance Energy Efficiency Standards). Establishes energy efficiency requirements for appliances.
- Title 17 California Code of Regulations (Low Carbon Fuel Standard). Requires carbon content of fuel sold in California to be 10% less by 2020.
- California Water Conservation in Landscaping Act of 2006 (AB 1881). Requires local agencies to adopt the Department of Water Resources updated Water Efficient Landscape Ordinance or equivalent by January 1, 2010 to ensure efficient landscapes in new development and reduced water waste in existing landscapes.
- Statewide Retail Provider Emissions Performance Standards (SB 1368). Requires energy generators to achieve performance standards for GHG emissions.
- Renewable Portfolio Standards (SB 1078). Requires electric corporations to increase the amount of energy obtained from eligible renewable energy resources to 20 % by 2010 and 33% by 2020.
- SB 32. Requires the state to reduce statewide GHG emissions to 40% below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15.

In addition to the above regulatory measures, the Project would implement PDFs and attributes promoting energy efficiency and sustainability, which are found below in Section 2.2.2.2, Project Design Features.

With applicable regulatory requirements and PDFs, the Project would result in approximately 55,599 MT CO2e per year, which would exceed the SCAQMD GHG threshold of 3,000 MT CO2e per year. Therefore, the Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and this would represent a cumulatively potentially significant impact. Mitigation measures would be required that would reduce Project-generated construction and operational GHG emissions. As presented in Section 2.2.1, Air Quality, implementation of mitigation measures MM-AQ-2 and MM-AQ-3 would also reduce construction-related GHG emissions and mitigation measures MM-AQ-4 and MM-AQ-5 would also reduce operation-related GHG emissions. In addition, mitigation measures MM-GHG-1, requiring water conservation measures. and MM-GHG-2, implementing solid waste reduction strategies, would be implemented to reduce GHG emissions generated during operation of the Project. However, the effectiveness of the required mitigation measures cannot be accurately quantified at this time. Therefore, Project-generated GHG emissions would still exceed the applied threshold of 3,000 MT CO2e per year and impact would be significant and unavoidable.

Cumulative GHG Impacts

GHG emissions impacts are inherently cumulative in nature. The Project would result in GHG emissions in exceedance of the SCAQMD significance threshold. The Project would result in potentially significant impacts with regard to GHG emissions Implementation of MM-AQ-2 through MM-AQ-5 and MM-GHG-1 and MM-GHG-2 would reduce the Project's GHG impacts; however, impacts would remain significant and unavoidable.

2.2.2.2 Project Design Features

Energy-saving and sustainable design features and operational programs would be incorporated into facilities developed pursuant to the currently Project. The Project also incorporates and expresses the following project design features (PDFs) and attributes promoting energy efficiency and sustainability. Because these features/attributes are integral to the Project, and/or are regulatory requirements, they are not considered to be mitigation measures.

- The Project will design building shells and building components, such as windows; roof systems: electrical and lighting systems: and heating, ventilating, and air conditioning systems to meet 2019 Title 24 Standards which expects 30% less energy for non-residential buildings.
- To reduce water demands and associated energy use, subsequent development proposals within the Project site would be required to implement a Water Conservation Strategy and demonstrate a minimum 20% reduction in indoor and outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy).[10]
- In order to reduce the amount of waste disposed at landfills, the Project would implement a 75% waste diversion.

2.2.2.3 Mitigation Measures

MM-GHG-1 **Water Conservation.** Prior to the issuance of building permits for the Project, the Project applicant shall provide building plans that include the following water conservation measures:

- Install low-water use appliances and fixtures

[10] Reduction of 20% indoor and outdoor water usage is consistent with the current CALGreen Code performance standards for residential and non-residential land uses. Per CALGreen, the reduction shall be based on the maximum allowable water use per plumbing fixture and fittings as required by the California Building Standards Code.

- Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces
- Implement water-sensitive urban design practices in new construction
- Install rainwater collection systems where feasible.

MM-GHG-2 **Solid Waste Reduction.** Prior to the issuance of building permits for the Project, the Project applicant shall provide building plans that include the following solid waste reduction measures:

- Provide storage areas for recyclables and green waste in new construction, and food waste storage, if a pick-up service is available.
- Evaluate the potential for onsite composting.

2.2.2.4 Findings Per CEQA Guidelines

The City finds that the above mitigation measures are feasible, are adopted, and will reduce the proposed project's greenhouse gas emissions impact. The Project would result in GHG emissions in exceedance of the SCAQMD significance threshold even with implementation of MM-AQ-2 through MM-AQ-5 and MM-GHG-1 and MM-GHG-2. However, the effectiveness of the required mitigation measures cannot be accurately quantified at this time. Therefore, these impacts must be considered significant and unavoidable even after implementation of all feasible mitigation measures. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR, and the identified greenhouse gas emission impacts are thereby acceptable because of specific overriding considerations (see Section 5).

2.2.2.5 Facts in Support of the Findings Related to Greenhouse Gas Emissions

Based on the impact analysis, the proposed project would result in significant greenhouse gas emission impacts. Implementation of MM-AQ-2 through MM-AQ-5 and MM-GHG-1 and MM-GHG-2 would reduce potential impacts from greenhouse gas emissions. However, the effectiveness of the required mitigation measures cannot be accurately quantified at this time, therefore, greenhouse gas emission project impacts would remain significant and unavoidable.

2.2.3 Noise

2.2.3.1 Potentially Significant Impacts to Noise

Increase in Ambient Noise Levels

Long-Term Operational Noise

Off-Site Operational Traffic Noise

The Project would generate traffic along roadways in the community surrounding the Project site. Many of the roadways evaluated in the Traffic Impact Analysis serve commercial and industrial areas, which are not considered noise-sensitive in relation to noise from roadway traffic. However, a total of 12 roadway segments evaluated in the TIA are aligned along existing noise-sensitive (i.e., residential) areas. Potential noise effects from vehicular traffic

were assessed using the Federal Highway Administration's Traffic Noise Model version 2.5 (FHWA 2004). Information used in the model included the site geometry, existing, existing plus Project, future without Project, and future with Project traffic volumes (provided in the Transportation Impact Analysis) and posted traffic speeds. Noise levels were modeled at a uniform distance from the roadway center-line along roadway segments with residences exiting along the right-of-way.

The City does not have a specific criterion for evaluating the significance of Project-related increases in off-site traffic noise levels at residences or noise-sensitive areas. For the purposes of this analysis, traffic noise level increases are considered significant if they exceed ambient traffic noise levels by one dB or more, or cause noise levels to exceed the 65 dBA CNEL noise threshold. An increase or decrease in noise level of three dBA is the minimum before any noticeable change in community response would be expected (Caltrans 1998).

The maximum noise level increase would below one (1) dB, and therefore insignificant, at every studied road segment except Main Street. Along Main Street, the Project would result in a maximum increase of 2.3 dB and 2 dB at the Mesa Linda Street and Cataba Road segments, respectively. While overall exterior noise exposure would remain within the City's maximum exterior limits, the increase in traffic noise would be noticeable to residents along these segments.

To reduce the potentially significant Project traffic noise level increases on the two study area roadway segments for Existing plus Project, Opening Year Cumulative and Horizon Year Project conditions, potential noise mitigation measures were considered in the Noise Impact Analysis. Potential mitigation measures discussed in the report included rubberized asphalt hot mix pavement and off-site noise barriers for the existing non-conforming residential use adjacent to impacted roadway segments. However, while rubberized asphalt would provide some noise reduction, this mitigation is only effective for tire-on-pavement noise at higher speeds and would not reduce truck-related off-site traffic noise levels associated with truck engine and exhaust stacks.

The Noise Impact Analysis found that for off-site noise barriers at receiving noise-sensitive land uses experiencing Project-related traffic noise level increases would need to be high enough and long enough to block the line-of-sight from the noise source (at 11.5 feet high per Caltrans) to the receiver (at 5 feet high per FHWA guidance) in order to provide a 5 dBA reduction per FHWA guidance. Exterior noise mitigation in the form of noise barriers is not anticipated to provide the FHWA attainable reduction of 5 dBA required to reduce the off-site traffic noise level increases and would also require potential openings for driveway access to individual residential lots fronting the road. As such, off-site noise barriers would not be feasible and would not lower the off-site traffic noise levels below a level of significance.

In addition, implementation of both rubberized asphalt hot mix pavement and off-site noise barriers would need to occur within the public right-of-way and private property, respectively. Thus, the ability for the Project applicant to incorporate these measures could not be guaranteed, as there is no assurances that the respective property owners (e.g., the City and private residential property owners) would allow for these improvements on their respective properties. As such, there are no assurances that these measures could be adequately implemented.

Based on the infeasibility of potential mitigation to adequately reduce off-site Project traffic noise levels to less-than-significant levels, off-site Project-related traffic noise level increases at adjacent land uses would remain significant. Therefore, long-term operational impacts associated with Project-related traffic noise increases would be significant and unavoidable.

Cumulative Noise Impacts

The cumulative context for traffic noise is the traffic volume increases on roadways within Hesperia as a result of buildout of the City's 2010 General Plan and the anticipated increase in traffic volumes along these roadways. The Project traffic analysis considered the addition of traffic trips from cumulative projects as identified by the City.

Non-transportation noise sources (e.g., Project operation) and construction noise impacts are typically project-specific and highly localized (i.e., these do not generally affect the community noise level at distances beyond several hundred feet). Construction activities associated with proposed or future development within the area would contribute to cumulative noise levels, but in a geographically limited and temporary manner. As other development occurs in the area, noise from different types of uses (e.g., traffic, aircraft, and fixed noise sources) would continue to combine, albeit on a localized basis, to cause increases in overall background noise conditions within the area. As a result, such sources do not significantly contribute to cumulative noise impacts at distant locations and are not evaluated on a cumulative level.

The analysis of off-site Project-related traffic noise levels included an evaluation of traffic volumes and resulting roadway traffic noise levels from cumulative projects. The maximum noise level increase for the cumulative versus cumulative plus Project scenario would be less than 1 dB at every studied road segment except Main Street. Along Main Street, the Project would result in a maximum increase of 2.3 dB and 2 dB at the Mesa Linda Street and Cataba Road segments, respectively. While overall exterior noise exposure would remain within the City's maximum exterior limits, the increase in traffic noise would be clearly noticeable to residents along these two segments.

To reduce the potentially significant Project traffic noise level increases on the two study area roadway segments for Existing plus Project, Opening Year Cumulative and Horizon Year Project conditions, potential noise mitigation measures were considered in the Noise Impact Analysis. Potential mitigation measures discussed in the report included rubberized asphalt hot mix pavement and off-site noise barriers for the existing non-conforming residential use adjacent to impacted roadway segments. However, as further discussed in the Noise Impact Analysis, while rubberized asphalt would provide some noise reduction, this mitigation is only effective for tire-on-pavement noise at higher speeds and would not reduce truck-related off-site traffic noise levels associated with truck engine and exhaust stacks.

The Noise Impact Analysis found that for off-site noise barriers at receiving noise-sensitive land uses experiencing Project-related traffic noise level increases would need to be high enough and long enough to block the line-of-sight from the noise source (at 11.5 feet high per Caltrans) to the receiver (at 5 feet high per FHWA guidance) in order to provide a 5 dBA reduction per FHWA guidance. Exterior noise mitigation in the form of noise barriers is not anticipated to provide the FHWA attainable reduction of 5 dBA required to reduce the off-site traffic noise level increases and would also require potential openings for driveway access to individual residential lots fronting the road. As such, off-site noise barriers would not be feasible and would not lower the off-site traffic noise levels below a level of significance.

In addition, implementation of the both rubberized asphalt hot mix pavement and off-site noise barriers would need to occur within the public right-of-way and private property, respectively. Thus, the ability for the Project applicant to incorporate these measures could not be guaranteed, as there is no assurances that the respective property owners (e.g., the City and private residential property owners) would allow for these improvements on their respective properties. As such, there are no assurances that these measures could be adequately implemented.

Based on the infeasibility of potential mitigation to adequately reduce off-site Project traffic noise levels to less-than-significant levels, off-site Project-related traffic noise level increases at adjacent land uses would remain

significant. Therefore, long-term operational impacts associated with Project-related traffic noise increases would be significant and unavoidable, and the Project would have cumulatively considerable impact related to noise.

2.2.3.2 Findings Per CEQA Guidelines

The Project would result in less-than-significant on-site operational impacts; however, the Project would result in potentially significant off-site operational traffic noise impacts along Main Street between U.S. Highway 395 and Cataba Road. Based on the infeasibility of potential mitigation to adequately reduce off-site Project traffic noise levels to less-than-significant levels, and because there are no assurances that noise-reducing measures could be adequately implemented, no reasonably feasible and implementable mitigation measures have been identified. As such, off-site operational traffic noise impacts would remain significant and unavoidable. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR, and the identified noise impacts are thereby acceptable because of specific overriding considerations (see Section 5).

2.2.3.3 Facts in Support of the Findings Related to Noise

Based on the impact analysis, the proposed project would result in significant off-site operational traffic noise impacts along Main Street between U.S. Highway 395 and Cataba Road. Based on the infeasibility of potential mitigation to adequately reduce off-site Project traffic noise levels to less-than-significant levels, and because there are no assurances that noise-reducing measures could be adequately implemented, no reasonably feasible and implementable mitigation measures have been identified. Thus, impacts related to the Project's off-site operational traffic noise impacts would remain significant and unavoidable.

2.2.4 Transportation

2.2.4.1 Potentially Significant Impacts to Transportation

Conflict with CEQA Guidelines Section 15064.3 (b)

CEQA Guidelines Section 15064.3(b) focuses on newly adopted criteria (VMT) adopted pursuant to SB 743 for determining the significance of transportation impacts. Pursuant to SB 743, the focus of transportation analysis changes from vehicle delay to VMT. The related updates to the CEQA Guidelines required under SB 743 were approved on December 28, 2018. As stated in CEQA Guidelines Section 15064.3(c), the provisions of Section 15064.3 shall apply statewide on July 1, 2020.

> The City of Hesperia has yet to adopt its own VMT analysis guidelines and thresholds. City staff have recommended the VMT threshold of better than existing regional VMT until the City of Hesperia adopts its own guidelines and thresholds.

For the purposes of this EIR, the recommended VMT analysis methodology and thresholds identified within the OPR's Technical Advisory and SBCTA February 2020 guidelines have been used.

The San Bernardino Transportation Analysis Model (SBTAM) is a useful tool to estimate VMT as it considers interaction between different land uses based on socio-economic data such as population, households, and

employment. The SBCTA Guidelines identifies SBTAM as the appropriate tool for conducting VMT analysis for land use projects in San Bernardino County.

Project VMT has been calculated using the most current version of SBTAM. Adjustments in socioeconomic data (SED) (i.e., employment) have been made to a traffic analysis zone (TAZ) within the SBTAM model to reflect the Project's proposed land uses (i.e., warehouse). As mentioned previously, the SBTAM model includes a truck component. Therefore, Project truck trips and truck related VMT are included in the Project's per-employee VMT, and the Project's VMT is a conservative estimate.

The employment estimates for the Project are consistent with the employment density factors identified in SCAG's Employment Density Study (SCAG 2001).

Adjustments to employment factors for the Project TAZ were made to both the SBTAM base year model (2012) and the cumulative year model (2040). Project VMT was then calculated for both the base year model (2012) and cumulative year model (2040) and linear interpolation was used to determine the Project's baseline (2020) VMT. The VMT is then normalized by dividing by the Project's service population (SP) (e.g., employees). The Project baseline (2020) VMT per SP is 39.25.

SBCTA provides VMT calculations for each of its member agencies and for the County of San Bernardino region. Urban Crossroads has obtained this data from SBCTA which identifies that the existing San Bernardino County VMT per SP for is 32.66.

The comparison between Project-generated VMT per SP to the baseline (2016) regional (San Bernardino County) VMT per SP, which was derived from the SBTAM base year model by SBCTA and their consultant. As shown, the Project would exceed the current threshold of the baseline County of San Bernardino VMT per SP. The Project VMT impact is therefore significant and unavoidable.

Design Hazards

Queuing Analysis

A queuing analysis was performed for U.S. Highway 395 from Luna Road to Joshua Street to assess vehicle queues along the roadways. There are no intersection turning movements that currently experience periodic queuing issues during the peak hours based on the 95th percentile peak hour traffic flows.

A queuing analysis was performed for the off-ramps at the I-15 and Main Street interchange to assess vehicle queues for the off ramps that may potentially result in deficient peak hour operations at the ramp-to-arterial intersections and may potentially "spill back" onto the I-15 mainline. There are no off-ramp movements that are currently experiencing queuing issues during the weekday AM or weekday PM peak 95th percentile traffic flows.

Existing plus Project

The following intersection is anticipated to experience periodic queuing issues during the peak hours based on the 95th percentile peak hour traffic flows with the addition of Project traffic under Existing plus Project traffic conditions:

- U.S. Highway 395/Phelan Road/Main Street (#12) Southbound Left – AM and PM peak hours

There are no off-ramp movements that are anticipated to experience queuing issues during the weekday AM or weekday PM peak 95th percentile traffic flows.

Opening Day plus Project

The following intersection turning movements are anticipated to experience periodic queuing issues during the peak hours based on the 95th percentile peak hour traffic flows for Opening Year Cumulative (2021) Without Project traffic conditions:

- U.S. Highway 395/Phelan Road/Main Street (#12) Southbound Left – AM and PM peak hours
- U.S. Highway 395/Three Flags Road (#14) Northbound Left – AM and PM peak hours

The following additional intersection turning movement is anticipated to experience queuing issues during the peak hours based on the 95th percentile peak hour traffic flows with the addition of Project traffic for Opening Year Cumulative (2021) With Project traffic conditions:

- U.S. Highway 395 and Phelan Road/Main Street (#12) Northbound Left – AM and PM peak hours

There are no off-ramp movements that are anticipated to experience queuing issues during the weekday AM or weekday PM peak 95th percentile traffic flows under Opening Year Cumulative (2021) With Project traffic conditions.

Horizon Year (2040) plus Project

The following intersection turning movements are anticipated to experience periodic queuing issues during the peak hours based on the 95th percentile peak hour traffic flows for Horizon Year (2040) Without Project traffic conditions:

- U.S. Highway 395/Bear Valley Road (#9) Northbound Left – AM and PM peak hours
- U.S. Highway 395/Bear Valley Road (#9) Southbound Left – AM and PM peak hours
- U.S. Highway 395/Phelan Road/Main Street (#12) Northbound Left – PM peak hour only
- U.S. Highway 395/Phelan Road/Main Street (#12) Southbound Left – AM and PM peak hours
- U.S. Highway 395/Poplar Street (#13) Southbound Left – AM and PM peak hours
- U.S. Highway 395/Three Flags Road (#14) Northbound Left – AM and PM peak hours
- U.S. Highway 395/Joshua Street (#15) Southbound Left – AM and PM peak hours

There are no additional intersection turning movements that are anticipated to experience queuing issues during the peak hours based on the 95th percentile peak hour traffic flows for Horizon Year (2040) With Project traffic conditions, in addition to the movements identified under Horizon Year (2040) Without Project traffic conditions.

There are no off-ramp movements that are anticipated to experience queuing issues during the weekday AM or weekday PM peak 95th percentile traffic flows with the addition of Project traffic under Horizon Year (2040) With Project traffic conditions.

Improvement measures required to mitigate Project's impact would include fair-share contribution to Intersections #9, #12, #13, #14, and #15. Since the City does not have jurisdiction over some of these facilities, these improvements cannot be assumed to be in place prior to Project's occupancy. Therefore, Project's impact to increase in hazardous conditions (i.e. queuing) would be significant and unavoidable.

Cumulative Transportation Impacts

A TIA was prepared to evaluate the Project's effects on the LOS on transportation facilities in the Project area. The Project's cumulative contribution to traffic-related impacts has been analyzed under Opening Year and Horizon Year analyses within the TIA and summarized under Threshold A. Some of the study area intersections would not comport with Policy CI-2.1, 2.2 and 2.3 under General Plan Goal: CI-2 Develop and implement a City-wide Congestion Management Plan of the City's General Plan, as they would operate or are forecast to operate at unsatisfactory (LOS E or F) conditions during either the AM or PM peak hours. However, LOS has been addressed herein for informational purposed only and can no longer be used to determine significant transportation impacts under CEQA and SB 743.

As discussed above, the Project would exceed the current threshold of the baseline County of San Bernardino VMT per SP, resulting in a Project-specific VMT impact that is therefore significant and unavoidable. OPR's Technical Advisory states the following, "a project that falls below an efficiency-based threshold that is aligned with long-term goals and relevant plans has no cumulative impact distinct from the project impact. Accordingly, a finding of a less-than-significant project impact would imply a less than significant cumulative impact and vice versa. Therefore, the Project's finding related to cumulative VMT impacts is considered potentially significant. MM-TRA-1 would be implemented. However, the effectiveness of some of the TDM strategies that have potential to reduce the Project VMT are dependent on yet unknown Project building tenant(s); and as noted above, VMT reductions from TDM strategies cannot be guaranteed in most cases. Therefore, Project's cumulative impact with respect to VMT would be significant and unavoidable.

In addition, the Project may increase a hazardous condition due to queuing impacts at the intersections #9, #12, #13, #14, and #15 under the Horizon Year (2040) plus Project analysis scenario. Since the City does not have jurisdiction over some of these facilities, these improvements cannot be assumed to be in place prior to Project's occupancy. Therefore, Project's impact to increase in hazardous conditions (i.e. queuing) would be significant and unavoidable, and thus, the Project could contribute to a cumulatively considerable impact associated with queuing and hazardous design features.

2.2.4.2 Mitigation Measures

MM-TRA-1 The Project applicant shall submit a Transportation Demand Management (TDM) plan prepared by a qualified transportation consultant acceptable to the City of Hesperia to reduce Project's vehicle miles traveled. The TDM plan shall be approved by the City prior to the issuance of the first occupancy permit. The TDM plan shall apply to Project tenants through tenant leases. The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. Examples of trip reduction measures may include, but are not limited to:

- Transit passes
- Car-sharing programs
- Telecommuting and alternative work schedules
- Ride sharing programs

2.2.4.3 Findings per CEQA Guidelines

The City finds that the above mitigation measure is feasible, is adopted, and will reduce some of the proposed project transportation impacts attributable to trips generated by the proposed project. The Project would exceed the current threshold of the baseline County of San Bernardino VMT per SP, resulting in a Project-specific VMT impact that is therefore significant and unavoidable. MM-TRA-1 would be implemented. However, the effectiveness of some of the TDM strategies that have potential to reduce the Project VMT are dependent on yet unknown Project building tenant(s). In addition, the Project may increase a hazardous condition due to queuing impacts at various intersections that the City does not have jurisdiction over, therefore, these improvements cannot be assumed to be in place prior to Project's occupancy. Therefore, the Project's impact to increase in hazardous conditions (i.e. queuing) would be significant and unavoidable. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR, and the identified transportation impacts are thereby acceptable because of specific overriding considerations (see Section 5).

2.2.4.4 Facts in Support of the Findings Related to Transportation

The Project would exceed the current threshold of the baseline County of San Bernardino VMT per SP, resulting in a Project-specific VMT impact that is therefore significant and unavoidable. MM-TRA-1 would be implemented. However, the effectiveness of some of the TDM strategies that have potential to reduce the Project VMT are dependent on yet unknown Project building tenant(s).

Some intersection impacts remain significant and unavoidable because they are outside the City's control to implement mitigation. The Project may increase a hazardous condition due to queuing impacts at the intersections #9, #12, #13, #14, and #15 under the Horizon Year (2040) plus Project analysis scenario. Since the City does not have jurisdiction over some of these facilities, these improvements cannot be assumed to be in place prior to Project's occupancy.

Mitigation measures are proposed to reduce potential transportation impacts, however, since implementation of the roadway improvements cannot be guaranteed by project opening or project build-out, mitigation and improvements are rendered infeasible. The significance determinations are based on a conservative worst-case scenario whereby it is assumed that mitigation for all significant impacts outside the control of the City are infeasible and therefore, the impacts are significant and unavoidable.

2.3 Impacts Determined to Be Less Than Significant with Mitigation

This section identifies significant adverse impacts of the project that require findings to be made under CEQA Section 21081(a) and CEQA Guidelines Section 15091(a)(1). Based on substantial evidence, the City finds that adoption of the mitigation measures set forth in this section will reduce the identified significant impacts to less than significant levels:

- Aesthetics
  - Scenic vistas

  - Regulations governing scenic quality
  - Cumulative aesthetics impacts
- Air Quality
  - Cumulatively considerable net increase of criteria pollutants
    - Short-term construction impacts
- Biological Resources
  - Candidate, sensitive, or special-status species
  - Adverse impact on riparian habitat/sensitive natural communities
  - Adverse effect on wetlands
  - Conflict with biological resources protection policies and ordinances
  - Cumulative biological impacts
- Cultural Resources
  - Historic resources
  - Archaeological resources
  - Disturbance of human remains
  - Cumulative cultural impacts
- Geology and Soils
  - Unique paleontological resource or site or unique geologic feature
- Hazards and Hazardous Materials
  - Routine transport, use, or disposal of hazardous materials
  - Release of hazardous materials and the potential for upset conditions
  - Cumulative hazards impacts
- Tribal Cultural Resources
  - Register of Historical Resources
  - California Public Resource Code, Section 5024.1
  - Cumulative tribal cultural impacts

Other impacts addressed under cumulatively considerable net increase of criteria pollutants are addressed in Section 2.2, Impacts Determined to be Significant and Unavoidable. In addition, other impacts not addressed under special-status wildlife species are addressed in Section 2.4.4.

2.3.1 Aesthetics

2.3.1.1 Potentially Significant Impacts to Aesthetics

Scenic Vistas

The Project would involve the construction of three industrial/warehouse buildings, surface parking and loading areas. Buildings 1 and 3 would be in the northern portion of the Project site, and Building 2 would be in the southern portion of the Project site and would front Phelan Road.

The Project site is located on relatively flat land within a wide, valley floor. The City of Hesperia General Plan identifies natural scenic open space as a valuable scenic resource that contributes to the visual landscape and states that these areas should be preserved. Open space areas within the City include the Mojave River to the east, the San Bernardino and San Gabriel Mountain ranges and the surrounding Victor Valley to the south, and the neighboring undeveloped hillsides and the natural desert environment. Additionally, several washes and natural water courses traverse the City, and are identified in the City's General Plan as providing physical and visual relief from surrounding urban development (City of Hesperia 2010a).The City protects wash areas through the Main Street and Freeway Corridor Specific Plan Wash Protection Overlay. The nearest protected wash area to the Project site is the Oro Grande Wash, which is located approximately 0.25-mile to the east of the Project site beyond U.S. Highway 395.

Photographs of the Project site and surrounding area were taken from public vantage points to document the existing visual environment and to identify locations from which to assess the potential for Project impacts on scenic vistas. Key view locations were selected to depict existing views toward the Project site available from public vantage points, and KOPs 1 and 2 were selected to depict existing conditions and visual simulations of the Project. Visual simulations provide 3-dimensional photo-realistic before and after images of the Project. The key view locations and KOPs were selected based on the variety of viewer groups in the area and existing views to natural scenic resources. Motorists constitute the largest viewer group in the Project area, and thus, views are depicted from public roadways. Other land uses in the Project area include rural residential uses and commercial/light industrial uses. These land uses are located in close proximity to the key view locations and KOPs, and would be afforded similar views as presented in the photographs.

Existing views toward and across the immediate and broader Project area consist of natural scenic elements such as the flat valley floor, sloping natural terrain within nearby washes, including the Oro Grande Wash and the smaller wash/drainage area adjacent to the Project site, a variety of natural vegetation, including scattered Joshua trees and Juniper, and distant ridgelines of the San Gabriel and San Bernardino Mountains that form a backdrop. Additionally, there are several man-made elements located throughout the Project area that intervene between viewers and natural scenic elements. These intervening elements include roadways, roadway signage, rural residential buildings, light industrial uses (e.g., truck yards, warehouses, and scrapyards), and transmission lines.

As discussed in further detail below, implementation of the Project would result in the development of three warehouse buildings within an area that contains limited levels of development. While development of these structures would result in some levels of blockage of views of natural scenic elements, these views would still largely be afforded to viewers as they move through the Project area. Moreover, the presence of existing man-made elements (i.e., transmission lines, signage, and light-industrial uses) within the existing viewshed precludes views of the Project site from being particularly significant. In addition, implementation of MM-AES-1 would require that Project buildings are designed such that building colors mimic the colors and tones found in the natural desert landscape to soften the contrast with the surrounding desert terrain, to the extent feasible. These factors and significance determinations are discussed in further detail below in the context of specific key observation points, which are representative of other views in and around the Project site.

Visual Simulations

KOP 1

KOP 1 provides an existing conditions image and a visual simulation of the Project from Phelan Road/Main Street, located approximately 0.15-mile southwest of the Project site. A residential development is located immediately

north of KOP 1, across Phelan Road atop elevated terrain on the western side of the wash/drainage area. Views afforded to eastbound motorists include natural scenic resources such as the gently to moderately sloping desert terrain covered with a variety of natural vegetation within a small wash/drainage area that flanks the western side of the Project site (within the Los Angeles Bureau of Power and Light Road corridor). A rise in the terrain encompassed by the eastern bank the wash/drainage area is visible and covered with grasses and scattered small to medium sized shrubs, and large Joshua and Juniper trees. The Project site portrays as a flat plateau elevated atop vegetation covered slopes. Multiple transmission lines are apparent in the immediate foreground and middle-ground and are located adjacent to the Project site's western and southern boundaries. Associated with these transmission lines are the tall lattice structures within the Los Angeles Bureau of Power and Light Road right-of-way and the smaller wooden t-pole structures along Phelan Road.

The Project would introduce wide, lower-profile warehouse buildings to the Project site. The approximately 48-foot-tall western and southern façades of Building 2 would be prominently visible from KOP 1. The southern façade of the building would be visible extending to the east, as the building fronts Phelan Road for approximately 3,000 feet. The building façades would include vertical and horizontal color variation that would break up the overall massing of the buildings and provide visual interest. While the warehouse buildings would be prominently visible and would alter the existing view, the Project would not substantially block or disrupt views of the natural features from KOP 1. The sloping terrain and existing desert vegetation within the wash/drainage area west of the Project site would remain intact. Project buildings would not block views across the desert landscape from KOP 1, as under existing conditions, the elevated plateau impedes long distance views across the landscape from KOP 1. As motorists travel east on Phelan Road, the road slopes upward to meet the elevation of the Project site. Phelan Road is a major arterial, which is meant to accommodate large volumes of through-traffic traveling at higher speeds (City of Hesperia 2010a). Assuming drivers are traveling on Phelan Road at prevailing speeds (55 mph), Building 2 would front Phelan Road and screen immediate views across the landscape to the north for a brief period (approximately 38 seconds) and views would be quickly restored. Some Joshua trees that are visible from KOP 1 and additional trees within the Project site would be removed. However, Joshua trees would be relocated according to the Joshua Tree Relocation Plan (see Section 2.3.2, Biological Resources). Thus, views from KOP 1 would not be substantially impacted such that views of scenic vistas or scenic resources would be substantially blocked or screened from view.

KOP 2

KOP 2 provides an existing conditions image and a visual simulation of the Project from the intersection of Bellflower Street and Yucca Terrace Drive, approximately 0.28-mile northwest of the Project site. KOP 2 is representative of views to toward the Project site from local roads within the rural residential and light industrial/commercial areas surrounding the Project site. Rural residential properties are located within close proximity of KOP 2. Scenic vistas and scenic resources visible from this location include the expansive desert terrain and natural vegetation (including Joshua trees) and the background ridgeline of the San Bernardino Mountains. Similar other views surrounding the Project site, existing transmission lines and tall lattice towers and t-poles are the primary built structures that intervene between viewers and scenic backdrops. While these features do not block views of the desert landscape or San Bernardino Mountains, the disorganized repetition of the linear and angular features detract from the overall integrity of the viewshed. Additionally, several medium-duty and heavy-duty trucks are visible in the foreground and middle-ground, in an area immediately north of the Project site. These trucks are parked on one of many truck storage lots located throughout the Project area and throughout the U.S. Highway 395 corridor.

Upon Project implementation the Project would introduce warehouse buildings (only Buildings 1 and 2 would be visible from KOP 2) into the viewshed. The existing view of the foreground desert terrain and natural vegetation would remain intact, and Joshua trees removed from the Project site would be relocated according to the Joshua

Tree Relocation Plan (see Section 2.3.2). Project buildings would display a low, flat profile that would mimic the flat desert terrain. As shown in the visual simulation, Project buildings would display a variety of tan and brown colors with vertical and horizontal elements, which would disrupt the monotony of the building facades. However, the bright/light tan of the western façade of the buildings would be prominently visible and would contrast with the natural desert terrain. MM-AES-1 would require that Project buildings are designed such that building colors mimic the colors and tones found in the natural desert landscape to soften the contrast with the desert terrain, to the extent feasible. Further, the Project would include landscaping that would incorporate natural vegetation and that would complement the desert landscape. With implementation of MM-AES-1 and through site specific landscaping, the visible contrast with the surrounding environment would be softened. Additionally, introduction of Project buildings on the Project site would shorten the available views across the flat desert landscape, and when viewed directly across the Project site, would block a portion of San Bernardino Mountains from view. However, given the low profile and limited extent of Project buildings, these views would only be partially blocked from view and would be fully restored to viewers as they travel around the Project area. Moreover, these views of the desert landscape and San Bernardino Mountains are already interrupted by existing transmission facilities and trucking-related use which detract from the overall integrity of the viewshed. Thus, placement of Project structures within the viewshed of this KOP, which is representative of other views in and around the Project site, would not result in a significant impact to scenic vistas, as the Project buildings would only result in minor blockage of views of desert landscape and the San Bernardino Mountains; views would be restored upon moving around the Project site; and existing intervening features within and surrounding the Project site detract from existing views through and beyond the Project site. Therefore, with incorporation of MM-AES-1, impacts associated with scenic vistas would be less than significant.

Regulations Governing Scenic Quality

California Public Resources Code Section 21071 defines an "urbanized area" as "an incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons, or (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons." The City's population in 2019 was approximately 95,750 people (U.S. Census 2019). However, the City is bordered by the City of Victorville to the north, City of Apple Valley to the east, unincorporated San Bernardino County land to the south, and the unincorporated community of Oak Hills to the west. The combined population of the City of Hesperia and any one of these adjacent Cities is over 100,000 persons. Thus, the Project site is considered to be within an urbanized area and following analysis considers whether the Project would conflict with applicable zoning or other regulations governing scenic quality. Nonetheless, the Project's compatibility with the existing visual character and quality of the surrounding area as viewed from public vantage points has also been considered and discussed throughout this analysis.

The Project would result in the construction of three industrial/warehouse buildings on relatively flat, vacant land. The Project would result in an increase in the intensity of use on currently undeveloped site, as the Project would support a variety of activities associated with the three industrial/warehouse buildings, including the ingressing and egressing of passenger vehicles and trucks, the loading and unloading of trucks with designated truck courts/loading areas, and the internal and external movement of materials around the Project site via forklifts, pallet jacks, and similar equipment. In an attempt to ensure that current and future development within the City is designed and constructed to conform to existing the visual character and quality, the City of Hesperia Development Code (Title 16 of the City's Municipal Code) includes design standards related to building size, height, floor area ratio, and setbacks, as well as landscaping, signage, and other visual considerations. These design standards help adjacent land uses to be visually consistent with one another and their surroundings, and reduces the potential for conflicting visual elements. More specific to the Project site, the Main Street and Freeway Corridor Specific Plan sets forth development standards for the CIBP Zone and industrial development. The design specifications for the

Project would be reviewed by the City for compliance with all applicable provisions set forth by the City's Development Code and the Specific Plan. As part of the City's development review process, the Project's architectural plans would be reviewed by City staff and the Planning Commission to determine whether Project design conforms to the Development Code and Specific Plan, and promotes the visual character and quality of the surrounding area.

Due to the size and scale of industrial buildings, it is especially important to consider design to ensure compatibility with other parts of the community. Chapter 11 of the Specific Plan provides additional details regarding design standards and guidelines for industrial development. In accordance with the Specific Plan design guidelines, all setback areas would be landscaped, and building orientation, siting and entrances would be designed to minimize conflicts with the surrounding visual environment. For instance, landscaping and vegetation would be used to provide visual screening, and building facades would feature a complementary neutral color palette and a variety of building materials.

With implementation of MM-AES-1, building colors shall be reviewed to incorporate the colors and tones that match or complement the natural desert environment such that color contrasts with the surrounding environment would be minimized. Buildings would include materials such as concrete, metal, aluminum entry framing, and glass, and building elevations would include vertical and horizontal elements that would break up the overall massing of the buildings and provide visual interest.

Project buildings and streetscape elements (e.g., lighting and paving materials) would be designed to minimize conflicts between the Project and existing residential neighborhoods to the north, west, east and south by locating the most intensive components of the Project as far away from residences as possible. The existing natural and semi-natural land uses, such as Oro Grande Wash corridor and the adjacent wash/drainage area to the west of the Project site (within the Los Angeles Bureau of Power and Light Road transmission corridor), would serve as natural buffers between the Project site and surrounding residential areas.

The Project would be of similar bulk and scale as other industrial and commercial development located throughout the City and region, such as the existing manufacturing, distributing and commercial uses located approximately 1 mile east and south of the Project site, near I-15 and U.S. Highway 395. Further, the flat, low appearance of Project buildings would mimic the surrounding, relatively flat desert landscape.

The visual setting surrounding the Project site currently consists of primarily undeveloped desert landscape with scattered residential, commercial and light industrial uses, and panoramic views of the surrounding valley and mountains. The visual integrity of the site itself has been disrupted by the disturbed nature of the site, which is crossed by dirt trails and roads and scattered debris piles due to ongoing trespassing and illegal dumping on site, debris piles and exposed soils are visible near the road as well as scattered throughout the site). Overall, Project development would alter the existing rural character of the Project area. However, the proposed building elevations are consistent with the design standards and guidelines outlined in the Specific Plan.

The Main Street and Freeway Corridor Specific Plan encourages architectural design to maximize views of the landscape and incorporate natural elements. Project landscaping would include a plant palette that complements and reflects the natural desert environment. Further, with incorporation of MM-AES-1, natural desert tones would be used in Project colors and materials to reduce contrast with the surrounding environment. The Project would eliminate the illegal uses currently occurring on site (trespassing and illegal dumping), and develop the vacant parcels with maintained development and landscaping. Therefore, compliance with the City's Development Code and the Main Street Corridor Specific Plan design standards and guidelines, implementation of site specific landscaping, and with

implementation of MM-AES-1, the Project would not conflict applicable zoning or other regulations governing scenic quality and impacts related to visual character and quality would be less than significant.

Cumulative Aesthetics Impacts

The Project is located within the Main Street and Freeway Corridor Specific Plan area, and thus, would be designed and constructed according to the design guidelines and standards outlined in the Specific Plan for the CIBP Zone and industrial development. These guidelines and standards aim to protect the Specific Plan area's high desert setting and panoramic mountain views. All related projects located within the Specific Plan area would be subject to these design guidelines and standards, which include recommendations for the architectural character of new buildings to maximize views of the landscape while taking inspiration from surrounding natural elements.

The development and design standards provide the framework for the desired aesthetic and visual environment. Other development projects in the area will incorporate development standards, design guidelines, and other strategies outlined in the Specific Plan. In addition, with implementation of MM-AES-1, the Project's proposed building colors shall be reviewed to incorporate the colors and tones that match or complement the natural desert environment such that color contrasts with the surrounding cumulative environment would be minimized. Thus, cumulative impacts related to the visual quality and character of the Project area would not be cumulatively considerable, assuming that related Projects would implement the same mandatory design standards set forth in the Specific Plan to which the Project must adhere.

Related development in the Specific Plan area and surrounding areas would introduce new sources of light in a setting that includes large areas of undeveloped land. However, Project lighting would comply with existing requirements (i.e., lighting would be directed downward, shielded, and focused on the Project site) to ensure lighting has a minimal effect on the overall night sky and reduce the potential for glare. Other projects located throughout the Specific Plan area would similarly be required to comply with these regulations. Therefore, compliance with these regulations would ensure that lighting and glare impacts would be less than significant with mitigation incorporated.

2.3.1.2 Mitigation Measures

MM-AES-1: Project buildings and elements shall include colors and tones that mimic the natural desert environment. The Project applicant shall present to the City of Hesperia a materials board showing the proposed building color palette for review and approval prior to issuance of the first building permit. City staff shall review the color palette to ensure that the selected colors and tones largely conform to those colors and tones already found in the surrounding natural desert landscape. The color palette, along with the Project design as a whole, shall also be reviewed to assure conformance with the development standards of the Hesperia Municipal Code and the Main Street and Freeway Corridor Specific Plan in order to promote the visual character and quality of the surrounding area.

2.3.1.3 Findings Per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.1.1. This feasible measure, MM-AES-1, is described in Section 2.3.1.2.

The City finds that this mitigation measure is feasible, is adopted, and will reduce the potential aesthetics impacts of the proposed project to less-than-significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid potentially significant aesthetics-related impacts of the proposed project identified in the Final EIR.

2.3.1.4 Facts in Support of the Findings Related to Aesthetics

The City finds that the mitigation measure is feasible, is adopted, and will reduce the proposed project's aesthetics impact. Potential impacts to scenic vistas and cumulative aesthetics would be reduced to a less-than-significant level with implementation of MM-AES-1. Furthermore, the Project's conflicts with regulations governing scenic quality would be reduced to less than significant with implementation of MM-AES-1.

