Draft Environmental Impact Report

SCH No. 2021120205

Ottawa Business Center Project

City of Victorville, California

Lead Agency:

City of Victorville
14343 Civic Drive
Victorville, CA 92392

September 2022

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Lead Agency Discretionary Permits
Site Plan (Plan 21-00031)
Tentative Parcel Map (No. 20450)

September 2022

TABLE OF CONTENTS

Section Name and Number **Page**

LIST OF FIGURES

Figure Number and Title **Page**

LIST OF TABLES

Table Number and Title **Page**

TECHNICAL APPENDICES (BOUNDED SEPARATELY)

ACRONYMS AND ABBREVIATIONS

Acronym	Definition
§	Section
>	greater than
≥	greater than or equal to
AB	Assembly Bill
AB 52	Native Americans: California Environmental Quality Act
AB 1493	Pavley Fuel Efficiency Standards
AB 1327	California Solid Waste Reuse and Recycling Act
AB 939	California Solid Waste Integrated Management Act
ACMs	Asbestos Containing Materials
AERMOD	Air Quality Dispersion Modeling
AFY	Acre Feet per Year
AIA	Airport Influence Area
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
AM	Ante Meridiem (between the hours of midnight and noon)
AMSL	Above Mean Sea Level
APN	Assessor Parcel Number
AQMP	Air Quality Management Plan
ASTM	American Society of Testing and Materials
ASTs	Above ground storage tanks
BACM	Best Available Control Measure
bgs	Below ground surface
BMPs	Best Management Practices
BLM	Bureau of Land Management
C_2F_6	Hexafluoroethane
C_2H_6	Ethane
CA	California
CAA	Federal Clean Air Act
CAAQS	California Ambient Air Quality Standards
CalEEMod™	California Emissions Estimator Model
CalEPA	California Environmental Protection Agency
CALGreen Code	California Green Building Standards Code
Caltrans	California Department of Transportation

CAP	Climate Action Plan
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CBC	California Building Code
CBSC	California Building Standards Code
CCR	California Code of Regulations
CCAA	California Clear Air Act
CDC	California Department of Conservation
CDFA	Department of Food and Agriculture
CDFW	California Department of Fish and Wildlife
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFC	California Fire Code
CFCs	Chlorofluorocarbons
CF_4	Tetraflouromethane
CF_3CH_2F	HFC-134a
CFR	Code of Federal Regulations
CFS	Cubic Feet per Second
CGS	California Geologic Survey
CH_4	Methane
CH_3CHF_2	HFC-152a
CHF_3	HFC-23
CIWMB	California Integrated Waste Management Board
CMP	Congestion Management Program
CNDDB	California Natural Diversity Database
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CNRA	California Natural Resources Agency
CO	Carbon Monoxide
COG	Council of Governments
CO_2	Carbon Dioxide
CO2e	Carbon Dioxide Equivalent
COHb	carboxyhemoglobin
CPUC	California Public Utilities Commission
CSU	California State University
CTC	California Transportation Commission
CWA	Clean Water Act
CWC	California Water Code

CY	Cubic Yards
dB	Decibel
dBA	A-weighted Decibels
DIF	Development Impact Fee
DOSH	Division of Occupational Safety and Health
DPM	Diesel Particulate Matter
DPR	State of California Department of Parks and Recreation
DTSC	Department of Toxic Substances Control
DU	Dwelling Unit
DWR	Department of Water Resources
E+P	Existing plus Project Conditions
EDR	EDR Sanborn
EIR	Environmental Impact Report
EMFAC	Emission Factor Model
EO	Executive Order
EPA	Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-To-Know Act
ESA	Environmental Site Assessment
et seq.	et sequentia, meaning "and the following"
EV	Electric Vehicle
FAR	Firm Access Rights
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zone
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Association
FY	Future Year
FYI	For Your Information
FYP	Future Year (2034) With Project
GCC	Global Climate Change
Gg	Gigagrams
GHG	Greenhouse Gas
GIS	Geographic Information System
GP	General Plan
gpd	Gallons per Day

GPS	Global Positioning System
GSAs	Groundwater Sustainability Agencies
GVWR	Gross Vehicle Weight Rating
GWh	gigawatt hours
GWP	Global Warming Potential
H_2O	Water Vapor
HCP	Habitat Conservation Plan
HFCs	Hydrofluorocarbons
HI	Heavy Industrial
HMBEP	Hazardous Materials Business Emergency Plan
HMTA	Hazardous Materials Transportation Act
HMTAUSA	Hazardous Materials Transportation Uniform Safety Act
Hp	horsepower
HSC	Health and Safety Code
I	Interstate
ID	Identification
IEPR	Integrated Energy Policy Report
INCE	Institute of Noise Control Engineering
IPCC	Intergovernmental Panel on Climate Change
IRP	Installation Restoration Program
ITE	Institute of Transportation Engineers
JPA	Joint Powers Authority
kg	kilogram
kBTU	kilo-British thermal units
kWh	kilowatt-hour
LBP	Lead based paint
lbs	pounds
LCFS	low carbon fuel standard
LDA	Light duty autos
LDT	Light duty trucks
LED	light-emitting diode
Leq	equivalent continuous sound level
LHD	light-heavy duty trucks
LOS	Level of Service
LSA	Lake and Streambed Alteration Agreement

M-2	Heavy Industrial
M^3	Cubic Meter
MACT	Maximum achievable control technology
MBTA	Migratory Bird Treaty Act
MC	Municipal Code
MCV	Motorcycles
MDAB	Mojave Desert Air Basin
MDV	Medium Duty Vehicles
MEISC	maximally exposed individual school child
MEIR	maximally exposed individual receptor
MEIW	maximally exposed individual worker
mg	milligrams
MGD	million gallons per day
MHDT	medium-heavy duty truck
MICR	Maximum Individual Cancer Risk
MM	Mitigation Measure
MMRP	Mitigation Monitoring and Reporting Program
$MMTCO_2e$	million metric tons of carbon dioxide equivalent
MPD	Master Plan of Drainage
Mph	Miles per hour
MPO	Metropolitan Planning Organization
MRZ-3	Mineral Resource Zone 3
MS4	Municipal Separate Storm Sewer System
MT	metric ton
$MTCO_2e$	Metric Tons of Carbon Dioxide Equivalent
N_2	Nitrogen
n.d.	no date
NAHC	Native American Heritage Commission
NAAQS	National Ambient Air Quality Standards
NDC	nationally determined contributions
NFIP	National Flood Insurance Program
NHP	National Register of Historic Places
NHPA	National Historic Preservation Act
NHTSA	National Highway Traffic Safety Administration
NIOSH	National Institute for Occupational Safety and Health
NO	Nitric Oxide
NO_2	Nitrogen Dioxide
NO_X	Nitrogen Oxides

N_2	Nitrogen
N_2O	Nitrous Oxide
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
NPS	National Park Service
O_2	Oxygen
O_3	Ozone
OEHHA	Office of Environmental Health Hazard Assessment
OPR	Office of Planning and Research
OSHA	Occupational Safety and Health Assessment
OY	Opening Year
OYP	Opening Year With Project
Pb	Lead
PCBs	Polychlorinated biphenyls
PCEs	Passenger Car Equivalents
PDF	Project Design Feature
PFCs	Perfluorocarbons
PM	Post Meridiem (between the hours of noon and midnight)
PM	Particulate Matter
$PM_{2.5}$	Fine Particulate Matter (2.5 microns or smaller)
PM_{10}	Fine Particulate Matter (10 microns or smaller)
Porter-Cologne	Porter-Cologne Water Quality Control Act
ppb	parts per billion
ppm	parts per million
ppt	parts per trillion
PPV	peak particle velocity
PRC	Public Resources Code
PV	photovoltaic
RCP	Reinforced Concrete Pipe
RCP	Regional Comprehensive Plan
RCNM	Roadway Construction Noise Model
RCRA	Resource Conservation and Recovery Act
REC	Recognized environmental Concerns
REL	Reference Exposure Level
RMS	root mean square
ROGs	Reactive Organic Gasses
RPS	Renewable Portfolio Standards

RPW	Relative Permanent Water
RTP	Regional Transportation Plan
RTPA	Regional Transportation Planning Agency
RTP/SCS	Regional Transportation Plan/Sustainable Communities Strategy
RWQCB	Regional Water Quality Control Board
SF/s.f.	square foot or square feet
SARA	Superfund Amendments and Reauthorization Act
SB18	Bill of Rights for Children and Youth of California
SB	Senate Bill
SB 375	California Senate Bill 375, Sustainable Communities and Climate Protection Act of 2008
SCAG	Sothern California Association of Governments
SCCIC	South Central Coastal Information Center
SCE	Southern California Edison
SCH	California State Clearinghouse (Office of Planning and Research)
SCS	Sustainable Communities Strategy
SF_6	Sulfur Hexafluoride
SLF	Sacred Lands File
SGMA	Sustainable groundwater management act
SHMA	Seismic Hazards Mapping Act
SIP	State Implementation Plan
SMARA	Surface Mining Reclamation Act
SO_2	Sulfur Dioxide
SO_4	Sulfates
SO_X	Sulfur Oxides
SR	State Route
SRA	Source Receptor Area
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Regional Control Board
TAC	Toxic Air Contaminants
TEA-21	Transportation Equality Act for 21st Century
TIA	Traffic Impact Analysis
TPM	Tentative Parcel Map
TRUs	Transportation Refrigeration Units
TSF	Thousand Square Feet
µg	microgram
UNFCCC	United Nations' Framework Convention on Climate Change

U.S.	United States
USACE	United States Army Corps of Engineers
USCB	United States Census Bureau
USEPA	United States Environmental Protection Agency
USFWS	United States Fish and Wildlife Service
USGS	United Stated Geological Society
USTs	Underground storage tanks
UWMP	Urban Water Management Plan
VFD	Victorville Fire Department
VHFHSZ	Very High Fire Hazard Severity Zone
VMT	Vehicle Miles Traveled
VOCs	Volatile Organic Compounds
VPH	Vehicles per Hour
VWD	Victorville Water District
WDR	Water discharge requirement
WQMP	Water Quality Management Plan
WRRA	Water Reuse and Recycle Act
WSA	Water Supply Assessment
YBP	Years before Present
Yr	year

S.0 EXECUTIVE SUMMARY

S.1 INTRODUCTION

As stated by California Environmental Quality Act (CEQA) Guidelines §15002, the basic purpose of CEQA is to:

- Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities involving discretionary government actions (including the approval of development projects);
- Identify the ways that environmental damage can be avoided or significantly reduced;
- Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures when the governmental agency finds the changes to be feasible; and
- Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

An Environmental Impact Report (EIR) is an informational document prepared in compliance with CEQA that informs government decision-makers and the public in general about potentially significant environmental impacts that could result from a project. This EIR represents the independent judgment of the City of Victorville (as the CEQA Lead Agency) and presents an objective evaluation of the physical environmental effects that could result from constructing and operating the proposed Ottawa Business Center Project (the "Project").

Hereafter when the term "Project" is used in this EIR with the initial letter capitalized, the term shall mean all aspects of the Ottawa Business Center Project's planning, construction, and operation; and all associated legislative, discretionary, and administrative approvals and permits required by law of public agencies. When the term "Project Applicant" is used with the initial letters capitalized, the term shall mean Space Center Mira Loma, Inc., which is the entity that submitted applications to the City of Victorville to entitle the Project site as proposed and as evaluated in this EIR.

Governmental approvals requested from the City of Victorville by the Project Applicant to implement the Project include a Site Plan (Plan 21-00031) and Tentative Parcel Map (No. 20450). All other related discretionary and administrative actions that are required of the City of Victorville and other public agencies and entities to construct and operate the Project described in this EIR also are considered part of the Project evaluated herein. Approvals and permits required of other agencies that are currently known to be needed in order to implement the Project are listed in Section 3.0, *Project Description*.

The City of Victorville has determined that an EIR is required for this Project. Pursuant to CEQA Guidelines § 15063(a), when a lead agency can determine that an EIR will be required for a project, an Initial Study is not required. An Initial Study was not prepared for this Project, however, the City of Victorville has determined that implementation of the Project has the potential to result in significant environmental effects, and a Project EIR, as defined by CEQA Guidelines §15161, is required. As stated in CEQA Guidelines §15161, a Project EIR should "…focus primarily on the changes in the environment that would result from the development project," and "…examine all phases of the project including planning, construction, and operation."

Accordingly, and in conformance with CEQA Guidelines §15121(a), the purpose of this EIR is to: (1) disclose information by informing public agency decision makers and the public generally of the significant environmental effects associated with all phases of the Project, (2) identify possible ways to minimize or avoid those significant effects, and (3) to describe a reasonable range of alternatives to the Project that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen its significant environmental effects.

S.2 PROPOSED PROJECT

S.2.1 LOCATION AND SETTING

The 53.9-acre Project site is located in the in southwestern San Bernardino County, California, in the Desert Region. The City of Victorville is situated north of the City of Hesperia, east of the City of Adelanto, south of the City of Barstow, and west of the City of Apple Valley. The Project site is located approximately 2.2 miles east of Interstate 15 (I-15) and approximately 2.6 miles south of State Route 18 (SR-18).

At the local scale, the Project site is located immediately north of Ottawa Street, east of Hesperia Road, and south of Terra Linda Street (see Figure 3-2, Vicinity Map, and Figure 3-3, USGS Topographic Map). The 53.9-acre Project site includes 17 parcels, including Assessor Parcel Numbers (APNs): 3090-401-05 through -08; 3090-411-01 through -05; 3090-531-02 through -04; 3090-551-02; and 3090-551-04 through -07.

Refer to EIR Section 2.0, *Environmental Setting*, for more information related to the regional and local setting of the Project site.

S.2.2 PROJECT OBJECTIVES

The underlying purpose and goal of the Ottawa Business Center Project is to develop a modern industrial warehouse building in the City of Victorville in close proximity to the State highway system in order to increase employment opportunities and improve the City's economic competitiveness. This underlying purpose aligns with various aspects of the Southern California Association of Governments' (SCAG) *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* primarily related to accommodating goods movement industries and balancing job and

housing opportunities in local areas to reduce long commutes from home to work. The SCAG identifies the Inland Empire as a housing rich area and coastal communities as job rich areas and is striving in their policies to achieve more equal balances locally. The Project would achieve its underlying purpose and goal through the following objectives.

A. To efficiently develop a vacant and underutilized property with industrial uses to help meet the substantial and unmet regional demands for goods movement facilities consistent with the Southern California Association of Governments' 2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (SCAG, 2020).

B. To expand economic development, facilitate job creation, and increase the tax base for the City of Victorville by establishing new industrial development adjacent to established and planned industrial areas.

C. To attract new businesses to the City of Victorville and thereby provide a more equal jobs-housing balance in the Inland Empire area that will reduce the need for members of the local workforce to commute outside the area for employment.

D. To make efficient use of a property in the City of Victorville by maximizing its buildout potential for employment-generating uses.

E. To develop Class A speculative industrial buildings in the City of Victorville that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.

F. To develop industrial buildings in close proximity to the I-15 and SR-18 freeways that can be used as part of the southern California goods movement network.

G. To develop a use that has architectural design and operational characteristics that are compatible with other existing and planned developments in the local area.

H. To develop a vacant property that has access to available infrastructure, including roads and utilities.

S.2.3 PROJECT DESCRIPTION SUMMARY

The proposed Project specifies a development plan for the Project site that provides for the construction and operation of an industrial building with approximately 996,194 s.f. of building floor area, including 986,194 s.f. of warehouse space and 10,000 s.f. of ancillary office use. Although the future tenants of the proposed building are unknown at this time, for purposes of analysis within this EIR it is assumed that the building would include approximately 200,000 s.f. of high-cube cold storage uses, with remaining portions of the building consisting of high-cube fulfillment center (non-refrigerated) uses. The proposed building would operate as a cross-dock warehouse with 120 loading docks within the

truck court/loading area on the north side of the building, 116 loading docks within the truck court/loading area on the south side of the building, with 306 total truck trailer parking spaces within the truck courts/loading areas to the north and south of the building. The truck courts/loading areas would be enclosed and screened from public viewing areas by landscaping and minimum 8-foot-tall screening walls, with 8-foot-tall wrought iron fencing used at the access points to the truck courts/loading areas. Passenger vehicle parking areas would be provided on the western and eastern sides of the building with a total of 328 on-site passenger vehicle spaces. The Project design, which ultimately would include building components and systems to be shown on construction drawings (such as light fixtures, water fixtures, and heating, ventilation, and air condition equipment), would be conditioned by the City of Victorville to achieve Leadership in Energy and Environmental Design (LEED) standards. Refer to EIR Section 3.0, *Project Description*, for a detailed description of the Project.

S.3 AREAS OF CONTROVERSY AND ISSUES TO BE RESOLVED

CEQA Guidelines Section 15123(b)(2) requires that areas of controversy known to the Lead Agency (City of Victorville) be identified in the Executive Summary. The City has not identified any areas of controversy associated with the Project after considering all comments received in response to the NOP.

Regarding issues to be resolved, this EIR addresses the environmental issues associated with the Project that are known by the City, that are identified in the comment letters that the City of Victorville received on this EIR's NOP which was circulated for a 30-day public review period from December 10, 2021 to January 12, 2022 (refer to *Technical Appendix A*). Environmental topics raised in written comments to the NOP are summarized in Section 1.0, *Introduction*, Table 1-1, *Summary of NOP and Scoping Meeting Comments*, and include but are not limited to the topics of Air Quality, Biological Resources, Cultural Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Noise, Transportation, and Tribal Cultural Resources.