2.3.2 Air Quality

2.3.2.1 Potentially Significant Impacts to Air Quality Resources

Cumulatively Considerable Net Increase of Criteria Pollutants

Short-Term Construction Impacts

Construction of the Project would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment and soil disturbance) and off-site sources (i.e., on-road haul trucks, vendor trucks, and worker vehicle trips). Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and for dust, the prevailing weather conditions. Therefore, such emission levels can only be approximately estimated with a corresponding uncertainty in precise ambient air quality impacts.

Criteria air pollutant emissions associated with temporary construction activity were quantified using CalEEMod. CalEEMod calculates maximum daily emissions for summer and winter periods. Under the assumed scenarios, emissions resulting from the Project construction would exceed criteria pollutant thresholds established by the MDAQMD for VOC emissions. This impact would be potentially significant without mitigation.

MM-AQ-1 will be implemented to reduce the impacts, which requires that the Project shall utilize "Super-Compliant" low VOC paints which have been reformulated to exceed the regulatory VOC limits put forth by MDAQMD's Rule 1113. Super-Compliant low VOC paints shall be no more than 10 grams per liter (g/L) of VOC. Alternatively, the Project Applicant may utilize tilt-up concrete buildings that do not require the use of architectural coatings. In addition, MM-AQ-2 and MM-AQ-3 would be implemented to further reduce Project-generated construction emissions, including VOC emissions, associated with equipment and vehicle exhaust. The effectiveness of MM-AQ-1 is quantified in the mitigated emissions estimate; however, the emission reductions associated with implementation of MM-AQ-2 cannot be accurately quantified at this time and the emission reductions associated with MM-AQ-3 are conservatively not assumed.

After implementation of MM-AQ-1, regional construction emissions would not exceed the applicable MDAQMD thresholds of significance for any criteria pollutant. Mitigation measures MM-AQ-2 and MM-AQ-3 would further reduce Project-generated construction emissions; however, the associated emission reductions are not estimated herein. Therefore,

with the incorporation of mitigation, short-term impacts associated with a cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment would be less than significant.

2.3.2.2 Mitigation Measures

MM-AQ-1 through MM-AQ-3 can be found in Section 2.2.1.2, above.

2.3.2.3 Findings Per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.2.1. These feasible measures, MM-AQ-1 through MM-AQ-3, are listed in Section 2.2.1.2.

The City finds that these mitigation measures are feasible, are adopted, and will reduce the potential air quality impacts of the proposed project to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into the proposed project that will mitigate or avoid potentially significant impacts on air quality.

2.3.2.4 Findings Per CEQA Guidelines

Implementation of MM-AQ-1 through MM-AQ-3 would reduce potentially significant impacts related to air quality as described in Section 2.3.2.1 to a less than significant level. There would be no significant, unavoidable impacts related to air quality as described in Section 2.3.2.1 after implementation of these mitigation measures.

2.3.3 Biological Resources

2.3.3.1 Potentially Significant Impacts to Biological Resources

Candidate, Sensitive, or Special-Status Species

The following section evaluates the Project's effects on plant and wildlife species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Special-Status Plant Species

Direct Impacts

Desert native plants protected under the City of Hesperia's Municipal Code and California Desert Native Plants Act Plants are described below. No non-listed special-status plant species were observed within the Project site or Off-Site Utilities Alignments (the Off-Site Sewer Alignment and the Off-Site Water Alignment) and none are expected to occur. Western Joshua tree, a candidate for state listing under CESA, was observed and would be directly impacted by the Project. Based on the site plan, implementation of the Project would result in direct impacts to 1,367 western Joshua tree individuals. All ground-disturbing activities, even areas temporarily impacted, are considered permanent impacts to western Joshua trees.

As required by MM-BIO-1, mitigation for direct impacts to 1,367 western Joshua trees will be fulfilled through conservation of Western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other

conservation mechanism approved by the City of Hesperia and CDFW. Additionally, as required by **MM-BIO-2** and in accordance with Chapter 16.24 of the Hesperia Municipal Code, the preparation of a Joshua tree and desert native plants relocation plan is required to mitigate impacts to western Joshua trees as a result of the Project. As such, a Joshua Tree Preservation, Protection, and Relocation Plan, and California Desert Native Plant Relocation Plan was prepared to provide detailed specifications for the Project Applicant to meet the requirements of Chapter 16.24 of the Hesperia Municipal Code to protect, preserve, and mitigate impacts to Joshua trees.

Indirect Impacts

Construction-related indirect impacts may include inadvertent spillover impacts outside of the construction footprint, dust accumulation on individual western Joshua trees, chemical spills, stormwater erosion and sedimentation, and increased wildfire risk.

Implementation of **MM-BIO-3** gives the Project's Designated Biologist the authority to stop work if construction is not compliant with this CEQA document. **MM-BIO-4** requires that an experienced biologist oversee compliance with the protective measures, including limiting impacts to the Project impact footprint. **MM-BIO-5** would provide construction personnel with training related to western Joshua trees that are present on and adjacent to the impact footprint. **MM-BIO-6** provides for documentation that the education program was administered to applicable personnel. **MM-BIO-7** requires that impacts occur within the fenced, staked, or flagged area that is clearly delineated within the Project impact footprint. The construction crew will be responsible for unauthorized impacts from construction activities to western Joshua trees that are outside the permitted Project footprint. Thus, implementation of **MM-BIO-3** through **MM-BIO-7** will enable the Project to avoid and minimize inadvertent spillover impacts outside of the approved impact footprint.

To reduce fugitive dust resulting from Project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction.

MM-BIO-8 would ensure that a prompt and effective response to any accidental chemical spills will be implemented and that repair and clean-up of any hazardous waste occurs. Thus, implementation of **MM-BIO-8** would help to avoid and minimize impacts to western Joshua tree from any construction-related chemical spills.

A Stormwater Pollution Prevention Plan would be prepared and implemented to prevent all construction pollutants from contacting stormwater during construction activities, with the intent of keeping sediment and any other pollutants from moving off site and into receiving waters. Best management practice categories employed on site would include erosion control, sediment control, and non-stormwater good housekeeping. Preparation and implementation of a Stormwater Pollution Prevention Plan would help to avoid and minimize the potential effects of stormwater erosion during construction.

Construction of the Project would introduce potential ignition sources to the Project site, including the use of heavy machinery and the potential for sparks during welding activities or other hot work. However, the Project would be required to comply with City of Hesperia and state requirements for fire safety practices to reduce the possibility of fires during construction activities. Further, vegetation would be removed from the site prior to the start of construction. Adherence to City of Hesperia and state regulatory standards during Project construction would reduce the risk of wildfire ignition and spread during construction activities. Therefore, short-term construction impacts involving wildland fires would not be substantial.

Potential long-term (post-construction) indirect impacts from operations and maintenance activities may include effects of herbicides, changes in water quality, increased wildfire risk, and accidental chemical spills.

MM-BIO-9 would limit herbicide use to instances where hand or mechanical efforts are infeasible and would only be applied when wind speeds are less than 7 miles per hour to prevent drift into off-site western Joshua trees.

Implementation of low-impact-development features and best management practices would, to the maximum extent practicable, reduce the discharge of pollutants into receiving waters, including inadvertent release of pollutants (e.g., hydraulic fluids and petroleum); the improper management of hazardous materials; trash and debris; and the improper management of portable restroom facilities (e.g., regular service) in accordance with all relevant local and state development standards. In addition, in accordance with CalGreen requirements (California Green Building Standards Code, CCR, Title 24, Part 11), Project source controls to improve water quality would be provided for outdoor material storage areas, outdoor trash storage/waste handling areas, and outdoor loading/unloading areas. Therefore, impacts to western Joshua trees due to changes in water quality would be avoided and minimized through implementation of low-impact-development features and best management practices.

Upon completion of Project construction, with adherence to the City of Hesperia's Municipal Code and because of the low ignitability of the proposed structures and implementation of fire-resistant and irrigated landscaping, the Project would not facilitate wildfire spread or exacerbate wildfire risk. Further, given that surrounding off-site fuels consist of moderately spaced vegetation, wildfires in the immediate surrounding area are not common, and it is unlikely that the Project site would be exposed to the uncontrolled spread of a wildfire. It is not anticipated that the Project, due to slope, prevailing winds, and other factors, would exacerbate wildfire risks or the uncontrolled spread of a wildfire; thus, with adherence to the City of Hesperia's Municipal Code, long-term indirect impacts to western Joshua tree associated with increased wildlife risk is not expected to occur.

Special-Status Wildlife

Burrowing Owl

Direct Impacts

Burrowing owl was not observed on the Project site or Off-Site Utilities Alignments; however, suitable habitat exists on site, and the species could eventually occupy the Project site or Off-Site Utilities Alignments prior to construction. Pursuant to the California Fish and Game Code and the MBTA, a pre-construction survey in compliance with Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012 (CDFW 2012) would be necessary to reevaluate the locations of potential burrowing owl burrows located within the Project limits so take of owls or active owl nests can be avoided. Consistent with MM-BIO-3, a pre-construction survey for burrowing owl shall be conducted in areas supporting potentially suitable habitat and within 14 days prior to the start of construction activities. Additionally, a burrowing owl relocation plan has been prepared.

The Project would result in the loss of 192.5 acres of suitable habitat for burrowing owl. As required by **MM-BIO-1,** mitigation for direct impacts to western Joshua trees will be fulfilled through conservation of Western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree associated with this mitigation will focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree will also mitigate for impacts to loss of suitable habitat for burrowing owl.

Indirect Impacts

Construction activities have the potential to result in indirect impacts to burrowing owls and their habitat. Those impacts could include dust, noise and vibration, trash and debris, increased human presence, vehicle collisions, chemical spills, and night-time lighting. These potential short-term or temporary indirect impacts to burrowing owls are considered significant absent mitigation.

MM-BIO-10 would require burrowing owl surveys and result in establishment of construction buffers around any burrowing owl dens found, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, night-time lighting, and vehicle collisions. MM-BIO-11 would require night-time lighting during construction within 50 feet of habitat for special-status species to be shielded downward. MM-BIO-3, MM-BIO-4, and MM-BIO-6 would require that all workers complete a Worker Environmental Awareness Program (WEAP) training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM-BIO-12 would require trash and debris to be removed regularly and would require animal-resistant trash receptacles to avoid attracting urban-related, predator species. MM-BIO-8 would ensure that a prompt and effective response to any accidental chemical spills will be implemented and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction.

Potential long-term indirect impacts that could result from development within or adjacent to burrowing owl habitat include nighttime lighting and increased invasive plant species that may degrade habitat. MM-BIO-11 would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM-BIO-4 would result in restoration of temporary impact areas that would limit the introduction of non-native species in burrowing owl habitat and avoid long-term habitat degradation.

With the incorporation of mitigation, direct and indirect impacts to burrowing owl would be less than significant.

Loggerhead Shrike

The loggerhead shrike is a CDFW species of special concern during its nesting period. It can be found in lowlands and foothills throughout California. It prefers open habitats with scattered shrubs, trees, posts, fences, utility lines, or other perches. Highest density occurs in open-canopied valley foothill hardwood, valley foothill hardwood-conifer, valley foothill riparian, pinyon-juniper, juniper, desert riparian, and Joshua tree habitats. Loggerhead shrike was not observed during the biological surveys, but has a moderate potential to occur on the Project site and within the Off-Site Utilities Alignments. Extensive suitable nesting habitat, particularly near Joshua trees, is present within the Project site and Off-Site Utilities Alignments.

Direct Impacts

To avoid potential impacts to nesting loggerhead shrike, it is recommended that the vegetation removal activities be conducted outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal. This requirement is outlined in MM-BIO-15. Also, the Project would result in the loss of 192.5 acres of suitable habitat for loggerhead. As required by MM-BIO-1, mitigation for direct impacts to western Joshua trees will be fulfilled through conservation of Western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW.

Conservation efforts for western Joshua tree associated with this mitigation will focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree will also mitigate for impacts to loss of suitable habitat for loggerhead shrike.

Indirect Impacts

Construction activities have the potential to result in indirect impacts to loggerhead shrike and their habitat. Those impacts could include dust, noise and vibration, increased human presence, vehicle collisions, chemical spills, and night-time lighting. These potential short-term or temporary indirect impacts to loggerhead shrike are considered significant absent mitigation.

MM-BIO-15 would require nesting bird surveys and would result in establishment of construction buffers around nests, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, night-time lighting, and vehicle collisions. MM-BIO-11 would require night-time lighting during construction within 50 feet of habitat for special-status species to be shielded downward. MM-BIO-3, MM-BIO-4, and MM-BIO-6 would require that all workers complete a WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM-BIO-8 would ensure that a prompt and effective response to any accidental chemical spills will be implemented and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction.

Potential long-term indirect impacts that could result from development within or adjacent to loggerhead shrike habitat include nighttime lighting and increased invasive plant species that may degrade habitat. MM-BIO-11 would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM-BIO-4 would result in restoration of temporary impact areas that would limit the introduction of non-native species in burrowing owl habitat and avoid long-term habitat degradation.

With the incorporation of mitigation, direct and indirect impacts to loggerhead shrike would be less than significant.

Desert Kit Fox and American Badger

Neither the Biological Resources Letter Report nor any other subsequent fieldwork and reporting observed desert kit fox (*Vulpes macrotis arsipus)* or American badger (*Taxidea taxus*) on the Project site or identified suitable habitat for these species within the Project area. The desert kit fox lives in the open desert, on creosote bush flats, and amongst the sand dunes, while American badgers prefer open scrub or grassy areas (NPS 2015; USGS 2020). The Project site is predominated by Joshua tree woodland, and lacks creosote bush flats, sand dunes, or larger areas of open scrub or grassy areas. Thus, the Project site is not expected to support either desert kit fox or American badger.

Notwithstanding, in their scoping comment letter dated December 19, 2019, CDFW staff requested that development of a desert kit fox and American badger mitigation and monitoring plan be developed. As such, in an abundance of caution and to ensure that potential impacts to these species are less than significant, the Project Applicant shall prepare a mitigation and monitoring plan that addresses desert kit fox and American badger if either species is determined to occur on the Project site prior to the start of construction, pursuant to MM-BIO-14. With the incorporation of mitigation, impacts associated with desert kit fox and American badger would be less than significant.

Nesting Migratory Birds and Raptors

Similar to most other sites containing trees, shrubs, and other vegetation, the Project site contains opportunities for birds of prey (raptors) and other avian species to nest on site. Native nesting bird species with potential to occur within the Project site are protected by California Fish and Game Code Sections 3503 and 3503.5, and by the federal MBTA (16 USC 703–711). In particular, Section 3503 provides that it is unlawful to take, possess, or needlessly destroy the active nests or eggs of any bird in California; Section 3503.5 protects all raptors and their eggs and active nests; and the MBTA prohibits the take (including killing, capturing, selling, trading, and transport) of native migratory bird species throughout the United States. Recently, the Department of Interior ruled that the MBTA should apply only to "… affirmative actions that have as their purpose the taking or killing of migratory birds, their nests, or their eggs" and will not be applied to incidental take of migratory birds pursuant to otherwise lawful activities However, that ruling is now under review as a revision to the MBTA that would include prohibitions to incidental take has recently been proposed.

To ensure compliance with the California Fish and Game Code and MBTA and to avoid potential impacts to nesting birds, it is recommended that the vegetation removal activities be conducted outside the general bird nesting season (February 1 through August 31, depending on the species), and if vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal. This requirement is outlined in **MM-BIO-15**. With the incorporation of mitigation, impacts associated with nesting birds, including raptors, would be less than significant.

Adverse Impact on Riparian Habitat/Sensitive Natural Communities

Joshua tree woodland is a sensitive CDFW natural community. As described above, western Joshua trees are also protected under CESA as a candidate species.

Direct Impacts

All ground-disturbing activities, even areas temporarily impacted, are considered permanent impacts to Joshua tree woodland. The Project will result in permanent impacts to 192.5 acres of Joshua tree woodland, which would be considered a significant impact under CEQA.

The Project would also result in permanent impacts to 12.4 acres and temporary impacts to 2.6 acres of disturbed habitat and urban/developed lands. These land cover types are not considered sensitive by CDFW and provide little biological value. Therefore, these direct impacts are considered less than significant under CEQA.

As required by **MM-BIO-1**, mitigation for direct impacts to 1,367 western Joshua trees will be fulfilled through conservation of Western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree will focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree will also mitigate for impacts to Joshua tree woodland.

Additionally, as required by **MM-BIO-2** and In accordance with Chapter 16.24 of the Hesperia Municipal Code, the preparation of a Joshua tree and desert native plants relocation plan is required to mitigate impacts to western Joshua trees as a result of the Project. As such, a Joshua Tree Preservation, Protection, and Relocation Plan was prepared for Project to provide detailed specifications for the Project Applicant to meet the requirements of Chapter

16.24 of the Hesperia Municipal Code to protect, preserve, and mitigate impacts to Joshua trees. Thus, mitigation for impacts to western Joshua tree will also mitigate for impacts to Joshua tree woodland.

Indirect Impacts

Potential construction- and operation-related indirect impacts to Joshua tree woodland, would be the same as the indirect impacts to western Joshua tree, as described above.

With the incorporation of mitigation, and with adherence to both the CDNPA and the Hesperia Municipal Code, impacts associated with Joshua tree woodland would be less than significant.

Adverse Effect on Wetlands

No potential jurisdictional features subject to regulation by ACOE, CDFW, or RWQCB were found to be present within the limits of the Project site. The Off-Site Utilities Alignments would traverse and come in close proximity to waters of the state and waters potentially subject to CDFW jurisdiction. As currently designed, the Off-Site Utilities Alignments traverse several upland ephemeral drainage features associated with Oro Grande Wash.

Based on current site plans, the proposed Off-Site Utilities Alignments would bore beneath the Oro Grande Wash at two different locations both east and south/southeast of the Project site, with the proposed sanitary sewer line and domestic water line will be placed outside of any potentially jurisdictional limits. By boring beneath the jurisdictional limits within this drainage, the Project will eliminate the potential impacts to regulated waters of the state, including RWQCB and CDFW.

However, if the final Project design results in the encroachment or placement of fill within the jurisdictional limits of Oro Grande Wash, adherence to the Porter-Cologne Water Quality Act and Section 1600, et seq., of the California Fish and Game Code will be required. A Waste Discharge Requirement from the RWQCB and a Streambed Alteration Agreement from CDFW would be required. These permits would need to be issued prior to the start of construction within Oro Grande Wash.

Direct Impacts

The Project could potentially result in significant direct impacts to areas under the jurisdiction of CDFW and RWQCB absent mitigation. As described, to the extent practicable, the Project shall be designed to avoid impacts to the jurisdictional waters of the state; if jurisdictional areas cannot be avoided, necessary resource agency permits shall be obtained, and compensatory mitigation would occur at a ratio not less than 1:1 for the impacts to jurisdictional waters in accordance with MM-BIO-16.

Indirect Impacts

Construction-related indirect impacts may include inadvertent spillover impacts outside of the construction footprint, chemical spills, and stormwater erosion and sedimentation.

Implementation of MM-BIO-3 gives the Project's Designated Biologist the authority to stop work if construction is not compliant with this CEQA document. MM-BIO-4 requires that an experienced biologist oversee compliance with the protective measures, including limiting impacts within the Project footprint. MM-BIO-5 would provide construction personnel with training related to waters of the state that are present on and adjacent to the impact footprint. MM-BIO-6 provides for documentation that the education program was administered to applicable

personnel. **MM-BIO-7** requires that impacts occur within the fenced, staked, or flagged area that is clearly delineated within the Project impact footprint. The construction crew will be responsible for unauthorized impacts from construction activities to waters of the state that are outside the permitted project footprint. Thus, implementation of **MM-BIO-3** through **MM-BIO-7** will enable the Project to avoid and minimize inadvertent spillover impacts outside of the approved impact footprint.

MM-BIO-8 would ensure that a prompt and effective response to any accidental chemical spills will be implemented and that repair and clean-up of any hazardous waste occurs. Thus, implementation of **MM-BIO-8** would help to avoid and minimize impacts to waters of the state from any construction-related chemical spills.

A Stormwater Pollution Prevention Plan would be prepared and implemented to prevent all construction pollutants from contacting stormwater during construction activities, with the intent of keeping sediment and any other pollutants from moving off site and into receiving waters. Best management practice categories employed on site would include erosion control, sediment control, and non-stormwater good housekeeping. Preparation and implementation of a Stormwater Pollution Prevention Plan would help to avoid and minimize the potential effects of stormwater erosion during construction.

Potential long-term (post-construction) indirect impacts from operations and maintenance activities may include changes in water quality and accidental chemical spills.

Implementation of low-impact-development features and best management practices would, to the maximum extent practicable, reduce the discharge of pollutants into receiving waters, including inadvertent release of pollutants (e.g., hydraulic fluids and petroleum); the improper management of hazardous materials; trash and debris; and the improper management of portable restroom facilities (e.g., regular service) in accordance with all relevant local and state development standards. In addition, in accordance with CalGreen requirements (California Green Building Standards Code, CCR, Title 24, Part 11), Project source controls to improve water quality would be provided for outdoor material storage areas, outdoor trash storage/waste handling areas, and outdoor loading/unloading areas. Therefore, impacts to western Joshua trees due to changes in water quality would be avoided and minimized through implementation of low-impact-development features and best management practices.

BIO-MM-8 would ensure that a prompt and effective response to any accidental chemical spills will be implemented, and repair and clean-up of any hazardous waste occurs. Thus, implementation of **BIO-MM-8** would help to avoid and minimize impacts to western Joshua tree from any operations-related chemical spills.

With the incorporation of mitigation, and with adherence to both the Porter-Cologne Water Quality Act and Section 1600, et seq., of the California Fish and Game Code, potential impacts to waters of the state would be less than significant.

Conflict with Biological Resources Protection Policies and Ordinances

California Desert Native Plants

In addition to western Joshua tree, one desert native plant species, Wiggins' cholla (*Cylindropuntia echinocarpa*), was recorded on the Project site and within the Off-Site Utilities Alignments. A total of 66 living and 6 dead plants were documented on the Project site and within the Off-Site Utility Alignments. Because the focused desert native plant survey was positive for Wiggins' cholla, and in accordance with the California Desert Native Plants Act and the Hesperia Municipal Code, Chapter 16.24, a native plant removal permit must be obtained from the City of Hesperia prior to the removal of Wiggins' cholla. Additionally, Wiggins' cholla is addressed in the Joshua Tree Preservation,

Protection, and Relocation Plan, and Desert Native Plant Relocation Plan, prepared to provide detailed specifications for the Project Applicant to meet the requirements of Chapter 16.24 of the Hesperia Municipal Code to protect, preserve, and mitigate impacts to desert native plants.

Pursuant to **MM-BIO-2**, the Project Applicant shall submit an application and applicable fee paid to the City of Hesperia for removal or relocation of protected native desert plants under Hesperia Municipal Code Chapter 16.24. The application shall include certification from a qualified Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the City of Hesperia Municipal Code. The application will include the Joshua Tree Preservation, Protection, and Relocation Plan and Desert Native Plant Relocation Plan. The plan shall be prepared by a qualified Joshua tree and native desert plant expert(s). With the incorporation of mitigation, and with adherence to both the CDNPA and the Hesperia Municipal Code, impacts associated with desert native plants would be less than significant.

Joshua Trees

In accordance with Chapter 16.24 of the Hesperia Municipal Code, the preparation of a Joshua tree and desert native plants relocation plan is required to mitigate impacts to Joshua trees as a result of the Project. As such, a Joshua Tree Preservation, Protection, and Relocation Plan and Desert Native Plant Relocation Plan was prepared for the Project to provide detailed specifications for the Project Applicant to meet the requirements of Chapter 16.24 of the Hesperia Municipal Code to protect, preserve, and mitigate impacts to Joshua trees.

The Joshua Tree Preservation, Protection, and Relocation Plan addresses the requirements of the City's Protected Plant Policy and provides details for the initial survey of the Project site's Joshua trees, detailed specifications for the protection of trees to be preserved on site, and relocation/salvage requirements for those trees requiring removal and relocation.

Pursuant to **MM-BIO-2**, the Project Applicant shall submit an application and applicable fee paid to the City of Hesperia for removal or relocation of protected native desert plants under Hesperia Municipal Code Chapter 16.24. The application shall include certification from a qualified Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the City of Hesperia Municipal Code. The application shall include a detailed plan for removal of all protected plants on the Project site. The plan shall be prepared by a qualified Joshua tree and native desert plant expert(s). With the incorporation of mitigation, and with adherence to both the CDNPA and the Hesperia Municipal Code, impacts associated with Wiggins' cholla and Joshua tree woodland would be less than significant.

Cumulative Biological Resources Impacts

The Project would result in potentially cumulatively considerable impacts to western Joshua trees and Joshua tree woodland vegetation on the Project site and Off-Site Utilities Alignments. Western Joshua trees are a state candidate species for listing under CESA and are locally protected by the City of Hesperia and by the California Desert Native Plant Act. Joshua tree woodlands are considered a sensitive natural community by CDFW. As required by **MM-BIO-1**, mitigation for direct impacts to 1,367 western Joshua trees will be fulfilled through conservation of Western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Additionally, as required by MM-BIO-2 and in accordance with Chapter 16.24 of the Hesperia Municipal Code, the preparation of a Joshua tree and desert native plants relocation plan is required

to mitigate impacts to western Joshua trees as a result of the Project. As such, a Joshua Tree Preservation, Protection, and Relocation Plan, and Desert Native Plant Relocation Plan was prepared.

Conservation efforts for western Joshua tree (**MM-BIO-1**) would focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Mitigation efforts would contribute to the conservation of large, interconnected Joshua tree woodlands. Larger preserves have a greater chance of preserving habitat diversity at all scales, support larger local populations, help maintain functioning metapopulations (partially isolated subpopulations of the same species that support immigration and emigration and provide for recolonizations following local extirpations), support greater species genetic diversity, and are more likely to maintain intact watershed functions. Larger preserves also have less habitat fragmentation and provide greater protection from edge effects due to a larger area-to-perimeter ratio compared to smaller preserves. Additionally, large preserves usually facilitate more cost-effective land management. Pursuant to **MM-BIO-2**, the Project Applicant shall submit an application and applicable fee paid to the City of Hesperia for removal or relocation of protected native desert plants, including western Joshua tree, under Hesperia Municipal Code Chapter 16.24. The application shall include certification from a qualified Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the City of Hesperia Municipal Code. The application shall include a detailed plan for removal of all protected plants on the Project site. The plan shall be prepared by a qualified Joshua tree and native desert plant expert(s). Implementing these mitigation measure (**MM-BIO-1** and **MM-BIO-2**) would reduce potential impacts to a less than significant level and would significantly reduce the potential for a cumulative considerable impact to Joshua tree.

Potential impacts to special-status wildlife species and nesting birds would be reduced to a less than significant level through Project implementation of **MM-BIO-3** through **MM-BIO-15**. Implementing these mitigation measures would reduce potential impacts to a less than significant level and would significantly reduce the potential for direct or indirect impacts to special-status species. Therefore, there would not be a cumulatively considerable impact on any special-status species.

Potential impacts to jurisdictional waters of the state, if necessary, would be reduced to a less than significant level through implementation of **MM-BIO-3, MM-BIO-4, MM-BIO-5, MM-BIO-6, MM-BIO-7, MM-BIO-8,** and **MM-BIO-16**. Implementing these mitigation measures would reduce potential impacts to a less than significant level and would significantly reduce the potential for direct or indirect impacts to waters of the state. Therefore, there would not be a cumulatively considerable impact to waters of the state.

Additionally, the Project would not result in a significant impact to wildlife corridors and linkages, nor to local policies and regional conservation plans. The Project would therefore not contribute to a cumulative impact on these resources.

2.3.3.2 Mitigation Measures

MM-BIO-1 **Conservation of Western Joshua Tree Lands.** Mitigation for direct impacts to western Joshua trees will be fulfilled through conservation of western Joshua trees at a 1:1 habitat replacement of equal or better functions and values to those impacted by the project. Mitigation can be through purchases of credits at a California Department of Fish and Wildlife-approved mitigation bank for western Joshua tree or through conservation lands that meet the functions and values criteria. If mitigation is not purchased through a mitigation bank and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs, and ongoing annual costs, of

management activities for the management of the conservation easement(s) area in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a project-specific Property Analysis Record (PAR) to calculate the costs of in perpetuity land management. The PAR will take into account all of the management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.

Additionally, no take of western Joshua tree will occur without authorization from CDFW in the form of an Incidental Take Permit pursuant to Fish and Game Code 2081. The Project Applicant will adhere to measures and conditions set forth within the Incidental Take Permit.

MM-BIO-2 **Relocation of Desert Native Plants.** Prior to the issuance of grading permits, the Project Applicant shall submit an application and applicable fee paid to the City of Hesperia for removal or relocation of protected native desert plants under Hesperia Municipal Code Chapter 16.24 as required and schedule a pre-construction site inspection with the Planning Division and the Building Division. The application shall include certification from a qualified Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the City of Hesperia Municipal Code. Protected plants subject to Hesperia Municipal Code Chapter 16.24 may be relocated on-site, or within an area designated as an area for species to be adopted later.

The application shall include a detailed plan for removal of all protected plants on the Project site. The plan shall be prepared by a qualified Joshua tree and native desert plant expert(s). The plan shall include, but not be limited to, the following measures:

- Salvaged plants shall be transplanted expeditiously to either their final on-site location, or to an approved off-site area. If the plants cannot be expeditiously taken to their permanent relocation area at the time of excavation, they may be transplanted in a temporary area (stockpiled) prior to being moved to their permanent relocation site(s).
- Western Joshua trees shall be marked on their north facing side prior to excavation. Transplanted western Joshua trees shall be planted in the same orientation as they currently occur on the Project site, with the marking on the north side of the trees facing north at the relocation site(s).
- Transplanted plants shall be watered prior to and at the time of transplantation. The schedule of watering shall be determined by the qualified tree expert and desert native plant expert(s) to maintain plant health. Watering of the transplanted plants shall continue under the guidance of qualified tree expert and desert native plant expert(s) until it has been determined that the transplants have become established in the permanent relocation site(s) and no longer require supplemental watering.

MM-BIO-3 **Designated Biologist Authority**. The Designated Biologist shall have authority to immediately stop any activity that does not comply with the biological resources mitigation measures and/or to order any reasonable measure to avoid the unauthorized take of an individual western Joshua tree.

MM-BIO-4 **Compliance Monitoring**. The Designated Biologist shall be on site daily when impacts occur. The Designated Biologist shall conduct compliance inspections to minimize incidental take of western

Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact, and that impacts are only occurring within the permitted impact footprint. Weekly written observation and inspection records that summarize oversight activities and compliance inspections and monitoring activities required by the Incidental Take Permit shall be prepared.

MM-BIO-5 **Education Program**. An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before performing impacts. The WEAP shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and status of western Joshua tree, burrowing owl, and loggerhead shrike; and other biological resources mitigation measures described in the CEQA document. Interpretation for non-English-speaking workers will be provided, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who will be conducting work in the Project area.

MM-BIO-6 **Construction Monitoring Notebook**. The Designated Biologist shall maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel who have successfully completed the education program. The permittee shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the California Department of Fish and Wildlife.

MM-BIO-7 **Delineation of Property Boundaries**. Before beginning activities that would cause impacts, the contractor shall, in consultation with the Designated Biologist, clearly delineate the boundaries, consistent with the grading plan, within which the impacts will take place with fencing, stakes, or flags. All impacts within the fenced, staked, or flagged areas shall be avoided and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area.

MM-BIO-8 **Hazardous Waste**. The Applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.

MM-BIO-9 **Herbicides.** The Applicant shall limit herbicide use for invasive plant species and shall use herbicides only it has been determined that hand or mechanical efforts are infeasible. To prevent drift, the permittee shall apply herbicides only when wind speeds are less than 7 miles per hour. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, state, and local laws and regulations.

MM-BIO-10 **Pre-Construction Surveys for Burrowing Owl and Avoidance.** One pre-construction burrowing owl clearance survey shall be completed no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (CDFW 2012) or current version.

If burrowing owls are detected, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers will be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation (CDFW 2012) or current version. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed.

Outside of the nesting season, passive owl relocation techniques approved by the California Department of Fish and Wildlife (CDFW) shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone by installing one-way doors in burrow entrances. These doors will be placed at least 48 hours prior to ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat will be provided following the guidance in the Staff Report on Burrowing Owl Mitigation (CDFW 2012) or current version. The Project area shall be monitored daily for one week to confirm owl departure from burrows prior to any ground-disturbing activities.

Where possible, burrows will be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any wildlife inside the burrow.

See Burrowing Owl Relocation Plan for more details on avoidance buffers and relocation methods.

MM-BIO-11 **Lighting**. Lighting for construction activities and operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife will be directed away from natural areas.

MM-BIO-12 **Trash and Debris.** The following avoidance and minimization measures shall be implemented during project construction.

(1) Fully covered trash receptacles that are animal-proof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles will be removed at least once a week from the Project site.

(2) Construction work areas shall be kept clean of debris, such as cable, trash, and construction materials. All construction/contractor personnel shall collect all litter, vehicle fluids, and food waste from the Project site on a daily basis.

MM-BIO-13 **Restoration of Temporary Impacts.** Site construction areas subjected to temporary ground disturbance shall be recontoured to natural grade (if the grade was modified during the temporary disturbance activity), and revegetated with an application of a native seed mix, if necessary, prior to or during seasonal rains to promote passive restoration of the area to pre-project conditions. An area subjected to "temporary" disturbance means any area that is disturbed but will not be subjected to further disturbance as part of the Project. This measure does not apply to areas that are disturbed habitat and urban/developed lands. Prior to seeding temporary ground disturbance areas, the Designated Biologist will review the seeding palette to ensure that no seeding of invasive plant species, as identified in the most recent version of the California Invasive Plant Inventory for the region, will occur.

MM-BIO-14 **Pre-Construction Survey for American Badger and Desert Kit Fox and Avoidance.** A pre-construction survey for American badger and desert kit fox shall be conducted in suitable habitat areas on the Project site and Off-Site Utilities Alignments within 10 days prior to the start of construction to determine the presence/absence of either species. If either species is discovered during the survey, an American Badger/Desert Kit Fox Mitigation and Monitoring Plan shall be developed as recommended by the California Department of Fish and Wildlife (CDFW) in their Notice of Preparation comment letter dated December 19, 2019. The Mitigation and Monitoring Plan shall include avoidance and minimization measures to reduce potential impacts to either species, as well as compensatory mitigation to offset direct or indirect impacts. The plan will be developed in consultation with CDFW. At a minimum, the plan shall:

- Identify pre-construction survey methods for American badger and desert kit fox
- Describe feasible pre-construction and construction-phase avoidance methods
- Describe pre-construction and construction-phase relocation methods, including the possibility for passive relocation
- For burrows that will not be impacted by the Project, identify an appropriate construction exclusion zones for both active and natal burrows
- Coordinate survey findings prior to and during construction to meet the information needs of wildlife health officials in monitoring the health of kit fox populations

MM-BIO-15 **Pre-Construction Nesting Bird Surveys and Avoidance.** Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31), to reduce any potential significant impact to birds that may be nesting on the survey area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the MBTA (16 USC 703–712) and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate buffer established around the nest, which will be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall also be conducted when construction occurs in close proximately to an active nest buffer. No Project activities may encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until is determined the nestlings have fledged and the nest is no longer considered active.

MM-BIO-16 **Jurisdictional Waters of the State Mitigation.** To the extent practicable, the Project shall be designed to avoid impacts to the jurisdictional waters of the state within the Project site, and the following avoidance/minimization measures shall be implemented:

If jurisdictional waters cannot be avoided, minimization measures shall be applied and all necessary resource agency permits shall be obtained. This may include Waste Discharge Requirements from the Regional Water Quality Control Board (RWQCB) and a Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW).

All temporary impacts to state-jurisdictional waters will be restored on site. Restoration will include recontouring and erosion control with a native seed mix. Prior to seeding temporary ground disturbance areas, the Designated Biologist will review the seeding palette to ensure that no seeding of invasive plant species, as identified in the most recent version of the California Invasive Plant Inventory for the region, will occur.

Compensatory mitigation for permanent impacts shall occur either off site, at a mitigation bank, or with an in-lie fee program and would occur at a ratio not less than 1:1 for the impact to jurisdictional waters or at a ratio determined in the jurisdictional waters permits. If a mitigation bank or in-lieu fee program is not utilized and the Applicant proceeds with off-site mitigation, a waters mitigation and monitoring plan shall be prepared that outlines the compensatory mitigation in coordination with the RWQCB and CDFW. Mitigation lands shall be comprised of drainages similar to those impacted. Off-site mitigation lands shall be preserved through a conservation easement and the waters mitigation and monitoring plan shall identify an approach for funding assurance for the long-term management of the conserved land. Suitable mitigation lands provided for species and vegetation communities may be used for jurisdictional waters of the state mitigation.

2.3.3.3 Findings Per CEQA Guidelines

Consistent with the CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.3.1. These feasible measures, MM-BIO-1 through MM-BIO-16, are listed in Section 2.3.3.2.

The City finds that these mitigation measures are feasible, are adopted, and will reduce the potential biological resources impacts of the proposed project to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in, or incorporated into, the proposed project that mitigate or avoid potentially significant biological-related impacts of the proposed project identified in the Final EIR.

2.3.3.4 Facts in Support of the Findings Related to Biological Resources

Implementation of MM-BIO-1 through MM-BIO-16 would reduce potentially significant impacts related to biological resources to a less than significant level. There would be no significant, unavoidable impacts related to biological resources after implementation of these mitigation measures.

2.3.4 Cultural Resources

2.3.4.1 Potentially Significant Impacts to Cultural Resources

Historical Resources

A cultural resources records search, a review of historic period aerial photographs and maps, and a field survey were conducted for the Project site. Previously-documented historic period cultural resources were identified within the Project site, along with a number of undocumented resources of the same era. The majority of previously documented resources are related to the transportation-related use of the greater Project area, as noted in a

previously conducted cultural resources assessment for another project located in the broader Project area (Pollock and Becker 2006):

> This portion of the Mojave Desert has been a transportation corridor for more than a hundred years. During that time, numerous roads have been created, used, and abandoned. Some of these roads were important links between communities, such as the Old Spanish Trail, whereas others were shortcuts or other seldom-used routes. During the mid- to late-twentieth century and up to the current day, abandoned road sections were frequently used for illegal refuse dumping, and the sites found during our survey probably resulted from such activities. The early- to mid-twentieth century also saw an increase in the popularity of the desert, as the number of amateur prospectors increased during the Depression and again after World War II. More recently, the desert has been an off-road vehicle use and target shooting area. Typically, these recreational activities occur on weekends, with the participants camping for one or two nights and discarding their camp debris at the campsite. Many of the recent refuse deposits reflect this kind of activity."

As the newly recorded resources are predominantly similar to those previously documented (historic period refuse), the above assessment applies to them as well. With the exception of a fragment of the Old Spanish Trail/Salt Lake-Santa Fe Trail, which was determined to lack integrity and is not a contributing element to the resource, none of the potential historic resources sites within the Project area is associated with any known historical events or important persons. They are typical examples of isolated historic-period refuse deposits with no specific associations and fail to meet the CEQA criteria of "historical resources" or "unique archaeological resources," and their cultural resources value has been exhausted by previous and current documentation. Overall, the potential of the Project to affect previously recorded or currently undocumented historic resources of significance on the Project site is low.

In regard to the Off-Site Utilities Alignments, a cultural resources records search, a review of historic period aerial photographs and maps, and intensive field survey were conducted for the routes of the Off-Site Utilities Alignments. No historic resources associated with these Off-Site Utilities Alignments were identified during these efforts; however, potential historical resources were observed that are in the vicinity of the proposed Off-Site Utilities Alignments. The conceptual plans for these off-site utilities has been reviewed and construction of these utilities is not proposed to intersect these potential historical resources and the Project would not impact these resources; as such, no formal recordation or evaluation of the potential historical resources was conducted.

These potential historic resources are similar to other the resources previously observed, recorded, and evaluated on and near the Project site (i.e., isolated historic-period and modern-era refuse deposits with no specific associations). Because the significance of these potential historic resources has yet been determined, should construction of the Off-Site Utilities Alignments ultimately require equipment and activities to come into close proximity or traverse the locations of the potential historic resources, there would be a potential for construction activities to impact the potential historic resources. As a result, to ensure that impacts to potential historic resources remain less than significant, implementation of MM-CUL-1 and MM-CUL-2 shall be required. With incorporation of MM-CUL-1 and MM-CUL-2, impacts associated with potential historic resources within and adjacent to the Off-Site Utilities Alignments would be less than significant.

Archaeological Resources

A cultural resources record search, a review of historic period aerial photographs and maps, and a field survey were conducted for the Project site and Off-Site Utilities Alignments. The records search included a review of all recorded

historic and prehistoric archaeological sites within one mile of the Project. Despite the presence of minor prehistoric resources within a mile of the Project site and Off-Site Utilities Alignments, the Project site has been surveyed twice over the course of approximately a decade with no trace of any prehistoric resources identified. In addition, a survey of the Off-Site Utilities Alignments did not reveal or indicate the presence of any archaeological resources. As a result of these findings, the potential of the Project to affect previously undocumented/unknown significant archaeological resources is low. However, it is impossible to completely rule out the presence of archaeological resources within the Project site. For this reason, the Project site should be treated as potentially sensitive for archaeological resources, and MM-CUL-1 through MM-CUL-3 is required to reduce potential impacts to unanticipated archaeological resources. With incorporation of MM-CUL-1 through MM-CUL-3, impacts associated with archaeological resources would be less than significant.

Disturbance of Human Remains

A cultural resources records search, a review of historic period aerial photographs and maps, and a field survey were conducted for the Project site. These activities did not provide any indication that human remains could be located within the Project site. However, in the unlikely event that human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98, pursuant to MM-CUL-4. The County Coroner must be notified of the find immediately. If the remains are determined to be Native American, the County Coroner will notify the NAHC, which will determine and notify an MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD will have the opportunity to offer recommendations for the disposition of the remains. With incorporation of MM-CUL-4, impacts associated with human remains would be less than significant.

Cumulative Cultural Resources Impact

The geographic scope of the cumulative cultural resources analysis is the region surrounding the Project site. Ongoing development and growth in the broader Project area may result in a cumulatively significant impact to cultural resources due to the continuing disturbance of undeveloped areas, which could potentially contain significant, buried archaeological resources. However, as discussed above, the individual, Project-level impacts associated with cultural resources were found to be less than significant with incorporation of mitigation measures (MM-CUL-1 through MM-CUL-4). The Project would be required by law to comply with all applicable federal, state, and local requirements related to historical and archaeological resources. Other related cumulative projects would similarly be required to comply with all such requirements and regulations, to be consistent with the provisions set forth by CEQA and the CEQA Guidelines, and to implement all feasible mitigation measures should a significant project-related and/or cumulative impact be identified. As such, cumulative impacts would be less than significant with mitigation incorporated.

2.3.4.2 Mitigation Measures

MM-CUL-1 Prior to start of ground-disturbing activities, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (or an archaeologist working under the direct supervision of the qualified archaeologist) shall be retained by the Project Applicant and shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of archaeological

resources or human remains, and safety precautions to be taken when working with archaeological monitors. The construction contractor shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.

MM-CUL-2 If construction of the Off-Site Utilities Alignments requires deviation from the routes and disturbance footprints shown in the conceptual plans for these off-site utilities (domestic water and sanitary sewer), and thus, results in increased potential for construction equipment and activities to come into close proximity or to traverse the locations of the potential historic resources observed in the vicinity of the Off-Site Utilities Alignments, a historic resources survey shall be conducted by a qualified historic resources expert to determine the significance of these potential resources.

The survey shall entail the taking of detailed notes and photographs of potential resources, including documentation of character defining features, spatial relationships, and overall existing conditions of the resources. The potential historic resources shall be recorded on State of California Department of Parks and Recreation Series 523 Forms (DPR forms), and will be evaluated in consideration of National Register of Historic Places and California Register of Historic Resources designation criteria and integrity requirements. Archival research, as applicable, shall also be conducted to develop the appropriate historic context for the potential historic resources. The findings of this evaluation shall be included in a historic resources report. If the resources are found to be historically significant and/or eligible for listing pursuant to National Register of Historic Places and California Register of Historic Resources designation criteria, and if avoidance of these resources and redesign of the off-site utilities is deemed infeasible, the report shall include detailed procedures to the City and Project Applicant on how to minimize effects to these resources to acceptable levels of significance, and these recommendations must be implemented by the Project Applicant.

This requirement shall be noted on all grading plans, and the construction contractor shall be obligated to comply with the note.

MM-CUL-3 If archaeological resources (sites, features, or artifacts) or tribal cultural resources are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Additionally, the San Manuel Band of Mission Indians Cultural Resources Department (SMBMI) shall be contacted regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

Construction activities may continue on other parts of the Project site while evaluation occurs. If the find is determined by the archaeologist to constitute a potentially significant archaeological resource, time allotment sufficient to allow for implementation of avoidance measures shall be made available. In accordance with CEQA Guidelines Section 15064.5(f) and/or California Public Resources Code, Sections 21083.2(b), if the discovery proves significant under the California Environmental Quality Act (CEQA), a treatment and monitoring plan shall be prepared by a qualified archaeologist for the resource(s), in coordination with SMBMI. The drafts of the treatment and monitoring plan shall be provided to SMBMI for review and comment. All subsequent finds shall be subject to the treatment and monitoring plan. The treatment and monitoring plan shall allow for a

monitor to be present that represents SMBMI for the remainder of the Project, should SMBMI elect to place a monitor on site.

Treatment may include preservation in place or implementation of archaeological data recovery excavations to remove the resource along with subsequent analysis. Any archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the material. If the find is Native American in origin, the tribe(s) that consider the Project area to be within their ancestral land or traditional use area, including the SMBMI, shall be contacted by the City of Hesperia to coordinate treatment and curation.

Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied by the Project Applicant and City of Hesperia for dissemination to SMBMI. The City of Hesperia and/or Project Applicant shall, in good faith, consult with SMBMI throughout the life of the Project.

This requirement shall be noted on all grading plans, and the construction contractor shall be obligated to comply with the note.

This requirement shall be noted on all grading plans, and the construction contractor shall be obligated to comply with the note.

MM-CUL-4 In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the county coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the county coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the county coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant of the deceased Native American. The most likely descendant shall complete her/his inspection within 48 hours of being granted access to the site. The designated Native American representative shall then determine, in consultation with the property owner, the proper disposition of the human remains.

This requirement shall be noted on all grading plans, and the construction contractor shall be obligated to comply with the note.

2.3.4.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.4.1. These feasible measures, MM-CUL-1 through MM-CUL-4, are listed in Section 2.3.4.2.

The City finds that these mitigation measures are feasible, are adopted, and will reduce the potential cultural resources impacts of the proposed project to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have

been required in or incorporated into the proposed project that will mitigate or avoid potentially significant impacts on cultural resources.

2.3.4.4 Facts in Support of the Findings Related to Cultural Resources

Implementation of MM-CUL-1 through MM-CUL-4 would reduce potentially significant impacts related to cultural resources to a less than significant level. There would be no significant, unavoidable impacts related to cultural resources after implementation of these mitigation measures.

2.3.5 Geology and Soils

2.3.5.1 Potentially Significant Impacts to Geology and Soils

Unique Paleontological Resource or Site or Unique Geologic Feature

The City encompasses a wide variety of geological formations that differ in age and fossil-bearing sensitivity. The Project site, however, is overlain by Holocene age deposits. Late Quaternary (late Holocene, or "modern") alluvium and alluvial fan deposits are generally considered to be too young geologically to contain significant nonrenewable paleontological resources (i.e., fossils) and are typically assigned a low paleontological sensitivity. Additionally, the *Technical Background Report in Support of the Cultural Resource Element: City of Hesperia General Plan Update* (City of Hesperia 2010b) determined that the Project site has a low paleontological sensitivity.

Despite the low potential for paleontological resources to occur on the Project site, it is always possible that intact fossil deposits are present at subsurface levels and could be uncovered during ground-disturbing activities. As such, MM-CUL-5 is required, which would ensure that if paleontological resources (sites, features, or fossils) are exposed during construction activities, all construction work occurring within the vicinity of the find would stop until a qualified paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted. With incorporation of MM-CUL-5, impacts associated with paleontological resources would be less than significant.

2.3.5.2 Mitigation Measures

MM-CUL-5 If paleontological resources (sites, features, or fossils) are exposed during Project construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted. If the discovery proves significant under the California Environmental Quality Act, discovered fossils or samples of such fossils shall be collected and identified by the qualified paleontologist. Significant specimens recovered shall be properly recorded, treated, and donated to the San Bernardino County Museum, Division of Geological Sciences, or other repository with permanent retrievable paleontological storage. A final report shall be prepared and submitted to the City of Hesperia that itemizes any fossils recovered, with maps to accurately record the original location of recovered fossils and evidence that the resources were curated by an established museum repository.

This requirement shall be noted on all grading plans, and the construction contractor shall be obligated to comply with the note.

2.3.5.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.5.1. This feasible measure, MM-CUL-5, is listed in Section 2.3.5.2.

The City finds that this mitigation measures is feasible, is adopted, and will reduce the potential paleontological impacts of the proposed project to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into the proposed project that will mitigate or avoid potentially significant impacts on geology and soils.

2.3.5.4 Facts in Support of the Findings Related to Geology and Soils

Implementation of MM-CUL-5 would reduce potentially significant impacts related to paleontological resources to a less than significant level. There would be no significant, unavoidable impacts related to geology and soils after implementation of these mitigation measures.

2.3.6 Hazards and Hazardous Materials

2.3.6.1 Potentially Significant Impacts to Hazards and Hazardous Materials

Routine Transport, Use, or Disposal of Hazardous Materials

During construction, a variety of hazardous substances and wastes would be stored, used, and generated on the Project site, including fuels for machinery and vehicles, new and used motor oils, cleaning solvents, paints, and storage containers. Accidental spills, leaks, fires, explosions, or pressure releases involving hazardous materials represent a potential threat to human health and the environment if not properly treated. Provisions to properly manage hazardous substances and wastes during construction are typically included in construction specifications and are under the responsibility of the construction contractors. For example, construction contractors would be required to comply with Cal/OSHA regulations concerning the use of hazardous materials, including requirements for safety training, exposure warnings, availability of safety equipment, and preparation of emergency action/prevention plans. Adherence to the construction specifications and applicable regulations regarding hazardous materials and hazardous waste, including disposal, would ensure that construction of the Project would not create a significant hazard to the public or the environment during the construction phase of the Project.

Based on observed soil staining associated with on-site full and partially full motor oil canisters and used tire piles, shallow soil impacts may be encountered during Project construction. MM-HAZ-1 requires the removal and disposal of on-site tires and oil containers (e.g., retail motor oil containers and commercial oil drums) from the Project area in accordance with all applicable local, state, and federal guidelines. For excavation and grading activities that occur in areas with the potential for residual contamination, a qualified environmental professional shall screen soils in the identified area prior to excavation and grading based on the nature of the potential contamination. In the event that potential contamination is encountered, the contamination shall be evaluated by a qualified environmental professional using the appropriate collection and sampling techniques as determined by the environmental professional based on the nature of the contamination. The nature and extent of contamination shall be determined and the appropriate handling, disposal, and/or treatment shall be implemented in accordance with applicable regulatory requirements.

Furthermore, adherence to all emergency response plan requirements set forth by the San Bernardino County Fire Department would be required throughout the duration of Project construction. Therefore, based on compliance with existing regulations and with incorporation of MM-HAZ-1, short-term construction impacts associated with the routine transport, use, or disposal of hazardous materials would be less than significant.

Upon completion of Project construction, the Project would involve the operation and maintenance of the industrial/warehouse facilities. Operation of the Project would likely involve the use of industrial-grade chemicals used in the day-to-day operation of the facilities as well as commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available products. While these materials could be stored on the Project site, storage would be required to comply with the guidelines established by the manufacturer's recommendations. Consistent with federal, state, and local requirements, the transport, removal, and disposal of hazardous materials from the Project site would be conducted by a permitted and licensed service provider. Any handling, transport, use, or disposal must comply with all applicable federal, state, and local agencies and regulations, including the USEPA, DTSC, CAL/OSHA, RCRA, and the San Bernardino County Fire Department.

Although the future tenants are not known yet, in the event that a future tenant's operations require them to transport, use, or dispose of quantities of hazardous materials identified by the state, pursuant to the Health and Safety Code and in accordance with the San Bernardino County Fire Department's CUPA requirements, the owner/operator must complete and submit a Hazardous Materials Business Plan to the California Environmental Reporting System. A Hazardous Materials Business Plan is a document containing detailed information on the inventory of hazardous materials at a facility; emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material; training for all new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material; and a site map that contains north orientation, loading areas, internal roads, adjacent streets, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material handling and storage areas, and emergency response equipment. The Hazardous Materials Business Plan intends to provide basic information necessary for use by first responders to prevent or mitigate damage to the public health and safety and the environment from a release or threatened release of hazardous materials, as well as to satisfy federal and state Community Right-To-Know laws. Therefore, long-term operational impacts associated with the routine transport, use, or disposal of hazardous materials would be less than significant.

In summary, the Project would result in potentially significant impacts with regard to the creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. MM-HAZ-1 would be implemented, and Project impacts would be less than significant with mitigation incorporated.

Release of Hazardous Materials and the Potential for Upset Conditions

During construction, hazardous materials such as fuels and lubricants would be transported to and used on site in construction vehicles and equipment. Construction waste is a potential pollutant source of concern for the Oro Grande Wash and Mojave River, which are located hydrologically down gradient of the Project site. Concrete, paint, and other materials that are also used on construction sites are major contributors to polluted habitats, in the event that such materials exit a construction site. However, the potential for the use of these materials to result in significant hazards to the public or the environment would be low for the reasons described below.

The Project contractor and construction crews would be required to comply with all applicable regulations governing the storage, handling, and disposal of hazardous materials and waste. As discussed in Section 4.8, Hydrology and Water Quality, prior to issuance of grading permits, the City of Hesperia requires the submittal, review, and approval

of an Erosion and Sediment Control Plan. Implementation of an Erosion and Sediment Control Plan would ensure that construction-related BMPs are enacted to prevent, to the maximum extent practicable, construction site pollutants from leaving the site during all phases of construction. The Project would also be required to comply with the NPDES MS4 Permit, including the regulation of surface water quality. Under the NPDES MS4 Permit, the development of 1.0 acre or more of land must file a notice of intent with the SWRCB to comply with the state NPDES General Construction Permit. Implementation of this Permit would require the development of a site-specific Stormwater Pollution Prevention Permit (SWPPP) for construction activities. The SWPPP is required to identify BMPs that protect stormwater runoff and ensure avoidance of substantial degradation of water quality. Typical BMPs that could be incorporated into the SWPPP to minimize the off-site runoff of pollutants would include the following:

- Diverting off-site runoff away from the construction site
- Vegetating landscaped/vegetated swale areas as soon as feasible following grading activities
- Using drop inlet protection (filters and sandbags or straw wattles), with sandbag check dams within paved areas
- Implementing specifications for construction waste handling and disposal
- Using contained equipment wash-out and vehicle maintenance areas
- Training, including for subcontractors, on general site housekeeping

Incorporation of required BMPs would help control the use of hazardous substances during construction and would minimize the potential for such substances to leave the site. As a result, there would be reduced potential for the public and environment to be exposed to hazardous chemicals and materials as a result of construction activities. The implementation of applicable construction BMPs and adherence to applicable hazardous materials and waste regulations would minimize the risk and exposure of the release of hazardous materials to the public and environment to less than significant levels.

Based on the Phase I ESA Report, on-site RECs were identified, consisting of motor oil containers and used automotive tires along the east and northwest portions of the Project site. Multiple (50+) 5-gallon buckets and 5-quart jugs labeled as containing motor oil were observed in these areas. The containers were observed to be full, partially full, or empty and several areas of stained soil were observed stemming from these containers.

Project grading and excavation could encounter soils impacted by petroleum hydrocarbons, resulting in potentially significant health and safety impacts to construction personnel, as well as potential off-gassing of petroleum from impacted soil excavations and associated soil stockpiles. However, MM-HAZ-1 would require the removal and disposal of on-site tires and oil containers (e.g., retail motor oil containers and commercial oil drums) from the Project area in accordance with all applicable local, state, and federal guidelines. For excavation or grading activities that occur in areas with the potential for residual contamination, a qualified environmental professional shall screen soils in the identified area prior to excavation and grading activities based on the nature of the potential contamination. If potential contamination is encountered, the contamination shall be evaluated by a qualified environmental professional using the appropriate collection and sampling techniques as determined by the environmental professional based on the nature of the contamination. The nature and extent of contamination shall be determined and the appropriate handling, disposal, and/or treatment shall be implemented in accordance with applicable regulatory requirements. Therefore, based on compliance with applicable regulations and with the incorporation of MM-HAZ-1, short-term construction impacts associated with creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions would be less than significant.

Upon completion of Project construction, routine operation of the Project would involve likely use industrial grade chemicals used in the operation of the facilities as well as commercially available cleaning products, landscaping

chemicals and fertilizers, and various other commercially available products. These materials would be used for the day-to-day operation of the facilities and may involve the use of hazardous materials.

As previously discussed above, the future tenants are not known yet. In the event that a future tenant's operations require them to transport, use, or dispose of quantities of hazardous materials identified by the state, pursuant to the Health and Safety Code and in accordance with the San Bernardino County Fire Department's CUPA requirements, the owner/operator must complete and submit a Hazardous Materials Business Plan to California Environmental Reporting System. Completion of a Hazardous Materials Business Plan would ensure that an emergency spill response and containment plan is in place in the event of hazardous spills.

Furthermore, the use, storage, and transport of hazardous materials and wastes would be subject to applicable federal, state, and local health and safety regulations (e.g., RCRA and the Hazardous Waste Control Act "cradle to grave" requirements). All hazardous materials generated and/or used on the Project site would be managed in accordance with all relevant federal, state, and local laws, including the California Hazardous Waste Control Law (California Health and Safety Code Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (22 CCR 4.5). Moreover, compliance with CAL/OSHA workplace and work practices requirements would avoid the exposure of persons and the environment to hazardous materials.

In addition to the regulations and practices described above, the following requirements would apply to storage and handling of hazardous wastes at the Project site: (1) hazardous materials are required to be stored in designated areas designed to prevent accidental release in accordance with state law, including the California Hazardous Waste Control Act and the California Health and Safety Code; (2) CAL/OSHA requirements prescribe safe work environments for workers working with materials that present a moderate explosion hazard, high fire or physical hazard, or health hazard; (3) federal and state laws related to the storage of hazardous materials would be complied with to maximize containment and provide for prompt and effective clean-up in case of an accidental release; and (4) Hazardous Materials Inventory and Response Planning Reports would be filed with the City in accordance with Unified Program Permit requirements.

Compliance with applicable regulations involving hazardous materials during operation would ensure that such materials are transported, used, stored, and disposed of in a manner that minimizes the potential for upset and accident conditions resulting in the release of hazardous materials into the environment. Due to the existing regulations that are required, it is not expected that the Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions. Therefore, based on compliance with applicable regulations, long-term operational impacts associated with creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions would be less than significant.

In summary, the Project would result in potentially significant impacts with regard to the creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. MM-HAZ-1 would be implemented, and Project impacts would be less than significant with mitigation incorporated.

Cumulative Hazards and Hazardous Materials Impacts

The geographic scope of the cumulative hazards and hazardous materials analysis is the immediate Project area, including surrounding land uses and other nearby properties. Adverse effects of hazards and hazardous materials tend to be localized; therefore, impacts from nearby projects would be limited, if any, and the Project site would be primarily affected by Project activities.

During construction, hazardous materials such as fuels and lubricants would be transported to and used on site in construction vehicles and equipment. In addition, Project excavations could encounter shallow soil contaminants as a result of on-site used motor oil containers and tires. These contaminants, if improperly handled, could expose the public environment to pollutants. However, water quality enhancement components of the Project, including the implementation of an Erosion and Sediment Control Plan, a SWPPP, stormwater BMPs, and MM-HAZ-1, would minimize the potential release of construction-related pollutants on and off site.

Post-development, routine operation of the Project would include the use of various hazardous materials, including chemical reagents, solvents, fuels, paints, and cleansers. These materials would be used for day-to-day operations as well as building and landscaping maintenance. However, compliance with applicable regulations involving hazardous materials during operation would ensure that such materials are transported, used, stored, and disposed of in a manner that minimizes the potential for upset and accident conditions resulting in the release of hazardous materials into the environment. In addition, the owner/operator must complete and submit a Hazardous Materials Business Plan to the California Environmental Reporting System. This would ensure that in the event that an emergency spill response and containment plan is in place in the event of hazardous spills. As such, it is not expected that the Project would create a significant hazard to the public or the environment through routine operations or reasonably foreseeable upset and accident conditions or result in the release or exposure of hazardous materials into the environment. Therefore, cumulative hazards and hazardous materials impacts would be less than significant.

2.3.6.2 Mitigation Measures

MM-HAZ-1 Prior to the issuance of a grading permit, the Project Applicant shall retain a qualified environmental specialist that has documented experience in the identification, characterization, and removal of hazardous materials and includes a California licensed professional engineer, geologist, or hydrogeologist to remove and dispose of all refuse located on the Project site, including but not limited to, the illegally-dumped tires and oil containers currently found on site. The removal, transport, and disposal of refuse shall be done in accordance with all applicable local, state, and federal guidelines related to hazardous materials handling. Prior to the removal of refuse deposits from the site, the environmental specialist shall inspect each refuse pile for indications that the refuse may contain – or may have once contained – hazardous materials, including, but not limited to, motor oil, solvents, paints, and/or other petroleum products. In addition, the environmental specialist shall inspect the soils surrounding each refuse deposit for evidence of any contamination (staining) or volatilization of contaminants (odors).

If contamination indicators are identified, work shall stop in the immediate proximity of the potential contamination. The Project applicant and/or their construction contractor shall be responsible for engaging a qualified environmental specialist to design and perform an investigation to verify the presence and extent of contamination on the Project site. Subsurface investigation shall determine appropriate worker protection and hazardous material and disposal procedures appropriate for the Project site. Contaminated soil or groundwater determined to be hazardous shall be removed by personnel who have been trained through the Occupational Safety and Health Administration–recommended 40-hour safety program with an approved plan for groundwater extractions, soil excavation, control of contaminant releases to the air, and off-site transport or on-site treatment.

2.3.6.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.6.1. This feasible measure, MM-HAZ-1, is listed in Section 2.3.6.2.

The City finds that this mitigation measure is feasible, is adopted, and will reduce the potential hazardous impacts of the proposed project to less-than-significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into the proposed project that will mitigate or avoid potentially significant impacts on hazards and hazardous materials.

2.3.6.4 Facts in Support of the Findings Related to Hazards and Hazardous Materials

Implementation of MM-HAZ-1 would reduce potentially significant impacts related to hazards and hazardous materials to a less than significant level. There would be no significant, unavoidable impacts related to hazardous and hazardous materials after implementation of this mitigation measure.

2.3.7 Tribal Cultural Resources

2.3.7.1 Potentially Significant Impacts to Tribal Cultural Resources

Register of Historical Resources/Public Resource Code Section 5024.1

The Project is subject to compliance with AB 52 (PRC Section 21074), which requires consideration of impacts to "tribal cultural resources" as part of the CEQA process, and requires the City of Hesperia, as the CEQA lead agency, to notify any groups who have requested notification of proposed projects within the City and who are traditionally or culturally affiliated with the geographic area of the Project.

In May 2020, the City sent out AB 52 notification letters to three tribal representatives who had requested to be notified of proposed projects within the City. The City has received one response to the AB 52 notification letters from Jessica Mauck, Director of Cultural Resources Management of the San Manuel Band of Mission Indians (SMBMI), dated June 27, 2020. Ms. Mauck stated that the Project area exists within Serrano ancestral territory and, therefore, is of interest to the SMBMI. However, Ms. Mauck stated that due to the nature and location of the Project, and given the Cultural Resources Management Department's present state of knowledge, the SMBMI does not have any concerns with implementation of the Project. Notwithstanding, because there is always the possibility of unexpected discovery of archaeological resources, Ms. Mauck requested that mitigation measures be implemented during Project construction to reduce potential impacts to tribal cultural resources to a less-than-significant level. The mitigation measures requested by the SMBMI have been incorporated into MM-CUL-3 and MM-CUL-4.

The Project site has been thoroughly researched, surveyed, and analyzed to identify the level of potential for archaeological and tribal cultural resources. No archaeological and tribal cultural resources were identified as a result of these efforts. Notwithstanding, MM-CUL-1 through MM-CUL-4 are required to help ensure the integrity of archaeological resources and human remains during ground-disturbing activities. With the incorporation of MM-CUL-1 through MM-CUL-4, impacts associated with tribal cultural resources would be less than significant.

Cumulative Tribal Cultural Resources Impacts

The geographic scope of the cumulative tribal cultural resources analysis is the region surrounding the Project site. Ongoing development and growth in the broader Project area may result in a cumulatively significant impact to cultural resources due to the continuing disturbance of undeveloped areas, which could potentially contain significant, buried tribal cultural resources. However, as discussed above, the individual, Project-level impacts associated with tribal cultural resources were found to be less than significant with incorporation of mitigation measures (MM-CUL-1 through MM-CUL-4). The Project would be required by law to comply with all applicable federal, state, and local requirements related to tribal cultural resources. Other related cumulative projects would similarly be required to comply with all such requirements and regulations, to be consistent with the provisions set forth by CEQA and the CEQA Guidelines, and to implement all feasible mitigation measures should a significant project-related and/or cumulative impact be identified. As such, cumulative impacts would be less than significant with mitigation incorporated.

2.3.7.2 Mitigation Measures

MM-CUL-1 through MM-CUL-4 can be found in Section 2.3.3.2 of Cultural Resources, above.

2.3.7.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.7.1. These feasible measures, MM-CUL-1 through MM-CUL-4, are listed in Section 2.3.4.2.

The City finds that these mitigation measures are feasible, are adopted, and will reduce the potential tribal cultural resource impacts of the proposed project to less than significant levels. Accordingly, the City finds that, pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been required in or incorporated into the proposed project that will mitigate or avoid potentially significant impacts on tribal cultural resources.

2.3.7.4 Facts in Support of the Findings Related to Tribal Cultural Resources

Through Assembly Bill 52 consultation with local tribes, additional mitigation measures addressing the potential to discover tribal cultural resources are also included to reduce potential impacts to archaeological resources. Implementation of MM-CUL-1 through MM-CUL-4 would reduce potentially significant impacts related to the register of historic resources and related to a resource determined to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 to a less than significant level. There would be no significant, unavoidable impacts related to tribal cultural resources after implementation of these mitigation measures.

2.4 Impacts Determined to Be Less Than Significant

Based on the analysis contained in the EIR, the following issue areas have been determined to fall within the “less than significant impact” category for all thresholds: agriculture and forestry resources, energy, hydrology and water quality, land use, mineral resources, population and housing, public services, recreation, utilities and service systems, and wildfire.

Other impacts under aesthetics, air quality, biological resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, noise, and transportation not addressed below are addressed in Section 2.2 and Section 2.3.

2.4.1 Aesthetics

Scenic Resource Damage within a State Scenic Highway

There are no officially designated scenic roads or highways within City boundaries (City of Hesperia 2010c). The nearest designated state scenic highway, Route 38, is located approximately 34 miles southeast of the Project site. The nearest eligible scenic highway, Route 138, is located 7 miles to the south of the Project site (Caltrans 2019). Due to distance and intervening terrain, vegetation and development, none of these officially designated or eligible scenic highways are visible from the Project site, nor is the Project site visible from the highways. Therefore, no impacts associated with scenic resources within in a state scenic highway would occur.

Sources of Light or Glare

The Project site is currently undeveloped and does not support any existing sources of light or glare, and development of the Project would introduce new sources of light and glare to the Project site. However, developed portions of the City contain numerous sources of light and glare typical of urban and semi-rural environments. Existing sources of light or glare include streetlights, freestanding lights, building-mounted lights, illuminated signage, reflective building materials, and vehicular headlights. The undeveloped portions of the City, such as the Project site, contain few, if any, sources of light and glare. New sources of nighttime lighting resulting from the implementation of the Project include parking lot and loading area lighting, as well as building mounted lights. The Project would include a variety of exterior building light fixtures and parking lot lighting fixtures, including LED Type 3, 4, and 5 building mounted and pole mounted light fixtures. Additionally, building materials would primarily include concrete, metal, aluminum, and glass windows. These features could result in light trespass, light pollution, and glare to the neighboring light sensitive land uses, which include rural residential areas located north, west, east and south of the Project site.

The majority of construction activities associated with the Project would occur during daytime hours consistent with standard industry practices. In the event that work is required outside the standard construction hours (to reduce traffic or other impacts), lighting would be focused directly on work activity areas and would be temporary. As such, nighttime construction lighting impacts would be less than significant.

Upon Project implementation, the Project could potentially result in significant adverse light and glare impacts on nighttime views due to the addition of building and parking lot lighting. However, the Project would be required to minimize light and glare impacts to sensitive land uses through the incorporation of setbacks, site planning, and other design techniques (consistent with General Plan Policy LU-3.5). Section 16.20.135 of the City's Municipal Code contains general performance standards related to light and glare such that any industrial activity shall not cause light trespass above 0.5 footcandles when measured in a residential district or lot (City of Hesperia 2020). According to the photometric plan prepared for the Project, Project lighting would result in light trespass of less than 0.2 footcandles along the entire Project perimeter. Therefore, the Project would not result in light trespass above 0.5 footcandles within any nearby residential areas.

Further, all light fixtures would be required to be consistent with the California Green Building Standards Code for illumination. The California Green Building Standards Code sets forth minimum requirements based on Lighting Zones, as defined in Chapter 10 of the California Administrative Code. The requirements are designed to minimize light pollution in an effort to maintain darks skies and ensure new development reduces backlight, uplight, and

glare (BUG) from exterior light sources (CALGreen 2019). The Project would be required to comply with the CALGreen BUG rating for Lighting Zone 3. Further, all lights would be shielded and directed downward, and the proposed lighting plan does not include blinking, flashing, or oscillating light sources.

The warehouse buildings would incorporate a variety of building materials. Building materials would primarily include concrete, metal, aluminum, and glass windows. Metal canopy overhangs for shading would be included above building entrances, and aluminum entrance fronts would include glass and metal attachments. Blue reflective glazing and high gloss paint is proposed for the entrance fronts and canopies. Glass windows would consist of tempered vision insulated glass with a solarban 60 rating, which has a low exterior reflectance percentage to maximize daylighting opportunities to interior building spaces. Although metallic materials and glass have been incorporated into Project design, Project setbacks and proposed landscaping would provide screening to screen such Project elements from view, and all paint finishes would be flat (with the exception of the high gloss proposed for entrance fronts and canopies). As such, building materials would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, based on compliance with the City's Development Code and CALGreen lighting standards, impacts associated with light and glare would be less than significant.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on aesthetics and visual resources as it relates to scenic resource damage within a state scenic highway and sources of light and glare; therefore, no mitigation is required.

2.4.2 Agriculture and Forestry Resources

Conversion of Agricultural Lands and Forestlands

According to the California Department of Conservation (CDOC) Important Farmland Finder (CDOC 2016a), the Project site is designated as "grazing land." The Project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (collectively, "Important Farmland"). The Project would not occur within any farmland locations, and would not result in the conversion of this land to nonagricultural use. In addition, based on the CDOC's 2015/2016 San Bernardino County Williamson Act map (CDOC 2016b), there are no Williamson Act contracts on site or within the Project area. Further, the Project site and surrounding area are not zoned for agricultural uses, but instead for commercial, industrial, business park, rural estate residential, and neighborhood commercial uses (City of Hesperia 2010a). As such, implementation of the Project would not conflict with existing zoning for agricultural use or land under a Williamson Act contract.

In regard to forestland or timberland, Project site is not located on or adjacent to forestland, timberland, or timberland zoned timberland production (City of Hesperia 2010a). Therefore, no impacts associated with Important Farmland, Williamson Act contracts/Farmland Security Zones, forestland, or timberland would occur.

Cumulative Agricultural and Forestry Resource Impacts

As analyzed above, the proposed project would experience no impacts related to all agricultural and forestry resource issue areas. Considering the proposed project would not be located on farmland or forestland, the proposed project would not combine with cumulative projects resulting in a significant impact to an agricultural or forestry resource. Therefore, impacts to agricultural and forestry resources would not be cumulatively considerable.

Finding

The Initial Study for the proposed project found no potential for significant impacts to agriculture and forestry resources; therefore, agriculture and forestry resources was not addressed in the Draft EIR. No mitigation would be required and no significant, unavoidable adverse impacts would occur.

2.4.3 Air Quality

Expose Sensitive Receptors to Substantial Pollutant Concentrations

Local Carbon Monoxide Concentrations

Mobile source impacts occur on two scales of motion. Regionally, Project-related travel would add to regional trip generation and increase vehicle-miles traveled within the local airshed and the MDAB. Locally, Project-generated traffic would be added to the roadway system near the Project site. If such traffic occurs during periods of poor atmospheric ventilation, is composed of a large number of vehicles "cold-started" and operating at pollution-inefficient speeds, and is operating on roadways already crowded with non-Project traffic, there is a potential for the formation of microscale CO hotspots in the area immediately around points of congested traffic. However, because of continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the MDAB is steadily decreasing.

The MDAQMD thresholds of significance for local CO emissions is the 1-hour and 8-hour CAAQS of 20 ppm and 9 ppm, respectively. By definition, these represent levels that are protective of public health. As noted previously, the MDAB is currently designated attainment for both state and national CO ambient air quality standards, and the City typically experiences low background CO concentrations.

To verify that the Project would not cause or contribute to a violation of the CO standard, a screening evaluation was conducted comparing the highest hourly traffic volumes at any studied intersection in proximity to the Project site to the 100,000 vehicles per day criterion from the SCAQMD AQMP (SCAQMD 2003). The highest average daily trips on a segment of road would be 61,500 daily trips on Interstate 15 Northbound Ramps and Main Street, which would be substantially less than the 100,000 vehicles per day screening criterion applied. Therefore, impacts associated with CO hotspots would be less than significant.

Toxic Air Contaminant Exposure

As the Project consists of 2,361,648 square-feet of High-Cube Fulfillment Center use and 1,383,781 square-feet of General Light Industrial use, the potential impact of Project-generated air pollutant emissions at sensitive receptors has been evaluated.

Receptors in the Project study area include existing residences to the north, south, east, and west of the Project site, with the nearest residence at 11345 Phelan Road, approximately 217 feet south of the Project site. The residential land use with the greatest potential exposure to Project DPM source emissions is at the existing West Main Villas apartments as 9800 Mesa Linda Street, approximately 2,165 feet southeast of the Project site, and immediately adjacent to the north of Main Street, which is the Project's primary truck travel route. While all of the residences surrounding the Project site have been accounted for in this analysis, this analysis focuses on the residential land use with the greatest potential exposure to Project DPM source emissions, as any residences located further away from the Project site or primary truck travel route than the residence with the greatest potential for exposure would experience a lesser impact because concentrations dissipate with distance. The maximum

incremental cancer risk attributable to Project DPM source emissions at the MEIR is estimated at 7.37 in one million, which is less than the MDAQMD's significance threshold of 10 in one million. At this same location, non-cancer risks were estimated to be 0.003, which would not exceed the applicable significance threshold of 1.0. Because all other modeled residential receptors are exposed to lesser concentrations and are located at a greater distance than the MEIR, and DPM generally dissipates with distance from the source, all other receptors in the vicinity of the Project site would be exposed to less emissions and therefore less risk than the MEIR identified herein. Therefore, impacts associated with toxic air contaminants and cancer and non-cancer health risk would be less than significant.

Valley Fever

Valley Fever is not highly endemic to San Bernardino County; within San Bernardino County the incident rate is 1.8 cases per 100,000 people (CDPH 2017). In contrast, in 2016 the statewide annual incident rate was 13.7 per 100,000 people. The California counties considered highly endemic for Valley Fever include Kern (251.7 per 100,000), Kings (157.3 per 100,000), San Luis Obispo (82.8 per 100,000), Fresno (60.8 per 100,000), Tulare (45.3 per 100,000), Madera (31.5 per 100,000), and San Joaquin (25.3 per 100,000) and accounted for 70% of the reported cases in 2016 (CDPH 2017).

Even if present at the site, construction activities may not result in increased incidence of Valley Fever. Propagation of Valley Fever is dependent on climatic conditions, with the potential for growth and surface exposure highest following early seasonal rains and long dry spells. Valley Fever spores can be released when filaments are disturbed by earth-moving activities, although receptors must be exposed to and inhale the spores to be at increased risk of developing Valley Fever. Moreover, exposure to Valley Fever does not guarantee that an individual will become ill—approximately 60% of people exposed to the fungal spores are asymptomatic and show no signs of an infection (USGS 2000).

In order to reduce fugitive dust from the Project and minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the MDAQMD Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction. These requirements are consistent with CDPH recommendations for the implementation of dust control measures, including regular application of water during soil-disturbance activities, to reduce exposure to Valley Fever – the watering minimizes the potential that the fungal spores become airborne (CDPH 2013). Further, regulations designed to minimize exposure to Valley Fever hazards are included in Title 8 of the California Code of Regulations and would be complied with during the Project's construction phase (California Department of Industrial Relations 2017).

In summary, the Project would not result in a significant impact attributable to Valley Fever exposure based on its geographic location and compliance with applicable regulatory standards and dust mitigation measures, which will serve to minimize the release of and exposure to fungal spores. Therefore, impacts associated with Valley Fever exposure for sensitive receptors would be less than significant.

Other Emissions

Land uses generally associated with odor complaints generally include: agricultural uses (livestock and farming), wastewater treatment plants, food-processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities. The Project does not propose uses that would be substantive sources of objectionable odors. Potential temporary and intermittent odors may result from construction equipment exhaust, the application of asphalt, and architectural coatings. Temporary and intermittent construction-source emissions

are controlled through existing requirements and industry Best Management Practices (BMPs) addressing proper storage of and application construction materials.

Over the life of the Project, odors may result from storage of municipal solid waste pending its transport to area landfills. Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City of Hesperia's solid waste regulations.

The Project would also be required to comply with MDAQMD Rule 402 (Nuisance). Rule 402 provides that "[a] person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property" (MDAQMD 1976). Based on the preceding, the potential for the Project to create objectionable odors affecting a substantial number of people would be less than significant.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on air quality as it relates to health impacts of CO hotspots, toxic air contaminant exposure and valley fever, and other emissions; therefore, no mitigation is required.

2.4.4 Biological Resources

Candidate, Sensitive, or Special-Status Species

The following section evaluates the Project's effects on plant and wildlife species identified as candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS.

Special-Status Wildlife Species

Desert Tortoise

The results of the survey determined that desert tortoise are currently considered absent from the Project site and Off-Site Utilities Alignments. The on-site vegetation has been determined to provide low-quality habitat for the desert tortoise. While suitable (albeit low-quality) habitat for this species will be removed as a result of construction of the Project, this habitat is unoccupied, and the Project would not result in any direct or indirect impacts to desert tortoise. Therefore, impacts to desert tortoise associated with the Project and Off-Site Utilities Alignments would be less than significant.

Mohave Ground Squirrel

The Project site is located in an area that is cut off from known Mohave ground squirrel populations by Interstate 15 and U.S. Highway 395 to the east and by the California Aqueduct to the north. Disturbances from human presence and fragmentation from surrounding roadways, including off-highway vehicle use and illegal waste dumping within the Project site and Off-Site Utilities Alignments has had a negative effect on habitat quality for Mohave ground squirrel. Records from the CNDDB reveal two occurrences of Mohave ground squirrel near the Project site and Off-Site Utility Alignment that were detected in 2005 and 2011. However, both these records are from sites located across the California Aqueduct, making dispersal to the Project site highly unlikely, because the aqueduct creates a considerable barrier to dispersal.

The Project site and Off-Site Utilities Alignments provides have a low likelihood of Mohave ground squirrel to occur. No Mohave ground squirrel were detected at the camera stations or captured during the trapping surveys. Additionally, the high density of California juniper on site is indicative that the area is within the Mohave-transmontane transition zone, an area with low likelihood of use by Mohave ground squirrel. As such, the survey results indicate that Mohave ground squirrel do not inhabit the Project site or Off-Site Utility Alignment.

Therefore, the Project would not result in any direct or indirect impacts to Mohave ground squirrel. Therefore, impacts to Mohave ground squirrel associated with the Project and Off-Site Utilities Alignments would be less than significant.

Interference with Wildlife Movement/Use of Nursery Sites

The Project site is located in an area of encroaching development and has been regionally isolated by U.S. Highway 395 to the east and by the California Aqueduct to the north. As a result, the Project site does not provide for regional wildlife movement or serve as a regional wildlife corridor. However, on a local level, wildlife may move across the site when migrating or foraging/hunting. Therefore, wildlife movement may be temporarily disrupted during the construction phase of the Project, although this effect would be both localized and short-term in nature. Nearby corridors that could support wildlife movement in the region, include the La Bureau of Power and Light Road immediately to the west and the Oro Wash further to the east, would not be impacted by the Project. Further, the Project site does not contain nursery sites, such as bat colony roosting sites or colonial bird nesting areas.

All off-site utilities would be located below grade, and thus, would not represent an impedance to wildlife movement. Similar to the construction work being conducted on the Project site, the construction activities associated with the off-site utilities have the potential to temporarily disrupt wildlife movement in the immediate vicinity of construction; however, any impact would be both localized and short-term in nature. Therefore, impacts associated with wildlife movement, wildlife corridors, and wildlife nursery sites would be less than significant.

Habitat Conservation Plan, Natural Community Conservation Plan, or other Conservation Plan

The Project site and the Off-Site Utilities Alignments are located within the California Desert Conservation Area Plan (BLM 1980). The Project site and the Off-Site Utilities Alignments are also located within the Draft West Mojave Plan (BLM 2005) and the Desert Renewable Energy Conservation Plan (BLM 2016) areas. The West Mojave Plan and Desert Renewable Energy Conservation Plan are amendments to the California Desert Conservation Area Plan. The BLM issued a Record of Decision for the West Mojave Plan in 2006, although the West Mojave Plan has not been formally adopted. The Project will not conflict with the conservation criteria associated with the California Desert Conservation Area Plan or Desert Renewable Energy Conservation Plan. Therefore, impacts associated with an adopted habitat conservation plan would be less than significant.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on biological resources as it relates to specific special-status wildlife species; the interference with the movement of any native resident or migratory fish or wildlife species; and as it relates to a habitat conservation plan, natural community conservation plan, or other conservation plan. Therefore, no mitigation is required.