S.3.1 PUBLIC SCOPING MEETING

An EIR Scoping Meeting was held on January 12, 2022. The scoping meeting was held during a regularly scheduled Planning Commission Hearing, at City Hall Council Chambers, 14343 Civic Drive, Victorville, California. Participation and viewing of the meeting was also available via an internet-based video and phone conferencing service. Refer to Table 2-2, *Summary of NOP and Scoping Meeting Comments,* for comments received during the NOP review period.

S.4 ALTERNATIVES TO THE PROPOSED PROJECT

In compliance with CEQA Guidelines Section 15126.6, an EIR must describe a range of reasonable alternatives to the Project or to the location of the Project. Each alternative must be able to feasibly attain most of the Project's objectives and avoid or substantially lessen the Project's significant effects on the environment. A detailed description of each alternative evaluated in this EIR, as well as an

analysis of the potential environmental impacts associated with each alternative, is provided in EIR Section 6.0, *Alternatives*. Also described in Section 6.0 is a list of alternatives that were considered but rejected from further analysis. The alternatives considered by this EIR include those listed below.

S.4.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

The No Project/No Development Alternative considers no development on the Project site beyond what occurs on the site under existing conditions (as described in EIR Section 3.0). As such, the approximately 53.9-acre Project site would continue to remain vacant and undeveloped. Under this Alternative, no improvements would be made to the Project site and none of the Project's internal parking, utility, and other infrastructure improvements would occur. This alternative was selected by the City to compare the environmental effects of the Project with an alternative that would leave the Project site undeveloped in its existing condition.

S.4.2 REDUCED INTENSITY ALTERNATIVE

The Reduced Intensity Alternative would consider the development of the Project site with a 20 percent reduction in building square footage, in order to reduce vehicle and truck trips and significant impacts associated with GHG and noise. Under this alternative, a total of 796,955 s.f. of industrial uses would be constructed, resulting in a reduction of 199,239 s.f. from the proposed building. Although the proposed building would be reduced, the development impact area would generally remain the same as the Project. This alternative would generate approximately 667 employees using an employment generation rate of 1 employee per 1,195 square feet for Light Industrial uses. Access to the site would be similar to the Project with a proportional reduction in the number of parking spaces.

S.5 SUMMARY OF IMPACT, MITIGATION AND LEVELS OF IMPACT

Table S-1, *Summary of Impact, Mitigation, and Levels of Impact*, presents a summary of the environmental impacts resulting from the Project. The potential direct, indirect impacts, and cumulative impacts for all environmental topical areas are addressed in Sections 4.1 through 4.13 of this EIR. Growth-inducing impacts and significant irreversible environmental changes are addressed in Section 5.0, *Other CEQA Considerations.*

S.6 MITIGATION MONITORING

State law requires the preparation of a mitigation monitoring and reporting program (MMRP) to ensure that measures that would avoid or lessen significant environmental effects of the project are adopted as conditions of approval for the project. The mitigation measures identified in this EIR have been described in sufficient detail to provide the necessary information to identify the party or parties responsible for carrying out the mitigation, when the mitigation will be implemented, and why the mitigation has been required. An MMRP would be adopted by the City at the time of Project approval and is included as *Technical Appendix M* to this EIR.

Table S-1 Summary of Impact, Mitigation, and Levels of Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
4.1 AIR QUALITY			
Threshold a: Would the Project conflict with or obstruct implementation of the applicable air quality plan?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	Potentially Significant Impact	MM 4.1-1 Prior to grading permit issuance, the City of Victorville shall review grading plans to ensure that a notation is included on the grading plans requiring the grading contractor to utilize off-road diesel construction equipment that complies with Environmental Protection Agency (EPA)/California Air Resources Board (CARB) Tier 4 emissions standards or equivalent. The notation also shall require that all construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications. These requirements also shall be specified in bid documents issued to prospective grading contractors. In order to demonstrate compliance, the grading contractor shall keep a copy of each unit's certified tier specification, CARB or SCAQMD operating permit (if applicable), and maintenance records on site in a location available to the City or City designee for inspection upon request.	Less than Significant Impact
Threshold c: Would the Project expose sensitive receptors to substantial pollutant concentrations?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)		Level of Significance After Mitigation
4.2 BIOLOGICAL RESOURCES				
Threshold a: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	Potentially Significant Impact	MM 4.2-1	<u>Conservation of Western Joshua Trees:</u> Mitigation for direct impacts to western Joshua trees shall 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 (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 Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development.	Less than Significant Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		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 or successor in interest will adhere to measures and conditions set forth within the Incidental Take Permit. MM 4.2-2 <u>Impacts to Burrowing Owl:</u> Prior to issuance of grading permits or any other permits allowing for the removal of vegetation on site, the City shall condition the Project to require that at least one survey must be performed between 14 and 30 days to prior to disturbance of the site, the results of which shall be provided to the City Planning Department. The conditions of approval also shall require that an additional survey shall take place within 24 hours prior to disturbance to account for burrowing owls that may colonize suitable habitat in previous survey visit, with a copy of the results being provided to the Planning Department. If burrowing owls are not detected during the pre-disturbance surveys, then no additional action is required. If burrowing owls are detected within or adjacent to the proposed disturbance area, then the owls shall be passively relocated from the site to adjacent areas of suitable habitat. A qualified biologist shall prepare a Burrowing Owl Relocation and Protection Plan that shall document the	

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		relocation procedures. The Plan shall be submitted to CDFW for review and approval prior to relocating burrowing owls. Passive relocation shall be performed outside of the breeding season (October 1 to January 31), unless a qualified biologist verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Prior to performing the relocation, the biologist shall ensure that the adjacent relocation area contains suitable burrows at a 2:1 ratio over the number of occupied burrows to be impacted. If the relocation site does not contain enough natural burrows, then artificial burrows shall be created. Until burrowing owls can be excluded from the impact area, the occupied burrows shall be avoided with adequate buffers as recommended by the biologist. During the breeding season, the avoidance buffer may be as high as 500 meters depending on the type of disturbance occurring adjacent to the occupied habitat.	
Threshold b: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: Would the Project have substantial adverse effect on state or federally protected wetlands (including,	Potentially Significant Impact	MM 4.2-4 <u>Jurisdictional Waters Impacts:</u> Prior to issuance of grading permits or other permits authorizing	Less than Significant Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)		Level of Significance After Mitigation
but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging), the Project Applicant shall provide evidence to the City of Victorville that impacts to 0.94 acre of potential Corps and Regional Board non-wetland waters and impacts to 1.63 acres of potential CDFW jurisdiction have been mitigated through the purchase of either rehabilitation and/or re-establishment mitigation credits at a minimum 1:1 ratio at an approved mitigation bank or in-lieu fee program within the Mojave River Watershed and/or the Santa Ana River Watershed, resulting in a minimum replacement of 0.91 acre of Corps and Regional Board jurisdiction, and 1.59 acres of CDFW jurisdiction. In addition, and also prior to issuance of grading permits, the Project Applicant shall provide the City of Victorville of a copy of the Project's Clean Water Act Section 404 permit from the Corps, Section 401 Water Quality Certification from the Regional Board, and Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement from CDFW, as applicable.	
Threshold d: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	Potentially Significant Impact	MM 4.2-3	<u>Impacts to Nesting Birds:</u> Prior to the issuance of grading permits or other permits allowing for ground-disturbing activities or the removal of vegetation on site, the City of Victorville Department of Engineering shall ensure that the following note is included on the grading plans. Project contractors shall be required to ensure	Less than Significant Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		compliance with this note and permit periodic inspection of the construction site by City of Victorville staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors. *"Vegetation clearing shall be conducted outside of the bird nesting season (February 1 through September 15) to the extent feasible. If avoidance of the nesting season is not feasible, a nesting bird survey shall be conducted by a qualified biologist within no more than 72 hours of such scheduled disturbance, to determine the presence of nests or nesting birds. If active nests are identified, the biologist shall establish appropriate buffers around the vegetation (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers shall be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The biologist shall review and verify compliance with these nesting boundaries and shall verify the nesting effort has finished. Work may resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to*	

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City of Victorville for mitigation monitoring compliance record keeping. If vegetation removal is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.	
Threshold e: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	Potentially Significant Impact	Mitigation Measure MM 4.2-1 would apply.	Less than Significant Impact
Threshold f: Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	No Impact	No mitigation is required.	No Impact
4.3 CULTURAL RESOURCES			
Threshold a: Would the Project cause a substantial adverse change in the significance of a historical resource in pursuant to § 15064.5?	Potentially Significant Impact	MM 4.3-1 **Construction Monitoring During Grading:** The following measures shall be undertaken prior to and during grading activities associated with the Project: a. <u>Archaeological Monitor:</u> Prior to the issuance of a grading permit, the Project Applicant shall retain an archaeological monitor to be present for the initial clearing of the property and then periodically as determined by the project archaeologist. The principal	Less than Significant Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		investigator (PI) shall submit a detailed letter to the City of Victorville during earthwork to inform the City of a modification to the monitoring program when field conditions require a change in monitoring status, including suspension of monitoring if it is determined that no further monitoring is needed. b. Discovery Notification Process: In the event of an archaeological discovery, either historic or prehistoric, the archaeological monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to, digging, trenching, excavating, or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources. If the discovered resource is associated with the prehistoric Native American occupation of this area, a Native American representative from a local tribe shall be contacted to review and participate in the evolution of the discovered resource. The monitor shall immediately notify the PI (unless monitor is the PI) of the discovery, and subsequently the property owner shall be notified of the discovery. c. Determination of Significance: If an archaeological discovery occurs, either historic or prehistoric, the PI shall evaluate the	

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		significance of the resource. The PI shall immediately notify the City of Victorville to discuss significance determination and also shall submit a letter indicating whether additional mitigation is required. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) to the City of Victorville to review and approve. Impacts to significant resources shall be mitigated by the implementation of the ADRP before ground-disturbing activities in the area of discovery will be allowed to resume. If the resource is not significant, the PI shall submit a letter to the City of Victorville indicating that artifacts will be collected, curated, and documented in the final monitoring report. The letter shall also indicate that no further work is required. MM 4.3-2 **Post-Construction Requirements:** Prior to issuance of building permits, the following measures shall be undertaken: a. <u>Draft Monitoring Report:</u> Prior to final grading inspection, the PI shall submit to the City a draft monitoring report (even if negative) prepared in accordance with the agency guidelines, which describes the results, analysis, and conclusions of all phases of the archaeological monitoring program (with appropriate graphics). For	

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		significant archaeological resources encountered during monitoring, the ADRP shall be included in the draft monitoring report. Recording sites with the State of California Department of Parks and Recreation (DPR) shall be the responsibility of the PI, including recording (on the appropriate forms-DPR 523 A/B) any significant or potentially significant resources encountered during the archaeological monitoring program. The PI shall submit a revised draft monitoring report to the City for approval, including any changes or clarifications requested by the City. b. Handling of Artifacts: The PI shall be responsible for ensuring that all cultural remains collected are cleaned and cataloged. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. The cost for curation is the responsibility of the Project Applicant. c. Curation of Artifacts: Any artifacts recovered from the project shall be curated in an approved facility, such as the Western	

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		Science Center. Native American artifacts may be repatriated to a local tribal representative. d. Final Monitoring Report(s): The PI shall submit the approved final monitoring report to the City and any interested parties.	
Threshold b: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	Potentially Significant	Mitigation Measures MM 4.3-1 and 4.3-2 would apply.	Less than Significant Impact
Threshold c: Would the Project disturb any human remains, including those interred outside of formal cemeteries?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.4 ENERGY			
Threshold a: Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.5 GEOLOGY AND SOILS			
Threshold a: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42; strong	Less than Significant Impact	No mitigation is required.	Less than Significant Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
seismic ground shaking; seismic-related ground failure, including liquefaction; landslides?			
Threshold b: Would the Project result in substantial soil erosion or the loss of topsoil?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	No Impact	No mitigation is required.	No Impact
Threshold d: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	No Impact	No mitigation is required.	No Impact
Threshold e: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	No Impact	No mitigation is required.	No Impact
Threshold f: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	Potentially Significant Impact	MM 4.5-1 Prior to initiation of any grading, drilling, and/or excavation activities, a preconstruction meeting will be held and attended by the paleontologist of record, representatives of the grading contractor and subcontractors, the project owner or developer, and a representative of the lead agency. The nature of potential paleontological resources shall be discussed, as well as the protocol that is to be implemented following the discovery of any fossiliferous materials. MM 4.5-2 During grading activities, monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological	Less than Significant Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)		Level of Significance After Mitigation
			resources shall be performed by a qualified paleontologist or paleontological monitor. Starting at the surface, monitoring will be conducted full-time in areas of grading or excavation in undisturbed sediments of the alluvium of the ancestral Mojave River.	
		MM 4.5-3	During grading activities, paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery.	
		MM 4.5-4	During grading activities, paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils are collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes are taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and	

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		the fossils are removed to a safe place. On mass grading projects, discovered fossil sites are protected by flagging to prevent them from being overrun by earthmovers (scrapers) before salvage begins. Fossils are collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the use of handheld GPS units. If the site involves remains from a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew shall excavate around the find, encase the find within a plaster and burlap jacket, and remove it after the plaster is set. For large fossils, use of the contractor's construction equipment may be solicited to help remove the jacket to a safe location. MM 4.5-5 If fossils are encountered, isolated fossils are collected by hand, wrapped in paper, and placed in temporary collecting flats or five-gallon buckets. Notes are taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place. • Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be	

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence of small pieces of bones within the sediments. If present, as many as 20 to 40 five-gallon buckets of sediment can be collected and returned to a separate facility to wet-screen the sediment. • In accordance with the "Microfossil Salvage" section of the SVP guidelines (2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) must be performed if the deposits are identified to possess indications of producing fossil "microvertebrates" to test the feasibility of the deposit to yield fossil bones and teeth. • In the laboratory, individual fossils are cleaned of extraneous matrix, any breaks are repaired, and the specimen, if needed, is stabilized by soaking in an archivally approved acrylic hardener (e.g., a solution of acetone and Paraloid B-72). • Recovered specimens are prepared to a point of identification and permanent preservation	

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		(not display), including screen-washing sediments to recover small invertebrates and vertebrates. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils. • Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage (e.g., the San Bernardino County Museum) shall be conducted. The paleontological program should include a written repository agreement prior to the initiation of mitigation activities. Prior to curation, the lead agency (e.g., the City of Victorville) will be consulted on the repository/museum to receive the fossil material. MM 4.5-6 A final monitoring and mitigation report of findings and significance will be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, will signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost	

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)		Level of Significance After Mitigation
			or otherwise adversely affected without such a program in place.	
4.6 GREENHOUSE GAS EMISSIONS				
Threshold a: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	Less than Significant Impact	MM 4.6-1	Prior to the issuance of a building permit, the site plan shall include surface parking lots to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles. At minimum, the number of preferential parking spaces shall equal to the Tier 2 Nonresidential Voluntary Measures of CALGreen Section A5.106.5.1.	Significant and Unavoidable Impact
		MM 4.6-2	Prior to the issuance of a building permit, the site plan shall include the minimum number of automobile electric vehicle (EV) charging stations required by the CCR Title 24. Final designs of Project buildings shall include electrical infrastructure sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations.	
		MM 4.6-3	The Project shall implement Screening Table Measures providing for a minimum 45 points per the City's CAP Screening Tables. The City shall verify incorporation of the identified Screening Table Measures or equivalent replacement measures within the Project building plans and site designs prior to the issuance of building permit(s) and/or site plans (as applicable). An example of how the Project could achieve a minimum of 45 Screening Table Points is provided in Table 4.6-8. The Project would not	

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
		be required or limited to these specific measures as long as the Project demonstrates a minimum of 45 points would be achieved.	
Threshold b: Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.7 HAZARDS AND HAZARDOUS MATERIALS			
Threshold a: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	No Impact	No mitigation is required.	No Impact
Threshold d: Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	No Impact	No mitigation is required.	No Impact
Threshold e: For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area?	No Impact	No mitigation is required.	No Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Threshold f: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold g: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	No Impact	No mitigation is required.	No Impact
4.8 HYDROLOGY AND WATER QUALITY			
Threshold a: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impeded or redirect flood flows?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	No Impact	No mitigation is required.	No Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Threshold e: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.9 LAND USE AND PLANNING			
Threshold a: Would the Project physically divide an established community	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.10 NOISE			
Threshold a: Would the Project generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	Potentially Significant Impact	No feasible mitigation measures exist.	Significant and Unavoidable Impact
Threshold b: Would the Project generate excessive groundborne vibration or groundborne noise levels?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
4.11 TRANSPORTATION			
Threshold a: Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Threshold b: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project result in inadequate emergency access?	No Impact	No mitigation is required.	No Impact
4.12 TRIBAL CULTURAL RESOURCES			
Threshold a: Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: 1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources	Potentially Significant Impact	Mitigation Measures MM 4.3-1 and MM 4.3-2 apply.	Less than Significant Impact

Potential Impacts	Level of Significance Before Mitigation	Mitigation Measures (MMs)	Level of Significance After Mitigation
Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?			
4.13 UTILITIES AND SERVICE SYSTEMS			
Threshold a: Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold b: Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold c: Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold d: Would the Project 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?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact
Threshold e: Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	Less than Significant Impact	No mitigation is required.	Less than Significant Impact

1.0 INTRODUCTION

This Environmental Impact Report (EIR) is an informational document that represents the independent judgment of the City of Victorville ("City"), acting as the Lead Agency pursuant to the California Environmental Quality Act (CEQA), and evaluates the physical environmental effects that could result from constructing and operating the proposed Ottawa Business Center Project (hereafter, "Project"). To implement the Project, the Project Applicant has requested that the City approve Site Plan (Plan 21-00031) and Tentative Parcel Map (TPM 20450). This EIR also describes other related discretionary and administrative actions that are required to construct and operate the Project.

When the term "Project" is used in this EIR with the initial letter capitalized, the term shall mean all aspects of the planning, construction, and operation of the Ottawa Business Center Project, including all discretionary and administrative approvals and permits required for its implementation. When the term "Project Applicant" is used with the initial letters capitalized, the term shall mean Space Center Mira Loma, Inc., which is the entity that submitted applications for the Project as proposed and as evaluated in this EIR.

1.1 TYPE OF EIR

As the first step in the CEQA-compliance process, on December 10, 2021, the City of Victorville filed a Notice of Preparation (NOP) with the California Office of Planning and Research (State Clearinghouse) and the San Bernardino County Clerk to indicate that an EIR would be prepared to evaluate the Project's potential to impact the environment. An Initial Study was not prepared for the proposed Project pursuant to CEQA Guidelines Section 15063 because the City determined that an EIR clearly was required for the Project. Accordingly, this document serves as a Project EIR that evaluates the environmental topics identified as requiring evaluation by the Project's NOP.

Pursuant to CEQA Guidelines Section 15161, this Project EIR shall "…focus primarily on the changes in the environment that would result from the development project," and "…examine all phases of the project including planning, construction, and operation." Also, pursuant to CEQA Guidelines Section 15121(a), the purposes of this EIR are to: (1) disclose information by informing public agency decision makers and the public generally of the significant environmental effects associated with all phases of the Project; (2) identify possible ways to minimize or avoid those significant effects; and (3) describe a reasonable range of alternatives to the Project that would feasibly attain most of the basic Project objectives but would avoid or substantially lessen its significant environmental effects.

1.2 LIST OF PROJECT APPROVALS

As more fully described in EIR Subsection 3.0, *Project Description*, the Project Applicant submitted applications to the City of Victorville for a Site Plan (Plan 21-00031) and Tentative Parcel Map (TPM 20450) to allow for the construction and operation of one light industrial building on an approximately 53.9-acre Project property ("Project site"). The Project site is located south of Terra Linda Street, west of the Burlington North Santa Fe Railway, north of Ottawa Street, and east of Hesperia Road in the City of Victorville. Under

existing conditions, the Project site is vacant and undeveloped. The Project would entail the construction and operation of a building with 996,194 square feet (s.f.) of interior floor area. The Project's design also includes the installation of associated site improvements, including drive aisles, landscaping, utility infrastructure, underground storm drain detention facilities, exterior lighting, walls/fencing, and signage as well as site-adjacent improvements to Ottawa Street.

Provided below is a brief description of the Project's applications that are under consideration by the City of Victorville. Refer to EIR Subsection 3.0, *Project Description*, for a more comprehensive description of the Project's discretionary applications.

- **Site Plan (Plan 21-00031)** proposes a development plan for the Project site that provides for the construction and operation of an industrial building with approximately 996,194 s.f. of building floor area. The Site Plan application depicts a layout of the building and associated physical design features, architectural design, and a landscaping plan.
- **Tentative Parcel Map (No. 20450)** proposes to consolidate the 17 parcels that comprise the Project site into one parcel to facilitate the implementation of the proposed Site Plan, as described above. In addition, the proposed tentative parcel map provides for the vacation of the public right-of-way for a small section of Apatite Avenue and Shabonee Road (both unimproved) which are no longer needed by the City.

1.3 STATEMENT OF LEGAL AUTHORITY

This EIR has been prepared in accordance with all criteria, standards, and procedures of CEQA (California Public Resource Code Section 21000 *et seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, Section 15000 *et seq.*).

Pursuant to Public Resources Code Section 21067 and CEQA Guidelines Article 4 and Section 15367, the City of Victorville is the Lead Agency under whose authority this EIR has been prepared. "Lead Agency" refers to the public agency that has the principal responsibility for carrying out or approving a project. Serving as the Lead Agency and before taking action to approve the Project, the City has the obligation to: (1) ensure that this EIR has been completed in accordance with CEQA and the CEQA Guidelines; (2) review and consider the information contained in this EIR as part of its decision making process; (3) make a statement that this EIR reflects the City's independent judgment; (4) ensure that all significant effects on the environment are eliminated or substantially lessened where feasible; and, if necessary (5) make written findings for each unavoidable significant environmental effect stating the reasons why mitigation measures or project alternatives identified in this EIR are not feasible and citing the specific benefits of the Project that outweigh its unavoidable adverse effects (CEQA Guidelines Section 15090 through 15093).

Pursuant to CEQA Guidelines Sections 15040 through 15043, and upon completion of the CEQA review process, the City will have the legal authority under CEQA – and in conjunction with discretionary powers granted to the City by other laws –to do any of the following:

- Approve the Project;
- Require feasible changes in any or all activities involved in the Project in order to substantially lessen or avoid significant effects on the environment;
- Deny approval of the Project in order to avoid one or more significant effects on the environment that would occur if the Project was approved as proposed[1]; or
- Approve the Project even through the Project would cause a significant effect on the environment if the City makes a fully informed and publicly disclosed decision that: 1) there is no feasible way to lessen the effect or avoid the significant effect; and 2) expected benefits from the Project will outweigh significant environmental impacts of the Project.

This EIR fulfills the CEQA environmental review requirements for proposed Site Plan (Plan 21-00031) and Tentative Parcel Map (TPM 20450), and all other governmental discretionary and administrative actions related to the Project.

1.4 RESPONSIBLE AND TRUSTEE AGENCIES

The California Public Resources Code (Section 21104) requires that all EIRs be reviewed by responsible and trustee agencies (see also CEQA Guidelines Sections 15082 and 15086(a)). As defined by CEQA Guidelines Section 15381, "the term 'Responsible Agency' includes all public agencies other than the Lead Agency that have discretionary approval power over the project." A "Trustee Agency" is defined in CEQA Guidelines Section 15386 as "a state agency having jurisdiction by law over natural resources affected by a project which are held in trust for the people of the State of California." The Project would require approval from the following Trustee and Responsible Agencies:

- Lahontan Regional Water Quality Control Board (RWQCB) is identified as a Trustee Agency for the Project that is responsible for issuance of a National Pollutant Discharge Elimination System (NPDES) Permit to ensure that during and after Project construction, on-site water flows do not result in siltation, other erosional actions, or degradation of surface or subsurface water quality. The Lahontan RWQCB also is responsible for issuance of a Water Quality Certification pursuant to Section 401 of the federal Clean Water Act (CWA).
- United States Army Corps of Engineers is a Responsible Agency pertaining to the issuance of a Section 404 permit pursuant to the CWA.

[1] The State Constitution grants the City of Victorville broad discretionary powers to consider the City's "general welfare" (i.e., preservation of the public peace, safety, morals, and/or health) when making decisions to approve or disapprove a project, in addition to the environmental considerations under Sections 15040 through 15043 of the CEQA Guidelines,

- California Department of Fish and Wildlife (CDFW) is a Responsible Agency pertaining to the issuance of a Section 1602 Streambed Alteration Agreement pursuant to the California Fish and Game Code.
- Mojave Desert Air Quality Management District (Mojave Desert AQMD) is identified as a Responsible Agency pertaining to the issuance of construction-related permits.
- Victorville Water District (VWD) is a Responsible Agency pertaining to the approval of the Project's proposed water and sewer connections.
- The San Bernardino County Flood Control District (SBCFCD) is a Responsible Agency pertaining to the approval of the Project's proposed drainage improvements.
- The City of Victorville Fire Department (VFD) is a Responsible Agency pertaining to the approval of fire hydrant locations and fire protection features for the Project.
- Southern California Edison (SCE) is identified as a Responsible Agency pertaining to the installation of new SCE facilities/connections to service the Project.
- Southwest Gas is identified as a Trustee Agency pertaining to the installation of new Southwest Gas facilities/connections to service the Project.

There are no other known Trustee Agencies or Responsible Agencies identified for the Project. Regardless, this EIR can be used by any Trustee Agency or Responsible Agency, whether identified in this EIR or not, as part of their decision-making processes in relation to the proposed Project.

1.5 SCOPE OF THE EIR

1.5.1 EIR SCOPE

The City filed a Notice of Preparation (NOP) with the State Clearinghouse of the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared to evaluate the Project's potential to impact the environment. The NOP was filed with the State Clearinghouse and distributed to potential Responsible Agencies, Trustee Agencies, and other interested parties on December 10, 2021, for a 30-day public review period. The NOP was distributed for public review to solicit responses that would help the City identify the full scope and range of potential environmental concerns associated with the Project so that these issues could be fully examined in this EIR.

In addition, a publicly-noticed EIR Scoping Meeting was held on January 12, 2022. The scoping meeting was held during a regularly scheduled Planning Commission Hearing, at City Hall Council Chambers, 14343 Civic Drive, Victorville, California. Participation and viewing of the meeting was also available via internet-based video and phone conferencing service. The EIR Scoping Meeting provided public agencies, interested parties, and members of the general public an additional opportunity to learn about the Project, the CEQA review process, and how to submit comments on the scope and range of potential environmental concerns be addressed in this EIR.

The NOP, public review distribution list, and written comments received by the City during the NOP public review period are provided in *Technical Appendix A* to this EIR. Substantive issues raised in response to the NOP and during the Scoping Meeting are summarized below in Table 1-1, *Summary of NOP and Scoping Meeting Comments*. The purpose of Table 1-1 is to present a summary of the environmental topics that were identified by public agencies, interested parties, and members of the general public to be of primary interest. Table 1-1 does not list every comment received by the City during the NOP review period. Regardless of whether or not an environmental or CEQA-related comment is listed in Table 1-1, all relevant comments received in response to the NOP and the EIR Scoping Meeting are addressed in this EIR.

Table 1-1 Summary of NOP and Scoping Meeting Comments

COMMENTER	DATE	COMMENT	LOCATION IN EIR WHERE COMMENT IS ADDRESSED
State and Local Agencies			
California Air Resources Board (CARB)	January 12, 2022	- Request that the EIR include a Health Risk Assessment (HRA) to evaluate the Project's potential to result in cancer and other health risks during long-term operation. In addition to the health risks associated with operational diesel PM emissions, health risks associated with construction diesel PM emissions also should be included in the air quality section of the EIR and the Project's HRA. - Request that, if the specific type of warehouse is not specified, the EIR should consider and analyze the impacts of construction and operation of cold storage warehouse space and the potential use of transportation refrigeration units (TRUs) during Project operation. - The HRA should account for all diesel PM emission sources related to Project construction, including, but not limited to, off-road mobile equipment, diesel generators, and on-road heavy-duty trucks.	- Subsection 4.1, *Air Quality*
Native American Heritage Commission (NAHC)	December 16, 2021	- Provides information regarding required Native American consultation pursuant to Senate Bill 18 and Assembly Bill 52.	- Subsection 4.3, *Cultural Resources*, and Subsection 4.12, *Tribal Cultural Resources*
State and Local Organizations			
Californians Allied for a Responsible Economy (CARE CA)	January 12, 2022	- An HRA should be prepared for the Project and the EIR should evaluate potential health effects associated with the Project's air quality emissions. - Requests that the EIR should account for all potentially foreseeable uses of the Project, including TRUs. - Request that mitigation measures must be effective and enforceable.	- Subsections 4.1, *Air Quality*, 4.4, *Energy*, 4.6, *Greenhouse Gas Emissions*, 4.10, *Noise*, 4.11, *Transportation*,

COMMENTER	DATE	COMMENT	LOCATION IN EIR WHERE COMMENT IS ADDRESSED
		- Requests copies of all sources and referenced materials when the Draft EIR is distributed for public review.	and 7.0, *References*
Mitchell M. Tsai/ Southwest Regional Council of Carpenters (SWRCC)	January 13, 2022	- Request that the City require community benefits such as requiring local hire and use of a skilled and trained workforce to build the Project in order to reduce commute distances for future site employees. - The Project should be built to standards exceeding the current 2019 California Green Building Code and 2020 County of Los Angeles Green Building Standards Code to mitigate the Project's environmental impacts and to advance progress towards the State of California's environmental goals. - Requests that the EIR include an analysis of potential health effects associated with COVID-19.	- Subsections 4.1, *Air Quality*, 4.4, *Energy*, 4.6, *Greenhouse Gas Emissions*, and 4.7, *Hazards and Hazardous Materials*.

In light of the comments received by the City in response to the NOP and the EIR Scoping Meeting, this EIR provides a detailed analysis of the Project's potential to cause adverse effects under the following topic areas:

- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology & Soils
- Greenhouse Gas Emissions
- Hazards & Hazardous Materials
- Hydrology & Water Quality
- Land Use & Planning
- Noise
- Transportation
- Tribal Cultural Resources
- Utilities & Service Systems

The analysis related to the above topics is provided in EIR Section 4.0, *Environmental Analysis*.

The City concluded that the Project would clearly result in no or less-than-significant impacts to several environmental topic areas, including: Aesthetics; Agriculture and Forestry Resources; Mineral Resources; Population and Housing; Public Services; Recreation; and Wildfire. Potential effects to these topic areas are summarized in EIR Section 5.0, *Other CEQA Considerations.*

1.5.2 EIR FORMAT AND CONTENT

This EIR contains all of the information required to be included in an EIR as specified by CEQA (California Public Resources Code, Section 21000 *et. seq.*) and the CEQA Guidelines (California Code of Regulations, Title 14, Chapter 5). CEQA requires that an EIR contain, at a minimum, certain specified content. Table 1-2, *Location of CEQA Required Topics,* provides a quick reference guide for locating the CEQA-required sections within this document. In summary, the content and format of this EIR are as follows:

- **Section S.0, Executive Summary** provides an overview of the EIR and CEQA process and provides a brief Project Description, which includes summaries of the Project's objectives, the location and regional setting of the Project site, and potential alternatives to the Project as required by CEQA. The Executive Summary also provides a summary of the Project's impacts, mitigation measures, and conclusions, in a table that forms the basis of the Project's Mitigation, Monitoring, and Reporting Program (MMRP).

Table 1-2 Location of CEQA Required Topics

CEQA Required Topic	CEQA Guidelines Reference	Location in this EIR
Table of Contents	§ 15122	Table of Contents
Summary	§ 15123	Section S.0
Project Description	§ 15124	Section 3.0
Environmental Setting	§ 15125	Section 2.0
Consideration and Discussion of Environmental Impacts	§ 15126	Section 4.0
Significant Environmental Effects Which Cannot be Avoided if the Project is Implemented	§ 15126.2(c)	Section 4.0 & Subsection 5.1
Significant Irreversible Environmental Changes Which Would be Caused by the Project Should it be Implemented	§ 15126.2(d)	Subsection 5.2
Growth-Inducing Impact of the Project	§ 15126.2(e)	Subsection 5.3
Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects	§ 15126.4	Section 4.0 & Table S-1
Consideration and Discussion of Alternatives to the Project	§ 15126.6	Section 6.0
Effects Not Found to be Significant	§ 15128	Subsection 5.4
Organizations and Persons Consulted	§ 15129	Section 7.0 & Technical Appendices
Discussion of Cumulative Impacts	§ 15130	Section 4.0
Energy Conservation	§ 15126.2(b) & Appendix F	Subsection 4.5

- **Section 1.0, Introduction** provides introductory information about the CEQA process and the responsibilities of the City in its role as Lead Agency, a brief Project Description, the purpose of the EIR, and an overview of the EIR's format.

- **Section 2.0, Environmental Setting** describes the environmental setting, including descriptions of the Project site's physical conditions and surrounding context used as the baseline for analysis in the EIR.

- **Section 3.0, Project Description**, serves as the EIR's Project Description for purposes of CEQA and contains a level of specificity commensurate with the level of detail proposed by the Project, including the summary requirements pursuant to CEQA Guidelines Section 15123. This Section provides a detailed description of the Project, including its location, purpose, main objectives,

design features, construction characteristics, and operational characteristics expected over the Project's lifetime. In addition, the discretionary actions required of the City of Victorville and other government agencies to authorize implementation of the Project are discussed.

- **Section 4.0, Environmental Analysis**, provides an analysis of potential direct, indirect, and cumulative impacts that may occur with implementation of the Project. A determination concerning the significance of each impact is addressed and mitigation measures are presented when warranted. The environmental changes identified in Section 4.0 and throughout this EIR are referred to as "effects" or "impacts" interchangeably. CEQA Guidelines Section 15358 describe the terms "effects" and "impacts" as being synonymous.

  In each Subsection of Section 4.0, the existing conditions pertaining to the subject area being analyzed are discussed accompanied by a specific analysis of physical impacts that may be caused by implementing the Project. Impacts are evaluated on a direct, indirect, and cumulative basis. Direct impacts are those that would occur directly as a result of the Project. Indirect impacts represent secondary effects that would result from Project implementation. Cumulative effects are defined in CEQA Guidelines Section 15355 as "…two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."

  The analyses in Section 4.0 are based in part upon technical reports that are included in this EIR. Information also is drawn from other sources of analytical materials that directly or indirectly relate to the Project and are cited in Section 7.0, *References*.

  Where the analysis demonstrates that a physical adverse environmental effect may or would occur without undue speculation, feasible mitigation measures are recommended to reduce or avoid the significant effect. Mitigation measures must be fully enforceable, have an essential nexus to a legitimate governmental interest, and be "roughly proportional" to the impacts of the Project. The discussion then indicates whether the identified mitigation measures would reduce impacts to below a level of significance. In most cases, implementation of the mitigation measures would reduce the adverse environmental impacts to below a level of significance. If mitigation measures are not available or feasible to reduce an identified impact to below a level of significance, the environmental effect is identified as a significant and unavoidable adverse impact, for which a Statement of Overriding Considerations would need to be adopted by the City of Victorville pursuant to CEQA Guidelines Section 15093.