2.4.5 Energy

Wasteful, Inefficient, or Unnecessary Consumption of Energy

Electricity

Construction Energy Usage

Temporary electric power for as-necessary lighting and electronic equipment (e.g., computers inside temporary construction trailers, HVAC) would be provided by SCE. The SCE's general service rate schedule was used to determine the Project's electrical usage. As of January 1, 2020, SCE's general service rate is $0.08 per kWh of electricity for industrial services (SCE 2020). Though no physical structure is anticipated, electricity usage related to construction of the Project was based on the calculated construction power cost and the SCE cost per kWh. This approach was taken in order to conservatively identify electricity usage from construction activities.

Project construction related activities are estimated to be approximately 2,464,085 kWh. Project construction would represent a "single-event" electricity demand and would not require on-going or permanent commitment of electricity resources for this purpose. Therefore, impacts would be less than significant

Operational Energy Usage

The Project is estimated to have a total electrical demand of 19,847,230 kilowatt-hours per year. The Project would be built in accordance with the current Title 24 standards at the time of construction and CALGreen standards.

The Project proposes conventional industrial uses reflecting contemporary energy efficient/energy conserving designs and operational programs. Uses proposed by the Project are not inherently energy intensive, and the Project energy demands in total would be comparable to other projects of similar scale and configuration. Additionally, the Project would be required to comply with the applicable Title 24 standards which would further ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary and impacts would be less than significant.

Natural Gas

Construction Energy Usage

Natural gas is not anticipated to be required during construction of the Project. Fuels used for construction would primarily consist of diesel and gasoline, which are discussed under the subsection "Petroleum," below. Any minor amounts of natural gas that may be consumed as a result of Project construction would be temporary and negligible, and would not have an adverse effect; therefore, impacts would be less than significant.

Operational Energy Usage

Natural gas consumption during operation would be required for various purposes, including, but not limited to, building heating and cooling. SoCalGas confirmed availability of natural gas supply in the Project vicinity to serve the Project. Default natural gas generation rates in CalEEMod for the proposed land use and climate zone were used.

The Project is estimated to have a total electrical demand of 49,753,150 kBTU per year. The Project is subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Prior

to Project approval, the applicant would ensure that the Project would meet Title 24 requirements applicable at that time, as required by state regulations through their plan review process. Thus, the natural gas consumption of the Project would not be considered inefficient or wasteful, and impacts would be less than significant.

Petroleum

Construction Energy Usage

Petroleum would be consumed throughout construction of the Project. Fuel consumed by construction equipment would be the primary energy resource expended over the course of construction, and VMT associated with the transportation of construction materials and construction worker commutes would also result in petroleum consumption. Heavy-duty construction equipment associated with construction activities and haul trucks involved in relocating dirt around the Project site are assumed to use diesel fuel. Construction workers would travel to and from the Project site throughout the duration of construction. It is assumed that construction workers would travel to and from the Project site in gasoline-powered vehicles.

Heavy-duty construction equipment of various types would be used during Project construction. CalEEMod was used to estimate construction equipment usage for the estimated diesel fuel usage from construction equipment, and vendor trucks, as well as estimated gasoline fuel usage from worker vehicles.

In summary, construction of the Project is conservatively anticipated to consume 206,565 gallons of gasoline and 197,741 gallons of diesel. Project construction would represent a “single-event” petroleum demand and would not require on-going or permanent commitment of petroleum resources for this purpose. Therefore, impacts would be less than significant

Operational Energy Usage

During operations, the majority of fuel consumption resulting from the Project would involve the use of motor vehicles traveling to and from the Project site, as well as fuels used for alternative modes of transportation that may be used by employees of the Project.

Petroleum fuel consumption associated with motor vehicles traveling to and from the Project site is a function of the VMT as a result of Project operation. The annual VMT attributable to the Project is expected to be 64,040,529 VMT.

The Project would result in 64,040,529 annual VMT and an estimated annual fuel demand of 5,072,463 gallons of fuel. Fuel would be provided by current and future commercial vendors. Trip generation and VMT generated by the Project are consistent with other industrial uses of similar scale and configuration, as reflected in the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th Ed., 2017) and CalEEMod. That is, the Project does not propose uses or operations that would inherently result in excessive and wasteful vehicle trips and VMT, nor associated excess and wasteful vehicle energy consumption.

Enhanced fuel economies realized pursuant to federal and state regulatory actions, and related transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would likely decrease future gasoline fuel demands per VMT. Location of the Project proximate to regional and local roadway systems tends to reduce VMT within the region, acting to reduce regional vehicle energy demands. The Project would implement sidewalks, facilitating and encouraging pedestrian access. In compliance with the California Green Building Standards Code, the Project would promote the use of bicycles as an alternative mean of transportation by providing short-term and/or long-term bicycle parking accommodations. Facilitating pedestrian and bicycle access for employees would reduce VMT and associated energy consumption. As supported by the preceding

discussions, Project transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary and impacts would be less than significant.

Conflict with Plan for Renewable Energy or Energy Efficiency

The Project would be subject to and would comply with, at a minimum, the California Building Energy Efficiency Standards (24 CCR Part 6). Part 6 of Title 24 establishes energy efficiency standards for non-residential buildings constructed in California in order to reduce energy demand and consumption. As such, the Project would comply with the California code requirements for energy efficiency.

Part 11 of Title 24 sets forth voluntary and mandatory energy measures that are applicable to the Project under CALGreen. CALGreen institutes mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential, high-rise residential, state-owned buildings, schools, and hospitals, as well as certain residential and non-residential additions and alterations. Additionally, energy consumed by the Project's operation is calculated to be comparable to energy consumed by other industrial uses of similar scale and intensity that are constructed and operating in California. On this basis, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This impact would be less than significant.

Cumulative Energy Impacts

Cumulative projects that could exacerbate the Project's impacts include any projects that could result in wasteful, inefficient, or unnecessary use of energy. However, the Project would not result in wasteful, inefficient, or unnecessary use of energy in part due to the short-term and temporary nature of the construction period. Similarly, operation of the Project would not result in a wasteful, inefficient or unnecessary use of energy or conflict with an applicable plan. Furthermore, the Project would include Project design features discussed in Section 2.2.2.2 which include reductions in energy demand. Therefore, the Project would have a less-than-significant impact with regards to cumulative energy impacts.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on energy as it relates to inefficient or wasteful energy use, conflict with a state or local plan for renewable energy or energy efficiency, and cumulative energy impacts; therefore, no mitigation is required.

2.4.6 Geology and Soils

Expose People or Structures to Fault Rupture

According to the CDOC regulatory maps (CDOC 2019), the Project site is not located in a designated earthquake fault zone. The Alquist–Priolo Zones Special Studies Act defines active faults as those that have experienced surface displacement or movement during the last 11,000 years. According to the City's General Plan, although several earthquake faults exist within and in proximity to the City, no faults exist beneath the Project site (City of Hesperia 2010a). Although the Project site could potentially be subject to strong ground shaking during an earthquake, because of the absence of an underlying fault in the Project area, there is no potential for faulting on site. Therefore, no impacts associated with fault rupture would occur.

Expose People or Structures to Strong Seismic Ground Shaking

Similar to other areas located in seismically active Southern California, the City is susceptible to strong ground shaking during an earthquake. As previously addressed, the Project site is not located within an active fault zone, and the site would not be affected by ground shaking more than any other area in this seismic region. In addition, the Project would be designed in accordance with all applicable provisions established in the current California Building Code, which sets forth specific engineering requirements to ensure structural integrity during a seismic event (CBC 2019). Compliance with these requirements would reduce the potential risk to people and structures with respect to strong seismic ground shaking. Therefore, impacts associated with strong seismic ground shaking would be less than significant.

Expose People or Structures to Liquefaction

Liquefaction occurs when partially saturated soil loses its effective stress and enters a liquid state, which can result in the soil's inability to support structures above. Liquefaction can be induced by ground-shaking events and is dependent on soil saturation conditions Due to the existing geologically young, loose, unconsolidated sediments throughout the City, liquefaction has the potential to occur within the City. However, the Project would comply with the most recent version of the California Building Code (CBC), which contains universal standards related to the Project site's specific soil characteristics. Additionally, a geotechnical/soils study has been prepared for the Project, which would provide engineering recommendations based on the particular geological characteristics of the Project site. These site-specific recommendations would include requirements regarding excavation, grading, and imported fill selection; foundation design parameters; and floor slab design and construction parameters. Some of these recommendations would reiterate requirements already set forth in the California Building Code, and other recommendations may exceed these requirements based on the specific geological characteristics of the Project site. Compliance with these requirements would reduce the potential risk to people and structures due to liquefaction. Therefore, impacts associated with liquefaction would be less than significant.

Expose People or Structures to Landslides

According to Exhibit SF-1 of the City's General Plan Safety Element (City of Hesperia 2010a), the Project site is not located in an area identified as susceptible to slope instability. The Project site is relatively flat and is not located adjacent to any potentially unstable topographical feature such as a hillside or riverbank. Therefore, no impacts associated with landslides would occur.

Soil Erosion or Loss of Topsoil

Short-Term Construction Impacts

Because the Project would result in more than 1 acre or more of ground disturbance, the Project would be subject to the National Pollutant Discharge Elimination System stormwater program, which includes obtaining coverage under the State Water Resources Control Board's General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit. Construction activities subject to the Construction General Permit include clearing, grading, and disturbances to the ground such as stockpiling or excavating. The Construction General Permit requires development and implementation of a stormwater pollution prevention plan (SWPPP). Among the required items that must be included within a SWPPP are Project design features intended to protect against substantial soil erosion as a result of water and wind erosion; these design features are commonly known as best management

practices (BMPs). Typical BMPs include maintaining or creating drainages to convey and direct surface runoff from bare areas and installing physical barriers such as berms, silt fencing, wattles, straw bales, and gabions.

Implementation of a Construction General Permit, including preparation of a SWPPP and implementation of BMPs, would reduce stormwater runoff and soil erosion impacts to acceptable levels. Therefore, short-term construction impacts associated with soil erosion would be less than significant.

Long-Term Operational Impacts

Once redeveloped, the Project site would include three warehouse/distribution/logistics buildings, paved surfaces, and other improvements that would stabilize and retain on-site soils. The remaining portions of the Project site containing pervious surfaces would primarily consist of landscape areas. These landscape areas would include a mix of trees, shrubs, plants, and groundcover that would help retain on-site soils while also preventing wind and stormwater erosion. Therefore, long-term operational impacts associated with soil erosion would be less than significant.

Unstable Geologic Unit or Soil

Project activities may occur in geologically unstable areas such as zones of potential liquefaction or collapsible soils. However, the Project would comply with the most recent version of the CBC, which contains universal standards related to the Project site's specific soil characteristics. Compliance with the CBC would ensure the structural integrity in light of seismic-related issues experience at the Project site. Additionally, a geotechnical/soils study has been prepared for the Project, which would provide engineering recommendations based on the particular geological characteristics of the Project site. These site-specific recommendations would include requirements regarding engineering, design, and construction (and possibly operation) of the Project. Some of these recommendations would reiterate requirements already set forth in the California Building Code, and other recommendations may exceed these requirements based on the specific geological characteristics of the Project site. Compliance with these requirements would reduce the potential risk to people and structures due to unstable and expansive soils. Therefore, impacts associated with unstable and expansive soils would be less than significant.

Soils Incapable of Supporting Septic Tanks

The Project would connect directly to the municipal sanitary sewer system and would not require septic tanks or any other alternative wastewater disposal system. Therefore, no impacts associated with the adequacy of soils and septic systems would occur.

Cumulative Geological Resource or Soil Impact

Potential cumulative impacts on geology and soils result from projects that combine to create geologic hazards, including unstable geologic conditions, or substantially contribute to erosion. Most geology and soil hazards associated with development would be site-specific and can be mitigated on a project-by-project basis. Such hazards include exposure of people or structures to rupture of an earthquake fault, liquefaction, landslides, unstable geologic units, and expansive soils. Individual project mitigation for these hazards would ensure that there are no residual cumulative impacts. Proper engineering design, use of standard construction practices, adherence to erosion control standards, implementation of BMPs required by the SWPPP, and implementation of the recommendations found in their respective geotechnical reports would ensure that the potential for cumulatively considerable geological impacts would be less than significant. Since geologic hazards are site-specific and not necessarily cumulative, the proposed project would not have a cumulatively considerable impact. Also, as noted above, in 2015, the California Supreme

Court held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of the project unless such projects exacerbate existing conditions, further limiting the likelihood that environmental impacts on related projects would occur.

Excavation and ground-disturbing activities during construction of the proposed project and cumulative projects could potentially leave loose soil exposed to the erosive forces of rainfall and high winds, which would increase the potential for soil erosion and loss of topsoil. Earth-disturbing activities associated with construction on the project site and cumulative project sites would be temporary, and with compliance with the General Construction Permit and BMPs outlined in the SWPPP, cumulative impacts related to soil erosion and the loss of topsoil would be less than significant.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on geological resources or soils; therefore, no mitigation is required.

2.4.7 Greenhouse Gas Emissions

Conflict with an Applicable Plan, Policy, or Regulation

As previously stated, pursuant to 15604.4 of the CEQA Guidelines, a lead agency may rely on qualitative analysis or performance-based standards to determine the significance of impacts from GHG emissions. As such, the Project's consistency with SB 32 (2017 Scoping Plan) and the City's CAP, is discussed below. It should be noted that the Project's consistency with the 2017 Scoping Plan also satisfies consistency with AB 32 since the 2017 Scoping Plan is based on the overall targets established by AB 32. Consistency with the 2008 Scoping Plan is not necessary, since the target year for the 2008 Scoping Plan was 2020, and the Project's buildout year is 2021. As such, the 2008 Scoping Plan does not apply and consistency with the 2017 Scoping Plan is relevant.

2017 Scoping Plan Consistency

The *2017 Scoping Plan* Update reflects the 2030 target of a 40% reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. The Project will not conflict with any of the provisions of the *Scoping Plan* and in fact supports seven of the action categories.

As shown above, the Project would not conflict with any of the *2017 Scoping Plan* elements as any regulations adopted would apply directly or indirectly to the Project. Further, recent studies show that the state's existing and proposed regulatory framework will allow the state to reduce its GHG emissions level to 40% below 1990 levels by 2030.

Consistency with the CAP

As previously stated, the CAP presents a number of strategies that will make it possible for the City to meet the recommended GHG emissions targets that are consistent with the reduction targets of the state.

The Project's emissions without accounting for regulatory requires and PDFs would be 63,906 MT CO_2e per year. After implementation, Project GHG emissions would be reduced to 55,599 MT CO_2e per year. This yields a reduction of approximately 13%, which satisfies the City's CAP target of a 12% reduction. As such, the Project is consistent with the City's CAP.

The Project demonstrates consistency with the General Plan, CAP goals, measures, and emission reduction targets, and would not conflict with any applicable plan, policy, or regulation of an agency adopted to reduce GHG emissions, including Title 24, AB 32, and SB 32. Therefore, impacts would be less than significant.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on GHG emissions as it relates to a conflict with an applicable plan, policy or regulation; therefore, no mitigation is required.

2.4.8 Hazards and Hazardous Materials

Hazardous Materials within One-Quarter mile of an Existing or Proposed School

The nearest school to the Project site is San Joaquin Valley College (9331 Mariposa Road), which is located approximately 1.4 miles southeast of the site. As such, the closest school is located well outside of a 0.25-mile radius around the Project site. Therefore, no impacts associated with emitting or handling hazardous materials within 0.25 miles of a school would occur.

Cortese List

The Hazardous Waste and Substances Sites list (Cortese List) is a planning document providing information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California Environmental Protection Agency to develop, at least annually, an updated Cortese List. The Department of Toxic Substances Control is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous materials release information for the Cortese List (CalEPA 2019). A review of Cortese List online data resources does not identify hazardous materials or waste sites on the Project site or immediately surrounding area (DTSC 2019; RWQCB 2019). Therefore, no impact would occur.

Near an Airport or within an Airport Land Use Plan

The nearest operational public-use airport to the Project site is the Hesperia Airport, which is located approximately 6.2 miles to the south. The airport is located on the Mesa, west of Antelope Valley wash and south of Ranchero Road. According to the Comprehensive Land Use Plan, the Project site is not located within a runway protection zone or safety zone area, which would have potential safety and noise impacts (San Bernardino County 1991). Therefore, no impacts associated with airport hazards would occur.

Impair or Interfere with an Adopted Emergency Response Plan or Emergency Evacuation Plan

According to the City's Mitigation Plan, the Project would be required to comply with the City's Emergency Operations Plan (City of Hesperia 2017). The City Emergency Operations Plan provides a framework for coordinated response and recovery activities during an emergency (City of Hesperia 2017). In addition, the City's General Plan designates all freeways and arterial roads as emergency evacuation routes. Typically, roadway facilities designated by the City's General Plan Safety Element as major, primary, or secondary highways, as well as other streets with regional access are assumed to serve as evacuation routes in the event of a regional emergency. As roadways capable of supporting high traffic volumes and providing regional access to other highways, freeways, and neighboring jurisdictions, both

Main Street and U.S. Highway 395 are expected to serve as emergency evacuation routes in the event of an emergency. The Project does not propose any changes to the geometry of these roadways to the extent that these roadways' ability to serve as emergency evacuation routes would be compromised. As a result, the Project would not significantly affect emergency response or evacuation activities. Therefore, impacts associated with emergency response and evacuation routes would be less than significant.

Wildland Fires

Construction of the Project would introduce potential ignition sources to the Project site, including the use of heavy machinery and the potential for sparks during welding activities or other hot work. However, the Project would be required to comply with City and state requirements for fire safety practices, to reduce the possibility of fires during construction activities. Further, vegetation would be removed from site prior to the start of construction. Adherence to City and state regulatory standards during Project construction would reduce the risk of wildfire ignition and spread during construction activities. Therefore, short-term construction impacts associated with exposing people or structures to a significant risk of loss, injury, or death involving wildland fires would be less than significant.

Upon completion of Project construction, as discussed further below, with adherence to the City's Municipal Code, the low ignitability of the proposed structures, implementation of fire-resistant, and irrigated landscaping, the Project would not facilitate wildfire spread or exacerbate wildfire risk or expose people or structures, indirectly or directly, to significant wildfire risk. Further, given that surrounding off-site fuels consist of moderately spaced vegetation, wildfires in the immediately surrounding area are not common, and it is unlikely that Project occupants would be exposed to the uncontrolled spread of a wildfire or prolonged pollutant concentrations in the event of a wildfire. It is not anticipated that the Project, due to slope, prevailing winds, and other factors, would exacerbate wildfire risks or expose Project occupants to pollutant concentrations from a wildfire, the uncontrolled spread of a wildfire, or significant risks associated with wildfires. Therefore, long-term operational impacts associated with exposing people or structures to a significant risk of loss, injury, or death involving wildland fires would be less than significant.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on hazards and hazardous materials as it relates to hazardous materials within one-quarter mile of an existing school or proposed school, the cortese list, the proximity of the project to an airport or an airport land use plan, the interference with an adopted emergency response plan or emergency evacuation plan, and wildland fires; therefore, no mitigation is required.

2.4.9 Hydrology and Water Quality

Violate Water Quality Standards or Waste Discharge Requirements

Short-Term Construction Impacts

The Project is located in an undeveloped area of the City. As such, the implementation of the Project would represent a more intense use of the Project site as compared to existing conditions. In addition, as previously discussed in Section 2.4.8, water quality could be impacted by contaminated soils encountered during construction activities. However, implementation of MM-HAZ-1 would require the proper removal and disposal of refuse and would address any potential impacts to soil, surface waters, and groundwater from contaminated soils on or near the Project site.

Construction activities within the Project site could result in the incidental release of non-sediment-related pollutants including construction materials (e.g., paint, stucco), chemicals, liquid products, and petroleum products used in building construction or the maintenance of heavy equipment.

The City of Hesperia is a co-permittee under the San Bernardino County Municipal NPDES MS4 permit. The NPDES MS4 Permit requires the City to implement a Construction Site Stormwater Runoff Control Program in accordance with the regional SWMP for the Mojave River Watershed (County of San Bernardino 2003). The SWMP requires permittees to implement and enforce measures to reduce pollutants from construction activities that result in a land disturbance of greater than or equal to 1 acre (City of Hesperia 2010c). To comply with the regulatory requirements of the SWMP, the City requires the implementation of an ESCP for projects that include soil disturbance during construction within the City. Implementation of an ESCP would ensure that construction-related BMPs are enacted to prevent, to the maximum extent practicable, construction site pollutants from leaving the site during all phases of construction. In addition to an ESCP, implementation of a WQMP in accordance with the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans (County of San Bernardino 2016), would ensure that stormwater treatment and conveyance would be sufficient prior to Project build-out. Submittal, review, and approval of both the WQMP and ESCP by the City are necessary prior to the issuance of grading permits for Project development.

Under the NPDES MS4 Permit, the development of 1 acre or more of land must file a notice of intent with the SWRCB to comply with the State NPDES General Construction Permit. Implementation of this Permit would require the development of a site-specific SWPPP for construction activities. The SWPPP is required to identify BMPs that protect stormwater runoff and ensure avoidance of substantial degradation of water quality. Typical BMPs that could be incorporated into the SWPPP to protect water quality include the following:

- Diverting off-site runoff away from the construction site
- Vegetating landscaped/vegetated swale areas as soon as feasible following grading activities
- Placing perimeter straw wattles to prevent off-site transport of sediment
- Using drop inlet protection (filters and sandbags or straw wattles), with sandbag check dams within paved areas
- Regular watering of exposed soils to control dust during construction
- Implementing specifications for construction waste handling and disposal
- Using contained equipment wash-out and vehicle maintenance areas
- Maintaining erosion and sedimentation control measures throughout the construction period
- Stabilizing construction entrances to avoid trucks from imprinting soil and debris onto adjoining roadways
- Training, including for subcontractors, on general site housekeeping

Incorporation of required BMPs for materials and waste storage and handling, and equipment and vehicle maintenance and fueling would reduce the potential discharge of polluted runoff from construction sites, consistent with the State NPDES General Construction Permit, the Hesperia Municipal Code, and CALGreen requirements. Compliance with existing regulations would prevent violation of water quality standards and minimize the potential for contributing sources of polluted runoff. Compliance with existing regulations would ensure that the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface quality from construction activities. Therefore, short-term construction impacts associated with water quality standards and waste discharge requirements would be less than significant.

Long-Term Operational Impacts

As previously discussed, the Project site currently consists of undeveloped land that has been moderately disturbed in the past from illegal dumping, trespassing, and unpermitted off-road vehicle use. Implementation of the Project would result in the construction of three industrial/warehouse buildings and associated office spaces, surface parking, and loading areas. The northwesternmost building, Building 1, would be approximately 1,567,317 square feet, the southernmost building, Building 2, would be 2,065,987 square feet, and the northeasternmost building, Building 3, would be 112,125 square feet, for a total of 3,745,429 square feet. As a result, future uses on-site that could contribute pollutants to stormwater runoff in the long term include uncovered parking areas (through small fuel and/or fluid leaks), uncovered refuse storage/management areas, landscape/open space areas (if pesticides/herbicides and fertilizers are improperly applied), and general litter/debris (e.g., generated during facility loading/unloading activities). During storm events, the first few hours of moderate to heavy rainfall could wash a majority of pollutants from the paved areas where, without proper stormwater controls and BMPs, those pollutants could enter the municipal storm drain system before eventually being discharged into the Oro Grande Wash and eventually the Mojave River. Between periods of rainfall, surface pollutants tend to accumulate, and runoff from the first significant storm of the year ("first flush") would likely have the largest concentration of pollutants.

The NPDES MS4 Permit requires the City to implement a Post-Construction Storm Water Management Program in accordance with the regional SWMP. This Program sets limits of pollutants being discharged into waterways and requires all new development to incorporate structural and non-structural BMPs to improve water quality. To meet the requirements of the SWMP, the City requires the incorporation of LID features into new development and redevelopment projects as specified in the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans. In accordance with the NPDES permit, the City is responsible for monitoring WQMPs, which address stormwater pollution from new private development. Site-specific WQMPs for individual projects must incorporate the SWRCB required minimum Runoff Capture BMPs. In addition, the WQMP specifies the minimum required LID features, as well as the BMPs that must be used for a designated project.

Project design, construction, and operation would be completed in accordance with the NPDES MS4 permit and the *Mojave River Watershed Technical Guidance Document for Water Quality Management Plans,* with the goal of reducing the number of pollutants in stormwater and urban runoff. The Project-specific Mojave River Watershed Preliminary Water Quality Management Plan for Hesperia Commerce II Center determined that the infiltration/retention of stormwater would be sufficient to address on-site stormwater water quality-related issues.

Post-construction, the Project area would be divided into eleven Drainage Sub Areas. Each Sub Area would be designed to convey runoff via sheet flows away from buildings and where feasibly possible, through below-grade, landscaped areas prior to entering the nearest catch basin. The landscaped areas would act as the first filter for detaining suspended solids in stormwater flows. The runoff would then be routed to the nearest catch basin which is then conveyed to the underground infiltration basin. Additional flows are then directed to the above-ground, earthen basins, which would also be designed to infiltrate and retain all of the stormwater generated by the 2-year through 100-year, 24-hour storm event. In accordance with the San Bernardino County Hydrology Manual, the infiltration/retention basin system would be designed to treat water quality for a 2-year, 24-hour storm event, and sized to accommodate the volumes and flow rates of a 100-year, 24-hour storm event. The underground infiltration/retention basin would be located between the two buildings and the two above ground basins at the northeastern end of the site. Stormwater within the infiltration basins would infiltrate through the bottom of the basin into the underlying soils over a 72-hour period. Flows exceeding the total capacity of the infiltration/retention basins (5,107,731 cubic feet), which is well above the calculated total volume of the 100-year 24-hour storm event (3,958,659 cubic feet), would occur as sheet flow across the site similar to existing conditions towards Yucca Terrace Drive during extreme conditions. Because any excess storm water flows beyond the

total capacity of the proposed system that would be discharged into the street would only occur after the majority of pollutants have entered the system, which would be designed consistent with the Mojave River Watershed Preliminary Water Quality Management Plan for Hesperia Commerce II Center, and the excess stormwater flows would not substantially degrade downstream water quality or contribute substantial amounts of sediment downstream.

Non-structural BMPs would include the regular sweeping and cleaning of existing trash enclosures, docking areas, and paved areas throughout the Project site, the training of all maintenance contractors in stormwater BMP implementation, and the monthly inspection of all catch basins during the rainy season (October through May) as well as before and after each storm to ensure efficient operation. The on-site catch basin inspections would be done by a qualified landscape contractor, who would inspect and clean out any accumulation of trash, litter, and sediment from the basins as well as would check for evidence of illegal dumping of waste materials into on-site drains.

Implementation of these LID features and BMPs would, to the maximum extent practicable, reduce the discharge of pollutants into receiving waters, including inadvertent release of pollutants (e.g., hydraulic fluids and petroleum); improper management of hazardous materials; trash and debris; and improper management of portable restroom facilities (e.g., regular service), in accordance with all relevant local and state development standards. In accordance with CalGreen requirements, Project source controls to improve water quality would be provided for outdoor material storage areas, outdoor trash storage/waste handling areas, and outdoor loading/unloading areas.

With respect to groundwater quality, stormwater to be collected and treated in filtration basins, which would allow for stormwater flows to infiltrate soils and recharge groundwater. The structural BMPs, which include layers of engineered soil media, would treat stormwater flows prior to infiltration, ensuring that flows infiltrating groundwater aquifers do not result in adverse effects to groundwater quality. Moreover, flows entering these structural BMPs, if implemented as infiltration locations, would be typical of runoff collected from a commercial development and would not contain substantial quantities of pollutants that could not be appropriately treated by the proposed BMPs. Therefore, long-term operational impacts associated with water quality standards and waste discharge requirements would be less than significant.

Deplete Groundwater Supplies or Interfere with Groundwater Recharge

Groundwater Recharge

The Project site is underlain by the Upper Mojave River Valley Groundwater Basin. Currently, the Project site is undeveloped and pervious to substantive groundwater recharge. The development of the Project site would result in a substantial increase in impermeable surfaces, which could impede groundwater recharge. However, the Project would incorporate LID features, including infiltration/retention systems designed to capture the entire on-site stormwater runoff during a 100-year, 24-hour storm event. Detained stormwater would infiltrate through the bottom of the infiltration basins and because of the design which includes one foot of designed freeboard in the above ground basins have a total provided volume that is well above the calculated 24-hour 100-year storm flow. Because the Project would meet and exceed infiltration requirements, stormwater would continue to be able to infiltrate soils and recharge the underlying Upper Mojave River Valley Groundwater Basin. Therefore, impacts associated with groundwater recharge would be less than significant.

Groundwater Supply

Hesperia Water District estimates that it currently (i.e., in 2020) receives approximately 88.0% of its water from groundwater, 5.5% from purchased water, and 6.5% from recycled water (Hesperia Water District 2016). Regarding

the portion of the District's water supply that originates as groundwater, the District receives water from sixteen active wells within the City, the entirety of which is located within Alto Subarea sub basin of the Mojave River Groundwater Basin. The Mojave River Ground Water Basin is adjudicated basin and thus has a managed groundwater extraction rate (Hesperia Water District 2016). The Mojave Water Agency serves as the entity responsible for managing the use, replenishment, and protection of the groundwater basin. The Mojave Water Agency and other retail water purveyors, including Hesperia Water District, to use imported State Water Project Water to replenish the Upper Mojave Water Basin as part of the Regional Recharge and Recovery Project (also referred to as the "R3" project). This practice further assists regional water providers in sustainable management of the Mojave Groundwater Basin.

The Hesperia Commerce Center II development is estimated to result in an increase in potable water demand of 112,710 gallons per day (gpd), which is equivalent to approximately 126 acre-feet per year. A WSA was prepared for the Project and includes a comprehensive assessment of historical demands and a projection of future demands based on forecasted development of the remaining developable lands within the City's water service area. The WSA concluded that, "the total projected water supplies available to Hesperia Water District during normal, single-dry, and multiple-dry water years over the next 20 years would be sufficient to meet the projected water demands for the proposed project." For additional detail, refer to Section 2.4.17, Utilities and Service Systems.

In addition, as long-term water supply is a significant concern in California, Hesperia Water District has planned projects to meet future water demands for its service area. For example, to improve water efficiency and conserve vital potable water resources, such as groundwater, Hesperia Water District, in cooperation with Victor Valley Water Reclamation Agency plans to expand the local water recycling facility's treatment capacity as well as plans to build an additional water recycling facility. The City of Hesperia also plans to construct multiple recharge basins in cooperation with Mojave Water Agency to deliver and recharge State Water Project water into underlying groundwater basins within the Hesperia Water District's service area (Hesperia Water District 2016). These activities would ensure that groundwater is sustainably replenished as to not result in the overdraft in any basin within Hesperia Water District's service area. These projects, when coupled with regional groundwater management plans and the regulatory bindings of the groundwater basin, would ensure that the service area as a whole attains sustainable groundwater management. The Project would not substantially decrease groundwater supplies and would not impede sustainable groundwater management of the basin. Therefore, impacts associated with groundwater supplies would be less than significant.

Alter Existing Drainage Pattern

Erosion

The Project would result in the development of the site with impervious surfaces, which would alter the existing drainage patterns of the Project site. During construction, the project would implement BMPs, adhere to an ESCP/SWPPP, and comply with applicable regulations that minimize the potential for erosion to occur. Once the site is redeveloped, the Project site would include three warehouse/distribution/logistics buildings, paved surfaces, and other improvements that would stabilize and retain on-site soils. The remaining portions of the Project site containing pervious surfaces would primarily consist of landscape areas. These landscape areas would include a mix of trees, shrubs, plants, and groundcover that would help retain on-site soils while also preventing wind and stormwater erosion.

Post-construction, runoff would flow via sheet flow away from buildings and where feasibly possible, through below-grade, landscaped areas prior to entering the nearest catch basin. The landscaped areas would act as the first filter

for detaining suspended solids in stormwater flows. The runoff would then be routed to the nearest catch basin which is then conveyed to the underground infiltration basin. Additional flows are then directed the above-ground, earthen basins, which would be designed to infiltrate and retain stormwater generated by the 2-year through 100-year, 24-hour storm event. In accordance with the San Bernardino County Hydrology Manual, the infiltration/retention basin system would be designed to treat water quality for a 2-year, 24-hour storm event, and sized to accommodate the volumes and flow rates of a 100-year, 24-hour storm event. The underground infiltration/retention basin would be located between the two buildings and the two above ground basins at the northeastern end of the site. Stormwater within the infiltration basin would infiltrate through the bottom of the basin into the underlying soils over a 72-hour period. Flows exceeding the total capacity of the infiltration/retention basins (5,107,731 cubic feet), which is well above the calculated total volume of the 100-year 24-hour storm event (3,958,659 cubic feet), would occur as sheet flow across the site towards the northeast and Yucca Terrace Drive similar to existing conditions where it eventually enters the existing culvert near the California Aqueduct. No flows would be directed to the Oro Grande Wash.

With the exception of extreme storm events, the Project would not result in the potential for erosion or sedimentation because all storm water would be retained onsite before infiltrating into onsite soils by way of the engineered stormwater system. Provisions within the Preliminary WQMP also require the Project applicant and any successor(s) in interest to inspect and maintain the stormwater system to ensure its proper function. Given that the Project would not convey flows off site up to the total capacity of the proposed system, the Project would not result in the potential for downstream off-site erosion and sedimentation during and beyond the 100-year storm event.

During extreme storm events during which the capacity of the Project's stormwater system is exceeded, excess storm water flows would occur as sheet flow onto Yucca Terrace Drive mimicking current conditions and flowing toward the existing culvert at the California Aqueduct. As noted above, the majority of the storm flows would have already been captured by the proposed infiltration/retention basins and therefore the excess flows would not result in substantial erosion or offsite transmission of sedimentation, therefore, impacts would be less than significant.

Siltation

Although internal drainage patterns would be somewhat altered as a result of Project development, the Project would maintain adequate stormwater conveyance as to not result in an increase of surface runoff in a manner that would result in flooding on- or off-site. As previously discussed, the Project site would be divided into four DMAs. Each DMA would be designed to convey runoff as sheet flows away from buildings, and where feasibly possible, through below-grade, landscaped areas prior to entering the nearest catch basin. The landscaped areas would act as the first filter for any suspended solids that could potentially clog the storm drain system. The runoff would then be routed to two, above-ground, earthen, infiltration basins, which would serve as the final destination for all runoff produced on the Project site. The infiltration basins would be outfitted with a concrete forebay or riprap, which would slow runoff prior to entering the infiltration/retention basins, allowing any remaining suspended solids to separate out and reducing the potential for sediment clogging and erosion to occur. Stormwater within the basins would infiltrate through the bottom of the basin and into the underlying soils over a period of 72 hours.

The Project-specific Preliminary Drainage Report includes an existing and proposed condition hydrologic analysis to determine whether the post-construction runoff would have any impact on receiving waterways (i.e., Oro Grande Wash, Mojave River). In accordance with the San Bernardino County Hydrology Manual, the rational method and unit hydrograph was used to calculate the 2-year, 10-year, and 100-year, 24-hour storm peak discharges for the existing and Project conditions.

The infiltration/retention system would be sized in accordance with the *San Bernardino County Hydrology Manual*, which requires the Project site to retain at least 90% of the difference of volume produced between Post-Developed and Pre-Developed Conditions for the 100-year, 24-hour storm event. The 100-year storm would produce approximately 3,958,659 cubic feet of stormwater in post-development conditions, and the on-site infiltration/retention system would be sized to accommodate approximately 4,209,377 cubic feet of stormwater (with a total volume capacity of 5,107,731 cubic feet) exceeding the minimum requirements. Any flows exceeding the design capacity of the underground infiltration basin would have an overflow pipe that directs flows to the above ground basin which will have an emergency spillway that discharges onto the street in extreme conditions.

Based on this analysis, the stormwater system would be designed to retain and infiltrate, at a minimum, the 100-year, 24-hour storm event flows on-site, and in a manner that would not result in flooding on- or off-site. Because the Project's drainage system would be designed to meet and exceed the stormwater requirements set forth in the *San Bernardino County Hydrology Manual*, the Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site. Therefore, impacts associated with flooding on or off site would be less than significant.

Surface Runoff and Stormwater System Capacity

As discussed above, the proposed drainage system would be designed to convey runoff in compliance with the City of Hesperia and the County of San Bernardino WQMP and SWMP requirements. In addition, the Project would incorporate LID features, including down-graded vegetated landscapes, forebays designed to accumulate sediment and trash, and on-site infiltration/retention basins. Collectively, these LID features would lower the potential of the incidental releases of contaminants to the environment such as oil, grease, nutrients, heavy metals, and certain pesticides, including legacy pesticides. As a result, the Project would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, impacts associated with stormwater drainage systems capacity and polluted runoff sources would be less than significant.

Impede or Redirect Flood Flows

The Project site is located in Zone X, an area of minimal flood hazard per the FEMA FIRM panel 06071C6490H effective August 28, 2008. This area is higher in elevation than the 0.2% annual chance flood (i.e., 500-year flood). In addition, as previously discussed, although internal drainage patterns would be somewhat altered as a result of Project development, the Project would maintain adequate stormwater conveyance as to not result in an increase of surface runoff that would result in flooding on- or off-site associated with the 100-year, 24-hour storm event. Therefore, impacts associated with impeding or redirecting flood flows would be less than significant.

Flood Hazard, Tsunami, or Seiche Zones

The Project would not be susceptible to flood hazards, tsunami, or seiche. Seiche is generally associated with oscillation of enclosed bodies of water (e.g., reservoirs, lakes) typically caused by ground shaking associated with a seismic event; however, the Project site is not located near an enclosed body of water. Flooding from tsunami conditions is not expected, since the Project site is located approximately 60 miles from the Pacific Ocean.

In addition, the Federal Emergency Management Agency Flood Map Service Center identifies the Project site as Zone X, which is classified as an area of minimal flood hazard, outside of the Special Flood Hazard Area and higher than the elevation of the 0.2%-annual-chance flood (FEMA 2020). As such, the Project would not risk release of pollutants due to inundation.

Conflict with Water Quality Control Plan or Sustainable Groundwater Management Plan

As previously discussed, the Project would comply with applicable water quality regulatory requirements, including implementation of a SWPPP, stormwater BMPs, and LID design, which would minimize potential off-site surface water quality impacts and contribute to a reduction in water quality impacts within the overall Mojave River Watershed. In addition, with compliance with these regulatory requirements, the Project would reduce potential water quality impairment of surface waters such that existing and potential beneficial uses of key surface water drainages throughout the jurisdiction of the Mojave River Basin Plan Amendment of the Lahontan Basin Plan would not be adversely impacted. As a result, the Project would not conflict with or obstruct the Lahontan Basin Plan.

With respect to groundwater management, SGMA empowers local agencies to form GSAs to manage basins sustainably, and requires those GSAs to adopt GSPs for crucial groundwater basins in California. A GSA has not been established for the Upper Mojave River Valley Groundwater Basin, as it is not considered a medium or high priority basin. However, the basin is adjudicated, regulating the amount of groundwater extracted, reducing the potential for over-extraction. Further, the Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge and would not conflict with or obstruct a water quality control plan or sustainable groundwater management plan. Therefore, impacts associated with water quality control plans and sustainable groundwater management plans would be less than significant.

Cumulative Hydrology and Water Quality Impacts

Water Quality

The geographic context for the analysis of cumulative impacts associated with water quality is the encompassing Mojave River Watershed. Cumulative development in the watershed could add new sources of stormwater runoff. Construction activities associated with the Project could temporarily increase the number of exposed surfaces that could contribute to sediments in stormwater runoff. Additionally, materials associated with construction activities could be deposited on surfaces and carried to receiving waters in stormwater runoff. However, all cumulative development in the watersheds would be subject to the existing regulatory requirements to protect water quality and minimize increases in stormwater runoff. For example, Part 1, Section I of the Municipal NPDES Permit requires the City of Hesperia to effectively prohibit non-stormwater discharges from within its boundaries, into that portion of the MS4 that it owns or operates. Part 2, Section 1.E of the Municipal NPDES Permit requires the City to control discharges to and from municipal sewer systems, so as to comply with the Municipal NPDES permit and to specifically prohibit certain discharges identified in the Municipal NPDES Permit.

Every two years, the Lahontan RWQCB must re-evaluate water quality within its geographic region and identify those water bodies not meeting water quality standards. For those impaired water bodies, a TMDL must be prepared and implemented to reduce pollutant loads to levels that would not contribute to a violation of water quality standards. All developments within the Mojave River Watershed are subject to the water quality standards outlined in the Mojave River Basin Plan and must comply with any established TMDLs. The continuing review process would ensure that cumulative development within the watershed would not substantially degrade water quality.

The County and cities located within San Bernardino County are co-permittees under the San Bernardino County Municipal NPDES stormwater permit. The NPDES permit sets limits on pollutants being discharged into waterways and requires that the project designer and/or contractor of all new development projects that fall under specific project categories develop a WQMP that includes LID design requirements related to water quality. The LID features would address long-term effects on water quality within the San Bernardino County watersheds, and ensure that

BMPs and LID designs minimize potential water quality concerns to the maximum extent practicable. Therefore, impacts associated with water quality standards and polluted runoff in the watersheds would be minimized, and the Project's contribution to cumulative impacts would be less than significant.

Water Supply

The development of the Project would increase land-use intensities in the area, resulting in increased water usage. The Project would be served by Hesperia Water District. As such, the development of the Project would increase the amount of water used in the Hesperia Water District's service area. Hesperia Water District 2015 UWMP estimates the annual water demand for 2020 is projected to be 14,078 acre-feet. This equates to approximately 4.6 billion gallons a year of water or 12.6 mgd. Hesperia Water District UWMP states that Hesperia Water District and other water agencies in Southern California have planned provisions for regional water for the growing population, including drought scenarios for its service area. This plan includes a new water demand forecast prepared for the major categories of demand and uses regional population, demographic projections, the dry climate, historical water use to develop these forecasts. As such, the Project would not be expected to result in increased water usage causing the need for new entitlements, resources, and/or treatment facilities that are not already being planned to accommodate regional growth forecasts.

In addition, the Project-specific WSA concluded that water demand and supply for water demand and supply projections for Hesperia Water District, including the Project, demonstrate that projected supplies exceed demand through the year 2035. These projections consider land use, water development programs and projects, and water conservation. For example, Hesperia Water District, in coordination with the VVWRA, plans on expanding the Hesperia Subregional Water Recycling Facility water treatment capacity from 1.0 mgd to 2.0 mgd by 2030 as well as build a second water recycling facility within the City that would be able to treat 2.6 mgd of wastewater by 2040. The City additionally plans to construct multiple recharge basins in cooperation with Mojave Water Agency to deliver and recharge State Water Project water into underlying groundwater basins within the Hesperia Water District's service area. Collectively, these additional programs would enable water supply to exceed water demand for Cal Water Dominguez District now and into the future.

Lastly, compliance with the CALGreen Building Code would be required for new development. In addition, CALGreen Building Code standards require a mandatory reduction in outdoor water use, in accordance with the CDWR Model Water Efficient Landscape Ordinance. This would ensure that the Project does not result in wasteful or inefficient use of limited water resources and may, in fact, result in an overall decrease in water use per person. Due to water planning efforts and water conservation standards, impacts would be less than significant, and the Project's contribution to cumulative impacts would not be cumulatively considerable.

Stormwater Drainage

The geographic context for the analysis of cumulative impacts related to storm drainage is the Mojave River Watershed, which is moderately urbanized with impervious surfaces. Cumulative development within the County could potentially increase the number of impervious surfaces that could cause or contribute to storm drain system capacity exceedance, alter the existing storm drain system, and/or require the construction of new or expanded facilities. New development within the watershed would be subject to the environmental review process that would analyze potential impacts associated with stormwater runoff to the storm drain system. New development would be subject to the completion of drainage analyses to ensure that excessive on- or off-site flooding and runoff would not occur.

The Project would not contribute flows to Oro Grande Wash or the Mojave River. Given that the Project would not combine with other Projects to increase the amount of stormwater into regional watercourses, potential impacts to drainages associated with the Project would not contribute considerably to cumulative impacts.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on hydrology and water quality. Therefore, no mitigation is required.

2.4.10 Land Use

Division of an Existing Community

The physical division of an established community typically refers to the construction of a linear feature (e.g., a major highway or railroad tracks) or removal of a means of access (e.g., a local road or bridge) that would impair mobility within an existing community or between a community and outlying area.

Under the existing condition, the Project site is vacant land and is not used as a connection between established communities. Instead, connectivity within the area surrounding the Project site is facilitated via local roadways. As such, the Project would not impede movement within the Project area, within an established community, or from one established community to another. Therefore, no impacts associated with division of an existing community would occur.

Conflict with Land Use Plans

City of Hesperia Land Use Plans, Policies, and Regulations

General Plan

Pursuant to state law, specific plans establish land use regulations for those areas covered by the Specific Plan. The General Plan designates the Specific Plan to cover all freeway frontages within the City as well as the commercial and industrial areas parallel to the freeway corridor. The goals, policies, and development standards applicable to the Project are found in the Specific Plan.

Main Street and Freeway Corridor Specific Plan

The Specific Plan establishes a framework for the Main Street and freeway corridors and is intended to facilitate and support development and improvements along these corridors. The regulations of the specific plan replace those set forth in the planning and zoning provisions of the City's Development Code, and any other applicable ordinances.

The Project site is zoned and designated by the Specific Plan as CIBP (City of Hesperia 2020). The Project site would be developed in accordance with the provisions set forth in this land use designation. The Specific Plan lists CIBP as one of two industrial zones. The CIBP zone is meant to create consolidated areas for employment-creating uses in a business park setting. The zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, to minimize environmental impacts such as noise, vibration, air pollution, glare, or waste disposal. The CIBP zone falls within three land use districts, Main Street/I-15 District, U.S. Highway 395/I-15 District, and Industrial District. The Main Street/I-15 and U.S. Highway 395/I-15 Districts provide enhanced vehicular, truck, and rail accessibility by taking advantage of their location along the I-15

corridor with its connection to U.S. Highway 395, and its linkage to the Southern California Logistics Airport. The Project site falls within the Main Street/I-15 District. The Main Street/I-15 District takes advantage of regional freeway accessibility and visibility through high-quality development and streetscape enhancements.

Among the permitted uses in the CIBP zone, warehousing and wholesale distribution centers are permitted at 200,000 square feet or less. Warehouses and wholesale distribution centers over 200,000 square feet are conditionally permitted. The Project would include construction of a total of 3,745,429 square feet of warehousing use, which would require a Conditional Use Permit. As part of the Project approvals, the Project Applicant is requesting approval of a Conditional Use Permit. Assuming that the City's decision makers approve the Conditional Use Permit, the Project would be an allowable use within the CIBP zone. Additionally, the Project plans would be reviewed by City staff to ensure consistency with all applicable development standards and regulations.

The Specific Plan contains several goals and policies that address land use and planning and are applicable to the Project.

Regional Transportation Plan/Sustainable Communities Strategy

The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) was adopted on September 3, 2020, and presents the land use and transportation vision for the region through the year 2045, providing a long-term investment framework for addressing the region's challenges. The RTP/SCS establishes goals for the region and identifies transportation investments that address the region's growing population, as well as strategies to reduce traffic congestion and GHG emissions. In addition, the RTP/SCS is supported by a combination of transportation and land use strategies that help the region achieve state GHG emission reduction goals and federal Clean Air Act requirements, preserve open space areas, improve public health and roadway safety, support the region's vital goods movement industry, and utilize resources more efficiently (SCAG 2020).

Consistency with the 2020-2045 RTP/SCS goals, below, demonstrates that the Project would not conflict with the applicable goals in the RTP/SCS adopted for the purpose of avoiding or mitigating an environmental effect.

The Project would be consistent with the applicable goals and policies set forth by the Specific Plan, General Plan, and SCAG in the RTP/SCS and RCP. Therefore, impacts associated with applicable regional land use plans, policies, and regulations of SCAG would be less than significant.

Cumulative Land Use and Planning Impacts

As analyzed above, the proposed project would experience less than significant impacts related to all land use and planning issue areas. Considering the proposed project would not divide an established community and would not conflict with an applicable land use plan, the proposed project would not combine with cumulative projects resulting in a significant impact to land use. Therefore, impacts to land use and planning would not be cumulatively considerable.

Finding

The Initial Study for the proposed project found no potential for significant impacts to land use; therefore, land use was not addressed in the Draft EIR. No mitigation would be required and no significant, unavoidable adverse impacts would occur.

2.4.11 Mineral Resources

Mineral Resources and Recovery Sites

According to the Conservation Element in the City's General Plan, mineral resources such as sand, gravel, and stone have been identified within the City (City of Hesperia 2010a). Additionally, several aggregate resources such as gravelly alluvium and sandy alluvium are known to exist within the City. These resources are primarily located within wash areas and active stream channels. Although the City has known mineral resources, the Project would be located within an area that is not zoned for mineral resource extraction operations, and thus, such activities cannot currently occur on the Project site. Therefore, impacts associated with mineral resources would be less than significant.

Cumulative Mineral Resource Impacts

As analyzed above, the proposed project would experience less than significant impacts related to all mineral resource issue areas. Considering the proposed project would not be located within the vicinity of a known mineral resource or a locally important mineral resource recovery site, the proposed project would not combine with cumulative projects resulting in a significant impact to mineral resources. Therefore, impacts to mineral resources would not be cumulatively considerable.

Finding

The Initial Study for the proposed project found less than significant impacts to mineral resources; therefore, recreation was not addressed in the Draft EIR. No mitigation would be required and no significant, unavoidable adverse impacts would occur.

2.4.12 Noise

Increase in Ambient Noise Levels

Short-Term Construction Impacts

On-Site Construction Noise

Construction of the Project would generate noise that could expose nearby receptors (i.e., residences) to elevated noise levels that may disrupt communication and routine activities. The magnitude of the impact would depend on the type of construction activity, equipment, duration of the construction phase, distance between the noise source and receiver, and intervening structures. Noise from construction equipment generally exhibits point source acoustical characteristics. A point source sound is attenuated (or reduced) at a rate of 6 decibels per doubling of distance from the source for "hard site" conditions and at 7.5 decibels per doubling of distance for "soft site" conditions. These rules apply to the propagation of sound waves with no obstacles between source and receivers, such as topography (ridges or berms) or structures. Typical operating cycles may involve two minutes of full power, followed by three or four minutes at lower levels.

Using the reference construction equipment noise levels and the CadnaA noise prediction model, calculations of the Project construction noise level impacts with multiple pieces of equipment operating simultaneously at the nearest noise-sensitive receiver locations were completed. This includes the additional noise attenuation provided

by the existing intervening building structures and noise barriers located between the Project site and the nearest receiver locations.

To assess the "worst-case" construction noise levels, the Project construction noise analysis relies on the highest noise level impacts when the equipment with the highest reference noise level is operating at the closest point from the edge of primary construction activity (Project site boundary) to each receiver location. The construction noise levels are expected to range from 60.6 to 73.6 dBA L_{eq}, and the highest construction levels are expected to range from 64.7 to 73.6 dBA L_{eq} at the nearby receiver locations.

Noise levels at nearby noise-sensitive receptors would range from approximately 64.7 dBA Leq to 73.6 dBA Leq when construction is taking place at or near the Project site boundary.

The City of Hesperia exempts construction activity noise from standard exterior noise exposure limits, if conducted during specific limited daytime hours. The Noise Ordinance requires noise generating construction activities be restricted to the hours between 7:00 a.m. and 7:00 p.m. (City of Hesperia Municipal Code Section 16.20.125). This ensures that noise-sensitive receptors are not disturbed by early morning or late night activities.

To evaluate whether the Project will generate potentially significant short-term noise levels at nearest receiver locations, a construction-related daytime noise level threshold of 80 dBA L_{eq} is used as a reasonable threshold to assess the daytime construction noise level impacts. The construction noise analysis shows that the nearest receiver locations will satisfy the reasonable daytime 80 dBA L_{eq} significance threshold during Project construction activities. Therefore, short-term impacts associated with construction noise would be less than significant.

Long-Term Operational Noise

On-Site Operational Noise

Implementation of the Project would also result in changes to existing noise levels on the Project site by developing new stationary sources of noise, including introduction of loading docks, entry gate and truck movements, rooftop air conditioning units, and trash enclosure activity. These sources may affect noise-sensitive vicinity land uses off the Project site. The following analysis evaluates noise from exterior mechanical equipment and activities.

To estimate the Project operational noise impacts, reference noise level measurements were collected from similar types of activities to represent the noise levels expected with the development of the Project. It is important to note that the following projected noise levels assume the worst-case noise environment with the loading dock activity, entry gate and truck movements, rooftop air conditioning units, and trash enclosure activity all operating continuously. These sources of noise activity will likely vary throughout the day.

Loading Docks

To describe the loading dock activities, a reference noise level measurement was collected to represent the truck activities at the Nature's Best distribution facility located at 16081 Fern Avenue in the City of Chino. The reference noise level measurement was taken in the center of the loading dock activity area and represents multiple concurrent noise sources resulting in a combined noise level of 65.7 dBA L_{eq} at a uniform distance of 50 feet. Specifically, the reference noise level measurement represents one truck located approximately 30 feet from the noise level meter with another truck passing by to park roughly 20 feet away, both with their engines idling. Throughout the reference noise level measurement, a separate docked and running reefer truck was located

approximately 50 feet east of the measurement location. Additional background noise sources included truck pass-by noise, truck drivers talking to each other next to docked trucks, and air brake release noise when trucks parked.

Entry Gate and Truck Movements

An entry gate and truck movements reference noise level measurement were taken at the southern entry gate of the Motivational Fulfillment & Logistics Services distribution facility located at 6810 Bickmore Avenue in the City of Chino over a 15-minute period and represents multiple noise sources producing a reference noise level of 58.0 dBA L_{eq} at 50 feet. The noise sources included at this measurement location account for the rattling and squeaking during normal opening and closing operations, the gate closure equipment, truck engines idling outside the entry gate, truck movements through the entry gate, and background truck court activities and forklift backup alarm noise.

Consistent with the *Hesperia Commerce Center II Traffic Impact Analysis*, the Project is expected to generate a total of approximately 11,898 trip-ends per day (actual vehicles) and includes 2,368 truck trip-ends per day. This noise study relies on the actual Project trips (as opposed to the passenger car equivalents) to accurately account for the effect of individual truck trips on the study area roadway network. Using the estimated number of truck trips in combination with time of day vehicle splits, the number of entry gate and truck movements by driveway location were calculated. This information is then used to calculate the entry gate and truck movements' operational noise source activity based on the number of events by time of day.

Roof-top Air Conditioning Units

To assess the noise levels created by the rooftop air conditioning units, reference noise level measurements were collected from a Lennox SCA120 series 10-ton model packaged air conditioning unit. At 5 feet from the rooftop air conditioning unit, the exterior noise levels were measured at 77.2 dBA L_{eq}. At the uniform reference distance of 50 feet, the reference noise levels are 57.2 dBA L_{eq}.

Based on the typical operating conditions observed over a four-day measurement period, the rooftop air conditioning units are estimated to operate for and average 39 minutes per hour during the daytime hours, and 28 minutes per hour during the nighttime hours. These operating conditions reflect peak summer cooling requirements with measured temperatures approaching 96°F with average daytime temperatures of 82°F. For this noise analysis, the air conditioning units are expected to be located on the roof of the Project buildings. This reference noise level describes the expected rooftop air conditioning units located 5 feet above the roof for the planned air conditioning units at the Project site.

Trash Enclosures

To describe the noise levels associated with a trash enclosure activity, Urban Crossroads collected a reference noise level measurement at an existing trash enclosure containing two dumpster bins. The trash enclosure noise levels describe metal gates opening and closing, metal scraping against concrete floor sounds, dumpster movement on metal wheels, trash dropping into the metal dumpster. The reference noise levels describe trash enclosure noise activities when trash is dropped into an empty metal dumpster, as would occur at the Project site. The measured reference noise level at the uniform 50-foot reference distance is 56.8 dBA L_{eq} for the trash enclosure activity. The reference noise level describes the expected noise source activities associated with the trash enclosures for each of the Project buildings. Typical trash enclosure activities are estimated to occur for 5 minutes per hour.

On-Site Operational Noise Summary

Using the reference noise levels to represent the Project operations that include loading dock activity, entry gate and truck movements, rooftop air conditioning units, and trash enclosure activity, Urban Crossroads Inc. calculated the operational source noise levels that are expected to be generated at the Project site and the Project-related noise level increases that would be experienced at each of the noise-sensitive receiver locations.

To demonstrate compliance with local noise regulations, the Project-only operational noise levels are evaluated against exterior noise level thresholds based on the City of Hesperia exterior noise level standards at nearby noise-sensitive receiver locations. The operational noise levels associated with Hesperia Commerce Center II Project will satisfy the City of Hesperia 60 dBA L_{eq} daytime and 55 dBA L_{eq} nighttime exterior noise level standards at all nearby receiver locations. Therefore, the operational noise impacts are considered less than significant at the nearby noise-sensitive receiver locations.

To describe the Project operational noise level increases, the Project operational noise levels are combined with the existing ambient noise levels measurements for the nearby receiver locations potentially impacted by Project operational noise sources. Since the units used to measure noise, decibels (dB), are logarithmic units, the Project-operational and existing ambient noise levels cannot be combined using standard arithmetic equations. Instead, they must be logarithmically added using the following base equation:

$$SPL_{Total} = 10\log_{10}[10^{SPL1/10} + 10^{SPL2/10} + \ldots 10^{SPLn/10}]$$

Where "SPL1," "SPL2," etc. are equal to the sound pressure levels being combined, or in this case, the Project-operational and existing ambient noise levels. The difference between the combined Project and ambient noise levels describe the Project noise level increases to the existing ambient noise environment. The Project is not expected to generate a measurable daytime and nighttime operational noise level increase dBA L_{eq} at the nearby receiver locations. Project-related operational noise level increases will satisfy the operational noise level increase significance criteria. Therefore, long-term operational impacts associated with on-site noise level increase would be less than significant.

Excessive Groundborne Vibration or Groundborne Noise Levels

Short-Term Construction Impacts

For construction vibration, this analysis used FTA thresholds for structural damage (vibration-peak-particle velocities greater than 0.2 inches per second) and FTA's threshold for human annoyance within residences (80 vibration velocity level in decibels (VdB) at residences where people normally sleep, for infrequent events).

During demolition, land clearing, and construction activities for the Project groundborne vibration would be produced by heavy-duty construction equipment. Use of heavy equipment (e.g., a large bulldozer) generates vibration levels of 0.089 inches per second PPV at a distance of 25 feet. The nearest residences to the Project site would be approximately 217 feet from ground disturbance from structural foundations, and could experience vibration levels of 0.003 inches per second PPV. Vibration levels at these receptors would remain below the FTA building damage threshold of 0.2 inches per second PPV. In addition, based on the City of Hesperia vibration standards, the unmitigated Project construction vibration levels would remain below the 0.2 PPV (in/sec) threshold

at all the nearby noise-sensitive receptor locations. Therefore, short-term construction impacts associated with vibration would be less than significant.

Long-Term Operational Impacts

The operation of the Project site will include heavy trucks moving on site to and from the loading dock areas. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. According to the FTA *Transit Noise and Vibration Impact Assessment Manual,* trucks rarely create vibration that exceeds 70 VdB or 0.004 PPV (in/sec) at 25 feet (unless there are bumps due to frequent potholes in the road). Trucks transiting on site will be travelling at very low speeds so it is expected that delivery truck vibration impacts will satisfy the City of Hesperia 0.2 PPV (in/sec) vibration threshold. Therefore, long-term operational impacts associated with vibration would be less than significant.

Expose People Residing or Working in Airport Land Use Plan to Excessive Noise Levels

The nearest operational public-use airport to the Project site is the Hesperia Airport, which is located approximately 6.2 miles to the south. The airport is located on the Mesa, east of Antelope Valley and south of Ranchero Road. According to the Comprehensive Land Use Plan, the Project site is not located within a runway protection zone or safety zone area, which could have potential safety and noise impacts (San Bernardino County 1991). Therefore, given the considerable distance between the nearest airport and the Project site no impacts would occur.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on noise as it relates to ambient noise levels (on-site construction and operational noise), excessive groundbourne vibration or noise levels, and exposing people residing or working within an airport land use plan to excessive noise levels; therefore, no mitigation is required.

2.4.13 Population and Housing

Inducement Population Growth

The Project would require a temporary construction workforce and a permanent operational workforce, both of which could potentially induce population growth in the Project area. The temporary workforce would be needed to construct the three warehouse buildings and associated improvements. The number of construction workers needed during any given period would largely depend on the specific stage of construction, but would likely range from a dozen to several dozen workers on a daily basis.

Because the future tenants are not known yet, the number of jobs that the Project would generate cannot be precisely determined. Thus, for purposes of analyses, employment estimates were calculated using average employment density factors reported by SCAG. SCAG reports that for every 1,195 square feet of warehouse space in San Bernardino County, the median number of jobs supported is one employee (SCAG 2001). The Project would include 3,745,429 square feet of indusial/warehouses space. As such, the estimated number of employees required for operation would be approximately 3,134.

According to the City's General Plan, as of January 2009, the population of the City was approximately 88,184 residents. Upon build-out, the City anticipates to grow to more than 243,000 residents (City of Hesperia 2010a). As

such, the Project-related increase of approximately 3,134 employees would represent a nominal percentage of the City's projected future population upon General Plan build-out.[11]

As such, the Project's temporary and permanent employment requirements could likely be met by the City's existing labor force without people needing to relocate into the Project region, and the Project would not stimulate population growth or a population concentration above what is assumed in local and regional land use plans. Therefore, impacts associated with population growth would be less than significant.

Displacement of Existing Housing and People

The Project site is currently vacant and contains no housing or other residential uses. Given that no residential uses are located on site, it follows that the site does not support a residential population. Therefore, no impacts associated with displacement of housing or people would occur.

Cumulative Population and Housing Impacts

Cumulative impacts to population and housing would result from a combination of projects that induce population growth. Individually, the project would result in minimal population growth in the City; however, this growth projection is consistent with SCAG's growth projections for the City. The Project's new employees would represent a relatively small percentage of new employment projections in the City, and it is anticipated that future employees would not relocate into the area to work at the Project. The Project would not involve development of infrastructure or roadways that would indirectly lead to population growth. In conclusion, the cumulative growth induced by the Project combined with other approved and proposed projects is unlikely to result in substantial population growth beyond that which the City and region has planned. In combination with the Project, cumulative impacts to population growth or housing availability would not be considerable.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on population and housing; therefore, no mitigation is required.

2.4.14 Public Services

New or Physically Altered Government Facilities

Fire

Fire protection and emergency response services for the Project site are provided by the SBCFD. SBCFD operates three fire stations within the City, with Fire Station 305 (8331 Caliente Road) located approximately 1.7 miles south of the Project site, Fire Station 304 (15660 Eucalyptus Street) located approximately 5.2 miles northeast, and Fire Station 302 (17288 Olive Street) located approximately 6.8 miles east (SBCFD 2018).

According to the City's General Plan Safety Element, the average response time within the City is approximately 7 minutes, 16 seconds (City of Hesperia 2010a). If needed, fire stations from adjacent cities, such as Victorville and Apple Valley may respond to emergency calls in Hesperia. Based on the proximity of the Project site to the existing SBCFD facilities, the average response times in the Project area, the ability for nearby cities to respond to

[11] Note that this represents a conservative approach, as this finding assumes that all future employees will have relocated to the City as a result of the Project from outside of the City, and that no future employees are already residents of the City.

emergency calls, and the fact that the Project site is already located within SBCFD's service area, the Project could be adequately served by the SBCFD without the construction of new, or the expansion of existing, facilities.

In addition, as previously analyzed in response 3.14(a), the Project would not directly or indirectly induce unplanned population growth in the City. Although the Project could potentially result in an incremental increase in calls for service to the Project site compared to existing conditions, this increase is expected to be nominal (as opposed to new residential or commercial/retail land uses, which do result in greater increase in calls for service) and would not result in the need for new fire protection facilities.

Overall, it is anticipated that the Project would be adequately served by existing SBCFD facilities, equipment, and personnel. Therefore, impacts associated with the construction or expansion of FFPD facilities would be less than significant.

Police

Police protection and emergency response services for the Project site are provided by the San Bernardino County Sheriff's Department (SBCSD). SBCSD operates one station within the City, Hesperia Police Department (15840 Smoke Tree Street), and is located approximately 5 miles east of the Project site. Hesperia Police Department is comprised of approximately 58 law enforcement personnel, including 1 captain, 1 lieutenant, 7 sergeants, 5 detectives, and 44 deputy sheriffs (City of Hesperia 2019).

As previously addressed, the Project would not directly or indirectly induce unplanned population growth in the City. Although the Project could potentially result in a slight incremental increase in calls for service to the Project site compared to existing conditions, this increase is expected to be nominal (as opposed to new residential or commercial/retail land uses, which do result in greater increase in calls for service) and would not result in the need for new police protection facilities.

Overall, it is anticipated that the Project would be adequately served by existing SBCSD facilities, equipment, and personnel. Therefore, impacts associated with the construction or expansion of FPD facilities would be less than significant.

Schools

As previously discussed, the Project would not directly or indirectly induce unplanned population growth in the City. Although the Project would require employees to construct and operate the Project, these short-term and long-term employees would likely already reside within the broader Project area. As such, it is not anticipated that many people would relocate to the City as a result of the Project, and an increase in school-age children requiring public education is not expected to occur as a result.

Similar to other development Projects in the City, the Project would be subject to Senate Bill 50, which requires payment of mandatory impact fees to offset any impact to school services or facilities. The provisions of Senate Bill 50 are deemed to provide full and complete mitigation of school facilities impacts, notwithstanding any contrary provisions in CEQA or other state or local laws (Government Code Section 65996). In accordance with Senate Bill 50, the Project Applicant would pay its fair share of impact fees based on the Project's square footage per Government Code Section 65995(h). These impact fees are required of most residential, commercial, and industrial development Projects in the City. Therefore, impacts associated with construction or expansion of school facilities would be less than significant.

Parks

The Project would construct three industrial/warehouse buildings in the City. The Project does not propose any residential uses, and would not directly or indirectly induce unplanned population growth in the City. As such, the Project would not increase the use of existing neighborhood parks or regional parks in the City and surrounding area. Therefore, impacts associated with construction or expansion of parks would be less than significant.

Other Public Facilities

Given the lack of population growth that would result from the Project, it is unlikely that the Project would increase the use of libraries or other public facilities. Notwithstanding, the Project applicant would be required to pay its fair share of development impact fees to help offset incremental impacts to libraries by helping to fund capital improvements and expenditures. Therefore, impacts associated with libraries and other public facilities would be less than significant.

Cumulative Public Service Impacts

The project would have a less-than-significant impact with respect to public services. A significant adverse cumulative impact related to public services could occur if the service demands of the proposed project were to combine with those of related projects, triggering a need for new or physically altered public service facilities, the development of which could cause significant environmental impacts. A significant adverse cumulative impact could also occur if the proposed project were to make a considerable contribution to a previously existing deficit in public services in the City.

With regards to fire and police services, the proposed project alone would not have a significant effect on fire or police protection services, and the project would not cause the need for new or physically altered government facilities in order to maintain acceptable levels of service related to fire and police protection. Related projects located within the area would also require fire and police services. Because multiple fire and police stations are located within and surrounding the City, a variety of City and County facilities would be available to serve the related projects. It is assumed that the related projects would incorporate security measures, such as nighttime lighting, and fire safety measures consistent with the CFC into their building design, such as sprinklers, emergency access, and fire alarms. Further, new development would also generate revenues (in the form of property taxes, sales revenue, etc.) that could be applied toward the provision of firefighting resources and related staffing, as deemed appropriate. As the project would have a less-than-significant impact with respect to police and fire services it would not make a cumulatively considerable contribution to any cumulative police or fire services impacts, and no mitigation is required.

Cumulative impacts to schools would be offset by the payment of the developer school fee per Senate Bill 50 and per the California Education Code (Title 1, Chapter 6, Section 17620), which allows school districts to charge fees on new development within the district's boundaries. Further, increased use of parks and other public facilities, such as libraries, are generally attributed to residential development, as reflected in the City's fee schedule. As previously discussed, the project does not include residential uses. Cumulative projects in the City would be required to pay into the City's DIF program, which allocates funds to law enforcement, fire protection, streets and bridges, traffic signals, storm drainage, general facilities, park land facilities, the community center, and the public library. Therefore, through the payment of development impact fees, which is considered an appropriate means of mitigating impacts, cumulative project impacts to public services would be less than significant.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on public services; therefore, no mitigation is required.

2.4.15 Recreation

Existing, Expanded, and New Recreation Facilities

The Project would construct three industrial/warehouse buildings and associated improvements. The Project does not propose any residential uses, and would not directly or indirectly result in a substantial and unplanned increase in population growth within the Project area. As such, the Project would not increase the use of existing neighborhood parks or regional parks in the City and surrounding area. In addition, as an industrial use, the Project does not propose recreational facilities or require the construction or expansion of recreational facilities. Therefore, impacts associated with park and recreational facilities would be less than significant.

Cumulative Recreational Impacts

Cumulative impacts to recreation would result from a combination of projects that induce a substantial and detrimental increased use of parks and recreational facilities. Individually, the project would result in a slight population growth in the City; however, as previously discussed, this growth projection is consistent with SCAG's growth projections for the City and would not result in substantial physical deterioration of existing facilities. Related residential projects would have the most obvious growth-inducing impacts, and would also be subject to the City's Parkland Facilities DIF for residential units, as allowed by the Quimby Act (California Government Code Section 66477), which is used for park and recreational facility improvements. These contributions would aid the City in creating or improving recreational facilities. The cumulative growth induced by these projects would be within the growth projections for the City. The cumulative growth induced by the project combined with other approved and proposed projects is unlikely to result in substantial impacts to recreational facilities or require the construction or expansion of recreational facilities beyond what the City and region are already planning for. In combination with related projects, cumulative impacts to recreation would not be considerable.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on recreation; therefore, no mitigation is required.

2.4.16 Transportation

Conflict with Circulation System Plan, Ordinance, or Policy

The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, as discussed below.

Regional Transportation Plan/Sustainable Communities Strategy

The 2020–2045 RTP/SCS was adopted on September 3, 2020, and presents the land use and transportation vision for the region through the year 2045, providing a long-term investment framework for addressing the region's

challenges. The RTP/SCS establishes goals for the region and identifies transportation investments that address the region's growing population, as well as strategies to reduce traffic congestion and GHG emissions. In addition, the RTP/SCS is supported by a combination of transportation and land use strategies that help the region achieve state GHG emission reduction goals and federal Clean Air Act requirements, preserve open space areas, improve public health and roadway safety, support the region's vital goods movement industry, and utilize resources more efficiently (SCAG 2020).

Consistency with the 2020–2045 RTP/SCS goals, below, demonstrates that the Project would not conflict with the applicable goals in the RTP/SCS adopted for the purpose of avoiding or mitigating an environmental effect. The Project would be consistent with the applicable goals and policies set forth by the in the RTP/SCS.

City of Hesperia General Plan Circulation Element

The General Plan Circulation Element outlines the City's goals and implementation policies to provide a safe and efficient transportation system strategy.

A TIA was prepared to evaluate the Project's effects on the LOS on transportation facilities in the Project area. The detailed results are summarized later below. Based on the results of the TIA, the Project would be consistent with the goals and policies under General Plan Circulation Element. Although the City's LOS policy was determined to no longer be applicable as a transportation impact under CEQA per SB 743, some of the intersections would not comport with Policy CI-2.1, 2.2 and 2.3 under General Plan Goal: CI-2 Develop and implement a City-wide Congestion Management Plan of the City's General Plan, as they would operate or are forecast to operate at unsatisfactory (LOS E or F) conditions during either the AM or PM peak hours (City of Hesperia 2010a):

Policy CI-2.1 Strive to achieve and maintain a LOS D or better on all roadways and intersections: LOS E during peak hours shall be considered acceptable through freeway interchanges and major corridors (Bear Valley Road, Main Street/Phelan Road, Highway 395).

Policy CI-2.2 Work with regional agencies which have authority over roadways within the City to ensure a minimum Level of Service D for roadways and a minimum Level of Service E for intersections.

Policy CI-2.3 Develop policies and regulations to ensure that future development does not reduce the Level of Service of roadways and intersections below the minimum Levels of Service goals.

Although development (as summarized below) of the Project would exceed the LOS goals stated in Policy CI-2.1, 2.2 and 2.3, and improvement measures to achieve acceptable LOS have been provided in Section 2.2.4.2, Mitigation Measures, LOS has been addressed herein for informational purposed only and can no longer be used to determine significant transportation impacts under CEQA and SB 743. The Project would not conflict with any other policy of the City's Circulation Element, applicable Specific Plan and RTP/SCS.

Transit, Bicycle, and Pedestrian Facilities

Currently, VVTA Route 21W is the closest service route to the Project and the closest bus stop is approximately 0.25 miles from the Project site at the intersection of Phelan Road and Lilac Road. Routes 25, 64 and 68 are accessible from the bus stop located along Cataba Road, just north of Main Street and approximately 1.25 miles from the site.

VVTA Route 21W could potentially serve the Project in the future. Transit service is reviewed and updated by VVTA periodically to address ridership, budget, and community demand needs. Changes in land use can affect these periodic adjustments which may lead to either enhanced or reduced service where appropriate. As such, it is recommended that the Project applicant work in conjunction with VVTA to potentially provide bus service to the site.

The Project would not conflict with any plans or policies regarding existing or proposed bicycle and pedestrian facilities in the study area and would be consistent with the City of Hesperia General Plan Bike Plan.

Currently, there are no sidewalks along the Project frontage and the intersections adjacent to the Project site do not currently have pedestrian crosswalks. As such, it is recommended that the Project applicant work in conjunction with the City to improve pedestrian facilities and connectivity along the Project frontage by constructing sidewalks and pedestrian crossings at intersections adjacent to the Project site.

Conclusion

Based on analysis provided above, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and its impact to transportation plans and programs would be less than significant.

Design Hazards

Hazardous Design Features and Incompatible Uses

The Project is anticipated to be developed within a single phase with an anticipated opening year of 2021. Regional access to the Project site is available from the I-15/Main Street interchange. The Project is located north of Phelan Road and west of U.S. Highway 395 in the City of Hesperia. Vehicular and truck traffic access will be provided via the following driveways:

- Driveway 1 via Phelan Road – Right-In/Right-Out/Left-Out access for both passenger cars and trucks (no left-in access)
- Driveway 2 via Yucca Terrace Drive – Full access for both passenger cars and trucks
- Driveway 3 via Yucca Terrace Drive – Full access for both passenger cars and trucks
- Driveway 4 via Phelan Road – Full access for both passenger

The City of Hesperia does not have a designated truck route map. Per consultation with the City, trip distribution pattern for truck traffic was determined. The majority of trucks would use roadway segments of Main Street/Yucca Drive and U.S. Highway 395 adjacent to the Project site to access I-15 via the I-15/Main Street interchange. 45% of the trucks are estimated to travel northbound and 50% of the trucks would travel southbound along I-15. Since the Project is located within the Hesperia Main Street and Freeway Corridor Specific Plan and most of the truck traffic will be distributed along the freeway, the introduction of Project-related truck trips would not be considered an incompatible use.

All roadway improvements required as a result of the Project, whether located on or off site, would be designed and constructed in accordance with all applicable local, state, and federal roadway standards and practices. The Project driveways intersections along Main Street/Yucca Drive and Yucca Terrace Drive have been analyzed as intersections (#4, #5, #6, and #7) and will be improved and designed per local standards to accommodate Project traffic. The Project driveways are anticipated to accommodate the wide turning radius of trucks as currently designed.

These improvements would be overseen by the applicable lead agency and their qualified traffic engineers and are detailed in Section 2.2.4.2. This approach would ensure compliance with any and all applicable roadway design requirements. As such, no hazardous design features would be part of the Project's roadway improvements. Therefore, impacts associated with hazardous design features or incompatible uses in conjunction with the implementation of improvements would be less than significant.

Inadequate Emergency Access

As mentioned above, the Project has four access driveways and in the event of an emergency all the driveways would enable vehicles to enter/exit the Project site. All streets improvements will be designed with adequate width, turning radius, and grade to facilitate access by City's firefighting apparatus, and to provide alternative emergency ingress and egress. The site plan would be subject to plan review by the City's Fire Department to ensure proper access for fire and emergency response is provided and required fire suppression features are included. Therefore, the Project's impact due to inadequate emergency access would be less than significant.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on transportation as it relates to conflicts with a circulation system plan, ordinance, or policy, design hazards and inadequate emergency access. Therefore, no mitigation is required.

2.4.17 Utilities and Service Systems

Require or Result in the Construction of New Water, Wastewater Treatment, Stormwater Drainage, Electric Power, Natural Gas, or Telecommunications Facilities

As discussed in further detail below, the Project would result in less-than-significant impacts with regard to the relocation or construction of new or expanded water, wastewater treatment, or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Water Facilities

The Project would involve the construction of water distribution infrastructure (i.e., pipes, valves, meters, etc.) to provide domestic water, firewater, and irrigation to the Project site. There are several 6-inch, 8-inch, and 12-inch water pipelines within Phelan Road, U.S. Highway 395, Los Banos Avenue, and Yucca Terrace Road. As part of the Project, several of the existing water pipelines would be upsized and/or extended around the Project's border. Pipelines to be upsized include the 6-inch water line within Yucca Terrace Drive (upsized to a 12-inch pipeline), the 8-inch water line within U.S. Highway 395 (upsized to a 12-inch pipeline), and the 8-inch water line within Phelan Road (upsized to a 12-inch water line). New pipelines along the Project site's border include a new 12-inch water line within the remaining part of Yucca Terrace Road, as well as along the western Project boundary. Additionally, a new 16-inch-diameter transmission water pipeline would be installed to provide adequate water service for the Project. This new 16-inch-diameter transmission water pipeline would begin at the intersection of U.S. Highway 395 and Sultana Street and would traverse west along Sultana Street crossing the Oro Grande Wash to Los Banos Avenue. From there it would traverse north and connect to a new 12-inch–diameter water main along Phelan Road. Because the new 16-inch-diameter transmission water pipeline would travel across the Oro Grande Wash and traditional trenching pipe installations will not be feasible, this new water pipeline be installed using the jack and

bore method. A pit will be constructed at each end of the wash and the pipe would be bored through from one pit to the other without disturbing the ground surface.

The construction of the proposed water improvements described above has the potential to cause environmental effects associated with buildout of the Project as a whole. The aforementioned water pipeline improvements have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within this Draft EIR. There are no unique impacts associated with the installation of water infrastructure to serve the Project that have not been discussed and accounted for in this document. Therefore, impacts associated with water facilities would be less than significant.

Water Treatment Facilities

While the Project would result in an incremental increase in demand for water treatment capacity, the Project's water demand would not result in or require new or expanded water treatment facilities beyond those facilities that are already planned as part of Hesperia Water District's 2015 UWMP. A WSA was prepared for the Project to evaluate the Hesperia Water District's projected supplies and demands. As concluded by the WSA:

> This WSA concludes that the total projected water supplies available to Hesperia Water District during normal, single-dry, and multiple-dry water years over the next 20 years will be sufficient to meet the projected water demands for the proposed project.

Additionally, the WSA evaluated the capacity of the existing water storage systems that serve the Project, including Tank 30, in accordance with the City's Storage Criteria. As concluded in the WSA, the existing water storage systems have sufficient capacity to accommodate the water that would be stored to serve the Project. As such, implementation of the Project would not result in the need to expand water treatment facilities. Therefore, impacts associated with water treatment facilities would be less than significant.

Wastewater Conveyance Facilities

As previously discussed, there are no existing sewer lines within the vicinity of the Project site. The closest sewer line is an 8-inch gravity sewer line located in Acacia Road, located approximately 0.6 miles to the east of the Project site on the eastern side of U.S. Highway 395 and Oro Grande Wash. As part of the Project, sanitary sewer service would be provided via a new connection with a new 12-inch-diameter sewer line located within an easement held by the City to master-planned sewer facilities in the City. The new sewer alignment would exit the Project site in an easterly direction, traversing along Yucca Terrace Drive to the east, crossing under U.S. Highway 395 and continuing approximately 2,200 feet along Yucca Terrace Drive, before turning in a 45° angle to the southeast and extending roughly 1,100 feet across the wash. Within the Oro Grande Wash, the sewer line will be located under the existing grade of the wash and installed via jack-and-bore techniques in order to avoid the jurisdictional limits of the ephemeral watercourse.

The construction of the proposed sewer improvements described above has the potential to cause environmental effects associated with buildout of the Project as a whole. The aforementioned sewer improvements have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within this Draft EIR. There are no unique impacts associated with the installation of sewer infrastructure to serve the Project that have not been discussed and accounted for in this document. Therefore, impacts associated with wastewater conveyance facilities would be less than significant.

Wastewater Treatment Facilities

Upon build-out of the Project, the Project's wastewater would be conveyed to the Hesperia Subregional Water Recycling Facility and to the VVWRA RWWTP, which has a treatment capacity of 18.0 mgd and currently produces an average flow of 12.5 mgd, or approximately 70% of its total capacity. According to the wastewater generation rates used in the Project's air quality, greenhouse gas emissions, and energy analyses, the Project would generate approximately 0.02 mgd of wastewater. Projected wastewater from the Project would represent approximately 0.16% of the remaining capacity of the treatment facility. Given the remaining capacity of the VVWRA RWWTP, the VVWRA RWWTP should be able to adequately accommodate the Project's contribution of 0.02 MGD of wastewater. As such, no improvements to any of the City's or VVWRA's facilities would be required to ensure sewer service to the Project site. Therefore, impacts associated with new wastewater treatment facilities would be less than significant.