- **Section 5.0, Other CEQA Considerations**, includes specific topics that are required by CEQA. These include a summary of the Project's significant and unavoidable environmental effects, a discussion of the significant and irreversible environmental changes that would occur should the Project be implemented, as well as potential growth-inducing impacts of the Project. Section 5.0 also includes a discussion of the potential environmental effects that were found not to be significant during preparation of this EIR.

- **Section 6.0, Project Alternatives** describes and evaluates alternatives to the Project that could reduce or avoid the Project's adverse environmental effects. CEQA does not require an EIR to

consider every conceivable alternative to the Project but rather to consider a reasonable range of alternatives, including a "No Project" alternative, that will foster informed decision making and public participation.

- **Section 7.0, References**, cites all reference sources used in preparing this EIR and lists the agencies and persons that were consulted in preparing this EIR. Section 7.0 also lists the persons who authored or participated in preparing this EIR.

1.6 INCORPORATION BY REFERENCE

CEQA Guidelines Section 15147 states that the "information contained in an EIR shall include summarized…information sufficient to permit full assessment of significant environmental impacts by reviewing agencies and members of the public," and that the "[p]lacement of highly technical and specialized analysis and data in the body of an EIR shall be avoided through the inclusion of supporting information and analyses as appendices to the main body of the EIR." CEQA Guidelines Section 15150 allows for the incorporation "by reference all or portions of another document… [and is] most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand." The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of an EIR. Where this EIR incorporates a document by reference, the document is identified in the body of the EIR, citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this EIR. Refer to EIR Section 7.0, *References*, for a list of documents incorporated into this EIR by reference.

This EIR also relies on a number of Project-specific technical studies that are bound separately as *Technical Appendices*. The individual technical studies, reports, and supporting documentation that comprise the *Technical Appendices* are as follows:

A: Notice of Preparation (NOP) and NOP Comment Letters
B1: Air Quality Impact Analysis
B2: Mobile Source Health Risk Assessment
C1: Biological Technical Report
C2: Jurisdictional Delineation
D: Phase I Cultural Resources Assessment
E: Energy Impact Analysis
F1: Geotechnical Engineering Report
F2: Paleontological Assessment
G: Greenhouse Gas Analysis
H: Phase I Environmental Site Assessment
I1: Preliminary Hydrology Study
I2: Water Quality Management Plan
J: Noise Impact Analysis
K1: Vehicle Miles Traveled (VMT) Analysis
K2: Traffic Analysis

L: Water Supply Assessment
M: Mitigation Monitoring and Reporting Program (MMRP)

The Technical Appendices are available for review at the City of Victorville Planning Department, 14343 Civic Drive, California, 92392, during the City's regular business hours or can be accessed on the City's website at the following address:

- https://www.victorvilleca.gov/government/city-departments/development/planning/environmental-review-notices

Other reference sources that are incorporated into this EIR by reference are listed in Section 7.0, *References*, of this EIR. In most cases, documents or websites not included in the EIR's Technical Appendices are cited by a link to the online location where the document/website can be viewed. References relied upon by this EIR will be available for public review at the City of Victorville Planning Department, 14343 Civic Drive, California, 92392, during the City's regular business hours, or can be requested in electronic form by contacting the City Planning Department.

2.0 ENVIRONMENTAL SETTING

2.1 REGIONAL SETTING AND LOCATION

The Project site is located in the City of Victorville, which is located in the Desert Region of southwestern San Bernardino County, California. The City of Victorville is situated north of the City of Hesperia, east of the City of Adelanto, south of the City of Barstow, and west of the City of Apple Valley. The Project site is located approximately 2.2 miles east of Interstate 15 (I-15) and approximately 2.6 miles south of State Route 18 (SR-18). The site's location and regional context are shown on Figure 3-1, *Regional Map,* in EIR Section 3.0, *Project Description*.

The Project site is located in an urbanized area of southern California commonly referred to as the "Inland Empire." The Inland Empire is an approximate 28,000 square mile region comprising Riverside County, San Bernardino County, and the eastern tip of Los Angeles County. According to U.S. Census data, the 2021 population of San Bernardino County was 2,194,710 (USCB, 2021). The Southern California Association of Governments (SCAG) forecast models predict that the population of San Bernardino County will grow to approximately 2,815,000 persons by the year 2045 (SCAG, 2020a, Demographics and Growth Forecast Technical Report, Table 13).

2.2 LOCAL SETTING AND LOCATION

The Project site is located immediately north of Ottawa Street, east of Hesperia Road, and south of Terra Linda Street as illustrated on Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map,* in EIR Section 3.0, *Project Description*.

2.3 SURROUNDING LAND USES

Existing land uses in the immediate vicinity of the Project site are illustrated on Figure 2-1, *Surrounding Land Uses*, and are described below.

- North: Terra Linda Street is located north of the Project site, which consists of an unimproved dirt roadway under existing conditions. North of the Terra Linda alignment is a vehicle and equipment storage or junk yard and a small aggregate mining facility. Lands to the immediate north of the Project site are designated for "Light Industrial" land uses by the City's General Plan and are zoned "Light Industrial (M-1)."

- East: Immediately east of the Project site is the Burlington North Santa Fe (BNSF) Railway. East of the BNSF Railway are residential land uses. The area east of the Project site is designated for "Low Density Residential" by the City's General Plan and is zoned "Planned Unit Development (PUD5-91)"

- South: Ottawa Street abuts the Project site on the south. South of Ottawa Street is are various warehouses and vacant lands. The area south the Project site is designated for "Heavy Industrial" and

"Commercial" land uses by the City's General Plan and is zoned "Heavy Industrial (M-2)" and "General Commercial (C-2)."

- West: To the west of the Project site is largely undeveloped land and an existing residential home that accommodates vehicle storage, beyond which is Hesperia Road. Areas west of Hesperia Road consist of undeveloped lands, beyond which are residential uses. The City's General Plan designates the areas immediately west of the Project site for "Commercial" land uses, with areas to the west of Hesperia Road designated for "Commercial" and "Low Density Residential" land uses. Lands immediately west of the Project site and east of Hesperia Road are zoned "General Commercial (C-2)," while lands to the west of Hesperia Road are zoned for "General Commercial (C-2)" and "Single Family Residential (R-1)."

2.4 PLANNING CONTEXT

2.4.1 CITY OF VICTORVILLE GENERAL PLAN

The City of Victorville's prevailing planning document is its General Plan, dated October 21, 2008 (Victorville, 2008). As depicted on Figure 2-2, *Existing General Plan Land Use Map*, the City's General Plan designates the Project site for "Heavy Industrial (HI)" land uses. The "HI" land use designation is intended to provide for industrial and manufacturing uses that are more specialized in nature and require special consideration in terms of use of the property as well as impacts on adjacent properties. The maximum building height within this land use district is 50 feet and there is no maximum lot coverage. (Victorville, 2008, p. LU-8)

2.4.2 ZONING

As shown on Figure 2-3, *Existing Zoning*, the City of Victorville Zoning Map applies the "Heavy Industrial (M-2) District" to the entire Project site. According to the Victorville Municipal Code, the primary purpose of the "M-2" zoning district is to provide space in suitable locations for certain less restricted types of manufacturing and industrial uses, and this zoning district allow for uses from the industrial park district and light industrial zone district so long as the Planning Commission finds that those uses will not adversely affect the ability to develop other less restricted types of manufacturing and commercial uses identified in the M-2 zone district (Victorville, 2022, § 16-3.11.010(b)(3)).

2.4.3 SCAG REGIONAL TRANSPORTATION PLAN / SUSTAINABLE COMMUNITIES STRATEGY

The Southern California Association of Governments (SCAG) is a Joint Powers Authority (JPA) under California State law, established as an association of local governments and agencies that voluntarily convene as a forum to address regional issues. Under federal law, SCAG is designated as a Metropolitan Planning Organization (MPO) and under State law as a Regional Transportation Planning Agency and a Council of Governments. The SCAG region encompasses six counties (Imperial, Los Angeles, Orange, Riverside, San Bernardino and Ventura) and 191 cities in an area covering more than 38,000 square miles.

SCAG's *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* develops long-range regional transportation plans including a sustainable communities strategy and growth forecast components, regional transportation improvement programs, regional housing needs allocations and other plans for the region. The *RTP/SCS* provides objectives for meeting air pollution emissions reduction targets set forth by the California Air Resources Board (CARB); these objectives were provided in direct response to Senate Bill 375 (SB 375) which was enacted to reduce greenhouse gas emissions from automobiles and light trucks through integrated transportation, land use, housing, and environmental planning. The Subregional Sustainable Communities Strategies identifies the Project site as being located in an area with a "Standard Suburban" land use pattern, which is defined as auto-oriented development with a minimal mix of land uses (SCAG, 2020a, Sustainable Communities Strategy Technical Report, p. 45).

The *Goods Movement Technical Report* of the RTP/SCS recognizes that the SCAG region is the premier trade gateway for the United States. It goes on to say that the SCAG region has witnessed continued growth for warehousing, distribution, cold storage and truck terminal facilities, with a majority of the growth for national and regional distribution facilities occurring in the Inland Empire. Through Connect SoCal, SCAG is working on various regional strategies to maintain the SCAG region as an important trade gateway while addressing regional transportation efficiency and environmental sustainability. (SCAG, 2020a, Goods Movement Technical Report, pp. 1 through 17)

2.5 EXISTING PHYSICAL SITE CONDITIONS

CEQA Guidelines Section 15125(a)(1), recommends that the physical environmental condition that existed at the time an EIR's NOP is released for public review normally be used as the comparative baseline for the EIR analysis. The NOP for this EIR was released for public review on December 10, 2021, and the following pages include a description of the Project site's physical environmental condition ("existing conditions") as of that approximate date. Figure 2-1 depicts the existing conditions of the Project Site and its surroundings. More information regarding the Project's site's environmental setting is provided in the specific subsections of EIR Section 4.0, *Environmental Analysis*.

2.5.1 LAND USE

Under existing conditions, the Project site is wholly vacant and undeveloped. Several trails are present on the site, as well as a natural meandering dirt drainage that is located in the approximate center of the site.

Pursuant to CEQA Guidelines Section 15125(d), the environmental setting should identify any inconsistencies between a proposed project and applicable general, specific, or regional plans. The Project Applicant proposes to develop the Project site with a large industrial building containing warehouse/storage space and supporting office space. The Project applicant's proposal is consistent with the Project site's existing General Plan land use and zoning designations of "HI" and "M-2," respectively, and would not necessitate changing the land use and zoning designations of the Project site.

2.5.2 AESTHETICS AND TOPOGRAPHIC FEATURES

The Project site is relatively uneven with several hill formations ranging from a low point of 2,845 feet above mean sea level (amsl) at the northeastern corner of the Project site to 2,927 feet amsl along the southern boundary in the western portion of the Project site (Google Earth, 2022). Figure 3-3, *USGS Topographic Map*, in EIR Section 3.0, *Project Description*, depicts the Project site's existing topographic conditions. With respect to aesthetics, under existing conditions the Project site appears to consist of undeveloped lands that contain undulating topography, with vegetation over a majority of the Project site consisting of a mixture of native and nonnative vegetation, in addition to 35 Joshua Trees.

2.5.3 AIR QUALITY AND CLIMATE

The Project site is located in the portion of the County of San Bernardino, California, that is part of the Mojave Desert Air Basin (MDAB) and is under the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). The MDAB is an assemblage of mountain ranges interspersed with long broad valleys that often contain dry lakes. Many of the lower mountains within the vast terrain rise from 1,000 to 4,000 feet above the valley floor. Prevailing winds in the MDAB are out of the west and southwest. These prevailing winds are due to the proximity of the MDAB to coastal and central regions and the blocking nature of the Sierra Nevada Mountains to the north; air masses pushed onshore in Southern California by differential heating are channeled through the MDAB. The MDAB is separated from the Southern California coastal and Central California valley regions by mountains (highest elevation is approximately 10,000 feet), whose passes form the main channels for these air masses. The Mojave Desert is bordered on the southwest by the San Bernardino Mountains, separated from the San Gabriel Mountains by the Cajon Pass (4,200 feet). A lesser pass lies between the San Bernardino Mountains and the Little San Bernardino Mountains in the Morongo Valley. The Palo Verde Valley portion of the Mojave Desert lies in the low desert, at the eastern end of a series of valleys (notably the Coachella Valley), whose primary channel is the San Gorgonio Pass (2,300 feet) between the San Bernardino and San Jacinto Mountains. (Urban Crossroads, 2022a, p. 8)

During the summer, the MDAB is generally influenced by a Pacific subtropical high cell that sits off the coast, inhibiting cloud formation and encouraging daytime solar heating. The MDAB is rarely influenced by cold air masses moving south from Canada and Alaska, as these frontal systems are weak and diffuse by the time they reach the desert. Most desert moisture arrives from infrequent warm, moist, and unstable air masses from the south. The MDAB averages between three and seven inches of precipitation per year (from 16 to 30 days with at least 0.01 inch of precipitation). The MDAB is classified as a dry-hot desert climate, with portions classified as dry-very hot desert, to indicate that at least three months have maximum average temperatures over 100.4° F. (Urban Crossroads, 2022a, pp. 8-9)

Snow is common above 5,000 feet in elevation, resulting in moderate snowpack and limited spring runoff. Below 5,000 feet, any precipitation normally occurs as rainfall. Pacific storm fronts normally move into the area from the west, driven by prevailing winds from the west and southwest. During late summer, moist high-pressure systems from the Pacific collide with rising heated air from desert areas, resulting in brief, high-intensity thunderstorms that can cause high winds and localized flash flooding. (Urban Crossroads, 2022a, p. 9)

Currently, the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) are exceeded in most parts of the MDAB. Under the NAAQS, the Project region within the MDAB is in nonattainment for ozone ("O_3"; 8-hour standard) and particulate matter smaller than 10 microns (PM_{10}). For the CAAQS, the Project region within the MDAB is in nonattainment for O_3 (1-hour and 8-hour) and PM_{10}. In response, the MDAQMD has adopted a series of Air Quality Management Plans (AQMPs) to meet the State and federal ambient air quality standards. AQMPs are updated regularly in order to more effectively reduce emissions, accommodate growth, and to minimize any negative fiscal impacts of air pollution control on the economy. (Urban Crossroads, 2022a, p. 24)

Refer to EIR Subsections 4.1, *Air Quality*, and 4.6, *Greenhouse Gas Emissions*, for a more detailed discussion of the existing air quality and climate setting in the Project area.

2.5.4 BIOLOGY

The majority of the site supports relatively undisturbed desert scrub habitats, with the primary exception of the northwestern and northeastern corners of the property. Up until approximately 2009, the northeastern corner of the property was developed with multiple structures and was used to store various materials similar to the offsite property to the north. In recent years the structures and materials have been removed and vegetation has begun to re-establish in the previously disturbed areas. The northwestern corner of the property is heavily disturbed, having been previously used for vehicle storage, and presently for stockpiling soils and debris. Portions of the site also contain various dirt access roads. The Project site is mapped as containing three soil types, including Bryman Loamy Fine Sand, Cajon Sand, and Haplargids-Calciorthids Complex. The Project site contains sandy washes that generally flow from southwest to northeast. The washes are mostly unvegetated and are regulated as jurisdictional waters. (GLA, 2022, p. 21)

The Project site contains four distinct vegetation types dominated by native species, including the *Atriplex lentiformis* Shrubland Alliance (Quailbush Scrub), *Ephedra nevadensis-Lycium andersonii-Grayia spinosa* Shrubland Alliance (Nevada Joint Fir Scrub), *Ericameria nauseosa* Shrubland Alliance (Rubber Rabbitbrush Scrub), and the *Larrea tridentata* Shrubland Alliance (Creosote Bush Scrub). In addition, two other land use categories were mapped on site (unvegetated wash and disturbed/developed) that are generally unvegetated. (GLA, 2022, p. 21)

The Project site contains 35 individual Joshua trees (*Yucca brevifolia*). As identified in A Manual of California Vegetation, Second Edition (MCVII), the membership rules for the *Yucca brevifolia* Woodland Alliance (Joshua tree woodland) are for *Yucca brevifolia* to be evenly distributed at greater than or equal to a one-percent cover. Based on the measured canopy size of each individual Joshua tree, the total cover of all Joshua trees at the site is approximately 950 square feet, which equates to a cover of 0.04 percent (substantially less than one percent). However, the individual Joshua trees are not evenly distributed across the site, but even when measuring just the general areas where Joshua trees are present at the site, the total coverage is still less than one percent. The Survey of California Vegetation Classification and Mapping Standards notes that the minimum mapping unit (MMU) for vegetation community mapping is usually 1 or 2 acres, but for wetlands and other sensitive communities the MMU can be as small as one-quarter acre. Using the one-quarter standard

for the MMU, there is no portion of the site where the cover of Joshua trees exceeds one percent. (GLA, 2022, pp. 21-22)

Refer to EIR Subsection 4.2, *Biological Resources*, for a more detailed discussion of the existing biological resources setting.

2.5.5 CULTURAL RESOURCES & TRIBAL CULTURAL RESOURCES

The Project site is located north of the San Gabriel Mountain range and the San Bernardino National Forest and south of the Ord Mountain range in the Mojave River drainage basin in the southern portion of the Mojave Desert. The Project's area of Potential Effect (APE) straddles the traditional territory of multiple Native American groups including the Serrano and the Vanyume. Based on the results of an archaeological records search for the Project site and the surrounding area within a one-mile radius, 11 cultural resource sites are mapped within one mile of the Project site, none of which are located within the Project site boundaries. The recorded sites include historic refuse scatters/deposits, a multicomponent site with a prehistoric lithic scatter and historic refuse scatter, a historic building foundation and associated refuse scatter, and prehistoric isolates. (BFSA, 2021a, pp. 2.0-5 and 4.0-1)

Refer to EIR Subsection 4.3, *Cultural Resources* and Subsection 4.13, *Tribal Cultural Resources*, for a more detailed discussion of the existing cultural and tribal cultural resources setting.