Stormwater Drainage Facilities

The Project site and a majority of the surrounding area are characterized as a rural, undeveloped, vacant land comprised of pervious surfaces. Ground surface cover within the Project site is moderately vegetated with native grasses, shrubs, and trees. The predominance of pervious surfaces currently allows for the percolation of water into the underlying soils. Developed land typically has a much lower rate of percolation, increasing the amount of runoff reaching the storm drain infrastructure. However, as discussed in Section 2.4.8, stormwater infiltration would be utilized as a low impact development (LID) feature as part of the Project.

The Project-specific Preliminary Drainage Report includes an existing and proposed condition hydrologic analysis to determine whether the post-construction runoff would have any impact on the receiving storm drain system. An analysis was completed for the 2-year, 10-year, and 100-year, 24-hour storm event, in accordance with the San Bernardino County Hydrology Manual, to calculate the existing and Project conditions. Based on this analysis, the stormwater system would be designed to retain and infiltrate more than the entire 100-year, 24-hour storm event flows on site, and in a manner that would not result in substantial erosion or flooding on or off site.

The Project-specific Preliminary Water Quality Management Plan indicates that stormwater runoff from the Project site would be conveyed to one underground and two on-site aboveground infiltration/retention basins, which would be designed to capture and infiltrate more than the entire calculated 100-year 24-hour storm event. Flows exceeding the design capacity of the infiltration basins would occur as sheetflow and flow towards Yucca Terrace Drive where it is ultimately collected by the culvert at the California Aqueduct, which is the existing condition of the site.

The construction of the proposed storm drain improvements described above has the potential to cause environmental effects associated with buildout of the Project as a whole. The storm drain improvements have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within this Draft EIR. There are no unique impacts associated with the installation of storm drain improvements to serve the Project that have not been discussed and accounted for in this document. Therefore, impacts associated with stormwater drainage facilities would be less than significant.

Electric Power, Natural Gas, and Telecommunications

Upgrades would be required with respect to electric power, natural gas, and telecommunication facilities (i.e., cable television services), based on the change in land use (i.e., greater intensification). These utilities would be part of a dry utility package that would be installed on site and in the adjacent public roadways to provide service to the Project. Upgrades would be confined to the connections to the Project site and not any off-site centralized facilities.

The existing infrastructure is located directly adjacent to the Project site within the public streets. Connection to these existing utilities would require limited construction, which would be temporary and limited to trenching, to the depth of the underground lines. Project construction would occur in accordance with all applicable regulatory requirements. Therefore, impacts associated with electric, natural gas, and telecommunication lateral connections would be less than significant.

Sufficient Water Supplies

Implementation of the Project would result in the construction of three industrial/warehouse buildings and with associated office spaces, surface parking, and loading areas on an approximately 195-acre site.

The Hesperia Commerce Center II development is estimated to result in an increase in potable water demand of 168,870 gallons per day (gpd), which is equivalent to approximately 189 acre-feet per year (AFY). As there is currently no existing water demand for the Project site, the net increase in water demand would be equivalent to the Project's proposed water demand of 189 AFY.

The 2015 Hesperia Water District UWMP has planned for growth within its service area over the next 20 years. Hesperia Water District has made an allowance for future demand estimates. Future demand services are based on historical growth rates in the service area. According to Table 7-2 in the Hesperia Water District 2015 UWMP, Hesperia Water District projects a water demand increase of 4,219 AFY from 2020 (15,078 AFY) to 2035 (19,297 AFY). The net water demand of the Hesperia Commerce II development would be accounted for within this growth, as the Project is consistent with the underlying City land use designations for the Project site.

As long-term water supply is a significant concern in California, Hesperia Water District, in cooperation with VVWRA, plans to increase water supply reliability throughout its service region by expanding the Hesperia Subregional Water Recycling Facility's water treatment capacity from 1.0 mgd to 2.0 mgd by 2030 as well as build a second water recycling facility within the City that would be able to treat 2.6 mgd of wastewater by 2040. The City additionally plans to construct multiple recharge basins in cooperation with Mojave Water Agency to deliver and recharge State Water Project water into underlying groundwater basins within the Hesperia Water District's service area (Hesperia Water District 2016). Collectively, these additional measures would enable water supply to meet or exceed water demand for Hesperia Water District for now and into the future. The UWMP and WSA identities a sufficient and reliable water supply for Hesperia Water District's service area, including sufficient water supply for the Project. Therefore, impacts associated with water supply would be less than significant.

Adequate Capacity for Wastewater Treatment

As previously discussed, upon build-out of the Project, the Project's wastewater would be conveyed to the Hesperia Subregional Water Recycling Facility and to the VVWRA RWWTP, which has a treatment capacity of 18.0 mgd and currently produces an average flow of 12.5 mgd, or approximately 70% of its total capacity. According to the wastewater generation rates used in the Project's air quality, greenhouse gas emissions, and energy analyses, the Project would generate approximately 0.02 mgd of wastewater. Projected wastewater from the Project would represent approximately 0.16% of the remaining capacity of the treatment facility. Given the remaining capacity of the VVWRA RWWTP, the VVWRA RWWTP should be able to adequately accommodate the Project's contribution of 0.02 MGD of wastewater. Furthermore, as previously discussed, to accommodate an increase in population growth throughout the region, the Hesperia Water District, in cooperation with the VVWRA, plans to expand the water recycling facility treat 2.0 mgd of wastewater by 2030 as well as build a second water recycling facility within the City that would be able to treat 2.6 mgd of wastewater by 2040.

In addition, Districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the Districts' Sewerage System for increasing the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the wastewater treatment system to accommodate the Project. Therefore, impacts associated with wastewater treatment capacity would be less than significant.

Generation of Solid Waste

Construction and operation of the Project would result in less-than-significant impacts with regard to the generation of solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Short-Term Construction Impacts

Construction of the Project would result in the generation of solid waste such as scrap lumber, concrete, residual wastes, packing materials, plastics, and soils. Per CALGreen, at least 65% of construction and demolition waste must be diverted from landfills. The City also has construction and demolition debris diversion requirements; however, the CALGreen standards require an equivalent level of diversion (65% diversion). Any hazardous wastes that are generated during construction activities would be managed and disposed of in compliance with all applicable federal, state, and local laws. The remaining 35% of construction material that is not required to be recycled would either be disposed of or voluntarily recycled at a solid waste facility with available capacity. As previously described, there are two existing landfills within San Bernardino County that accept inert waste, the Victorville Sanitary Landfill and the Chino Valley Rock Landfill. However, as waste from the City is already transported to the Victorville Sanitary Landfill, it is assumed that waste would continue to be transported there. As of 2009, this landfill had an expected remaining capacity of 81,510,000 cubic yards and was expected to remain open for another 27 years.

The City has a franchise agreement with Advance Disposal, which designates them as the City's exclusive waste hauler. Therefore, it is not an option to self-haul or use other companies to transport construction debris. However, the City currently recycles 75% or more of all solid waste produced in the City, exceeding the minimum requirement of 65% per CALGreen requirements. As such, any construction requiring disposal at an inert waste landfill would be sufficiently accommodated by existing landfills.

For the reasons stated above, Project construction would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals (e.g., CALGreen standards). Therefore, short-term construction impacts associated with solid waste disposal would be less than significant.

Long-Term Operational Impacts

Once operational, the Project would produce solid waste on a regular basis, in association with operation and maintenance activities. Anticipated solid waste generation attributable to the Project assume compliance with the California Code of Regulations Title 24, Part 11.

As previously discussed, the City has a franchise agreement with Advance Disposal, which designates them as the City's exclusive waste hauler. Advance Disposal owns and operates the Advance Disposal Co & Recycling Center, which recycles 75% or more of the municipal's waste prior to being transferred to the Victorville Sanitary Landfill.

This landfill has a maximum daily permitted throughput of 3,000 tons per day. Assuming solid waste is collected weekly, the net solid waste that is anticipated to be produced by the Project would equate to approximately 2.25% of the available capacity of the Victorville Landfill through its estimated closure date.

Prior to Victorville Sanitary Landfill reaching capacity, additional landfills and strategies would be identified so that disposal needs continue to be met. Landfills within San Bernardino County that exceed the expected lifespan of the Victorville Landfill include the Barstow Sanitary Landfill, which is expected to remain open another 51 years, and the Landers Landfill, which is expected to remain to open another 52 years (CalRecycle 2019). Additional strategies to accommodate solid waste generated by the Project during its lifespan include the expansion of existing landfills, the construction of new landfills, and the selection of landfills outside of the County. As such, in the event of closure of the Victorville Sanitary Landfill, other landfills in the region would be able to accommodate solid waste from the Project, and regional planning efforts would ensure continued landfill capacity into the foreseeable future.

For the reasons described above, Project operations would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

Therefore, long-term operational impacts associated with solid waste disposal would be less than significant.

Solid Waste Statutes and Regulations

As described above, solid waste from commercial uses in the City is brought to the Advance Disposal Co & Recycling Center, where waste is sorted for recyclable materials. From there, the remainder of the waste is taken to the Victorville Sanitary Landfill. This facility is regulated under federal, state, and local laws. Additionally, the City is required to comply with the solid waste reduction and diversion requirements set forth in AB 939, AB 341, AB 132, and AB 1826.

In addition, as previously described, waste diversion and reduction during Project construction and operations would be completed in accordance with CALGreen standards and City diversion standards. As a result, the Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, impacts associated with solid waste statutes and regulations would be less than significant.

Cumulative Utilities and Service Systems Impact

The Project would not result in cumulatively considerable impacts related to utilities and service systems, as discussed below.

Water Supply

The development of the Project would increase land-use intensities in the area, resulting in increased water usage. The Project would be served by Hesperia Water District. As such, the development of the Project would increase the amount of water used in the Hesperia Water District's service area. Hesperia Water District 2015 UWMP estimates the annual water demand for 2020 is projected to be 14,078 acre-feet. This equates to approximately 4.6 billion gallons a year of water or 12.6 mgd. Hesperia Water District UWMP states that Hesperia Water District and other water agencies in Southern California have planned provisions for regional water for the growing population, including drought scenarios for its service area. This plan includes a new water demand forecast prepared for the major categories of demand and uses regional population, demographic projections, the dry climate, historical water use to develop these forecasts. As such, the Project would not be expected to result in increased water usage

causing the need for new entitlements, resources, and/or treatment facilities that are not already being planned to accommodate regional growth forecasts.

In addition, the Project-specific WSA concluded that water demand and supply for water demand and supply projections for Hesperia Water District, including the Project, demonstrate that projected supplies exceed demand through the year 2035. These projections consider land use, water development programs and projects, and water conservation. For example, Hesperia Water District, in coordination with the VVWRA, plans on expanding the Hesperia Subregional Water Recycling Facility water treatment capacity from 1.0 mgd to 2.0 mgd by 2030 as well as build a second water recycling facility within the City that would be able to treat 2.6 mgd of wastewater by 2040. The City additionally plans to construct multiple recharge basins in cooperation with Mojave Water Agency to deliver and recharge State Water Project water into underlying groundwater basins within the Hesperia Water District's service area. Collectively, these additional programs would enable water supply to exceed water demand for Cal Water Dominguez District now and into the future.

Lastly, compliance with the CALGreen Building Code would be required for new development. In addition, CALGreen Building Code standards require a mandatory reduction in outdoor water use, in accordance with the CDWR Model Water Efficient Landscape Ordinance. This would ensure that the Project does not result in wasteful or inefficient use of limited water resources and may, in fact, result in an overall decrease in water use per person.

Due to water planning efforts and water conservation standards, impacts would not be cumulatively considerable.

Wastewater

The Project would increase the amount of wastewater that is being generated in the area. However, as previously described, with the upsizing and installation of the sewer improvements, the wastewater treatment facilities in the Project are would have the capacity to convey and treat municipal flows. Additionally, Hesperia Water District addresses its long-term planning efforts through the development of a long-term capital plan, which serves as a fundamental roadmap of required water, recycled water, and water reclamation facilities needed to support the build out of existing jurisdictional general plans throughout its service area. Hesperia Water District's Capital Plan relies on its Wastewater Master Plan (City of Hesperia 2008a) and Recycled Water Master Plan (City of Hesperia 2008b), which identifies the wastewater and recycled water infrastructure projects that will be necessary to accommodate future build-out in its service area. As cumulative increases in wastewater treatment demand within the service area require facility upgrades, Hesperia Water District would charge service connection fees. Such fees would ensure that capital improvements are completed sufficiently to accommodate increased wastewater inflows associated with the Project area. As such, due to Hesperia Water District's long-term planning efforts, Hesperia Water District would have adequate capacity to serve the Project and cumulative projects' projected demand in addition to the provider's existing commitments using existing entitlements and infrastructure, and impacts would not be cumulatively considerable.

Solid Waste

Development of the Project would increase land-use intensities in the area, resulting in increased solid waste generation in the service area for the Victorville Sanitary Landfill. However, per CALGreen, 65% of construction and debris waste must be diverted from landfills. Once operational, AB 939 mandates that cities divert from landfills, at a minimum, 50% of the total solid waste generated to recycling facilities. According to Advance Disposal, the exclusive waste hauler of the City of Hesperia, the City currently recycles 75% or more of debris generated within the municipality. In addition, to reduce on-site solid waste generation, the Project would be required to implement

waste reduction, diversion, and recycling during both construction and operation. Therefore, through compliance with state and local solid waste diversion requirements, Project impacts would not be cumulatively considerable.

Electric Power, Natural Gas, and Telecommunication

Development of the Project would add to demands for energy and would increase requirements for telecommunication technology infrastructure. The ISO plans and coordinates grid enhancements to ensure that electrical power is provided to California consumers. To this end, transmission owners (investor-owned utilities such as SCE) file annual transmission expansion/modification plans to accommodate the state's growing electrical needs. The ISO reviews and either approves or denies the proposed additions. In addition, and perhaps most importantly, the ISO works with other areas in the western United States electrical grid to ensure that adequate power supplies are available to the state. In this manner, continuing reliable and affordable electrical power is assured to existing and new consumers throughout the state. Typically, upgrades to utility networks fall under the jurisdiction of CPUC and would be subject to environmental review as electrical projects are proposed. As a result of this process which involves ongoing monitoring and electrical project development, SCE ensures that it can provide adequate electrical service to the Project area.

As part of the Project, natural gas and telecommunication lines would be extended onto the Project site from their existing locations within the vicinity of the Project site, resulting in localized less-than-significant impacts. Given the nature of telecommunication and gas lines (which are not typically subject to the constraints of existing facilities), once telecommunication lines are extended to the Project site, no additional telecommunication or gas line construction is anticipated to be required. Additionally, cumulative development would be subject to review on a case-by-case basis. Should the applicable service provider determine that upgrades or extensions of infrastructure be required, any such upgrades would be included within each project's environmental review. As a result, impacts associated with upgrades of electric, natural gas, and telecommunication facilities would be not be cumulatively considerable.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on utility and service systems, as it relates to water, wastewater, electric power, natural, telecommunications, and solid waste; therefore, no mitigation is required.

2.4.18 Wildfire

Impair an Adopted Emergency Response Plan

The Project Site is not located in SRA lands or lands classified as very high FHSZ. However, SRA lands classified as moderate and high FHSZs are located immediately west and south of the Project Site, respectively. As further discussed in Section 2.4.16, Transportation, access to the Project Site would be designed such that adequate emergency access would be provided and in accordance with emergency apparatus access requirements. Access to the Project Site would be provided via four driveways:

- Driveway 1 on Phelan Road – 50-feet-wide, right-in/right-out (Passenger cars and trucks) driveway with stop sign
- Driveway 2 on Yucca Terrace Drive – 50-feet-wide, full access (Passenger cars and trucks) driveway with stop sign

- Driveway 3 on Yucca Terrace Drive – 50-feet-wide, full access (Passenger cars and trucks) driveway with stop sign
- Driveway 4 on Phelan Road – 60-feet-wide, full Access (Passenger cars and trucks) driveway and signalized intersection. This driveway would provide reciprocal access with a future development adjacent to the Project site

The City of Hesperia Emergency Preparedness Program serves as a resource for residents and businesses to plan for emergencies. Further, the City's Hazard Mitigation Plan includes resources and information to assist City residents, public and private sector organizations, and others interested in participating in planning for natural hazards (City of Hesperia 2010d). The Hazard Mitigation Plan identifies wildfire as one of the natural hazards faced by the City, and establishes the goal to "reduce the risk of death, injury, property damage and economic loss due to vegetation and structure fires". As they relate to the Project, the mitigation objectives and actions outlined in the Hazard Mitigation Plan would require that the Project be designed and constructed in accordance with the most recent California Building and Fire Codes (and local amendments) and regular fire safety inspections would ensure that the Project is in compliance with fire inspection standards and weed abatement to reduce the potential for vegetation fires (City of Hesperia 2010d). The Project would comply with all City and state requirements related to fire safety, and the Project would comply with all requirements outlined in the Hazard Mitigation Plan.

In the event of a wildfire, the City, in cooperation with the San Bernardino Fire Department would utilize the City's public notification systems and provide evacuation instructions. Exhibit SF-4 in the City's General Plan identifies potential shelters and emergency evacuation routes in the City. The nearest potential evacuation route to the Project Site is Phelan Road/Main Street, which is a major east-west arterial that forms the southern Project boundary (City of Hesperia 2010a). Additionally, the Project Site is located in the western portion of the City, which sits in a major transportation corridor formed by U.S. Highway 395 and Interstate 15, providing a direct connection to other major interstates and highways (City of Hesperia 2010d). The Project would not impede access to Phelan Road/Main Street or otherwise impact the functionality of the road to operate as a potential evacuation route. The Project would construct two access driveways (Driveway 1 and Driveway 4) into the Project Site from Phelan Road, as well as off-site circulation improvements that would improve operations on surrounding roads.

Further, wildfires in the City and surrounding area typically start in the mountains or foothills to the south. In the event that prevailing winds fan a fire so that it moves north into the wildland-urban interface, evacuation of the potentially affected communities may be required. In general, evacuees would take roads leading north, toward the more developed areas of the City. Several of these roads are identified on Exhibit SF-3, and include Summit Valley Road, Santa Fe Avenue, 11th Avenue, Maple Avenue, and the I-15 (City of Hesperia 2010a). With compliance with City and SBCFD requirements, the Project would not conflict with or impair implementation of the Hazard Mitigation Plan, nor would the Project impair use of potential evacuation routes in the City, and impacts would be less than significant.

Exacerbate Wildfire Risk Due to Slope, Prevailing Winds, and Other Factors

The Project Site is not located in SRA lands or lands classified as very high FHSZ. The nearest very high FHSZ in the City is located approximately 8 miles south, and the nearest very high FHSZ in the SRA is located approximately 5 miles south. However, SRA lands classified as moderate and high FHSZs are located immediately west and south of the Project Site, respectively. The Project could exacerbate wildfire risk and expose Project occupants to pollutant concentrations from a wildfire or the uncontrollable spread of a wildfire if the Project, combined with the climatic, topographic, vegetation, weather conditions, and other factors, would increase the risk of a wildfire occurring and increase the severity of such an occurrence.

Short-Term Construction Impacts

Construction of the Project would introduce potential ignition sources to the Project site, including the use of heavy machinery and the potential for sparks during welding activities or other hot work. However, the Project would be required to comply with City and state requirements for fire safety practices, to reduce the possibility of fires during construction activities. Further, vegetation would be removed from site prior to the start of construction. Adherence to City and state regulatory standards during Project construction would reduce the risk of wildfire ignition and spread during construction activities. Thus, short-term construction impacts associated with exacerbating wildfire risk would be less than significant.

Long-Term Operational Impacts

Slope

The Project Site and surrounding area are relatively flat. The Project Site contains slopes ranging from 2% to 7%, with the steepest slopes in the western portion of the Site where the topography slopes downward into the drainage/wash area along the Los Angeles Bureau of Power and Light Road utility corridor. Upon Project implementation, the portions of the Site that would be developed would be graded to a flat, level surface. The Project Site and surrounding area do not contain slopes typical of exacerbating wildfire risk, and once developed, the Project would not result in steep slopes typical of exacerbating wildfire risk.

Prevailing Winds

Prevailing winds are winds that blow from a single direction over a specific area. The predominant average hourly wind speed and direction in the City varies throughout the year. From February through November the wind primarily blows from the west, and from the north from November through February. Average wind speeds vary from approximately 6.4 mph to 7.5 mph, with wind gusts reaching up to 14 mph during the windiest time of the year (January through July) (Weather Spark 2020). High wind velocities that could exacerbate wildfire risk are generally associated with downslope, canyon, and Santa Ana winds. As discussed above, Project site does not include topography that would create unusual weather conditions. Further, wildfires in the City and surrounding area typically start in the mountains or foothills to the south. Given that the prevailing wind direction during summer months is from the west, it is not anticipated that prevailing winds would exacerbate wildfire risks on site.

Other Factors

Other factors such as vegetation, building materials, setbacks and proposed on-site activities can also contribute to wildfire risk.

Vegetation

The vegetation cover on site and in the surrounding area consists of Joshua Tree Woodland. Vegetation in the Project area is generally spaced out, which inhibits fire spread (City of Hesperia 2010d). Further, the Project would convert vacant land with moderate vegetation cover into development consisting of large warehouse buildings, paved surface parking and maintained landscape areas. The proposed landscaping would be implemented according to Chapter 16.20 of the City's Municipal Code, and would include maintained landscaped areas consisting of vegetation found in the surrounding desert environment. Highly flammable vegetation would not be used in Project landscaping.

Building Materials and Setbacks

Project buildings would be required to comply with the City's Municipal Code, which adopts the 2019 CFC and includes provisions for fire safety and fire-resistive construction. Further, compliance with required setbacks would allow for space between Project buildings and off-site vegetation. Studies indicate that given certain assumptions (e.g., 10 meters of low-fuel landscape, no open windows), wildfire is unlikely to spread to buildings unless the fuel and heat requirements of the building are sufficient for ignition and continued combustion (Alexander et al. 1998; Cohen 1995). Construction materials and methods can prevent or minimize ignitions. According to previous research, post-fire assessments conducted in San Diego County indicate that updated building codes have shown success in preventing structural loss (IBHS 2008). The distance between a wildfire that is consuming wildland fuel and a building is the primary factor for structure ignition (not including burning embers) (Cohen 2000). Low-ignitability buildings provide the option of reducing the wildland fire threat to structures without extensive wildland fuel reduction. The Project would be required to comply with construction methods outlined in the City's Municipal Code, the CFC and CBC, which specify requirements for materials and construction methods for fire safety. The proposed building materials for Project structures include concrete, metal, aluminum entrance front framing, glass and other fire-resistant materials. If structures have a sufficiently low ignitability, such as the Project's structures, buildings can survive exposure to wildfire without major fire destruction.

Proposed Activities

Project activities would introduce new potential sources of ignition to the Project site. The Project would support a variety of activities associated with the three industrial/warehouse buildings, including the ingressing and egressing of passenger vehicles and trucks, the loading and unloading of trucks with designated truck courts/loading areas, and the internal and external movement of materials around the Project site via forklifts, pallet jacks, and similar equipment. In addition, the office space would support general internal office activities related to the industrial/warehouse uses. However, proposed activities do not consist of highly flammable activities typical of exacerbating fire risk, such as welding or other hot work. Given that the proposed use would not exacerbate fire risk and given that vegetation on site would consist of fire-resistant and irrigated landscaping, the likelihood of a fire starting on site and spreading to off-site areas would be minimal.

Summary

With adherence to the City's Municipal Code, the low ignitability of the proposed structures, and implementation of fire-resistant, irrigated landscaping, the Project would not facilitate wildfire spread or exacerbate wildfire risk or expose people or structures, indirectly or directly, to significant wildfire risk. Further, given that surrounding off-site fuels consist of moderately spaced vegetation, and wildfires in the immediately surrounding area are not common, and is unlikely that Project occupants would be exposed to the uncontrolled spread of a wildfire or prolonged pollutant concentrations in the event of a wildfire. It is not anticipated that the Project, due to slope, prevailing winds, and other factors, would exacerbate wildfire risks or expose Project occupants to pollutant concentrations from a wildfire, the uncontrolled spread of a wildfire, or significant risks associated with wildfires, and impacts would be less than significant.

Exacerbate Fire Risk from Installation or Maintenance of Associated Infrastructure

The Project involves the development of an undeveloped site with three industrial/warehouse buildings with associated office spaces, surface parking, and loading areas. The Project would include installation and maintenance of associated infrastructure including driveways and surface parking, connections to service utilities

(e.g., water, wastewater, stormwater drainage, electric power, natural gas, and telecommunications services). The majority of the associated infrastructure and utility connections would occur on site or adjacent to the site and would not result in off-site environmental impacts or exacerbate wildfire risk. However, the Project would also include off-site improvements and utility connections. In particular, the Project would include installation of new and upsizing of existing domestic water lines, storm drain lines, and sewer lines in the Project vicinity (collectively, the Off-Site Storm Drain Alignment, the Off-Site Sewer Alignment, and the Off-Site Water Alignment are referred to as the Off-Site Utilities Alignments). The Project would also include off-site circulation improvements, such as street improvements on Yucca Terrace, along Phelan road and a portion of U.S. Highway 395.

Given that the activity of connecting utilities from their current locations to the Project site and the new off-site improvements would require ground disturbance and the use of heavy machinery associated with trenching, the installation of these utility service lines could potentially result in temporary or ongoing impacts to the environment and could exacerbate wildfire risk by introducing new potential sources of ignition, such as the use of heavy machinery, welding, or other hot work. However, as previously discussed, vegetation would be removed from site prior to the start of construction and the site would be graded to a flat, level surface, which would reduce the likelihood of fire ignition during installation and connection of utilities. In accordance with MM-HAZ-1, all refuse and debris, which could contain potentially flammable material, would be removed from site prior to issuance of a grading permit. Further, the Off-Site Utilities Alignments would not be located in a high fire hazard area.

The installation and maintenance of roads, service utilities, drainage and water quality improvements, and vegetation removal are part of the Project analyzed herein. As such, any potential temporary or ongoing environmental impacts related to these components of the Project have been accounted for and analyzed in this EIR as part of the impact assessment conducted for the entirety of the Project. Additionally, the Project would be required to comply with all regulatory requirements and mitigation measures outlined within this EIR for the purposes of mitigating impacts associated with trenching, grading, site work, and the use of heavy machinery. No adverse physical effects specifically related to wildfire or beyond those already disclosed throughout this EIR would occur as a result of implementation of the Project's associated infrastructure. Therefore, the installation and maintenance of associated infrastructure would not exacerbate wildfire risk or result in impacts to the environment beyond those already disclosed in this EIR, and impacts would be less than significant.

Expose People or Structures to Significant Risks

The Project site is located within the Mojave River Watershed. The Mojave River is the primary geologic or hydrologic feature in the watershed, and is primarily fed by precipitation and snowmelt in the San Bernardino Mountains. The Mojave River is located approximately 8.4 miles east of the Project site. The Project site is not within areas mapped as susceptible to subsidence, landslides, or liquefaction. As further discussed in Section 2.4.9, the Project site is located in Zone X, an area of minimal flood hazard (FEMA 2020). This area is higher in elevation than the 0.2% annual chance flood (i.e., 500-year flood). Further, the Project site and surrounding area consist of relatively flat land that is not typically susceptible to landslides or downslope or downstream flooding. Although internal drainage patterns would be somewhat altered as a result of Project development, the Project would maintain adequate stormwater conveyance would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site. Further, according to available wildfire history, wildfires have not burned onto or adjacent to the Project site, precluding the risk of post-fire slope instability. Therefore, due to the proposed grading of the site, the relatively flat surrounding lands, and the fact that the site would be developed and paved, the likelihood for downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes would be minimal, and impacts would be less than significant.

Cumulative Wildfire Impacts

The cumulative context considered for wildfire impacts is San Bernardino County, and more specifically, the Mojave River watershed, which encompasses 4,500 square miles. CAL FIRE has mapped areas of fire hazards in the state based on fuels, terrain, weather, and other relevant factors. As described above, the Project site is located in a moderate FHSZ, but is adjacent to SRA lands designated as moderate and high FHSZs. The Project, combined with other projects in the region, would increase the population and/or activities and potential ignition sources in the area, which may increase the potential of a wildfire and increase the number of people and structures exposed to risk of loss, injury, or death from wildfires. Individual projects located within the County would be required to comply with applicable fire and building codes, which have been increasingly strengthened as a result of severe wildfires that have occurred in the last two decades. The fire and building codes include fire prevention and protection features that reduce the likelihood of a fire igniting in a specific project and spreading to off-site vegetated areas. Further, any related projects located in fire hazard areas would be required to comply with vegetation clearance requirements, as outlined in the applicable fire and building codes. These codes also protect projects from wildfires that may occur in the area through implementation of brush management and fuel management zones, ensuring adequate water supply, preparation of fire protection plans, and other measures.

The Project area is relatively flat, and it is not anticipated that related projects would combine to result in significant wildfire impacts related to slope, prevailing winds, downstream flooding or landslide, slope instability, or drainage changes. Further, all related projects would be required to avoid conflict with the City's Emergency Preparedness Plan and potential emergency evacuation routes in the area. The applicable Fire and Building Codes, along with Project -specific needs assessments and fire prevention plan requirements, ensure that every project approved for construction includes adequate emergency access. Roads for all proposed projects are required to meet minimum widths, have all-weather surfaces, and be capable of supporting the imposed loads of responding emergency apparatus. The Project and all other future development projects in the service area would be subject to review by the SBCFD and would be required to comply with the County Fire Code and other relevant County Code requirements and other applicable local codes (e.g., City of Hesperia Municipal Code) and regulations related to fire safety, building construction, access, fire flow, and fuel modification. Therefore, because all projects are required to comply with these requirements, cumulative impacts related to increased wildfire hazards and emergency response and access would be less than significant.

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on wildfire as it relates to impairing an adopted emergency response plan; exacerbating fire risk from installation or maintenance of associated infrastructure; and exposing people or structure to significant risks. Therefore, no mitigation is required.

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3 Findings on Project Alternatives

CEQA requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, that could feasibly attain the basic objectives of the project, and to evaluate the comparative merits of the alternatives (14 CCR 15126.6[a]). The CEQA Guidelines direct that the selection of alternatives be governed by "a rule of reason" (14 CCR 15126.6[a], [f]). As defined by the CEQA Guidelines, "The range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project. Of those alternatives, the EIR needs to examine in detail only the ones that the Lead Agency determines could feasibly attain most of the basic objectives of the project" (14 CCR 15126.6[f]).

3.1 Alternatives Considered and Eliminated During the Scoping/Project Planning Process

An EIR is required to identify any alternatives that were considered by the lead agency but were rejected as infeasible. Among the factors described by CEQA Guidelines Section 15126.6 in determining whether to exclude alternatives from detailed consideration in an EIR are failure to meet most of the basic objectives of the project, infeasibility, or inability to avoid significant environmental impacts.

With respect to the feasibility of potential alternatives to a proposed project, CEQA Guidelines Section 15126.6(t)(l) states the following:

> Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries … and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.

In determining an appropriate range of project alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and then rejected. Project alternatives were rejected because they could not accomplish the basic objectives of the Project, they would not have resulted in a reduction of significant adverse environmental impacts, or they were considered infeasible to construct or operate.

Alternate Land Uses

Alternative land uses for the Project site, including residential, commercial/retail, and mixed-use, were considered and rejected because these land uses are not consistent with the Project site's General Plan land use designation or the site's zoning of Commercial/Industrial Business Park (CIBP).

According to the Main Street and Freeway Corridor Specific Plan, the purpose of the CIBP zone is to create employment-generating uses in a business park setting. The CIBP zone is intended to provide for service commercial, light industrial, light manufacturing and industrial support uses, mainly conducted in enclosed buildings. Important goals of the development standards for this zone are to ensure a quality appearance from the Interstate 15 freeway corridor and I Avenue, and compatibility with the adjacent commercial, residential, and recreational uses. Permitted and conditionally permitted uses and activities within the CIBP zone include manufacturing, offices warehousing and wholesale distribution centers. Land uses that deviate from industrial-

based activities, including residential, standalone retail, and residential mixed-use, are not identified in the Main Street and Freeway Corridor Specific Plan as being suitable within the CIBP zone (City of Hesperia 2020).

As such, without approval of a Specific Plan Amendment, General Plan Amendment, and Zone Change, all of which are discretionary approvals, and none of which are required for the Project, residential, standalone retail, and residential mixed-use land uses could not be developed upon the Project site. In addition, given the proximity of other existing industrial uses in both the immediate and broader Project area, most uses other than industrial, manufacturing, heavier commercial, and similar activities would likely not be compatible with the neighboring industrial operations; thus, the Project site would be an undesirable location for residential, standalone retail, and residential mixed-use land uses.

Alternate Sites

CEQA does not require that an analysis of alternate sites always be included in an EIR. However, if the surrounding circumstances make it reasonable to consider an alternate site, then a project alternative should be considered and analyzed in the EIR. Pursuant to CEQA Guidelines Section 15126.6(f)(2), in making the decision to include or exclude analysis of an alternate site, the "key question and first step in analysis is whether any of the significant effects of the project would be avoided or substantially lessened by putting the project in another location. Only locations that would avoid or substantially lessen any of the significant effects of the project need to be considered for inclusion in the EIR."

As discussed in Chapter 5, Effects Found Not To Be Significant, the Project is consistent with both the Main Street and Freeway Corridor Specific Plan, the General Plan, and Zoning Code. An analysis of alternate sites is typically not necessary when a proposed project is consistent with the applicable land use plans and policies because it can be reasonably assumed that development would ultimately occur in conformance with the applicable land use designation, whether by the currently proposed project or by another development project in the future. In cases where a proposed project is consistent with the applicable General Plan land use designation, the alternatives analysis should typically focus on options for developing the property consistent with adopted plan policies, and the discussion of alternatives should search for an environmentally superior version of a proposed project on the selected site instead of an alternate site.

Few other vacant, available properties of similar size as the project site in the City of Hesperia (City) and San Bernardino County would offer less developmental and environmental constraints, or fewer physical environmental impacts, than the current site. Development of the Project in an alternate location would have similar impacts as would occur with implementation of the Project at its proposed location. Thus, moving the Project to an alternative site – assuming that another approximately 195-acre property exists within the City and is available – would merely displace environmental impacts instead of avoiding or minimizing them.

At this time, the Project applicant does not own or control extraneous land in or around the Project area that could accommodate implementation of the Project. A search of similarly sized, available properties within and near the City of Hesperia failed to find any industrial-zoned, 175- to 215-acre sites that are currently on the market and available to purchase (LoopNet 2020). Other vacant areas located farther north of the Project site are located within the cities of Adelanto and Victorville, outside the jurisdiction of the City of Hesperia. While these areas may serve as alternative sites for the Project, the City has no control over the development or redevelopment of lands outside its jurisdiction. Consequently this EIR does not address these alternative locations.

Further, if the alternate site were to be located farther from major regional transportation routes (e.g., U.S. Highway 395, I-15, and other local truck routes), operational impacts associated with traffic congestion, truck noise, and tailpipe air

contaminant emissions would likely be greater than those associated with the Project and disclosed in this EIR, as the vehicles would need to travel farther on local roads to reach regional highway systems.

Moreover, according to the Southern California Association of Governments (SCAG) Comprehensive Regional Goods Movement Plan and Implementation Strategy, the region will run out of suitably zoned vacant land designated for warehouse facilities in or around 2028. At that time, forecasts show that the demand for warehousing space will be more than 1 billion square feet. The Comprehensive Regional Goods Movement Plan and Implementation Strategy also states that unless other land not currently zoned for warehousing becomes available, SCAG forecasts that by 2035, a projected shortfall of space of approximately 227 million square feet will occur (SCAG 2013). Thus, it is likely that selection of an alternate site would merely displace the development activity proposed by the Project to another location, resulting in the same or greater environmental effects, given the regional demand for logistics and warehousing space in the SCAG region.

3.2 Alternatives Selected for Further Analysis

The following provides analysis of the No Project/No Development Alternative (Alternative 1) and the two build alternatives: the No Project/Other Development Project Alternative (Alternative 2) and the Reduced Development Intensity Alternative (Alternative 3).

The evaluation below provides a relative comparison between the Project and each of the three Project alternatives. The analysis considers the issue areas evaluated in Chapter 2, CEQA Findings of Independent Judgement. In many cases, the Project and a Project alternative may share the same level of significance (i.e., both scenarios would result in a less-than-significant impact). However, although they might share the same level of significance under CEQA, the actual degree of impact may be slightly different for each scenario, and this relative difference is the basis for a conclusion of greater or lesser impacts compared to the Project.

An environmentally superior alternative is identified among the alternatives evaluated in this EIR. An alternative would be environmentally superior to the Project if it would result in fewer or less significant environmental impacts while achieving most of the Project objectives.

3.2.1 Alternative 1: No Project/No Development Alternative

Section 15126.6(e) of the CEQA Guidelines requires that an EIR evaluate and analyze the impacts of a no project alternative. The "purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project" (14 CCR 15126.6[e][1]). When defining the no project alternative, the analysis shall be informed by "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services" (14 CCR 15126.6[e][2]).

Description

The CEQA Guidelines state that "in certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained. Where failure to proceed with the project would not result in preservation of existing environmental conditions, the analysis should identify the practical result of the project's non-approval and not create and analyze a set of artificial assumptions that would be required to preserve the existing physical environment" (14 CCR 15126.6[e][3][B]). Under Alternative 1, construction of the Project would not occur. The Project site would remain unchanged, and development activities related to construction and operation of the

proposed industrial/warehouse buildings, associated office spaces, surface parking and loading areas, and all other proposed on- and off-site improvements would not occur.

In the short term, consistent with the existing conditions, the Project site would continue to be undeveloped. Under Alternative 1, the Project site would remain vacant, undeveloped land, although the site would presumably continue to be subject to illegal dumping, trespassing, and unpermitted off-road vehicle use, similar to the existing conditions.

Finding

The City rejects the No Project/No Development Alternative as undesirable as it fails to satisfy the project's underlying purpose and to meet most project objectives, and because specific economic, legal, social, technological or other considerations make the alternative infeasible.

Rationale

The Project site would remain unchanged and would remain be a vacant, undeveloped, yet disturbed property. On-site conditions would remain similar to existing conditions, and because development activities associated with the Project would not occur, nearly all environmental impacts would be reduced compared with Project conditions. Exceptions would include impacts related to agricultural and forestry resources and mineral resources, which would result in no impact, whether or not the Project is constructed on the Project site.

Impacts associated with hydrology and water quality would likely be greater under Alternative 1 than with the Project, as the new engineered stormwater drainage system would not be constructed on the Project site as proposed under the Project. Under existing conditions, no storm drain or treatment facilities are currently found on-site, and thus, stormwater is not presently collected or treated on the Project site prior to being discharging off-site. This same stormwater drainage scenario would continue to occur under Alternative 1, resulting in greater impacts related to surface drainage, water quality, erosion, and potentially periodic isolated flooding.

In addition, based on observed soil staining associated with on-site full and partially full motor oil canisters and used tire piles, shallow soil impacts may be encountered during Project construction. Under the Project scenario, implementation of mitigation measure MM-HAZ-1 requires the removal and disposal of on-site tires and oil containers (e.g., retail motor oil containers and commercial oil drums) from the Project area in accordance with all applicable local, state, and federal guidelines. Further, for excavation and grading activities that occur in areas with the potential for residual contamination, MM-HAZ-1 requires that a qualified environmental professional shall screen soils in the identified area prior to excavation and grading based on the nature of the potential contamination. In the event that potential contamination is encountered, the contamination shall be evaluated by a qualified environmental professional using the appropriate collection and sampling techniques as determined by the environmental professional based on the nature of the contamination, and the nature and extent of contamination shall be determined and the appropriate handling, disposal, and/or treatment shall be implemented in accordance with applicable regulatory requirements.

However, under Alternative 1, the cleanup activates required pursuit to MM-HAZ-1 would not be initiated, and the existing full and partially full motor oil canisters, used tire piles, and potentially contaminated shallow soils would remain on-site. The Project has previously been a location for illegal dumping activities, and would continue to be so under Alternative 1. The Project would help to remediate the Project site through compliance with MM-HAZ-1, and because this mitigation would not be implemented if not for the Project, Alternative 1 would result in greater impacts related to hazardous materials.

3.2.2 Alternative 2: No Project/Other Development Project Alternative

Description

Under Alternative 2, the project site would be redeveloped with other land uses, consistent with the property's CIBP zoning.

The CIBP zone is intended to provide for service commercial, light industrial, light manufacturing and industrial support uses, mainly conducted in enclosed buildings. The Main Street and Freeway Corridor Specific Plan lists several different uses that are either permit by right or conditionally permitted in the CIBP zone. These include commercial storage facilities/mini-warehouses (i.e., self-storage facilities), offices, manufacturing, small and large equipment sales and rental, schools, vehicle rental and sales, minor and major vehicle repair, and vehicle wash facilities.

No zoning variances are being requested as part of the Project, and thus, the Project would be constructed consistent with the design requirements set forth for the CIBP zone in the Main Street and Freeway Corridor Specific Plan. It is assumed that Alternative 2 would involve development of a land use that would be permissible either by right or by a conditional use permit, including the aforementioned land uses listed above. It is also assumed that those uses would share a similar development intensity/floor-area-ration/site coverage as the Project. Land uses that are expressly not allowed in the CIBP zone—specifically residential—would not be considered under Alternative 2.

Moreover, given the Project site's proximity to major regional transportation routes (e.g., U.S. Highway 395, I-15, and other local truck routes), and because of the continued demand for new industrial/warehouse operations in the Project region, it is assumed that the Project constructed under Alternative 2 would consist of warehouse, distribution, logistics, or other similar type industrial (or industrial-supporting) land use of similar size as the Project.