2.5.6 GEOLOGY

The site is located within the Mojave Desert Geomorphic Province. The Mojave Desert is bounded on the southwest by the San Andreas fault and the Transverse Ranges and on the northeast by the Garlock fault. The Mojave Desert is an ancient feature formed in response to the inception of movement on the San Andreas and Garlock faults. The region is characterized by broad alluviated basins that are burying the previously mountainous topography. (Terracon, 2021, p. 4)

The Project site is located on a large alluvial fan emanating from the Transverse Ranges (San Gabriel and San Bernardino Mountains) located south of the site. The native materials at the site consist mostly of older valley fill materials that have been incised by younger drainages. The older valley fill material occupies the higher elevations of the site and has been mapped as older alluvium. Based on the degree of soil development and geomorphology exhibited by the older alluvium, it is considered to be at least late Pleistocene in age. These materials as encountered in exploratory borings on site and during site development of the property south of the site consist generally of interbedded sands, silty sands, and gravels with some clay and silt beds. (Terracon, 2021, p. 4)

The older alluvium has been incised by recent drainages (ephemeral stream channels) due to relative uplift and change in base level of the nearby Mojave River. These drainages occupy the lower areas of the Project site and include loose sands and silty sands. (Terracon, 2021, p. 4)

Refer to EIR Subsection 4.5, *Geology and Soils*, for a more detailed discussion of the existing geological setting.

2.5.7 HYDROLOGY

Under existing conditions, the Project Site is undeveloped and receives offsite run-on. The existing site slopes north and north east in four distinct drainage areas and slopes vary from 1% to 5%. Two of the existing drainage areas discharge along the Project site's northern border, one drainage area discharges at the northeastern corner of the Project site, and the fourth drainage area discharges near the site's southeastern corner. There are two large regional off-site flows running onto the site. These are identified in the City of Hesperia's Master Plan of Drainage (MPD) as Lines J-01-01 and Line J-03. A third MPD Line J-01 also runs along and outside the east boundary of the Project site but does not run-on to the Project site. Line J-03 outlets onto the south side of the Project site from a reinforced concrete box (RCB) culvert approximately middle of the site and traverses to the north east corner of the Project site and confluences with Line J-01 nearby. The design for line J-03 during peak 100-year flows (Q100) is 990 cubic feet per second (cfs). Line J-01-01 enters the Project site on its west side near the south boundary then turns north and flows through the Project site exiting into an existing drainage course where it continues to flow north, then north east approximately 0.5 mile where it then confluences with Line J-01. Line J-01-01's run-on Q100 is 920 cfs. (DEA, 2022a, pp. 1-2)

Refer to EIR Subsection 4.8, *Hydrology and Water Quality*, for a more detailed discussion of the existing hydrologic setting.

2.5.8 NOISE

The background ambient noise levels experienced on and around the Project Site are dominated by trains along the BNSF railroad and nearby traffic noise from surface streets. Refer to EIR Subsection 4.10, *Noise*, for a more detailed discussion of the existing noise setting.

2.5.9 UTILITIES AND SERVICE SYSTEMS

The Project site is located in the service area of the Victorville Water District (VWD). The VWD provides water services to approximately 36,700 customer connections, serving a population of approximately 127,700 within its 85 square mile service area, which is located in the High Desert area of western San Bernardino County, California. VWD would be the purveyor of water to the Project site. An existing VWD water line occurs within Ottawa Street along the Project's southern boundary. (VWD, 2021, p. 3-1)

The City of Victorville Public Works Sewer Division provides sewer services in the Project area. As of 2019, the City owns approximately 437 miles of gravity sewers and 1.1 miles of forced mains. There are two treatment plants that the City discharges its wastewater to and they are Victor Valley Wastewater Reclamation Authority (VVWRA) regional wastewater treatment plant and the City of Victorville's Industrial Wastewater Treatment Plant (IWWTP). (Victorville, 2019, p. 8) An existing sewer main occurs just west of the BNSF railroad tracks, along the Project's eastern boundary.

Solid waste disposal and recycling services for the proposed Project site would be provided by the City of Victorville Solid Waste Division. Non-hazardous solid waste generated in the City's service area is currently deposited in the Victorville Landfill, which is currently operated by the County of San Bernardino. This landfill is located at 17080 Stoddard Wells Road in the northeastern quadrant of the City. The Victorville landfill property area is approximately 491 acres in total, with an approximately 80-acre parcel currently in use for landfill operations.

Southern California Edison (SCE) provides electricity services to a large majority of southern and central California, including the Project site. SCE serves 180 cities across 50,000 square miles of service area. Existing overhead power lines occur along Etiwanda Avenue and Iberia Street that are aligned in a north-south direction offsite to the east.

The Project site is located in the natural gas service area of Southwest Gas, which maintains local underground service lines in the City of Victorville.

Refer to EIR Subsection 4.13, *Utilities and Service Systems*, for a more detailed discussion of the existing utility and service system setting.

2.5.10 Rare and Unique Resources

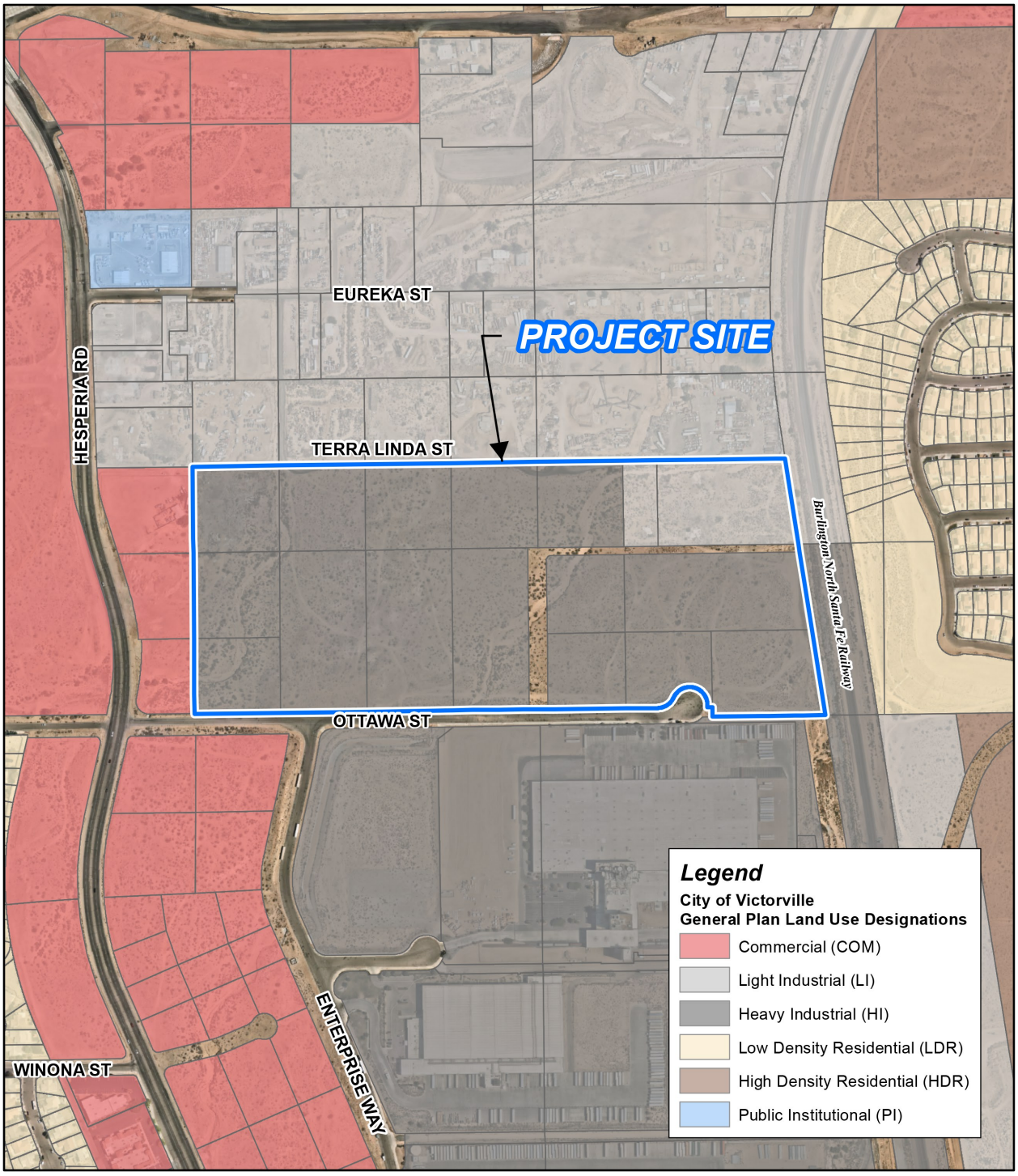
As required by CEQA Guidelines Section 15125(c), the environmental setting should place special emphasis on resources that are rare or unique to that region and would be affected by the Project. Based on the existing conditions of the Project Site and surrounding area described above and discussed in more detail in Section 4.0, *Environmental Analysis*, the Project Site does not contain any resources that are rare or unique to the region.

Source(s): ESRI, NearMap Aerial (2022), SB County (2021)

Figure 2-1

0 200 400 800
Feet

Surrounding Land Uses



Source(s): City of Victorville, ESRI, Nearmap Imagery (2022), SB County (2021)

Figure 2-2

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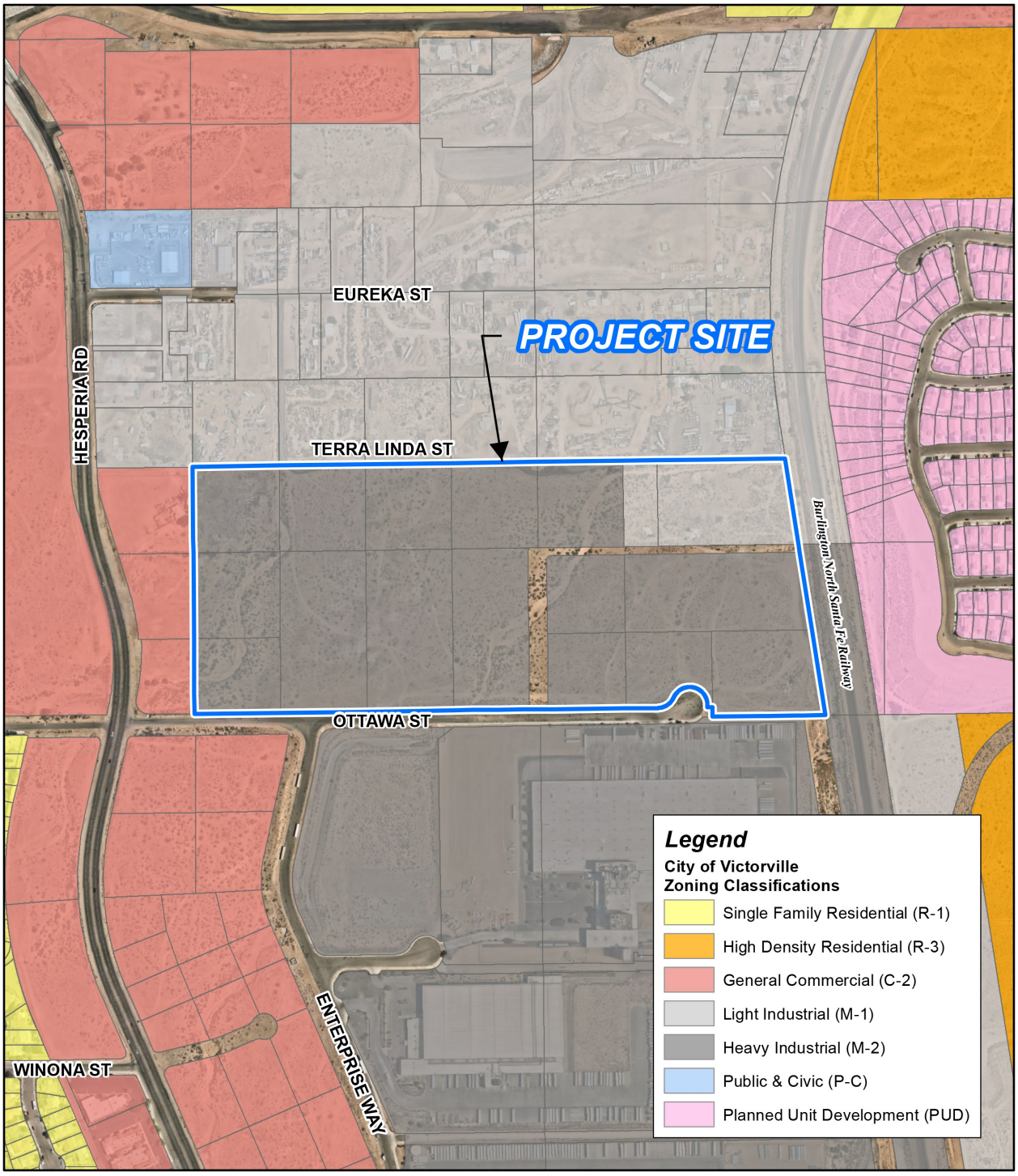
Feet

Existing General Plan Land Use Map



Source(s): City of Victorville, ESRI, Nearmap Imagery (2022), SB County (2021)

Figure 2-3

0 200 400 800
Feet

Existing Zoning

3.0 PROJECT DESCRIPTION

This section provides all of the information required of an EIR Project Description pursuant to CEQA Guidelines Section 15124, including a description of the Project's precise location and boundaries; a statement of the Project's objectives; a description of the Project's technical, economic, and environmental characteristics; and a description of the intended uses of this EIR (including a list of the government agencies that are expected to use this EIR in their decision-making processes); a list of the permits and approvals that are required to implement the Project; and a list of related environmental review and consultation requirements.

3.1 PROJECT LOCATION AND SETTING

As shown on Figure 3-1, *Regional Map*, the 53.9-acre Project site is located in the in southwestern San Bernardino County, California, in the Desert Region. The City of Victorville is situated north of the City of Hesperia, east of the City of Adelanto, south of the City of Barstow, and west of the City of Apple Valley. The Project site is located approximately 2.2 miles east of Interstate 15 (I-15) and approximately 2.6 miles south of State Route 18 (SR-18).

At the local scale, the Project site is located immediately north of Ottawa Street, east of Hesperia Road, and south of Terra Linda Street (see Figure 3-2, *Vicinity Map*, and Figure 3-3, *USGS Topographic Map*). The 53.9-acre Project site includes 17 parcels, including Assessor Parcel Numbers (APNs): 3090-401-05 through -08; 3090-411-01 through -05; 3090-531-02 through -04; 3090-551-02; and 3090-551-04 through -07. Refer to EIR Subsection 2.3, *Surrounding Land Uses*, for a description of existing land uses that abut the Project site.

Under existing conditions, the Project site is vacant and undeveloped. Up until approximately 2009, the northeastern corner of the property was developed with multiple structures and was used to store various materials similar to the offsite property to the north. In recent years the structures and materials have been removed and vegetation has begun to re-establish in the previously disturbed areas. The northwestern corner of the property is heavily disturbed, having been previously used for vehicle storage, and presently for stockpiling soils and debris. Portions of the site also contain various dirt access roads. (GLA, 2022, p. 21)

3.2 STATEMENT OF OBJECTIVES

The underlying purpose and goal of the Ottawa Business Center Project is to develop a modern industrial warehouse building in the City of Victorville in close proximity to the State highway system in order to increase employment opportunities and improve the City's economic competitiveness. This underlying purpose aligns with various aspects of the Southern California Association of Governments' (SCAG) *2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS)* primarily related to accommodating goods movement industries and balancing job and housing opportunities in local areas to reduce long commutes from home to work. The SCAG identifies the Inland Empire as a housing rich area and coastal communities as job rich areas and is striving in their policies to achieve more equal balances locally. The Project would achieve its underlying purpose and goal through the following objectives.

A. To efficiently develop a vacant and underutilized property with industrial uses to help meet the substantial and unmet regional demands for goods movement facilities consistent with the Southern California Association of Governments' *2020–2045 Regional Transportation Plan/Sustainable Communities Strategy* (SCAG, 2020a).

B. To expand economic development, facilitate job creation, and increase the tax base for the City of Victorville by establishing new industrial development adjacent to established and planned industrial areas.

C. To attract new businesses to the City of Victorville and thereby provide a more equal jobs-housing balance in the Inland Empire area that will reduce the need for members of the local workforce to commute outside the area for employment.

D. To make efficient use of a property in the City of Victorville by maximizing its buildout potential for employment-generating uses.

E. To develop Class A speculative industrial buildings in the City of Victorville that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.

F. To develop industrial buildings in close proximity to the I-15 and SR-18 freeways that can be used as part of the southern California goods movement network.

G. To develop a use that has architectural design and operational characteristics that are compatible with other existing and planned developments in the local area.

H. To develop a vacant property that has access to available infrastructure, including roads and utilities.

3.3 PROJECT'S COMPONENT PARTS AND DISCRETIONARY APPROVALS

The Project involves discretionary applications for a Site Plan (Plan 21-00031) and Tentative Parcel Map (TPM 20450). These principal discretionary actions required of the City of Victorville to implement the Project are described in detail on the following pages. Additional discretionary and administrative actions that would be necessary to implement the proposed Project are listed in Table 3-3, *Matrix of Project Approvals/Permits*, at the end of this Section.

3.3.1 SITE PLAN (PLAN 21-00031)

The proposed Site Plan specifies a development plan for the Project site that provides for the construction and operation of an industrial building with approximately 996,194 s.f. of building floor area, including 986,194 s.f. of warehouse space and 10,000 s.f. of ancillary office use. Although the future tenants of the proposed building are unknown at this time, for purposes of analysis within this EIR it is assumed that the building would include approximately 200,000 s.f. of high-cube cold storage uses, with remaining portions of the

building consisting of high-cube fulfillment center (non-refrigerated) uses. The detailed components of the proposed Site Plan are described below. The Project design, which ultimately would include building components and systems to be shown on construction drawings (such as light fixtures, water fixtures, and heating, ventilation, and air condition equipment), would be conditioned by the City of Victorville to achieve Leadership in Energy and Environmental Design (LEED) standards.

A. Site Planning and Building Configuration

The proposed Site Plan for the Project is illustrated on Figure 3-4, *Proposed Site Plan*. The proposed building is designed as a rectangular-shaped building with its elongated sides oriented parallel to the Project site's northern and southern boundaries. The proposed building would operate as a cross-dock warehouse with 120 loading docks within the truck court/loading area on the north side of the building, 116 loading docks within the truck court/loading area on the south side of the building, with 306 total truck trailer parking spaces within the truck courts/loading areas to the north and south of the building. The truck courts/loading areas would be enclosed and screened from public viewing areas by landscaping and minimum 8-foot-tall screening walls, with 8-foot-tall wrought iron fencing used at the access points to the truck courts/loading areas. Passenger vehicle parking areas would be provided on the western and eastern sides of the building with a total of 328 on-site passenger vehicle spaces. Access to the Project site would be provided by two driveways along Ottawa Street. Both driveways would provide inbound/outbound access for passenger vehicles and trucks.

B. Architecture Plan

The proposed architecture plan provides a building with a maximum height of 45.5 feet above finished floor elevation; however, the proposed building would have a varied roofline and portions of the building would be slightly less than 45.5 feet tall. The proposed building would be constructed with concrete tilt-up panels, with special architectural features and colors at the potential office locations at the southwest and southeast corners of the building, which also would feature low-reflective blue glass. The proposed building's exterior color palette would be comprised of various shades of white, gray, and blue. Decorative building elements include panel reveals, parapets, mullions, canopies, and finished wood areas. Architectural elevations for the proposed project are illustrated on Figures 3-5A to 3-5C, *Proposed Architectural Elevations*.

C. Landscape Plan

All existing trees and other vegetation on the Project site are proposed to be removed and replaced with the plant material specified on the proposed landscape plan for the Project, which is illustrated on Figure 3-6, *Proposed Landscape Plan*. Proposed landscaping primarily would be ornamental in nature and would feature trees, shrubs, and drought-tolerant accent plants in addition to a variety of groundcovers. As shown on Figure 3-6, trees, shrubs, and groundcover are proposed along the project's frontage with Ottawa Street and along the Project site's northern, western, and eastern boundaries. Landscaping also would occur at building entries and in and around automobile parking areas.

D. Grading and Site Work

The Project's conceptual grading plan is depicted on Figure 3-7, *Proposed Grading Plan (West),* and Figure 3-8, *Proposed Grading Plan (East)*. Grading activities associated with the Project would result in disturbances to approximately 42.8 acres of the 53.9-acre Project site. Grading activities would require approximately 539,558 cubic yards (cy) of cut and 800,953 cy of fill, requiring the import of approximately 261,395 cy of fill material. Grading proposed as part of the Project would result in the establishment of 2:1 (horizontal:vertical) slopes around the proposed development areas, with a maximum slope height of approximately 15 feet near the northeast corner of the site. A retaining wall measuring up to six feet in height is proposed along the northern Project boundary, near the northeastern corner of the northern truck court/docking area.

E. Water and Sewer Infrastructure Improvements

Water service in the City of Victorville is provided by the Victorville Water District (VWD) which supplies the 36,700 customer connections within its 85 square mile service area. VWD currently pumps potable water supplies from groundwater in the Mojave Groundwater Basin and purchases water from the Mojave Water Agency's (MWA) Regional Recharge Recovery Project, when available. The Mojave River Groundwater Basin, the largest in the region, encompasses 1,400 square miles and has an estimated total water storage capacity of nearly 5 million acre-feet (AF). (VWD, 2021, pp. 3-1, 3-4, and 6-3)

An existing 12-inch PVC water main is located beneath Ottawa Street along the Project's frontage. As shown on Figure 3-9, *Proposed Utility Plan (West),* and Figure 3-10, *Proposed Utility Plan (East)*, the Project would make two connections to the existing water line beneath Ottawa Street located east of the western proposed driveway and south of the eastern proposed driveway.

Sewer service to the Project site is also provided by VWD through a gravity sewer system which conveys wastewater to the Industrial Wastewater Treatment Plant (IWTP) that is owned and operated by VWD (VWD, 2021). A 15-inch existing sewer line is located on the Project's eastern boundary that is located within the Burlington Northern and Santa Fe Railway (BNSF) right-of-way. As shown, the Project would make a single connection to the sewer main located beneath the BNSF right-of-way near the Project site's northeastern corner.

F. Stormwater Drainage Infrastructure Improvements

The Project's drainage system has been designed to capture and convey off-site flows that run on to the Project site, as well as runoff generated on site.

Storm water flows that are generated on site would be captured by proposed catch basins and conveyed to an on-site detention system. The on-site detention system consists of two proposed Stormtech underground detention basins that would provide detention and water quality treatment. Runoff within Basin No. 1, proposed in the eastern portion of the southerly truck court, would be conveyed easterly via a 12-inch high-density polyethylene (HDPE) pipe and would discharge near the southeastern corner of the Project site. Runoff within Basin No. 2, which would be located beneath the northern truck court, would be conveyed easterly by a 30-inch HDPE pipe and would discharge along the northern site boundary, just easterly of the northern truck

court. Overflows from Basin No. 1 would drain into Master Plan of Drainage (MPD) Line J-03 (as described below), while the basin proposed in the northern portion of the site (Basin No. 2) would not contribute any runoff to MPD Line J-01-01 (as discussed below), except for a small area of slopes and natural ground on the north side of the Project site.

With respect to flows that are tributary to the Project site, the two existing large regional off-site flows running onto the site (MPD Lines J-01-01 and Line J-03) would be collected by concrete pipes and conveyed through the Project site. Run on from MPD Line J-01-01 would be collected by a proposed splash inlet located off site at the northwest corner of Ottawa Street and Hesperia Road, and would be conveyed easterly beneath Ottawa Street by a 102-inch reinforced concrete pipe (RCP) to the southwest corner of the Project site, where flows would be directed towards the northwest corner of the Project site and discharged outside of the Project's proposed grading limits via a headwall splash outlet. Run on from MPD Line J-03 would be collected by a proposed 96-inch RCP pipe near the Project's southern boundary in the central portion of the Project site, and would be conveyed easterly and northerly, discharging via a headwall splash outlet proposed near the northeastern corner of the Project site.

3.3.2 TENTATIVE PARCEL MAP NO. 20450 (TPM 20450)

As shown in Figure 3-11, Tentative Parcel Map No. 20450 (TPM 20450) would consolidate the 17 parcels that comprise the Project site into one 53.9-acre parcel to facilitate the implementation of the proposed Site Plan, as described above. As part of the TPM, several existing easements on site would be abandoned, while two new easements are proposed for drainage and sewer purposes. In addition, TPM 20450 provides for the vacation of the public right-of-way for the on-site portions of Apatite Avenue and Shabonee Road, both of which are unimproved "paper" roadways that are no longer needed by the City. The street vacation process would comply with the in the California Streets and Highways Code.

TPM 20450 also identifies required roadway improvements. Under existing conditions, the Project site only abuts one improved roadway, Ottawa Street. As part of the Project, the Project Applicant would improve the northerly 23 feet of Ottawa Street between Hesperia Road and the Project's eastern boundary to include an additional 15 feet of pavement, curb, and gutter, along with a six-foot-wide curb-adjacent sidewalk. In addition, and based on the results of the Project's Traffic Analysis (EIR *Technical Appendix K2*), the Project Applicant also would be conditioned to install a traffic signal at the intersection of Hesperia Road and Ottawa Street and to improve the intersection to provide a protected left turn phasing for the northbound and southbound left turns, stripe a northbound left turn lane with a minimum of 100-feet of storage, stripe a southbound left turn lane with a minimum of 200-feet of storage, and stripe a westbound left turn lane with a minimum of 200-feet storage.

3.4 SCOPE OF ENVIRONMENTAL ANALYSIS

3.4.1 PROJECT CONSTRUCTION CHARACTERISTICS

A. Proposed Physical Disturbances

As depicted on Figure 3-7, as part of site grading activities a majority of the Project site would be subject to grading and disturbance. Specifically, grading activities on site would result in complete disturbances to approximately 42.8 acres of the 53.9-acre Project site. Off-site improvements include proposed improvements along the northern edge of Ottawa Street and the construction of the proposed 102-inch RCP pipe and inlet structure to convey on-site runoff from the west, and would result in an additional 0.89-acre of impacts. In total, implementation of the proposed Project would result in physical impacts to approximately 43.6 acres on and off site.

B. Construction Activities Schedule and Equipment Fleet

The Project Applicant anticipates that the Project's construction process would span a length of approximately seven months. The estimated Project construction schedule, organized by construction stage, is summarized in Table 3-1, *Estimated Construction Schedule*. For purposes of analysis in this EIR, construction is assumed to commence in June 2023 and finish in December 2024. The construction schedule utilized in the analysis represents a "worst-case" analysis scenario should construction occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required per the CEQA Guidelines. The composition of the construction equipment fleet that the Project Applicant intends to use to construct the Project, which also is used for purposes of analysis is in this EIR, is summarized in Table 3-2, *Estimated Construction Equipment Fleet*.

3.4.2 PROJECT OPERATIONAL CHARACTERISTICS

The Project is proposed as a speculative development and the user(s) of the building are not known at this time. For the purposes of this EIR, the Project is assumed to be operational 24 hours per day, seven days per week, with exterior loading and parking areas illuminated at night. Lighting would be subject to compliance with Victorville Municipal Code Section 16-3.11.060(e), which impose requirements on light design and glare reduction.

A. Proposed Site Activities

The proposed building on the Project site would operate as an industrial warehouse with indoor storage; no outdoor materials storage is proposed. Because the user(s) are speculative, for purposes of analysis within this EIR it is assumed that the building would include approximately 200,000 s.f. of high-cube cold storage uses, with remaining portions of the building consisting of high-cube fulfillment center (non-refrigerated) uses. Hazardous materials storage is not expected to occur within the building or on the Project site; however, small quantities of hazardous chemicals and/or materials – including but not limited to aerosols, cleaners, fertilizers,

lubricants, paints or stains, fuels, ammonia, propane, oils, and solvents – could be utilized during routine Project operations and maintenance.

Exterior activities on the Project site are reasonably assumed to include vehicle movement, parking, and the loading and unloading of tractor trailers at designated loading bays on the northern and southern side of the building. As a practical matter, dock doors on industrial buildings are not occupied by a truck at all times of the day. There are typically more dock door positions on industrial buildings than are needed for receiving

Table 3-1 Estimated Construction Schedule

Phase Name	Start Date	End Date	Days
Site Preparation	06/01/2023	07/26/2023	40
Grading	07/27/2023	12/27/2023	110
Building Construction	12/28/2023	08/28/2024	175
Paving	05/16/2024	08/28/2024	75
Architectural Coating	01/18/2024	08/28/2024	160

Table 3-2 Estimated Construction Equipment Fleet

Phase Name	Equipment[1]	Number	Hours Per Day
Site Preparation	Crawler Tractors	9	8
	Rubber Tired Dozers	6	8
Grading	Crawler Tractors	6	8
	Excavators	6	8
	Graders	3	8
	Rubber Tired Dozers	3	8
	Scrapers	6	8
Building Construction	Cranes	3	8
	Crawler Tractors	9	8
	Forklifts	9	8
	Generator Sets	3	8
	Welders	3	8
Paving	Pavers	6	8
	Paving Equipment	6	8
	Rollers	6	8
Architectural Coating	Air Compressors	3	8

and shipping volumes. The dock doors that are in use at any given time are usually selected based on interior building operation efficiencies. In other words, trucks ideally dock in the position closest to where the goods to be carried by the truck are inside the building. As a result, a number of dock door positions are frequently inactive throughout the day.

B. Future Employment

Based on the estimated employment rates specified in Table II-B of the Employment Density Study Summary Report prepared by SCAG, warehouse uses within San Bernardino County generate approximately one employee per 1,195 s.f. of building space. As such, the Project may generate approximately 834 employees (996,194 s.f. ÷ 1,195 s.f./employee = 833.6 employees). (SCAG, 2001, Table II-B)

C. Traffic

During operation of the Project, employees, visitors, and vehicles hauling goods would travel to and from the Project site on a daily basis. Project operations are calculated to generate 2,124 vehicle trips per day, including 1,670 passenger vehicle trips and 454 truck trips (in terms of actual vehicles) (Urban Crossroads, 2022f, Table 4-2). Pursuant to State law, on-road diesel-fueled trucks are required to comply with various air quality and greenhouse gas emission standards, including but not limited to the type of fuel used, engine model year stipulations, aerodynamic features, and idling time restrictions. Compliance with State law is mandatory and inspections of on-road diesel trucks subject to applicable State laws are conducted by the California Air Resources Board (CARB).

3.5 SUMMARY OF REQUESTED ACTIONS

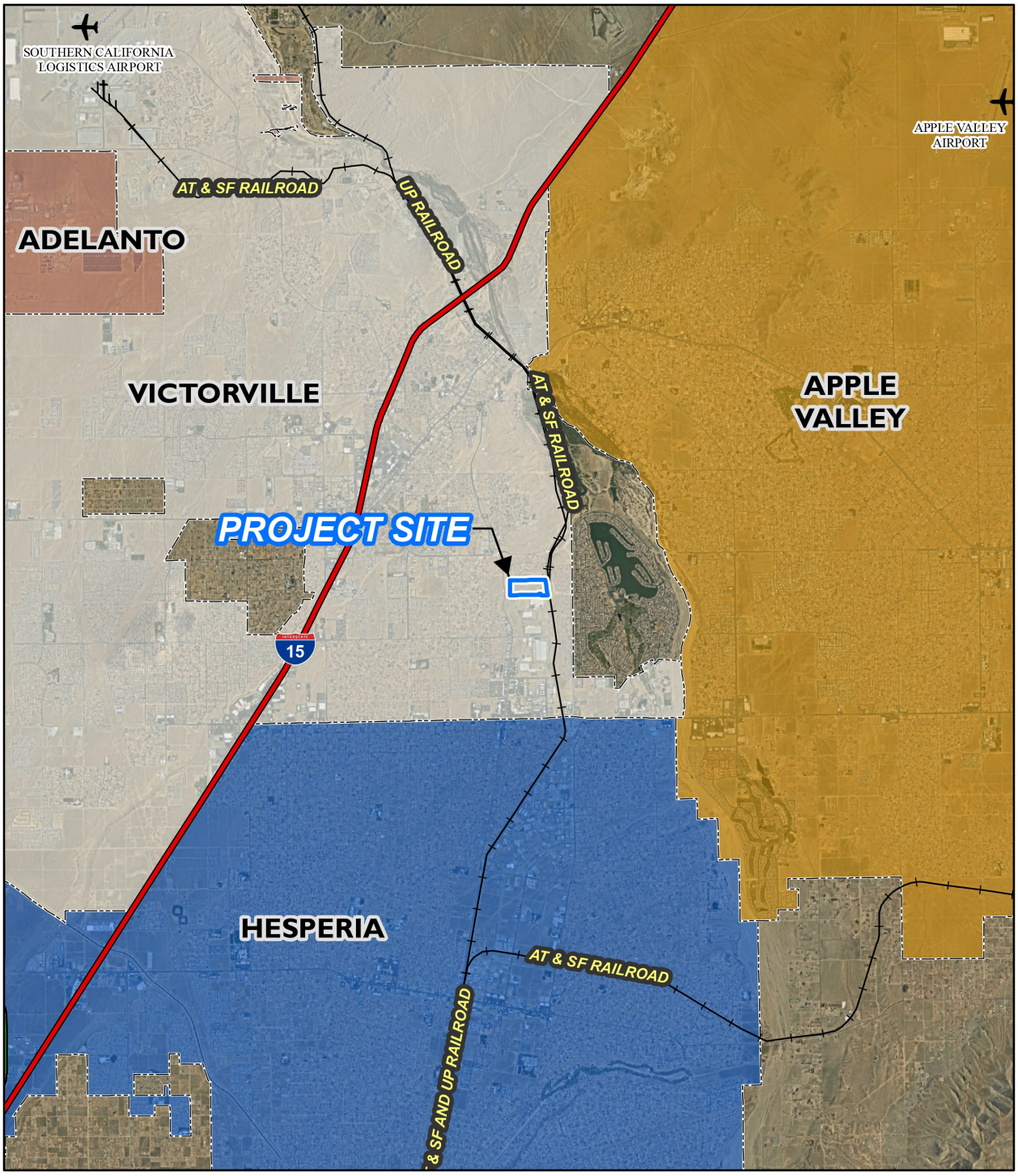
The City of Victorville has primary approval responsibility for the proposed Project. As such, the City of Victorville serves as the Lead Agency for this EIR pursuant to CEQA Guidelines Sections 15050 and 15051. The role of the Lead Agency was previously detailed in EIR Section 1.0, *Introduction*. As part of the approval process for the proposed Project, the City's Planning Commission will hold a public hearing to consider the Project's Site Plan (Plan 21-00031), Tentative Parcel Map (TPM 20450), and the Street Vacation process. The Planning Commission will consider certification of this EIR, and also will approve, approve with changes, or disapprove proposed Plan 21-00031 and TPM 20450. In the event that an appeal is filed with the City Clerk within ten (10) days of the of the Planning Commission's decision, a public hearing would be held before the City Council, which may affirm, reverse, or modify the decision of the Planning Commission.