Finding

The City rejects the No Project/Other Development Project Alternative as undesirable as it fails to satisfy the project's underlying purpose and to meet most project objectives, and because specific economic, legal, social, technological or other considerations make the alternative infeasible.

Rationale

It is assumed that Alternative 2 would involve construction and operation of a land use of similar development and operational intensity as the Project, would have a similar floor-area-ratio as the Project, and would be subject to the same federal, state, and local requirements (e.g., incorporation of a new engineered stormwater drainage system, architectural design review) as the Project. Thus, it is expected that environmental impacts associated with Alternative 2 would be similar—if not identical—to those environmental impacts resulting from implementation of the Project.

In addition, the trip generation rate used to analyze the Project's estimated trip generation assumed that the Project would support general light industrial and high-cube warehousing uses. These land uses often have lower trip generation rate (either daily or peak hour) than some of the other land uses that are permitted by right or conditional permitted in the CIBP zone, including but not limited to general office, building material and rental, automobile parts and service center, and car wash (higher daily and peak hour trip generation rates).

As such, other land uses that are allowed on the Project site (either by right or by Conditional Use Permit) could potentially result in greater peak hour or daily trip generation compared with the Project, even if the development

footprint is similar or identical. Thus, there would be a potential for increased impacts associated with traffic congestion, tailpipe air and greenhouse gas (GHG) emissions, and traffic noise under Alternative 2.

3.2.3 Alternative 3: Reduced Development Intensity Alternative

Description

Presently, the only approach to reducing the Project's operational-related air quality, noise, and VMT impacts would be to reduce the total number of daily trips and employees generated by the Project. As such, in an effort to reduce the Project's significant and unavoidable impacts, the City considered a Reduced Development Intensity Alternative (Alternative 3).

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 15%, equating to an industrial/warehouse project consisting of approximately 3,183,615 square feet, compared to the Project's 3,745,429 square feet. Since the building footprint would be reduced by 561,814 square feet (approximately 12.9 acres), this extra space on the Project site would remain vacant. All other on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 3.

Finding

The City rejects the Reduced Development Intensity Alternative as undesirable as it fails to satisfy the project's underlying purpose and to meet most project objectives, and because specific economic, legal, social, technological or other considerations make the alternative infeasible.

Rationale

Under Alternative 3, the Project's development footprint would be reduced by 15% compared to the Project. As a result, it is assumed that a similar reduction in the operational intensity and duration of construction activities would occur. Likewise, a smaller building footprint would be expected to support fewer operational activities than the larger footprints proposed as part of the Project. Thus, the severity of many environmental impacts related to construction and operational phases would be either the same or incrementally reduced under Alternative 3. However, because the development intensity would be reduced substantially under Alternative 3 compared to the Project, certain environmental impacts would differ as a result of this reduction, as the following analysis demonstrates.

Aesthetics

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 15%, equating to the 561,814 square feet (approximately 12.9 acres) of extra space on the Project site that would remain vacant.

While the Project has been designed to incorporate design features, materials, and colors to reduce the perceived massing, scale, and overall visual impact of the Project, the additional vacant land that would remain on the Project site under Alternative 3 would retain more of the existing vacant and natural conditions on-site. However, any benefits of this additional vacant land would be offset by the fact that much of the existing Project site is subject to illegal dumping, trespassing, and unpermitted off-road-vehicle use, so the additional vacant land that would remain on the Project site under Alternative 3 would likely be disturbed and not in pristine, natural condition. In addition,

leaving 15% of the Project site vacant could equate to the site containing an inconsistent mix of both improved developed areas and disturbed and undeveloped areas, instead of a the entirety of the Project site containing a cohesive mix of complementary architectural elements and aesthetically pleasing landscape areas. Therefore, aesthetics impacts would be greater under Alternative 3.

Air Quality

Under Alternative 3, the extent of construction activities would be reduced compared to the Project. Thus, construction-related air quality emissions would be lessened. As with the Project, Alternative 3 would require mitigation measures to reduce short-term construction emissions of VOC to a level below significant. With required mitigation, neither construction of Alternative 3 nor construction of the Project would result in a violation of an air quality standard or contribute to a projected air quality violation, although short-term construction emissions would be lessened under Alternative 3 compared to the Project.

Alternative 3 would generate fewer vehicle trips per day due to the reduction in the amount of building space. Accordingly, air pollutant emissions associated with long-term operation of Alternative 3 would be lessened compared to the Project.

However, Alternative 3 would still require implementation of mitigation measures similar to those imposed for the Project. Even with incorporation of mitigation measures, long-term operation of Alternative 3 would still likely result in significant and unavoidable impacts due to emissions of VOC, NOx, and PM_{10}, which would violate the MDAQMD regional air quality standard and would contribute to an existing air quality violation. Because Alternative 3 would generate fewer average daily vehicle trips than would occur under the Project, impacts due to a conflict with the regional air quality standard and the level of contribution to an existing air quality violation would be minimized, but still not eliminated or reduced to less-than-significant levels. As such, Alternative 3 would reduce, but not avoid, the Project's significant and unavoidable impact due to operational air contaminant emissions.

As with the Project, impacts to nearby sensitive receptors would be less than significant under Alternative 3. Similar to the Project, emissions under Alternative 3 would be below the MDAQMD thresholds of significance, and diesel particulate matter emissions would not expose sensitive receptors to significant cancer and non-cancer risks. However, these less-than-significant impacts to sensitive receptors would be reduced under Alternative 3 due to the reduction in daily vehicular trips compared to the Project. Therefore, air quality impacts would be lessened, but not completely avoided, under Alternative 3.

Biological Resources

Under Alternative 3, the project would be constructed and operated as planned on the entire Project site, although the development intensity would be reduced. Compared to the Project, Alternative 3 would develop less of the Project site, resulting in a smaller overall building footprint. However, in accordance with the City's development standards, these areas would not be allowed to be completely unimproved, but instead would still need to be landscaped. As such, any vacant land and potential suitable habitat in these areas would still be disturbed as a result of landscaping activities, reducing any benefits from a biological resources perspective. Therefore, biological resources impacts would be similar under Alternative 3.

Cultural, Tribal Cultural, and Paleontological Resources

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, but with a reduced development intensity. Compared to the Project, Alternative 3 would develop less of the project site with buildings, parking and loading areas, and other associated improvements, resulting in a smaller overall building footprint on the site that would disturb less land. However, as previously discussed, Alternative 3 would likely not be able to maintain vacant areas on the Project site, but instead would still need to landscape these locations. As such, the entirety of the Project site would need to be disturbed to various extents, which would result in the same potential to disturb presently unknown/unrecorded cultural, tribal cultural, and paleontological resources as the Project. Therefore, cultural resources impacts would be similar under Alternative 3.

Energy

The level of construction activities would be reduced under Alternative 3 compared to the Project. Thus, construction-related energy usage would be lessened. Alternative 3 would also generate fewer vehicle trips per day due and would have a less building space than the Project as proposed, result in less on-site and mobile energy consumption. Accordingly, energy usage associated with long-term operation of Alternative 3 would be lessened compared to the Project. Therefore, energy impacts would be reduced under Alternative 3.

Greenhouse Gas Emissions

Similar to air quality, the extent of construction activities would be reduced under Alternative 3 compared to the Project. Thus, construction-related GHG emissions would be lessened. Alternative 3 would also generate fewer vehicle trips per day due to the reduction in the amount of building space. Accordingly, GHG emissions associated with long-term operation of Alternative 3 would be lessened compared to the Project. Therefore, GHG emissions impacts would be reduced under Alternative 3.

Hazards and Hazardous Materials

Under Alternative 3, the Project would be constructed and operated as planned on the site, with the exception that the development intensity would be reduced. Incorporation of MM-HAZ-1 would still be required under Alternative 3, which mandates, among other requirements, the removal and disposal of on-site tires and oil containers from the Project area in accordance with all applicable guidelines, and that a qualified environmental professional shall screen soils in the identified area prior to excavation and grading based on the nature of the potential contamination. As such, under Alternative 3, the cleanup activates required pursuit to MM-HAZ-1 would be initiated, and the Project would still help to remediate the Project site through compliance with MM-HAZ-1. Therefore, hazards and hazardous materials impacts would be similar under Alternative 3.

Hydrology and Water Quality

Under Alternative 1, the new engineered stormwater drainage system would be constructed on the Project site as proposed under the Project. Under existing conditions, no storm drain or treatment facilities are currently found on-site, and thus, stormwater is not presently collected or treated on the Project site prior to being discharging off-site. However, under Alternative 1, the Project and its on-site stormwater drainage system would be designed to comply with all state, regional, and local regulation related to site stormwater drainage and water quality during both construction and operation of the Project, regardless of the size of the Project. Therefore, hydrology and water quality impacts would be similar under Alternative 3.

Noise

Noise associated with Alternative 3 would occur during short-term construction activities and under long-term operation. The types of construction activities conducted on the Project site would be similar under Alternative 3 would generally cover the same physical area. However, because Alternative 3 would result in construction of less building area on-site, it is anticipated that the duration of noise impacts during the building construction and architectural coating phase would slightly decrease under Alternative 3 compared to the Project. Nonetheless, the types of construction equipment used and the types of construction activities conducted on-site would be similar under Alternative 3, and the peak daily noise levels generated during the construction phase would also be similar.

Under long-term operational conditions, noise generated by Alternative 3 would primarily be associated with vehicles traveling to and from the site, and on-site vehicle idling, maneuvering, and parking. Alternative 3 would generate fewer daily trips than the Project, and, as such, would contribute less traffic-related noise to local roadways than the Project. However, the increase in traffic noise associated with Alternative 3 would still be noticeable to residents along the roadway segments impacted by the Project, and based on the volume of Project-related traffic under Alternative 3, and because of the infeasibility of avoidance measures to reduce Project traffic noise levels to less-than-significant levels, off-site Project-related traffic noise level increases at adjacent land uses would remain significant. Therefore, noise impacts would be lessened, but not completely avoided, under Alternative 3.

Transportation and Traffic

VMT is largely dependent on the specific land use type of a particular project and the location of that project. While a reduction in a project's size could reduce the overall VMT associated with a give project, reducing a project's square footage would not necessarily have an effect on a project's average trip length. Thus, while under Alternative 3 the Project's development footprint would be reduced by 15% compared to the Project, the average trip length for passenger vehicle and truck trips associated with the Project would essentially remain constant. In addition, because a reduction in Project size would correlate to a similar reduction in on-site workforce, the Project's VMT per employee would also stay relatively the same under Alternative 3 as the Project's VMT per employee. Therefore, transportation impacts would be similar under Alternative 3.

Utilities and Service Systems

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 15%. All other on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 3. As such, the same wet and dry utilities would be required, with construction and operational characteristics of these on- and off-site improvements being similar to the Project. Therefore, utilities and service systems impacts would be similar under Alternative 3.

Conclusion

Based on the above, Alternative 3 would result in incremental reductions in both construction activity and daily operational trips on Project area roadways, result in incremental reductions in the severity of impacts related to air quality, energy, GHG emissions, and noise. In the case of air quality, greenhouse gas emissions and noise impacts, the reductions in Project-related trips would not be substantial enough as to reduce impacts below a significance level that is less then significant. Impacts associated with energy are less-than-significant under both the Project and Alternative 3 scenarios, although emissions would be lessened under Alternative 3.

Impacts associated with agriculture and forestry resources, biological resources, cultural, tribal cultural, and paleontological resources, geology and soils, hazards, hazardous materials, and wildfire, hydrology and water quality, land use and planning, mineral resources, population and housing, public services, recreation, noise, transportation, and utilities and service systems would generally be the same under Alternative 3 compared to the Project.

Lastly, compared with the Project, impacts associated with aesthetics would be incrementally greater under Alternative 3.

All of the same mitigation measures required for the Project would be necessary for Alternative 3, although no new measures would be required. Additionally, Alternative 3 would meet all project objectives, albeit to a lesser extent as proposed under the Project because of the approximately 15% reduction in the Project's size. In particular, because of its reduced size, Alternative 3 would produce fewer jobs (Objective 1), would generate less tax revenue (Objective 1), and would not create as much revenue- and employment generating land use as the Project (Objectives 1 and 3).

3.2.4 Environmentally Superior Alternative

An EIR must identify an "environmentally superior" alternative; and, where the no project alternative is environmentally superior, the EIR is then required to identify an alternative from among the others evaluated as environmentally superior (14 CCR 15126.6[e][2]).

Each of the three Project alternatives considered herein would lessen at least one environmental impact relative to the Project. As previously addressed, if the No Project/No Development Alternative is the environmentally superior alternative—which is the case in this analysis—the EIR must also identify another environmentally superior alternative among the remaining alternatives.

Based on a comparison of Alternative 2 and Alternative 3, environmental impacts associated with air quality, energy, GHG emissions, and noise would be less under Alternative 3 compared to Alternative 2. Impacts associated with biological resources, cultural, tribal cultural, and paleontological resources, hazards and hazardous materials, hydrology and water quality, transportation, and utilities and services systems would be similar under Alternative 3 compared to Alternative 2, and only one impact (aesthetics) would be increased under Alternative 3 compared to Alternative 2. Overall, based on these findings, Alternative 3 would be considered the environmentally superior alternative. As indicated above, Alternative 3 would result in fewer jobs, less tax revenue, would not create as much revenue- and employment generating land use as the proposed project.

4 General CEQA Findings

Based on the foregoing Findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. The plans for the proposed project have been prepared and analyzed so as to provide for public involvement in the planning and the CEQA processes.
2. To the degree that any impacts described in the Draft EIR are perceived to have a significant effect on the environment, or such impacts appear ambiguous as to their effect on the environment, any significant effect of such impacts has been substantially lessened or avoided by the mitigation measures set forth in the Draft and Final EIR.
3. Comments regarding the Draft EIR received during the public review period have been adequately addressed in Appendix M-2, Responses to Comments, in the Final EIR. Any significant effects described in such comments were avoided or substantially lessened by the mitigation measures described in the Draft and Final EIR.

4.1 Findings Regarding Recirculation

The City finds that the Draft EIR does not require recirculation under CEQA (CEQA Section 21092.1, CEQA Guidelines Section 15088.5). CEQA Guidelines Section 15088.5 requires recirculation of an EIR prior to certification of the Final EIR when "significant new information is added to the EIR after public notice is given of the availability of the Draft EIR for public review." As described in CEQA Guidelines Section 15088.5:

> New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:
>
> 1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
> 2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
> 3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it;
> 4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In addition, CEQA Guidelines Section 15088.5(b) provides that "recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR." Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short,

recirculation is "intended to be an exception rather than the general rule." *(Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)

As such, the City makes the following Findings:

1. None of the public comments submitted to the City regarding the Draft EIR present any significant new information that would require the Draft EIR to be recirculated for public review.
2. No new or modified mitigation measures are proposed that would have the potential to create new significant environmental impacts.
3. The Draft EIR adequately analyzed project alternatives and there are no feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project.
4. The Draft EIR was not fundamentally and basically inadequate and conclusory in nature and did not preclude meaningful public review and comment.

In this legal context, the City finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR's findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR's revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the proposed project would not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the CEQA Guidelines.

4.2 Legal Effects of Findings

To the extent that these Findings conclude that the proposed mitigation measures outlined in herein are feasible and have not been modified, superseded, or withdrawn, the City hereby commits to implementing these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City approves the proposed project

The mitigation measures that are referenced herein and adopted concurrently with these Findings will be effectuated through the process of construction and implementation of the proposed project.

5 Statement of Overriding Considerations

Pursuant to PRC Section 21081(b) and CEQA Guidelines Sections 15093(a) and (b), the decision-making agency (City of Hesperia) is required to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (14 CCR 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (14 CCR 15093[b]).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656. In accordance with the requirements of CEQA and the CEQA Guidelines, the County finds that the mitigation measures identified in the Final EIR and the MMRP, when implemented, will avoid or substantially lessen virtually all of the significant effects identified in the Final EIR for the Hesperia Commerce Center II Project. However, certain significant impacts of the proposed project are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are to air quality, greenhouse gas emissions, noise, and transportation. The Final EIR provides detailed information regarding these impacts (see also, Findings, Section 2.2, Impacts Determined to be Significant and Unavoidable).

The City finds that all feasible mitigation measures identified in the Final EIR that are within the purview of the City would be implemented with the proposed Project, and that those mitigation measures that may be within another agency's discretion have been, or can and should be, adopted by that other agency. As identified below, the City further finds that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits, based upon the facts set forth above, the Final EIR, and the record.

Purpose and Need

The High Desert/Victor Valley region has long been identified as an area having a low jobs-housing ratio (i.e., an area that has more potential workers living in a community than there are jobs for them),[12] resulting in high numbers of residents commuting out of the region for work. The City of Hesperia has estimated that approximately 73% of workers residing in Hesperia commute out of the area to the Inland Empire cities and the broader Los Angeles region (City of Hesperia 2016). Although these conditions can be attributed to a number of factors, the most notable variable in the jobs-to-housing ratio is the lack of jobs growth in the region. From 2010 to 2015, the region's job growth rate was 7.0% compared to a population growth rate of 25.5%. A low jobs-to-housing ratio can result in adverse environmental and economic effects on local communities. Long distance commutes result in increased

[12] A jobs-housing ratio is a commonly used economic metric used to determine whether or not a community-or region-provides a sufficient number of jobs for its residents. The metric is calculated by finding the relationship between where people work ("jobs") and where they live ("housing"). As of 2016, the City had a jobs/housing ratio of 0.44, well off of regional targets ranging from 1.25-1.50 (City of Hesperia 2016).

traffic and air quality and greenhouse gas emissions, and out-of-region commuters often take a share of their purchasing power with them when they make purchases away from home.

Recognizing these trends, community leaders and officials have long sought to stimulate economic development within the High Desert region and provide residents with local employment opportunities. One strategy that community leaders and planners have used is to attract development of warehousing and distribution centers, which can provide hundreds of jobs per million square feet of development. Conventional and e-commerce retailers are continuing to embrace the strategy of creating and staffing large regional fulfillment centers, with the goal of quickly responding to online consumers. Because of its available land and infrastructure for large logistics facilities, many companies are locating their regional operations to the High Desert area.

Additionally, low industrial vacancy rates within the Southern California region has led to record-high demand for flexible logistics and distribution facilities. At the close of Quarter (Q) 4 in 2021, vacancy rates within the Inland Empire industrial market were as low as 0.7% (C&W 2022). These market trends are influenced by a lack of available land for the development of new facilities within the Los Angeles, Orange County, San Bernardino, and Riverside areas. Thus, given the availability of undeveloped land in the High Desert area and given that the High Desert area possesses many of the characteristics that are desired by the logistics and distribution sector, such as proximity to major cargo ports and regional transportation corridors, the High Desert area has become a prime location for the development of new logistics and distribution facilities.

As such, the Project would help meet the needs of the growing logistics sector by providing flexible industrial space proximate to regional transportation corridors while producing new jobs in a region that historically may have been considered light on jobs and heavier on housing.

Overriding Benefits Resulting from the Project

The City finds that the Project would have the economic, legal, social, technological, or other overriding benefits, including region-wide or statewide environmental benefits, listed below. Each of the benefits cited below constitutes a separate and independent basis that justifies approval of the Project and outweighs the unavoidable adverse environmental effects of approving the Project and thus makes the adverse environmental effects acceptable. Therefore, even in the absence of one or more of the reasons set forth below, the City has determined that each remaining reason, or any combinations of reasons, is a sufficient basis for approving the Project, notwithstanding any significant and unavoidable impacts that may occur.

1. **Balanced Land Use Benefits:** The proposed Project would result in the development of a currently vacant site with a project that is consistent with the City's General Plan Land Use Designation and zoning code. The proposed Project would use the locational characteristics (specifically, the project's proximity to I-15 and U.S. Highway 395) to provide needed flexible industrial space to businesses wishing to invest in the City, as well as to provide approximately 2,000-2,400 permanent jobs both directly and indirectly in the region. Moreover, the Project area is one with other proposed and approved warehouse and logistics uses that have similar land use and zoning designations to the Project site. These facilities take advantage of the area's proximity to regional transportation corridors, facilitating the regional and national goods movement industry. Development of the proposed Project in this area and in a location that is designated and zoned for industrial uses would result in the development of a vacant site with uses that are similar to the surrounding existing uses, thereby assisting the City in creating a cohesive, high-quality business-park environment, as envisioned by the City's General Plan.

   Additionally, the Project would assist the City in the concentrating non-residential uses away from residential uses in the City. These two land uses can often be incompatible due to the operational

characteristics of non-residential uses, which by their nature, can result in traffic congestion, air emissions, and industrial light and noise. In summary, development of the proposed industrial use within an area designated for industrial uses would assist the City in maximizing the utility of an industrially-designated vacant parcel to result in City- and region-wide economic benefits associated with job creation and the provision of needed services to local businesses; in concentrating non-residential uses away from residential areas; and in fulfilling the City's vision for a developed, high-quality business park environment for those wishing to invest in the City.

2. **Meet Market Demands for Industrial Space:** The Project would provide much-needed flexible industrial space to fulfill the needs of the growing industrial sector in an area that faces a shortage of such space. At the close of Q4 in 2021, vacancy rates within the Inland Empire industrial market were as low as 0.7% (C&W 2022). The greater Southern California region is expected to continue to see strong demand for industrial facilities driven by the needs of retail and e-commerce users for facilities with modern amenities to maximize distribution efficiency, as well by as the scarcity of available facilities and land to develop such facilities in the more expensive and constrained Los Angeles, Orange County, San Bernardino and Riverside area industrial markets. The limited availability of industrial facilities can result in negative effects such as stock-outs, trade bottlenecks, and delays in the time it takes for good to reach consumers.

   The Project would result in the development of three industrial/warehouse buildings totaling 3,745,429 square feet with associated office spaces, surface parking, and loading areas. The delivery of these facilities would provide industrial users with much-needed flexible industrial space at a time when market demands for such space are at historic highs. The delivery of the Project would also result in the benefit of supporting the goods movement industry in decreasing lead times for delivery of consumer products and increasing the local supply of goods for regional consumers.

3. **Benefits of Employment Opportunities to Reduce Jobs:Housing Imbalance:** The Project is anticipated support a number of temporary construction jobs and approximately 2,000-2,400 permanent jobs once constructed. As stated above, the High Desert/Victor Valley region has long been identified as an area having a low jobs-housing ratio, and an estimated 73% of workers residing in Hesperia commute out of the area to the Inland Empire cities and the broader Los Angeles region (City of Hesperia 2016). The trade, transportation, and utilities sector has been one of the leading drivers in decreasing the region's unemployment rate by supplying up to 35,600 jobs between June 2020 and June 2021 (C&W 2021). Between November 2021 and December 2021, the transportation and warehousing sector recorded a job gain of 3,500 (EDD 2022). The Project would support these trends by providing approximately 2,000 to 2,400 jobs in an area that is typically seen as having a low jobs-housing ratio. In summary, the Project would provide approximately 2,000-2,400 permanent jobs that are well suited to the City's workforce, which would stimulate economic growth, lower the regional unemployment rate, and reduce regional vehicle miles traveled.

4. **Economic and Fiscal Benefits:** The Project encourages economic growth and diversity within the City by providing flexible industrial facilities for businesses wishing to invest in the City. The Project would increase annual property tax revenues as improvements increase the assessable value of the Project site and would also generate additional revenues through the collection of certain other taxes, licenses, and fees associated with business operation. The Project applicant's expenditures associated with constructing the Project would also supplement the City's General Fund as sales tax revenues are collected during the sales of construction materials. The Project is expected to infuse up to $1.7 billion into the local economy through construction and operations of the facility by 2026, and the Project will generate over $3 million in annual taxes during its first year of operation (Andrew Chang & Co. 2020). The Project would support temporary construction jobs and approximately 2,000-2,400 permanent jobs once constructed. The generation of these jobs would result in indirect economic benefits as wages associated

with these jobs translate to regional economic growth by way of local spending, as well as indirect fiscal benefits when wages are spent on goods and services, which generates sales tax revenues for the General Fund. The Project would also result in the contribution of approximately $321,301 in fair share costs to the City that would be directed towards capital improvements for infrastructure in the area.

5. **Public Infrastructure Benefits:** The Project would add and/or improve public infrastructure within the Project area. The Project includes street improvements along the frontage of the Project on Yucca Terrace Road and would construct Caliente Road, a new street within the Project's interior that would be dedicated to the City. Additional traffic improvements include additional on- and off-site improvements that the Project will incorporate into site design, construct prior to Project implementation, or pay its fair share cost to fund future implementation of the required improvement.

   As part of the Project, several of the existing water pipelines would be upsized and/or extended around the Project's border. Pipelines to be upsized include a line within Yucca Terrace Drive, a water line within U.S. Highway 395, and a water line within Phelan Road. New pipelines along the Project site's border include a new 12-inch water line within the remaining part of Yucca Terrace Road, as well as along the western Project boundary. Additionally, a new 16-inch-diameter transmission water pipeline would be installed to provide adequate water service for the Project. This new 16-inch-diameter transmission water pipeline would connect the Project site and the City's existing water system at the intersection of U.S. Highway 395 and Sultana Street. The Project would also involve the construction of a sewer line and lift station from the Project site to the City's main sewer system east of Oro Grande Wash.

   The provision of these roadways and utility infrastructure would provide a benefit to the City by facilitating access within the Project area and increasing the reliability of current utility systems.

6. **Benefits of Sustainable Design:** The Project would stimulate regional economic growth while also incorporating a number of project design features (PDFs) and mitigation measures to promote environmental sustainability and reduce greenhouse gas emissions that contribute to climate change (see Section 2.2.1, Air Quality, and Section 2.2.2, Greenhouse Gas Emissions, of the EIR). The Project's three warehouse buildings have been designed to comply with Title 24 CalGreen requirements in order to conserve resources, including energy and water. Buildings would be outfitted with electric vehicles chargers, electrical conduit to facilitate future electrical truck charging capabilities, and the Project would implement a Transportation Demand Management (TDM) plan to facilitate increased opportunities for carpooling, bicycling and pedestrian travel for employees. The Project would also assist the City in concentrating industrial facilities in a non-residential area that is designated for such uses. The Project would also assist in the preservation of western Joshua tree woodland, a candidate species of special concern, through the permanent preservation of off-site lands containing western Joshua tree woodland. The preservation of these lands would also provide additional benefits by ensuring that wildlands are preserved for other desert native species. Additionally, the Project Applicant has made a voluntary contribution of approximately $1,400,000 to the Center for Biological Diversity to assist in their ongoing efforts to preserve lands containing western Joshua trees in the region.

Conclusion

In light of the foregoing, and the information contained within the Final EIR and other portions of the project record, the City concludes that implementation of the proposed Hesperia Commerce Center II Project will result in the development of a beneficial project as outlined above. The City also finds that the benefits identified above outweigh and make acceptable the significant, unavoidable environmental impacts associated with the proposed Project and, accordingly, adopts this Statement of Overriding Considerations.

6 Conclusion

The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the MMRP, will eliminate or reduce to a less-than-significant level most of the adverse environmental impacts of the project. The significant and unavoidable impacts of the project would be rendered acceptable by the specific economic and social benefits identified in Section 5, Statement of Overriding Considerations.

Taken together, the Final EIR, the mitigation measures, and the MMRP provide an adequate basis for approval of the proposed project.

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EXHIBIT B- MITIGATION MONITORING AND REPORTING PROGRAM

Hesperia Commerce Center II

Mitigation Monitoring and Reporting Program

MARCH 2022

Prepared for:

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1 Introduction

California Public Resources Code Section 21081.6 requires that, upon certification of an Environmental Impact Report, "the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation."[1]

This Mitigation Monitoring and Reporting Program (MMRP) was developed in compliance with Section 21081.6 of the California Public Resources Code and Section 15097 of the California Environmental Quality Act Guidelines,[2] and includes the following information:

- A list of mitigation measures
- The timing for implementation of the mitigation measures
- The party responsible for implementing or monitoring the mitigation measures
- The date of completion of monitoring

The City of Hesperia must adopt this MMRP, or an equally effective program, if it approves the proposed Hesperia Commerce Center II Project (Project) with the mitigation measures that were adopted or made conditions of Project approval.

1 California Public Resources Code, Section 21000–21177. California Environmental Quality Act, as amended.
2 14 CCR 15000–15387 and Appendices A–L. Guidelines for Implementation of the California Environmental Quality Act, as amended.

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2 Mitigation Monitoring and Reporting Program Table

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Aesthetics			
MM-AES-1: Project buildings and elements shall include colors and tones that mimic the natural desert environment. The Project applicant shall present to the City of Hesperia a materials board showing the proposed building color palette for review and approval prior to issuance of the first building permit. City staff shall review the color palette to ensure that the selected colors and tones largely conform to those colors and tones already found in the surrounding natural desert landscape. The color palette, along with the Project design as a whole, shall also be reviewed to assure conformance with the development standards of the Hesperia Municipal Code and the Main Street and Freeway Corridor Specific Plan in order to promote the visual character and quality of the surrounding area.	Prior to issuance of the first building permit	City of Hesperia	
Air Quality			
MM-AQ-1: The Project shall utilize "Super-Compliant" low VOC paints which have been reformulated to exceed the regulatory VOC limits put forth by MDAQMD's Rule 1113. Super-Compliant low VOC paints shall be no more than 10 grams per liter (g/L) of VOC. Alternatively, the Project Applicant may utilize tilt-up concrete buildings that do not require the use of architectural coatings.	During construction and during Project operation	City of Hesperia	
MM-AQ-2: The Project shall implement the following measures in order to reduce construction air pollutant emissions to the extent feasible: ▪ Ensure the cleanest possible construction practices and equipment are used. This includes eliminating the idling of diesel-powered equipment and providing the necessary infrastructure (e.g., electrical hookups) to support zero and near-zero emission equipment and tools. ▪ Implement, and plan accordingly for, the necessary infrastructure to support the zero and near-zero emission technology, vehicles, and equipment that will be operating onsite. Necessary	Prior to and during construction	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
infrastructure may include the physical (e.g. needed footprint), energy, and fueling infrastructure for construction equipment, onsite vehicles and equipment, and medium-heavy and heavy-heavy duty trucks.			
MM-AQ-3: The Project shall include the following language within construction contracts in order to reduce construction air pollutant emissions to the extent feasible: ▪ All off-road diesel-powered equipment used during construction shall be equipped with Tier 4 or cleaner engines. If the operator lacks Tier 4 equipment, and it is not available for lease or short-term rental within 50 miles of the project site, Tier 3 or cleaner off-road construction equipment may be utilized subject to County approval. ▪ Heavy-duty trucks entering the construction site during grading and building construction phases should be model year 2014 or later. All heavy-duty trucks should also meet CARB's lowest optional low oxides of nitrogen (NO_x) standard starting in the year 2022.[3] ▪ All construction equipment and fleets shall be in compliance with all current air quality regulations.	Prior to and during construction	City of Hesperia	
MM-AQ-4: The Project shall implement the following measures in order to reduce operational air pollutant emissions to the extent feasible: ▪ Only haul trucks meeting model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the Project site. ▪ Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling	During occupancy	City of Hesperia	

[3] In 2013, CARB adopted optional low-NO_x emission standards for on-road heavy-duty engines. CARB encourages engine manufacturers to introduce technologies to reduce NOx emissions below the current mandatory on-road heavy-duty diesel engine emission standards for model year 2010 and later. CARB's optional low-NO_x emission standard is available at: https://ww2.arb.ca.gov/our-work/programs/optional-reduced-nox-standards.

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
regulations. At a minimum, each sign shall include: 1) instructions for truck drivers to shut off engines when not in use; 2) instructions for drivers of diesel trucks to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and 3) telephone numbers of the building facilities manager and the CARB to report violations. Prior to the issuance of an occupancy permit, the City of Hesperia shall conduct a site inspection to ensure that the signs are in place. ▪ Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the City of Hesperia demonstrating that occupants/tenants of the Project site have been provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment. ▪ Automobile electric vehicle (EV) charging stations with Level 2 or faster chargers shall be provided. The number of EV charging stations shall equal at least 25% employee parking spots. ▪ In addition, the buildings shall include electrical infrastructure sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations in the future. ▪ Conduit shall be installed to tractor trailer parking areas in logical locations determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available. ▪ The Project shall include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid. The Project Applicant or successor in interest shall maintain, replace, and upgrade the solar panels per manufacturers recommendations through the life of the Project. Should the capacity for solar			

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
connections increase, additional solar panels shall be added to the Project.			
MM-AQ-5: The Project shall include the following language within tenant lease agreements in order to reduce operational air pollutant emissions to the extent feasible: ▪ Require tenants to use the cleanest technologies available, and to provide the necessary infrastructure to support zero-emission vehicles and equipment that would be operating on site. ▪ Require future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans, when economically feasible. ▪ Tenants shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation[4], Periodic Smoke Inspection Program (PSIP)[5], and the Statewide Truck and Bus Regulation[6].	Prior to occupancy	City of Hesperia	
MM-AQ-6: Low-VOC/Green Cleaning Product Educational Program. Prior to the occupancy of any on-site development, the Applicant or its designee shall provide evidence to the City of Hesperia that the Applicant/phase developer has developed a Green Cleaning Product and Paint education program to be made available at rental offices, leasing spaces, and/or on websites.	Prior to occupancy	City of Hesperia	

4 In December 2008, CARB adopted a regulation to reduce greenhouse gas emissions by improving the fuel efficiency of heavy-duty tractors that pull 53-foot or longer box-type trailers. The regulation applies primarily to owners of 53-foot or longer box-type trailers, including both dry-van and refrigerated-van trailers, and owners of the heavy-duty tractors that pull them on California highways. CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation is available at: https://www.arb.ca.gov/cc/hdghg/hdghg.htm.

5 The PSIP program requires that diesel and bus fleet owners conduct annual smoke opacity inspections of their vehicles and repair those with excessive smoke emissions to ensure compliance. CARB's PSIP program is available at: https://www.arb.ca.gov/enf/hdvip/hdvip.htm.

6 The regulation requires that newer heavier trucks and buses must meet particulate matter filter requirements beginning January 1, 2012. Lighter and older heavier trucks must be replaced starting January 1, 2015. By January 1, 2023, nearly all trucks and buses will need to have 2010 model year engines or equivalent. CARB's Statewide Truck and Bus Regulation is available at: https://www.arb.ca.gov/msprog/onrdiesel/onrdiesel.htm.