3.6 RELATED ENVIRONMENTAL REVIEW AND CONSULTATION

Should the City of Victorville approve the Project and certify the Final EIR, additional discretionary and/or ministerial actions would be necessary to implement the proposed Project. Table 3-3, *Matrix of Project Approvals/Permits*, list the agencies that are expected to use this EIR and provides a summary of the subsequent actions associated with the Project. This EIR covers all federal, State, and local government and quasi-governmental approvals which may be needed to construct and implement the Project, whether or not they are explicitly listed in Table 3-3 or elsewhere in this EIR (CEQA Guidelines § 15124(d)).

Table 3-3 Matrix of Project Approvals/Permits

Public Agency	Approvals and Decisions
Proposed Project – City of Victorville Discretionary Approvals	
City of Victorville Planning Commission	• Approve, conditionally approve, or deny Site Plan (Plan 21-00031), Tentative Parcel Map (No. 20450), and Street Vacation process. • Certify or decline to certify this EIR along with appropriate CEQA Findings.
Subsequent City of Victorville Ministerial Approvals	
City of Victorville Departments and Divisions	• Approve precise site plan(s) and landscaping/irrigation plan (s), as may be appropriate. • Issue Grading Permits. • Issue Building Permits. • Approve Road Improvement Plans. • Issue Encroachment Permits. • Approve Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Management Plan (WQMP).
Other Agencies – Subsequent Approvals and Permits	
Lahontan Regional Water Quality Control Board (RWQCB)	• Issuance of a Construction Activity General Construction Permit. • Compliance with National Pollutant Discharge Elimination System (NPDES) Permit. Waste Discharge Requirements. • Issuance of a Water Quality Certification pursuant to Section 401 of the federal Clean Water Act (CWA).
United States Army Corps of Engineers (Corps)	• Issuance of a Section 404 permit pursuant to the CWA.
California Department of Fish and Wildlife (CDFW)	• Issuance of a Section 1602 Streambed Alteration Agreement pursuant to the California Fish and Game Code.
San Bernardino County Flood Control District (SBCFCD)	• Approval of the Project's proposed drainage improvements.
City of Victorville Fire Department (VFD)	• Approval of fire hydrant locations and fire protection features for the proposed building.
Mojave Desert Air Quality Management District (Mojave Desert AQMD)	• Issuance of construction-related permits.
Victorville Water District (VWD)	• Approval of proposed water and sewer improvements and connections.
Southern California Edison (SCE)	• Approvals required for the installation of new SCE facilities/connections to service the Project.
Southwest Gas	• Approvals required for the installation of new Southwest Gas facilities/connections to service the Project.

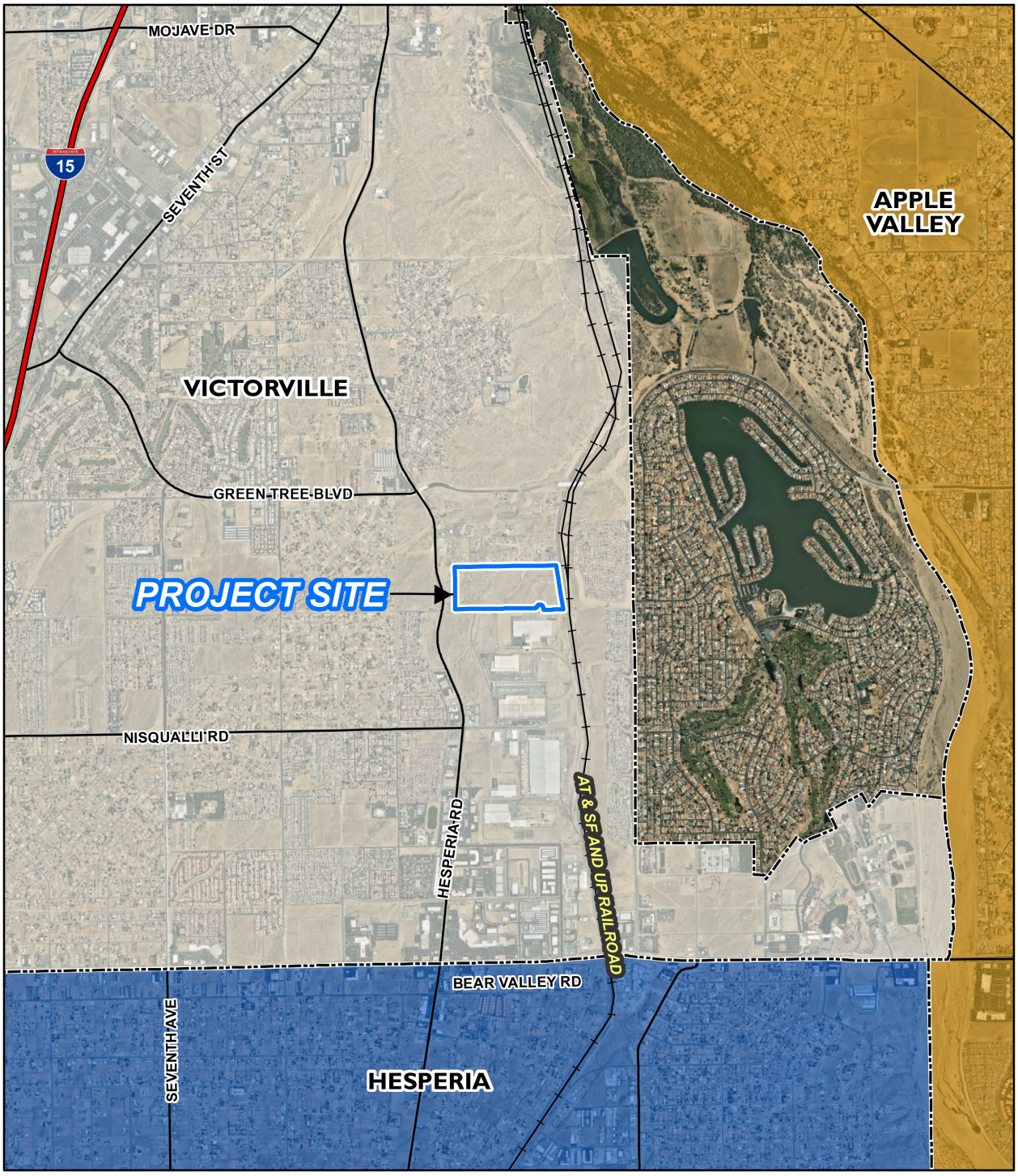


Source(s): ESRI, NearMap Aerial (2022), SB County (2021)

Figure 3-1

0 0.5 1 2
Miles

Regional Map

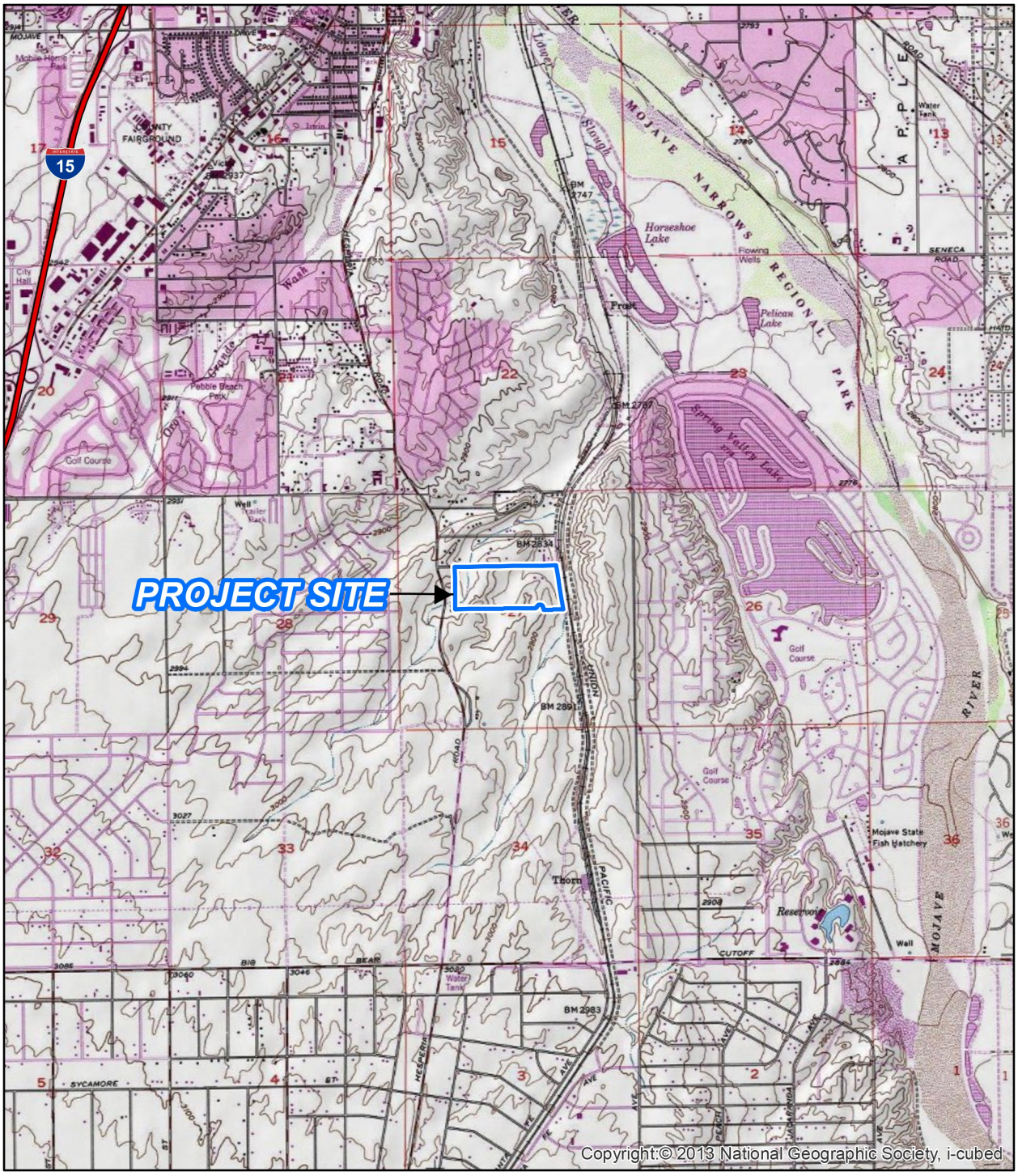


Source(s): ESRI, NearMap Aerial (2022), SB County (2021)

Figure 3-2

0 875 1,750 3,500
Feet

Vicinity Map

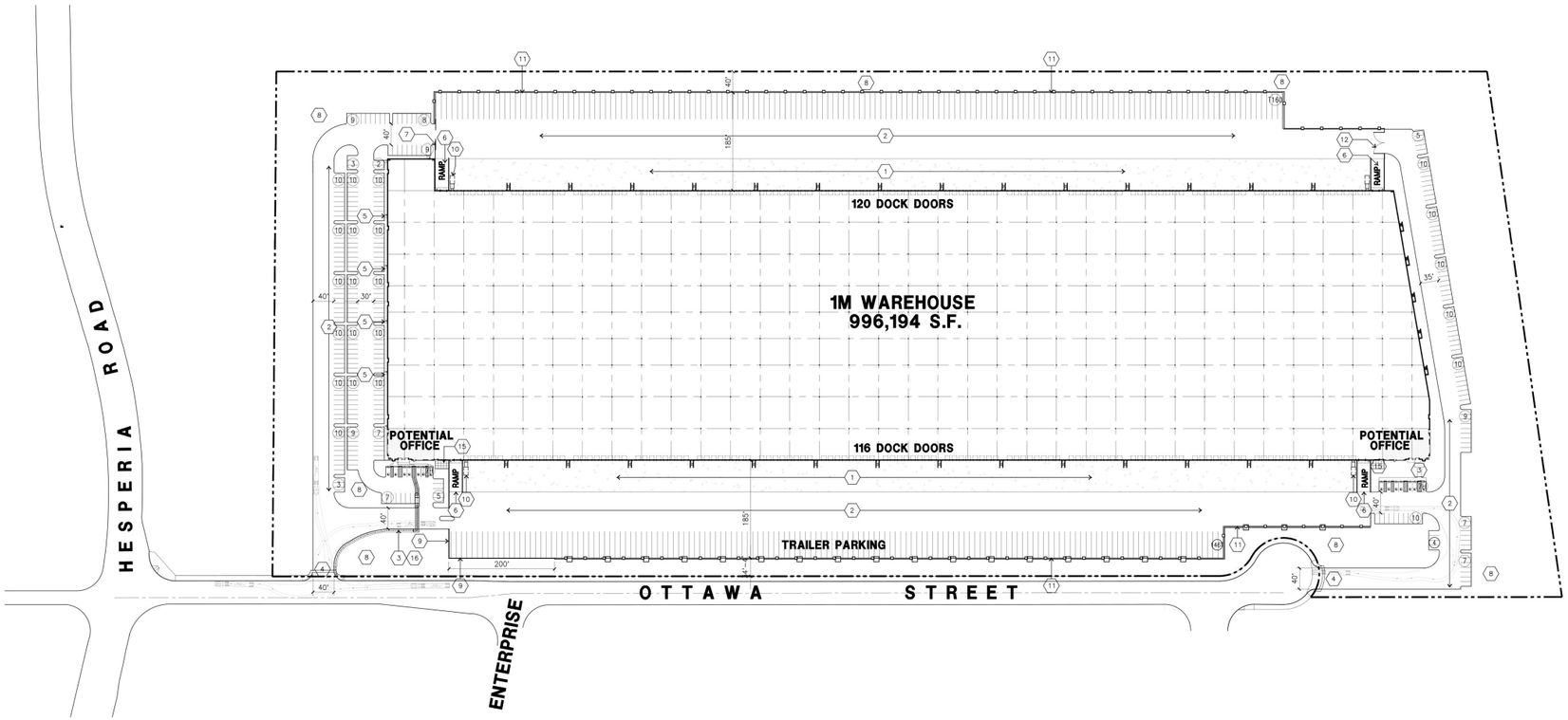


Source(s): USGS (2013)

Figure 3-3

0 875 1,750 3,500
Feet

USGS Topographic Map

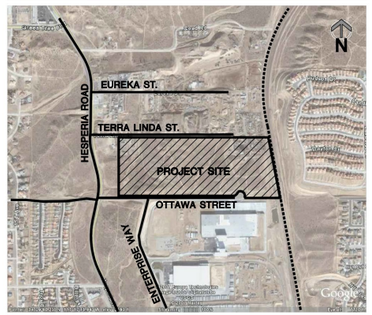


NOTE: SPECULATIVE BUILDING FOR A DISTRIBUTION WAREHOUSE WITH POTENTIAL ADMINISTRATION OFFICES.

PROJECT DATA

SITE AREA	
in sq.ft.	2,261,659
in acres	51.92
BUILDING AREA	
office	10,000
warehouse	986,194
total building area	**996,194**
coverage	**44.05%**
PARKING REQUIRED	
office (1/200 sf)	50
warehouse (1/1000 sf) upto 40,000 sf	40
warehouse (1/4000 sf) above 40,000 sf	237
total parking required	**327**
PARKING PROVIDED	
standard	314
handicap	14
total parking provided	**328**
trailer	**306**

VICINITY MAP



SITE PLAN KEYNOTES

1. 6" THICK MINIMUM, REINFORCED CONCRETE TRUCK APRON
2. ASPHALT CONCRETE (AC) PAVING, SEE SOILS REPORT FOR SECTION REQUIREMENTS.
3. CONCRETE WALKWAY.
4. DRIVEWAY APRONS TO BE CONSTRUCTED PER CITY STANDARD.
5. 5'-6"X5'-6"X4" THICK CONCRETE EXTERIOR LANDING PAD TYP. AT ALL EXT. MAN DOORS TO LANDSCAPED AREAS.
6. CONCRETE RAMP W/ CONC. GUARDRAIL WALL (42"H).
7. TUBULAR STEEL SLIDING GATE (8'H).
8. LANDSCAPE. ALL LANDSCAPE AREAS INDICATED BY HATCH.
9. 8'H CONC. TILT-UP SCREEN WALL.
10. TRASH COMPACTOR.
11. MIN. 8'H WROUGHT IRON FENCE.
12. SWING GATE.
13. MOTORIZED W/I GATE.
14. MAN GATE.
15. 20' x 20' EMPLOYEE PATIO.
16. HANDICAP ACCESSIBLE PATH OF TRAVEL.