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Biological Resources			
MM-BIO-1: Conservation of Western Joshua Tree Lands. Mitigation for direct impacts to western Joshua trees will be fulfilled through conservation of western Joshua trees at a 1:1 habitat replacement of equal or better functions and values to those impacted by the project. Mitigation can be through purchases of credits at a CDFW-approved mitigation bank for western Joshua tree or through conservation lands that meet the functions and values criteria. If mitigation is not purchased through a mitigation bank and lands are conserved separately, a cost estimate will be prepared to estimate the initial start-up costs, and ongoing annual costs, of management activities for the management of the conservation easement(s) area in perpetuity. The funding source will be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount will be established following the completion of a project-specific Property Analysis Record (PAR) to calculate the costs of in perpetuity land management. The PAR will take into account all of the management activities required in the ITP to fulfill the requirements of the conservation easement(s), which are currently in review and development. Additionally, no take of western Joshua tree will occur without authorization from CDFW in the form of an Incidental Take Permit pursuant to Fish and Game Code 2081. The applicant will adhere to measures and conditions set forth within the Incidental Take Permit.	Prior to issuance of grading permits	City of Hesperia	
MM-BIO-2: Relocation of Desert Native Plants. Prior to the issuance of grading permits, the Project Applicant shall submit an application and applicable fee paid to the City of Hesperia for removal or relocation of protected native desert plants under Hesperia Municipal Code Chapter 16.24 as required and schedule a pre-construction site inspection with the Planning Division and the Building Division. The application shall include certification from a qualified Joshua tree and native	Prior to issuance of grading permits	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the City of Hesperia Municipal Code. Protected plants subject to Hesperia Municipal Code Chapter 16.24 may be relocated on-site, or within an area designated as an area for species to be adopted later. The application shall include a detailed plan for removal of all protected plants on the Project site. The plan shall be prepared by a qualified Joshua tree and native desert plant expert(s). The plan shall include, but not be limited to, the following measures: ▪ Salvaged plants shall be transplanted expeditiously to either their final on-site location, or to an approved off-site area. If the plants cannot be expeditiously taken to their permanent relocation area at the time of excavation, they may be transplanted in a temporary area (stockpiled) prior to being moved to their permanent relocation site(s). ▪ Western Joshua trees shall be marked on their north facing side prior to excavation. Transplanted western Joshua trees shall be planted in the same orientation as they currently occur on the Project site, with the marking on the north side of the trees facing north at the relocation site(s). ▪ Transplanted plants shall be watered prior to and at the time of transplantation. The schedule of watering shall be determined by the qualified tree expert and desert native plant expert(s) to maintain plant health. Watering of the transplanted plants shall continue under the guidance of qualified tree expert and desert native plant expert(s) until it has been determined that the transplants have become established in the permanent relocation site(s) and no longer require supplemental watering.			
MM-BIO-3: Designated Biologist Authority. The Designated Biologist shall have authority to immediately stop any activity that does not comply with the biological resources mitigation measures and/or to	During construction	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
order any reasonable measure to avoid the unauthorized take of an individual western Joshua tree.			
MM-BIO-4: Compliance Monitoring. The Designated Biologist shall be on site daily when impacts occur. The Designated Biologist shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact, and that impacts are only occurring within the permitted impact footprint. Weekly written observation and inspection records that summarize oversight activities and compliance inspections and monitoring activities required by the Incidental Take Permit shall be prepared.	During construction	City of Hesperia	
MM-BIO-5: Education Program An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before performing impacts. The WEAP shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and status of western Joshua tree, burrowing owl, and loggerhead shrike; and other biological resources mitigation measures described in the CEQA document. Interpretation for non-English-speaking workers will be provided, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who will be conducting work in the Project area.	After issuance of grading permits; prior to vegetation clearing activities	City of Hesperia	
MM-BIO-6: Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel who have successfully completed the	During construction	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
education program. The permittee shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the California Department of Fish and Wildlife.			
MM-BIO-7: Delineation of Property Boundaries. Before beginning activities that would cause impacts, the contractor shall, in consultation with the Designated Biologist, clearly delineate the boundaries, consistent with the grading plan, within which the impacts will take place with fencing, stakes, or flags. All impacts within the fenced, staked, or flagged areas shall be avoided and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area.	Prior to vegetation clearing	City of Hesperia	
MM-BIO-8: Hazardous Waste. The Project Applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.	During construction (if applicable)	City of Hesperia	
MM-BIO-9: Herbicides. The Project Applicant shall limit herbicide use for invasive plant species and shall use herbicides only it has been determined that hand or mechanical efforts are infeasible. To prevent drift, the permittee shall apply herbicides only when wind speeds are less than 7 miles per hour. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, state, and local laws and regulations.	During operation	City of Hesperia	
MM-BIO-10: Pre-Construction Surveys for Burrowing Owl and Avoidance. One pre-construction burrowing owl clearance survey shall be completed no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for burrowing owl shall be conducted in	First Survey: At least 14 days prior to site preparation or grading activities Second Survey: Within 24 hours to the start of site preparation or grading activities	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (CDFW 2012) or current version. If burrowing owls are detected, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers will be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation (CDFW 2012) or current version. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed. Outside of the nesting season, passive owl relocation techniques approved by the California Department of Fish and Wildlife (CDFW) shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone by installing one-way doors in burrow entrances. These doors will be placed at least 48 hours prior to ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat will be provided following the guidance in the Staff Report on Burrowing Owl Mitigation (CDFW 2012) or current version. The Project area shall be monitored daily for one week to confirm owl departure from burrows prior to any ground-disturbing activities. Where possible, burrows will be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any wildlife inside the burrow. See Burrowing Owl Relocation Plan (Appendix D-10 of the Final EIR) for more details on avoidance buffers and relocation methods.			
MM-BIO-11: Lighting. Lighting for construction activities and operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife will be directed away from natural areas.	During construction	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
MM-BIO-12: Trash and Debris. The following avoidance and minimization measures shall be implemented during project construction. (1) Fully covered trash receptacles that are animal-proof will be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles will be removed at least once a week from the Project site. (2) Construction work areas shall be kept clean of debris, such as cable, trash, and construction materials. All construction/contractor personnel shall collect all litter, vehicle fluids, and food waste from the Project site on a daily basis.	During construction	City of Hesperia	
MM-BIO-13: Restoration of Temporary Impacts. Site construction areas subjected to temporary ground disturbance shall be recontoured to natural grade (if the grade was modified during the temporary disturbance activity), and revegetated with an application of a native seed mix, if necessary, prior to or during seasonal rains to promote passive restoration of the area to pre-project conditions. An area subjected to "temporary" disturbance means any area that is disturbed but will not be subjected to further disturbance as part of the Project. This measure does not apply to areas that are disturbed habitat and urban/developed lands. Prior to seeding temporary ground disturbance areas, the Designated Biologist will review the seeding palette to ensure that no seeding of invasive plant species, as identified in the most recent version of the California Invasive Plant Inventory for the region, will occur.	After completion of work where temporary ground disturbance will occur (i.e., off-site utilities alignments)	City of Hesperia	
MM-BIO-14: Pre-Construction Survey for American Badger and Desert Kit Fox and Avoidance. A pre-construction survey for American badger and desert kit fox shall be conducted in suitable habitat areas on the Project site and Off-Site Utilities Alignments within 10 days prior to the start of construction to determine the presence/absence of either species. If either species is discovered during the survey, an American	At least 10 days prior to the start of construction	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Badger/Desert Kit Fox Mitigation and Monitoring Plan shall be developed as recommended by the California Department of Fish and Wildlife (CDFW) in their Notice of Preparation comment letter dated December 19, 2019. The Mitigation and Monitoring Plan shall include avoidance and minimization measures to reduce potential impacts to either species, as well as compensatory mitigation to offset direct or indirect impacts. The plan will be developed in consultation with CDFW. At a minimum, the plan shall: ▪ Identify pre-construction survey methods for American badger and desert kit fox ▪ Describe feasible pre-construction and construction-phase avoidance methods ▪ Describe pre-construction and construction-phase relocation methods, including the possibility for passive relocation ▪ For burrows that will not be impacted by the Project, identify an appropriate construction exclusion zones for both active and natal burrows ▪ Coordinate survey findings prior to and during construction to meet the information needs of wildlife health officials in monitoring the health of kit fox populations			
MM-BIO-15: Pre-Construction Nesting Bird Surveys and Avoidance. Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31), to reduce any potential significant impact to birds that may be nesting on the survey area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the MBTA (16 USC 703–712) and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found, the	If site preparation and grading activities commence between February 1 through August 31, the avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of vegetation clearing activities	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
nest shall be flagged and mapped on the construction plans along with an appropriate buffer established around the nest, which will be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall also be conducted when construction occurs in close proximately to an active nest buffer. No Project activities may encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until is determined the nestlings have fledged and the nest is no longer considered active.			
MM-BIO-16: Jurisdictional Waters of the State Mitigation. To the extent practicable, the Project shall be designed to avoid impacts to the jurisdictional waters of the state within the Project site, and the following avoidance/minimization measures shall be implemented: If jurisdictional waters cannot be avoided, minimization measures shall be applied and all necessary resource agency permits shall be obtained. This may include Waste Discharge Requirements from the Regional Water Quality Control Board (RWQCB) and a Streambed Alteration Agreement from the California Department of Fish and Wildlife (CDFW). All temporary impacts to state-jurisdictional waters will be restored on site. Restoration will include recontouring and erosion control with a native seed mix. Prior to seeding temporary ground disturbance areas, the Designated Biologist will review the seeding palette to ensure that no seeding of invasive plant species, as identified in the most recent version of the California Invasive Plant Inventory for the region, will occur. Compensatory mitigation for permanent impacts shall occur either off site, at a mitigation bank, or with an in-lie fee program and would	Prior to issuance of grading permits *Note: The Project's design, as depicted in the site plan considered by the City's Planning Commission and City Council, avoids impacts to waters of the state. As such, the Project is currently in compliance with this mitigation measure. The Project's site plan should be reviewed prior to issuance of grading permits to ensure that disturbance footprints have not changed. Should changes have been made that result in impacts to waters of the state, resource agency permits shall be obtained prior to the*	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
occur at a ratio not less than 1:1 for the impact to jurisdictional waters or at a ratio determined in the jurisdictional waters permits. If a mitigation bank or in-lieu fee program is not utilized and the Applicant proceeds with off-site mitigation, a waters mitigation and monitoring plan shall be prepared that outlines the compensatory mitigation in coordination with the RWQCB and CDFW. Mitigation lands shall be comprised of drainages similar to those impacted. Off-site mitigation lands shall be preserved through a conservation easement and the waters mitigation and monitoring plan shall identify an approach for funding assurance for the long-term management of the conserved land. Suitable mitigation lands provided for species and vegetation communities may be used for jurisdictional waters of the state mitigation.	*issuance of grading permits. The limits of jurisdictional waters are depicted on Figure 4.3-5 within Section 4.3 of the Final EIR.*		
Cultural Resources			
MM-CUL-1: Prior to start of ground-disturbing activities, a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archaeology (or an archaeologist working under the direct supervision of the qualified archaeologist) shall be retained by the Project Applicant and shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel shall be informed of the types of archaeological resources that may be encountered, the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains, and safety precautions to be taken when working with archaeological monitors. The construction contractor shall ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance.	Prior to construction	City of Hesperia	
MM-CUL-2: If construction of the Off-Site Utilities Alignments requires deviation from the routes and disturbance footprints shown in the conceptual plans for these off-site utilities (domestic water, stormwater drain, sanitary sewer), and thus, results in increased potential for construction equipment and activities to come into close	Prior to and during construction	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
proximity or to traverse the locations of the potential historic resources observed in the vicinity of the Off-Site Utilities Alignments, a historic resources survey shall be conducted by a qualified historic resources expert to determine the significance of these potential resources. The survey shall entail the taking of detailed notes and photographs of potential resources, including documentation of character defining features, spatial relationships, and overall existing conditions of the resources. The potential historic resources shall be recorded on State of California Department of Parks and Recreation Series 523 Forms (DPR forms), and will be evaluated in consideration of National Register of Historic Places and California Register of Historic Resources designation criteria and integrity requirements. Archival research, as applicable, shall also be conducted to develop the appropriate historic context for the potential historic resources. The findings of this evaluation shall be included in a historic resources report. If the resources are found to be historically significant and/or eligible for listing pursuant to National Register of Historic Places and California Register of Historic Resources designation criteria, and if avoidance of these resources and redesign of the off-site utilities is deemed infeasible, the report shall include detailed procedures to the City and Project Applicant on how to minimize effects to these resources to acceptable levels of significance, and these recommendations must be implemented by the Project Applicant. This requirement shall be noted on all grading plans, and the construction contractor shall be obligated to comply with the note.			
MM-CUL-3: If archaeological resources (sites, features, or artifacts) or tribal cultural resources are exposed during construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Additionally, the San Manuel Band of Mission Indians	During construction	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
Cultural Resources Department (SMBMI) shall be contacted regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment. Construction activities may continue on other parts of the Project site while evaluation occurs. If the find is determined by the archaeologist to constitute a potentially significant archaeological resource, time allotment sufficient to allow for implementation of avoidance measures shall be made available. In accordance with CEQA Guidelines Section 15064.5(f) and/or California Public Resources Code, Sections 21083.2(b), if the discovery proves significant under the California Environmental Quality Act (CEQA), a treatment and monitoring plan shall be prepared by a qualified archaeologist for the resource(s), in coordination with SMBMI. The drafts of the treatment and monitoring plan shall be provided to SMBMI for review and comment. All subsequent finds shall be subject to the treatment and monitoring plan. The treatment and monitoring plan shall allow for a monitor to be present that represents SMBMI for the remainder of the Project, should SMBMI elect to place a monitor on site. Treatment may include preservation in place or implementation of archaeological data recovery excavations to remove the resource along with subsequent analysis. Any archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the material. If the find is Native American in origin, the tribe(s) that consider the Project area to be within their ancestral land or traditional use area, including the SMBMI, shall be contacted by the City of Hesperia to coordinate treatment and curation. Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied by the Project Applicant and City of Hesperia for			

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
dissemination to SMBMI. The City of Hesperia and/or Project Applicant shall, in good faith, consult with SMBMI throughout the life of the Project. This requirement shall be noted on all grading plans, and the construction contractor shall be obligated to comply with the note.			
MM-CUL-4: In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the county coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the county coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the county coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant of the deceased Native American. The most likely descendant shall complete her/his inspection within 48 hours of being granted access to the site. The designated Native American representative shall then determine, in consultation with the property owner, the proper disposition of the human remains. This requirement shall be noted on all grading plans, and the construction contractor shall be obligated to comply with the note.	During construction	City of Hesperia	
MM-CUL-5: If paleontological resources (sites, features, or fossils) are exposed during Project construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted. If the discovery proves significant under the California Environmental Quality Act, discovered fossils or samples of such fossils shall be collected and identified by the qualified paleontologist. Significant specimens	During construction	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
recovered shall be properly recorded, treated, and donated to the San Bernardino County Museum, Division of Geological Sciences, or other repository with permanent retrievable paleontological storage. A final report shall be prepared and submitted to the City of Hesperia that itemizes any fossils recovered, with maps to accurately record the original location of recovered fossils and evidence that the resources were curated by an established museum repository. This requirement shall be noted on all grading plans, and the construction contractor shall be obligated to comply with the note.			
Greenhouse Gas Emissions			
MM-GHG-1: Water Conservation. Prior to the issuance of building permits for the Project, the Project Applicant shall provide building plans that include the following water conservation measures: ▪ Install low-water use appliances and fixtures. ▪ Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces. ▪ Implement water-sensitive urban design practices in new construction. ▪ Install rainwater collection systems where feasible.	Prior to issuance of building permits	City of Hesperia	
MM-GHG-2: Solid Waste Reduction. Prior to the issuance of building permits for the Project, the Project applicant shall provide building plans that include the following solid waste reduction measures: ▪ Provide storage areas for recyclables and green waste in new construction, and food waste storage, if a pick-up service is available. ▪ Evaluate the potential for onsite composting.	Prior to issuance of building permits	City of Hesperia	
Hazards and Hazardous Materials			
MM-HAZ-1. Prior to the issuance of a grading permit, the Project Applicant shall retain a qualified environmental specialist that has documented experience in the identification, characterization, and removal of hazardous materials and includes a California licensed	A qualified environmental specialist shall be retained by the Project Applicant prior to issuance of grading permits. Inspections,	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
professional engineer, geologist, or hydrogeologist to remove and dispose of all refuse located on the Project site, including but not limited to, the illegally-dumped tires and oil containers currently found on site. The removal, transport, and disposal of refuse shall be done in accordance with all applicable local, state, and federal guidelines related to hazardous materials handling. Prior to the removal of refuse deposits from the site, the environmental specialist shall inspect each refuse pile for indications that the refuse may contain – or may have once contained – hazardous materials, including, but not limited to, motor oil, solvents, paints, and/or other petroleum products. In addition, the environmental specialist shall inspect the soils surrounding each refuse deposit for evidence of any contamination (staining) or volatilization of contaminants (odors). If contamination indicators are identified, work shall stop in the proximity of the potential contamination. The Project applicant and/or their construction contractor shall be responsible for engaging a qualified environmental specialist to design and perform an investigation to verify the presence and extent of contamination on the Project site. Subsurface investigation shall determine appropriate worker protection and hazardous material and disposal procedures appropriate for the Project site. Contaminated soil or groundwater determined to be hazardous shall be removed by personnel who have been trained through the Occupational Safety and Health Administration–recommended 40-hour safety program with an approved plan for groundwater extractions, soil excavation, control of contaminant releases to the air, and off-site transport or on-site treatment.	characterizations, and removal of contamination may occur during site preparation activities. The qualified environmental specialist shall verify to the City of Hesperia that the site is suitable for development and occupancy prior to issuance of building permits.		
Transportation			
MM-TRA-1: The Project applicant shall submit a Transportation Demand Management (TDM) plan prepared by a qualified transportation consultant acceptable to the City of Hesperia to reduce Project's vehicle miles traveled. The TDM plan shall be approved by	Prior to issuance of occupancy permit	City of Hesperia	

Table 1. Mitigation Monitoring and Reporting Program Table

Mitigation Measure	Implementation Timing	Agency Responsible for Monitoring	Date of Completion
the City prior to the issuance of the first occupancy permit. The TDM plan shall apply to Project tenants through tenant leases. The TDM plan shall discourage single-occupancy vehicle trips and encourage alternative modes of transportation such as carpooling, taking transit, walking, and biking. Examples of trip reduction measures may include, but are not limited to: ▪ Transit passes ▪ Car-sharing programs ▪ Telecommuting and alternative work schedules ▪ Ride sharing programs			

ATTACHMENT 9

RESOLUTION NO. PC-2022-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A DEVELOPMENT AGREEMENT IN CONJUNCTION WITH A CONDITIONAL USE PERMIT TO CONSTRUCT A 3,745,429 SQUARE FOOT DISTRIBUTION CENTER AND INDUSTRIAL PARK ON 194.8 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED THE NORTH SIDE OF PHELAN ROAD, WEST OF HIGHWAY 395, SOUTH OF YUCCA TERRACE DRIVE AND EAST OF THE TRANSMISSION LINE UTILITY CORRIDOR (CUP19-00010)

WHEREAS, Covington Group, Inc. (Applicant) has filed an application requesting approval of Conditional Use Permit CUP19-00010 and Development agreement DA22-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 194.8 acres of vacant property zoned Commercial Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (Specific Plan), located on the north side of Phelan Road, west of Highway 395, south of Yucca Terrace Drive and east of the transmission line utility corridor and consists of Assessor's Parcel Numbers 3064-351-03, 3064-361-01, 3064-391-01, 3064-401-02; and

WHEREAS, the Application, as contemplated, proposes to construct a 3,745,429 square foot distribution center / industrial park on 194.8 gross acres. The proposed use is consistent with the Specific Plan, although approval of a CUP is required to approve the distribution warehouses in excess of 200,000 square feet; and

WHEREAS, Tentative Parcel Map No. 20257 (TPM22-00002) has also been filed to rearrange the four existing parcels into four new parcels that generally follow the alignment of the future buildings; and

WHEREAS, pursuant to California Government Code Section 65865.2, a development agreement shall specify the duration of the agreement, the permitted uses of the property, the density or intensity of use, the maximum height and size of proposed buildings, and provisions for reservation or dedication of land for public purposes. The development agreement may include conditions, terms, restrictions, and requirements for subsequent discretionary actions, provided that such conditions, terms, restrictions, and requirements for subsequent discretionary actions shall not prevent development of the land for the uses and to the density or intensity of development set forth in the agreement. The agreement may provide that construction shall be commenced within a specified time and that the project or any phase thereof be completed within a specified time. The agreement may also include terms and conditions relating to applicant financing of necessary public facilities and subsequent reimbursement over time; and

WHEREAS, the subject property and the properties to the north are within the Commercial Industrial Business Park (CIBP) Zone of the Main Street and Freeway Corridor Specific Plan (Specific Plan). The properties to the southeast are within the Neighborhood Commercial (NC) zone of the Specific Plan. The properties to the south are within the CIBP zone and the

properties to the southwest are within the Rural Estate Residential (RER) zone of the Specific Plan. The electrical transmission line utility corridor is located immediately to the west of the project site; and

WHEREAS, the subject properties are currently vacant. Land uses to the north, on the opposite side of Yucca Terrace Drive, primarily consist of vacant land and scattered sites with unpermitted storage of trucks. The land uses to the east consist of vacant land followed by Highway 395. The land uses to the south consist of vacant land and large lot rural residences. The utility corridor and City boundary run parallel to the western boundary of the site and a number of rural residences are located on the opposite side of the transmission lines; and

WHEREAS, on April 14, 2022, the Planning Commission of the City of Hesperia adopted Resolution No. PC-2022-03, recommending that the City Council adopt the environmental findings pursuant to California Environmental Quality Act (CEQA), adopting a Statement of Overriding Considerations, certifying the Final Environmental Impact Report (SCH #2019110418), and adopting a Mitigation Monitoring and Reporting Plan; and

WHEREAS, on April 14, 2022, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced April 14, 2022, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) Based on adoption of Resolution No. PC-2022-03, the Environmental Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting have been adopted and the Final Environmental Impact Report (SCH # 2019110418) has been certified pursuant to the California Environmental Quality Act (CEQA) for this project.

(b) The site for the proposed use is adequate in size and shape to accommodate the proposed use. The site is approximately 194.8 acres in size and can accommodate the 3,745,429 square foot distribution center / industrial park. On-site improvements required by the Development Code can be constructed on the property including the 1,800 conventional parking spaces, 1,591 truck/trailer spaces, 26-foot wide drive aisles, landscaping, trash enclosures, building setbacks, and maximum floor area ratio. The development also meets all of the San Bernardino County Fire Department standards including fire lanes, two-points of access, fire truck turn-

around, fire department connection / post indicator valve (FDC/PIV), and fire hydrant requirements. The project is also designed with on-site retention facilities to retain the additional stormwater created by the development in a 100-year storm event.

(c) The proposed development will not have a substantial adverse effect on abutting properties, or the permitted use thereof because the proposed project is consistent with the City's General Plan and the Main Street and Freeway Corridor Specific Plan. In addition, each of the uses envisioned under the proposed project is permitted or conditionally permitted in the Commercial Industrial Business Park (CIBP) Zone of the Specific Plan. The project is on the fringe of an area which is also zoned CIBP and contains truck-related uses. A Traffic Impact Analysis (TIA) was submitted as part of the land use application, which identifies improvements needed to mitigate the additional traffic from this project. Further, the developer shall participate in the City wide industrial community facilities district (CFD) to pay for the ongoing maintenance of public infrastructure and services. The developer is also required to pay City Development Impact Fees.

(d) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code, Main Street and Freeway Corridor Specific Plan and all applicable codes and ordinances adopted by the City of Hesperia because each of the uses envisioned under the proposed project is permitted within the CIBP Zone. The development shall be constructed pursuant to the California Building and Fire Codes as well as adopted amendments. Further, the project shall comply with the conditions of approval for both off-site and on-site improvements. The conditions of approval shall be met based upon specific milestones. Some conditions shall be met prior to grading, some prior to building construction and prior to issuance of a Certificate of Occupancy.

(d) The site for the proposed use will have adequate access based upon the site's current access to Phelan Road and Yucca Terrace Drive. Primary access to the site will be provided from a new public roadway (Caliente Road) that will be constructed by the project. Caliente Road is planned as a 70-foot wide Industrial Collector that will provide reciprocal access with the adjacent properties to the east and will form a connection between Yucca Terrace Drive to the north and Phelan Road to the south. The intersection of Caliente Road and Phelan Road will be fully signalized. A second primary access will be provided at the intersection of Yucca Terrace Drive and Highway 395. This intersection will be fully signalized and will allow full turning movements and controlled access onto Highway 395. Ultimately 9 driveway approaches will provide access from the perimeter streets to the project site; 7 driveway approaches will be provided off Caliente Road; one driveway approach will be provided off Phelan Road at the western end of the site that will provide right-in and right-

out access to the site; and one driveway approach will be located off of Yucca Terrace drive at the western end of the site (Attachment 6). Further, the developer shall participate in the City wide industrial community facilities district (CFD) to pay for the ongoing maintenance of public infrastructure and services. The developer is also required to pay City Development Impact Fees.

(e) The proposed project is consistent with the adopted General Plan of the City of Hesperia because an objective in the City's General Plan seeks to "…Promote industrial development within the City which will expand its tax base and provide a range of employment activities, while not adversely impacting the community or environment." The proposed project will expand employment opportunities for City residents and is estimated to provide 3,134 jobs.

(f) The developer has negotiated a Development Agreement (DA) to allow the CUP to be effective for 12 years initially, with a provision allowing an automatic 8-year extension. In return, the City is requiring the Developer to construct specified water and sewer infrastructure within the first 3 years from when the Development Agreement is executed. In addition, the applicant is required to provide a one-time community benefit contribution. The developer is also required to annex into the City-wide industrial community facilities district (CFD) within the first 6 months from approval of the Development Agrement.

The Development Agreement will allow the reimbursement for the cost of the offsite infrastructure that will be constructed as a part of the project as well as the public street that will connect Phelan Road to Yucca Terrace Drive. As future development occurs in the area, development projects that directly connect to and benefit from the offsite water and sewer infrastructure will be conditioned to pay their fair share fee obligation to the developer. The requirement to construct all of the off-site infrastructure within the first 3 years from when the Development Agreement is executed will ultimately benefit the surrounding area and will provide the required infrastructure for other development projects to move forward. The Development Agreement allows the reimbursement provisions for a maximum of 10 years from when the Development Agreement is executed.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Conditional Use Permit CUP19-00010, subject to the Conditions of Approval as set forth in ATTACHMENT "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 14th day of April 2022.

_____

Roger Abreo, Chair, Planning Commission

ATTEST:

_____

Maricruz Montes, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for CUP19-00010

Approval Date: Pending
Effective Date: Approval by the
Expiration Date: City Council

This list of conditions applies to: Consideration of Conditional Use Permit CUP19-00010 to allow the construction of three industrial warehouse buildings totaling approximately 3,745,429 square feet in conjunction with tentative parcel map No. 20257 (TPM22-00002) to rearrange the four existing parcels into for new parcels and Development Agreement DA22-00001 on 194.8 gross acres of land designated Commercial/Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan located on the north side of Phelan Road, west of Highway 395, south of Yucca Terrace Drive and east of the power line utility corridor in conjunction with adoption of an Environmental Impact Report pursuant to the provisions of CEQA (Applicant: Covington Group; APNs: 3064-351-03, 3064-361-01, 3064-391-01, 3064-401-02).

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

ADDITONAL CONDITIONS

COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		DEVELOPMENT AGREEMENT. These conditions are concurrent with Development Agreement DA22-00001 becoming effective. The terms of the Development Agreement will determine the expiration date of the Project.

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)
NOT IN COMPLIANCE		TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal. (E)
NOT IN COMPLIANCE		IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)
NOT IN COMPLIANCE		UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering

Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Department, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DRAINAGE STUDY. The Developer shall submit three (3) copies of a Final Drainage Study which analyzes the pre-project and proposed project hydrology, including flows from offsite, flows generated onsite, hydraulic properties of flows entering or exiting the project to and from natural or constructed conveyances, and capacity and function of any runoff management structures such as catch basins, inlets, outlets and detention or retention structures. The study must include all information specified in the City's hydrology study outline

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.

A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield and filter element.

B. Drywells shall be constructed by a contractor qualified in the construction of drywells.

C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.

D. The excavation for the drywell shall penetrate a minimum of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise approved by the City Engineer.

E. Drywells that cease to drain a basin or underground system within 48 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall be written in the CC&Rs for all subdivisions where drywells are installed.

F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection Control Regulations for Class V Injection Wells.

G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site.

H. The Drywell Maintenance Plan shall include the following:

1. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.

2. Settling chambers and interceptors to be inspected annually;

3. Removal of sediment and debris when:

a. Sediment/debris level fills = 25% of the capacity;

b. Drywell ownership or maintenance responsibility changes;

c. Material not resulting from stormwater/urban runoff enters the settling chamber or interceptor

I. Submit inspection/maintenance reports to the City (Building and Safety within 10 days of inspection/mainte

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable Mojave River Watershed Group Regulated WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMP's), and includes calculations for BMP sizing.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

OFFSITE DRAINAGE IMPACT PREVENTION. The Project shall provide safe conveyance for offsite runoff either routed through the project or around the project site. The Project shall ensure that the proposed conveyance of offsite flows will not increase adverse impacts to downstream properties and/or drainage facilities for the 1-hour design storm for the 100-year return frequency rainfall events.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

The Project shall be designed to prevent adverse impacts to downstream properties and/or drainage facilities caused or exacerbated by the project. The project shall demonstrate that runoff from the completed project site will not exceed 90% of the pre-project runoff discharge rates for the 24-hour design storm for the 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not accumulate standing water for more than 24 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 24 hours.

B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board.

Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see:
https://www.casqa.org/resources/bmp-handbooks

NPDES: The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice Of Intent Receipt Letter and the project WDID No. to the City.

NPDES-PERMIT TERMINATION: Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, and provide

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

RECIPROCAL ACCESS AND PARKING EASEMENTt. Irrevocable reciprocal access easements shall be recorded, allowing for the perpetual use of the private streets, driveways, drive aisles, trash enclosures, and off-street parking spaces for the benefit of all properties within the development. These easements may be shown on the recorded parcel map or by a separate instrument as required by the Engineering Division. If the easement will be provided as a separate document, then the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for

recordation. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Caliente Road and Yucca Terrace Street. The right of way full width for Caliente Road shall be seventy (70') feet. The right of way full width for Yucca Terrace Street shall be seventy (70') feet. It is the Developers responsibility to obtain any additional Right of Way dedication needed to satisfy the 26 minimum paving requirement at no cost to the City. Corner cut off right of way dedication per City standards is required at all intersections, including interior roadways. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	TRAFFIC SIGNAL(S). The Developer shall design and construct traffic signal at the intersection of Phelan Road and the new proposed Industrial Collector (Caliente Road) and at the intersection of Highway 395 and Yucca Terrace Drive. As part of traffic signal improvements at the intersection of HIghway 395 and Yucca Terrace Drive additional right of way may be required to satisfy dedicated turning movements and transition tapers to the satisfaction of City Engineer and Caltrans. Traffic signal preemption device for emergency vehicle operation shall be included. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued

until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PHELAN ROAD. Saw-cut (2-foot min.) and match-up asphalt pavement on Phelan Road across the project frontage, based on City's 120-foot Major Arterial Roadway Standard. The curb face is to be located at 46' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of: A. 8" Curb and Gutter per City standards. B. Sidewalk (width = 6 feet) per City standards. C. Roadway drainage device(s). D. Streetlights per City standards. E. Intersection improvements including handicapped ramps per City standards. F. Pavement transitions per City Standards. G. Design roadway sections per existing, approved street sections and per "R" value testing with a traffic index of 12 and per the soils report. H. Cross sections every 50-feet per City standards. I. Traffic control signs and devices as required by the traffic study and/or the City Engineer. J. Provide a signage and striping plan per City standards. K. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention/detention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	OFF-SITE GRADING LETTER(S). It is the Developers responsibility to obtain signed Off-Site Grading Letters from any adjacent property owner(s) who are affected by any Off-Site Grading that is needed to make site work. The Off-Site Grading letter(s) along with the latest grant deed(s) must be submitted and appropriate fees paid to the City's Engineering Department for plan check approval. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PROPOSED INDUSTRIAL / COLLECTOR (CALIENTE ROAD). Developer shall design and construct an Industrial /

Collector roadway as shown on the approved site plan per City standards. These improvements shall consist of:

A. 8” Curb and Gutter per City standards.
B. Sidewalk (width = 6 feet) per City standards.
C. Roadway drainage device(s).
D. Streetlights per City standards.
E. Intersection improvements including handicapped ramps per City standards.
F. Commercial driveway approaches per City standards.
G. Design roadway sections per existing, approved street sections and per “R” value testing with a traffic index of 10 and per the soils report.
H. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
I. Provide a signage and striping plan per City standards.
J. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

YUCCA TERRACE DRIVE. Developer shall design and construct half width (26' min.) improvements on Yucca Terrace Drive per City standards for an Industrial / Collector. These improvements shall consist of:

A. 8” Curb and Gutter per City standards.
B. Sidewalk (width = 6 feet) per City standards.
C. Roadway drainage device(s).
D. Streetlights per City standards.
E. Intersection improvements including handicapped ramps per City standards.
F. Commercial driveway approaches per City standards.
G. Pavement transitions per City Standards.
H. Design roadway sections per existing, approved street sections and per “R” value testing with a traffic index of 10 and per the soils report.
I. Traffic control signs and devices as required by the traffic study and/or the City Engineer.
J. Provide a signage and striping plan per City standards.
K. It is the Developer’s responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer’s responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26’ minimum paving requirement at no cost to the City.
L. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

YUCCA TERRACE DRIVE (OFF-SITE). Developer shall design and construct 26' min. paving on Yucca Terrace Drive from proposed intersection of Yucca Terrace Drive and new City right of way to Highway 395 per City standards for an Industrial / Collector. This tie in to Highway 395 will need to be reviewed and approved by CalTrans' and a CalTrans' encroachment permit will be required. These improvements shall consist of:

A. Pavement transitions per City Standards.

B. Design roadway sections per approved street sections and per “R” value testing presented in the project soils report with a traffic index of 10.
C. Traffic control signs and devices as required by the City Engineer.
D. Provide a signage and striping plan per City and CalTrans' standards.
E. It is the Developer’s responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer’s responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26’ minimum paving requirement at no cost to the City.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructure that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developer’s expense. (E)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections will be made from the proposed looped system.
C. It is the Developer’s responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the proposed sewer main.
D. Complete V.V.W.R.A.’s “Wastewater Questionnaire for Commercial / Industrial Establishments” and submit to the Engineering Department. Complete the “Certification Statement for Photographic and X-ray Processing Facilities” as required.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WATER/SEWER/STORM DRAIN IMPR. PLAN. The Developer shall design water, sewer and storm drain improvements in accordance with City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SEWER IMPROVEMENT PLAN: The Developer shall design and construct a sewer system that includes a force main, lift station, and gravity sewer beginning at the intersection of Cataba Road and Acacia Road extending north along Cataba Road to the intersection of Cataba Road and Yucca Terrace Drive, west in Yucca Terrace Drive to the intersection of Yucca Terrace Drive and proposed Caliente Road and south along Caliente Road to Phelan Road to the satisfaction of the City Engineer. Design shall consist of plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WATER IMPR. PLAN. The Developer shall design and construct a 16" PVC water main extension beginning at the intersection of Highway 395 and Sultana Ave extending along the west extension of Sultana Ave. to Los Banos Ave., north along Los Banos to Phelan Road, east along Phelan Road to Caliente Road, and north along Caliente Road to Yucca

Terrace Drive to the satisfaction of the City Engineer. Design shall consist of plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PERCOLATION TEST. The applicant shall provide percolation test data which are adequate to substantiate the hydrologic performance of all proposed basins, underground retention systems, drywells, or other features requiring percolation of surface water:

A. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.
B. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.
C. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for Low Impact Development Best Management Practices; available online at:

http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SWPPP IMPLEMENTATION. All of the requirements of the City-approved Storm Water Pollution Prevention Plan shall be implemented prior to the City's issuance of a grading permit, and shall be maintained until construction is complete and all disturbed areas are fully stabilized. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CULTURAL RESOURCES. If cultural resources are found during grading then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law. A report of all resources discovered as well as the actions taken shall be provided to the City prior to issuance of a Certificate of Occupancy. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of $3,589.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

MASONRY WALLS AND FENCING. The truck parking areas that are adjacent to the right-of-way along Phelan Road and Yucca Terrace Drive shall be fully screened by a minimum 8-foot high decorative block wall.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

MITIGATION MEASURES. All applicable mitigation measures identified within the Environmental Impact Report for the Hesperia Commerce Center II project shall be met prior to issuance of a grading permit. (P)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	OFFICE AREAS. As shown on the approved site plan, the office space within Building 1 shall not exceed 20,000 square feet; for Building 2 the office space shall not exceed 20,000 square feet; and for building 3 the office space shall not exceed 9,000 square feet. Approval of a revised site plan review shall be required if the office areas exceed the maximum amount of square footage in order to verify that sufficient parking is avaiable.
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	COMMUNITY FACILITIES DISTRICT. The City is currently in the early stages of forming a Community Facilities District (CFD) to fund City services, including but not limited to, road maintenance, storm water management, public safety, etc. that will serve industrial developments generally located west of Interstate-15. The applicant shall join the CFD once it is established.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division.
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DEVELOPMENT FEES. The Developer shall pay required development fees as follows: A. School Fees (B)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. Development Impact Fees (B)
B. Utility Fees (E)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DIRECTORY ADDRESSING. Apartments condominiums and commercial or industrial complexes with more than three separate buildings on site shall have a building directory. Directories are to be posted at the main entrance(s) to the complex on the entry driveway side. Directories shall not be located in the public right-of-way or clear sight triangle areas. Directories shall be of sufficient size to be clearly visible from the public roadway serving the entrance driveway but in no case less than two feet in either dimension or six square feet. The directory shall be lighted from a power source dedicated to the general premises. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	AS BUILT PLANS. The Developer shall provide as built plans. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2020 to the City's Engineering Department. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the City Engineer. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the

BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

COMPLETED	**COMPLIED BY**	
NOT IN COMPLIANCE		ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

COMPLETED	**COMPLIED BY**	
NOT IN COMPLIANCE		LANDSCAPE AND IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	**947-1300**
(E) Engineering Division	**947-1476**
(F) Fire Prevention Division	**947-1603**
(P) Planning Division	**947-1200**
(RPD) Hesperia Recreation and Park District	**244-5488**

ATTACHMENT 10

RESOLUTION NO. PC-2022-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE A TENTATIVE PARCEL MAP TO REARRANGE FOUR EXISTING PARCELS INTO FOUR NEW PARCELS THAT GENERALLY FOLLOW THE ALIGNMENT OF THE FUTURE BUILDINGS ON 194.8 GROSS ACRES WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK (CIBP) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED THE NORTH SIDE OF PHELAN ROAD, WEST OF HIGHWAY 395, SOUTH OF YUCCA TERRACE DRIVE AND EAST OF THE TRANSMISSION LINE UTILITY CORRIDOR (TPM22-00002)

WHEREAS, Covington Group, Inc. (Applicant) has filed an application requesting approval of Conditional Use Permit CUP19-00010 and Development agreement DA22-00001 described herein (hereinafter referred to as "Application"); and

WHEREAS, the Application applies to 194.8 acres of vacant property zoned Commercial Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (Specific Plan), located on the north side of Phelan Road, west of Highway 395, south of Yucca Terrace Drive and east of the transmission line utility corridor and consists of Assessor's Parcel Numbers 3064-351-03, 3064-361-01, 3064-391-01, 3064-401-02; and

WHEREAS, the Application, as contemplated, proposes to rearrange four existing parcels into four new parcels that generally follow the alignment of the future buildings and which is being processed under Tentative Parcel Map No. 20257 (TPM22-00002); and

WHEREAS, the Applicant also proposes to construct a 3,745,429 square foot distribution center/industrial park on 194.8 gross acres. The proposed use is consistent with the Specific Plan, although approval of a CUP is required to approve the distribution warehouses in excess of 200,000 square feet; and

WHEREAS, the subject property and the properties to the north are within the Commercial Industrial Business Park (CIBP) Zone of the Main Street and Freeway Corridor Specific Plan. The properties to the southeast are within the Neighborhood Commercial (NC) zone of the Specific Plan. The properties to the south are within the CIBP zone and the properties to the southwest are within the Rural Estate Residential (RER) zone of the Specific Plan. The electrical transmission line utility corridor is located immediately to the west of the project site; and

WHEREAS, the subject properties are currently vacant. Land uses to the north, on the opposite side of Yucca Terrace Drive, primarily consist of vacant land and scattered sites with unpermitted storage of trucks. The land uses to the east consist of vacant land followed by Highway 395. The land uses to the south consist of vacant land and large lot rural residences. The utility corridor and City boundary run parallel to the western boundary of the site and a number of rural residences are located on the opposite side of the transmission lines; and

WHEREAS, on April 14, 2022, the Planning Commission of the City of Hesperia adopted Resolution No. PC-2022-03, recommending that the City Council adopt the environmental

findings pursuant to California Environmental Quality Act (CEQA), adopting a Statement of Overriding Considerations, certifying the Final Environmental Impact Report (SCH #2019110418), and adopting a Mitigation Monitoring and Reporting Plan; and

WHEREAS, on April 14, 2022, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced April 14, 2022, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) Based on adoption of Resolution No. PC-2022-03, the Environmental Findings, Statement of Overriding Considerations, Mitigation Monitoring and Reporting have been adopted and the Final Environmental Impact Report (SCH # 2019110418) has been certified pursuant to the California Environmental Quality Act (CEQA) for this project.

(b) The proposed map is consistent with the City's General Plan of the City of Hesperia, because the subdivision is consistent with the intent of the adopted land use element.

(c) The design or improvement of the proposed subdivision is consistent with the General Plan of Hesperia, as the project supports the existing land use and circulation pattern in the area.

(d) The site is physically suitable for the type of development because there are no known physical constraints to nonresidential development and the site has adequate area to accommodate the proposed parcels.

(e) The site is physically suitable for the proposed development intensity because the parcels are adequate in size and shape and all Development Code regulations for the permitted and conditional uses can be met, with approval of Conditional Use Permit CUP19-00010.

(f) The design of the subdivision or type of improvements are not likely to cause serious public health problems because all construction will require necessary permits and will conform to the City's adopted building and fire codes.

(g) That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Tentative Parcel Map No. 20257 (TPM22-00002), subject to the Conditions of Approval as set forth in ATTACHMENT "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 14th day of April 2022.

_____
Roger, Chair, Planning Commission

ATTEST:

_____
Maricruz Montes, Secretary, Planning Commission

ATTACHMENT "A"
List of Conditions for TPM22-00002

Approval Date:
Effective Date: PENDING APPROVAL BY CITY COUNCIL
Expiration Date:

This list of conditions applies to Consideration of Conditional Use Permit CUP19-00010 to allow the construction of three industrial warehouse buildings totaling approximately 3,745,429 square feet in conjunction with tentative parcel map No. 20257 (TPM22-00002) to rearrange the four existing parcels into for new parcels and Development Agreement DA22-00001 on 194.8 gross acres of land designated Commercial/Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan located on the north side of Phelan Road, west of Highway 395, south of Yucca Terrace Drive and east of the power line utility corridor (Applicant: Covington Group; APN: 3064-351-03, 3064-361-01, 3064-391-01, 3064-401-02).

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED PRIOR TO RECORDATION OF THE PARCEL MAP

COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		PARCEL MAP (RES). A Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66433 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Map Standards. (E)
NOT IN COMPLIANCE		TITLE REPORT. The Developer shall provide a complete title report 90 days or newer from the date of submittal along with all easements of record. (E)
NOT IN COMPLIANCE		PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Department, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds. (E)
NOT IN COMPLIANCE		ALL EASEMENTS OF RECORD. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. All easements of record shall be shown on parcel map. (E)
NOT IN COMPLIANCE		ACCESS EASEMENTS. The Developer shall grant an Access Easement if required to provide reciprocal parking and access to and from parcels. Said easements shall be indicated on the Map. (E)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	OFF SITE OFFERS OF DEDICATION AND EASEMENT. Should off site offers of dedication or easements be required for off site improvements, it shall be the responsibility of the Developer to obtain such dedications or easements at no cost to the City, pursuant to section 66462.5 of the Subdivision Map Act. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	IRREVOCABLE OFFERS OF DED. AND EASEMENT. The Developer shall show all Offers of Dedication(s) and Easement(s) on the Map as outlined below: (E) A. Proposed Industrial Collector connecting Phelan Road to Yucca Terrace as shown on tentative approved parcel map and site plan. B. All dedications and easements needed to satisfy all conditions of approval for storm drain, water and sewer infrastructure as well as intersection improvements per approved TIA.
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CONDITIONAL USE PERMIT AND DEVELOPMENT AGREEMENT. These conditions are concurrent with CUP19-00010 and DA22-00001 becoming effective.
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	FISH AND GAME FEE. The applicant shall submit a check to the City in the amount of $3,589.25 payable to the Clerk of the Board of Supervisors of San Bernardino County to enable the filing of a Notice of Determination. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	INDEMNIFICATION. As a further condition of approval, the Applicant agrees to and shall indemnify, defend, and hold the City and its officials, officers, employees, agents, servants, and contractors harmless from and against any claim, action or proceeding (whether legal or administrative), arbitration, mediation, or alternative dispute resolution process), order, or judgment and from and against any liability, loss, damage, or costs and expenses (including, but not limited to, attorney's fees, expert fees, and court costs), which arise out of, or are in any way related to, the approval issued by the City (whether by the City Council, the Planning Commission, or other City reviewing authority), and/or any acts and omissions of the Applicant or its employees, agents, and contractors, in utilizing the approval or otherwise carrying out and performing work on Applicants project. This provision shall not apply to the sole negligence, active negligence, or willful misconduct of the City, or its officials, officers, employees, agents, and contractors. The Applicant shall defend the City with counsel reasonably acceptable to the City. The City's election to defend itself, whether at the cost of the Applicant or at the City's own cost, shall not relieve or release the Applicant from any of its obligations under this Condition. (P)

CONDITIONS REQUIRED PRIOR TO DEVELOPMENT OF ANY PARCEL OF THE PARCEL MAP

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	RECORDATION OF MAP. Map shall be recorded with the San Bernardino County Recorders Office. (E)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITIES. Each parcel shall be served by a separate water meter, service line, and sewer lateral connection where available. Automatic meter reader to be included on all meter connections. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	UTILITY RELOCATION/UNDERGROUND. Developer is required to construct water, sewer, and street improvements, if existing utilities conflict with said improvements, it shall be the developer's responsibility to relocate / underground any existing utilities at their own expense. Relocation / undergrounding of utilities shall be identified upon submittal of construction plans. (P, E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	RECIPROCAL ACCESS AND PARKING EASEMENT. Irrevocable reciprocal access easements shall be recorded, allowing for the perpetual use of the private streets, driveways, drive aisles, trash enclosures, and off-street parking spaces for the benefit of all properties within the parcel map. These easements map be shown on the recorded parcel map or by a separate instrument as required by the Engineering Division. If the easement will be provided as a separate document, then the required application and fees shall be submitted to the Planning Division prior to review and approval by the City for recordation. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CFD ANNEXATION. The applicant shall annex the property into Community Facilities District CFD 94-01 concurrent with recordation of the final map. (F)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	APPROVAL OF ALL REQUIRED IMPROVEMENT PLANS. All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	AS BUILT PLANS. The Developer shall provide as built plans. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ELECTRONIC COPIES. The Developer shall provide electronic copies of the approved project in AutoCAD format Version 2020 to the City's Engineering Department. (E)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and accepted by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

NOTICE TO DEVELOPER: THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE PARCEL MAP. IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	**947-1300**
(E) Engineering Division	**947-1476**
(F) Fire Prevention Division	**947-1603**
(P) Planning Division	**947-1200**
(RPD) Hesperia Recreation and Park District	**244-5488**