SITE LEGEND

- LANDSCAPED AREA
- CONC. PAVING
- STANDARD PARKING STALL 9'-0" X 20'
- HANDICAP PARKING STALL, 9'-0" X 20'

OWNER

LINK
3401 ETIWANDA AVENUE
JURUPA VALLEY, CA 91752
PHONE: (909) 223-9035
CONTACT: TOM CRUIKSHANK

APPLICANT

LINK
3401 ETIWANDA AVENUE
JURUPA VALLEY, CA 91752
PHONE: (909) 223-9035
CONTACT: TOM CRUIKSHANK

ARCHITECT

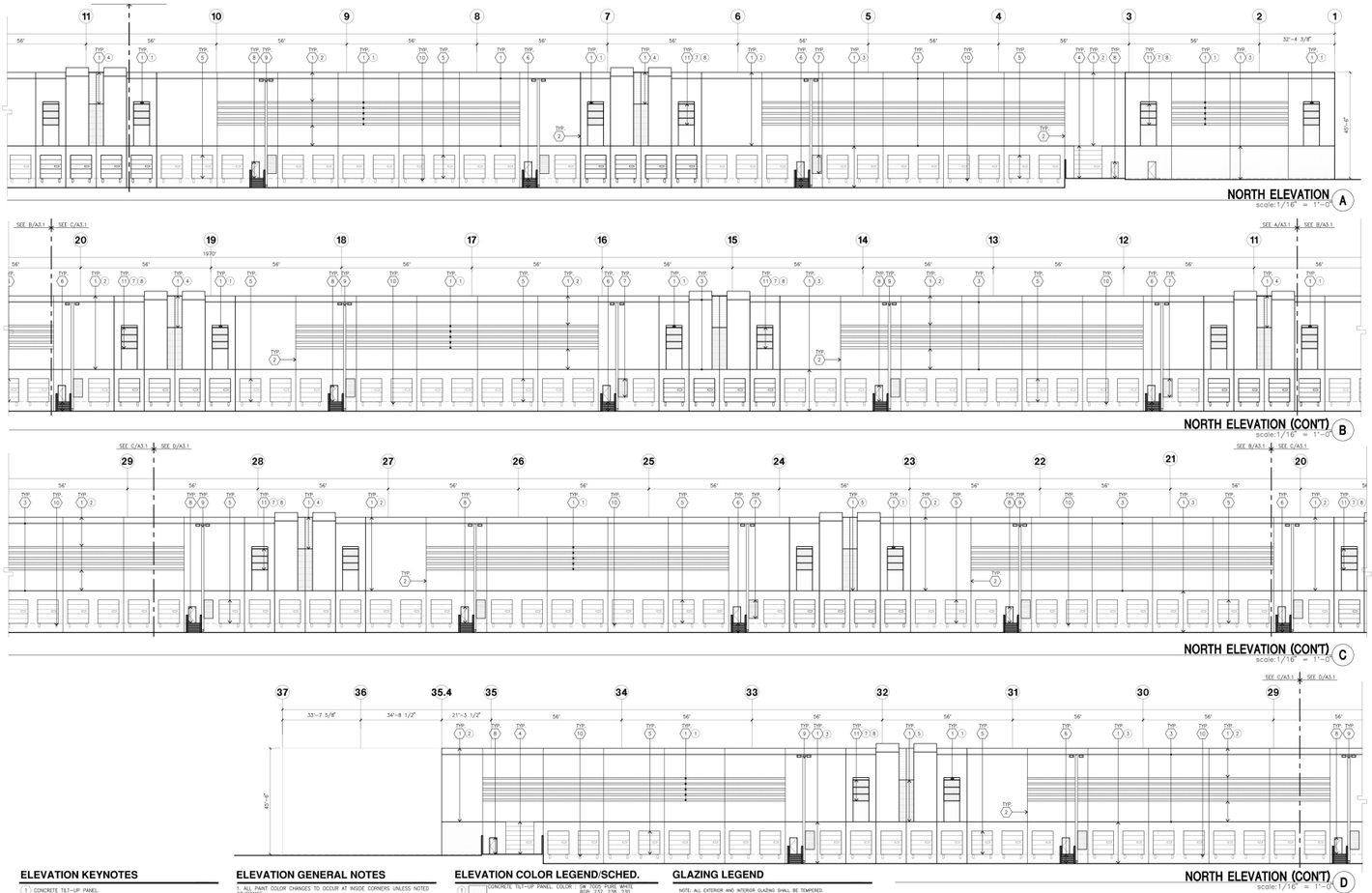
HPA, INC.
18831 BARDEEN AVENUE
IRVINE, CA 92612
PHONE: (949) 863-1770
FAX: (949) 863-0851
CONTACT: IMON KIM

Source(s): HPA (07-27-2022)

Figure 3-4

Not to Scale

Proposed Site Plan

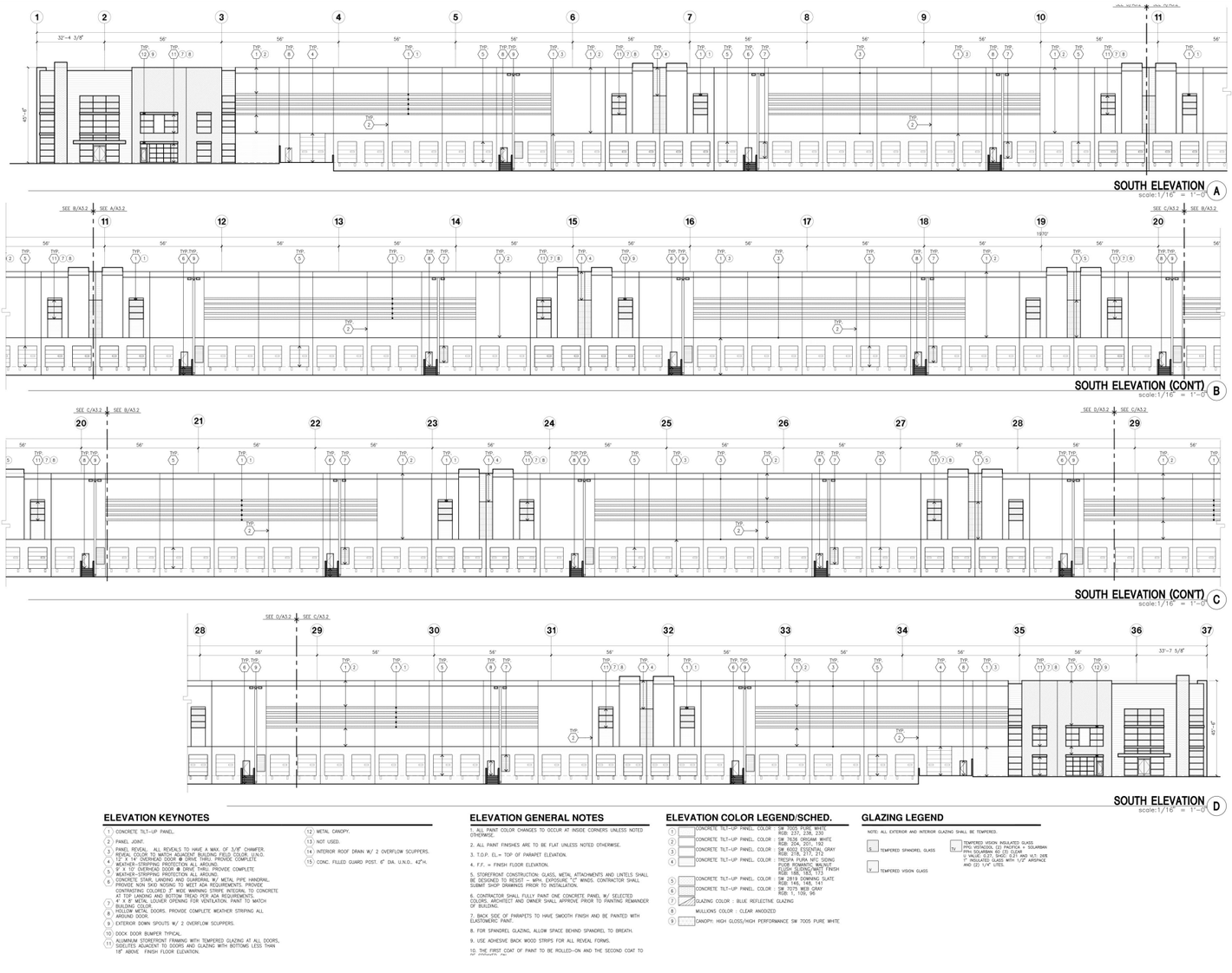


Source(s): HPA (09-02-2021)

Figure 3-5A

Not to Scale

Proposed Architectural Elevations

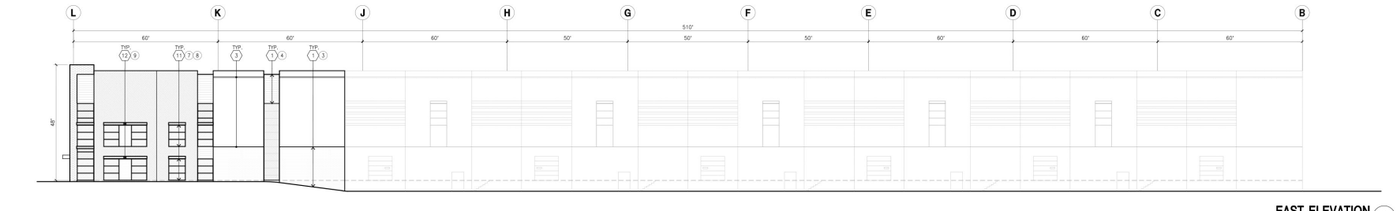


Source(s): HPA (09-02-2021)

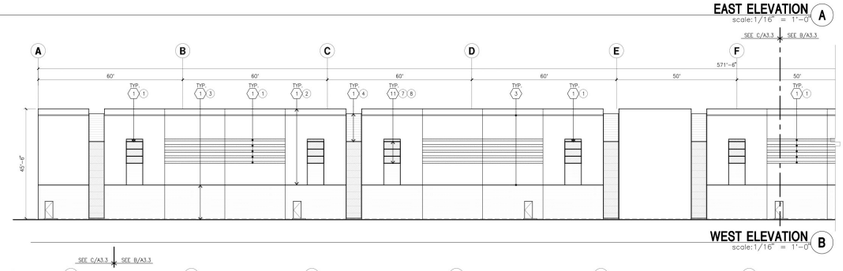
Figure 3-5B

Not to Scale

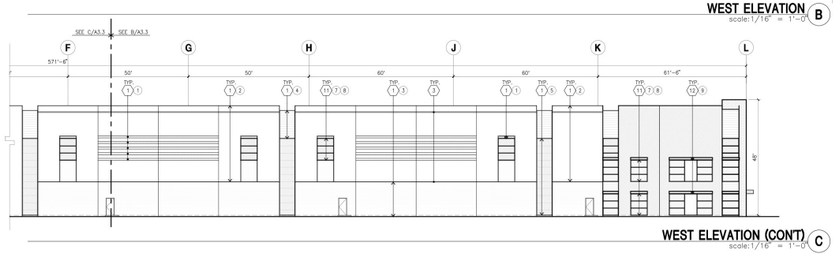
Proposed Architectural Elevations



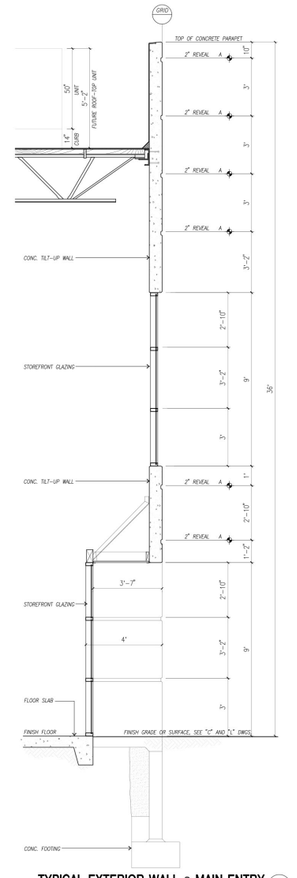
EAST ELEVATION A
scale:1/16" = 1'-0"



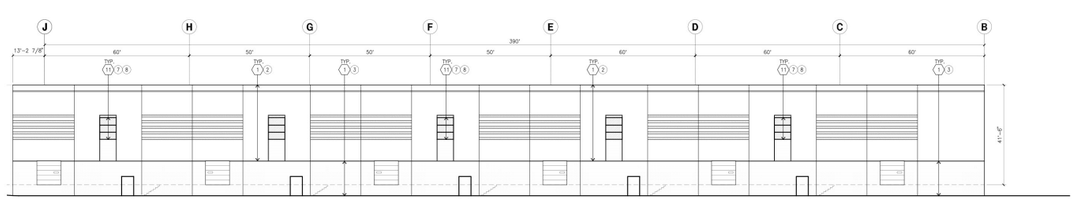
WEST ELEVATION B
scale:1/16" = 1'-0"



WEST ELEVATION (CONT) C
scale:1/16" = 1'-0"



TYPICAL EXTERIOR WALL @ MAIN ENTRY E
scale:1/2" = 1'-0"



NORTHEAST ELEVATION (OBLIQUE) D
scale:1/16" = 1'-0"

ELEVATION KEYNOTES

1. CONCRETE TILT-UP PANEL.
2. PANEL JOINT.
3. PANEL REVEAL. ALL REVEALS TO HAVE A MAX. OF 3/8" CHAMFER.
4. REVEAL COLOR TO MATCH ADJACENT BUILDING FIELD COLOR, U.N.O.
5. 12' X 14' OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
6. 9' X 10' OVERHEAD DOOR @ DRIVE THRU. PROVIDE COMPLETE WEATHER-STRIPPING PROTECTION ALL AROUND.
7. 4' X 8' METAL LOUVER OPENING FOR VENTILATION. PAINT TO MATCH BUILDING COLOR.
8. HOLLOW METAL DOORS. PROVIDE COMPLETE WEATHER STRIPING ALL AROUND DOOR.
9. EXTERIOR DOWN SPOUTS W/ 2 OVERFLOW SCUPPERS.
10. DOCK DOOR BUMPER TYPICAL.
11. ALUMINUM STOREFRONT FRAMING WITH TEMPERED GLAZING AT ALL DOORS, SIDELITES ADJACENT TO DOORS AND GLAZING WITH BOTTOMS LESS THAN 18" ABOVE FINISH FLOOR ELEVATION.
12. METAL CANOPY.
13. NOT USED.
14. INTERIOR ROOF DRAIN W/ 2 OVERFLOW SCUPPERS.
15. CONC. FILLED GUARD POST, 6" DIA. U.N.O., 42"H.

ELEVATION GENERAL NOTES

1. ALL PAINT COLOR CHANGES TO OCCUR AT INSIDE CORNERS UNLESS NOTED OTHERWISE.
2. ALL PAINT FINISHES ARE TO BE FLAT UNLESS NOTED OTHERWISE.
3. T.O.P. EL.= TOP OF PARAPET ELEVATION.
4. F.F. = FINISH FLOOR ELEVATION.
5. STOREFRONT CONSTRUCTION: GLASS, METAL ATTACHMENTS AND LINTELS SHALL BE SET PLUMB, LEVEL AND TRUE TO ALIGNMENT. "C" MANDS. CONTRACTOR SHALL SUBMIT SHOP DRAWINGS PRIOR TO INSTALLATION.
6. CONTRACTOR SHALL FULLY PAINT ONE CONCRETE PANEL W/ SELECTED COLORS, ARCHITECT AND OWNER SHALL APPROVE PRIOR TO PAINTING REMAINDER OF BUILDING.
7. BACK SIDE OF PARAPETS TO HAVE SMOOTH FINISH AND BE PAINTED WITH ELASTOMERIC PAINT.
8. FOR SPANDREL GLAZING, ALLOW SPACE BEHIND SPANDREL TO BREATH.
9. USE ADHESIVE BACK WOOD STRIPS FOR ALL REVEAL FORMS.
10. THE FIRST COAT OF PAINT TO BE ROLLED-ON AND THE SECOND COAT TO BE SPRAYED-ON

ELEVATION COLOR LEGEND/SCHED.

1	CONCRETE TILT-UP PANEL, COLOR	SW 7005 PURE WHITE RGB: 237, 236, 230
2	CONCRETE TILT-UP PANEL, COLOR	SW 7636 ORIGAMI WHITE RGB: 233, 233, 233
3	CONCRETE TILT-UP PANEL, COLOR	SW 6003 ESSENTIAL GRAY RGB: 208, 209, 204
4	CONCRETE TILT-UP PANEL, COLOR	TROPA PURA NFC SIDING FLOOR ROMANTIC WALNUT RGB: 144, 144, 144 / MATT FINISH
5	CONCRETE TILT-UP PANEL, COLOR	SW 2819 DOWNING SLATE RGB: 144, 144, 144
6	CONCRETE TILT-UP PANEL, COLOR	SW 7075 WEB GRAY RGB: ?, ?/76, 98
7	GLAZING COLOR : BLUE REFLECTIVE GLAZING	
8	MULLIONS COLOR : CLEAR ANODIZED	
9	CANOPY: HIGH GLOSS/HIGH PERFORMANCE SW 7005 PURE WHITE	

GLAZING LEGEND

NOTE: ALL EXTERIOR AND INTERIOR GLAZING SHALL BE TEMPERED.

S	TEMPERED SPANDREL GLASS
V	TEMPERED VISION GLASS
V1	TEMPERED VISION INSULATED GLASS PPG VISTACOOL (2) PACIFICA + SOLARBAN PPG SOLARBAN 60 (2) CLEAR. 1" INSULATED GLASS WITH 1/2" AIRSPACE AND (2) 1/4" LITES.

Source(s): HPA (09-02-2021)

Figure 3-5C

Not to Scale

Proposed Architectural Elevations

PLANTING LEGEND

TREES

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Cercidium 'Desert Museum' Blue Palo Verde	15 Gal	13	L	Multi
	Chilopsis linearis Desert Willow	15 Gal	44	L	Multi
	Pinus coulteri Coulter Pine	15 Gal	108	L	Standard
	Prosopis chilensis Chilean Mesquite	15 Gal	63	L	Multi
	Quercus virginiana Southern Live Oak	15 Gal	41	L	Standard
	Ulmus parvifolia Chinese Elm	15 Gal	77	L	Standard

SHRUBS

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Baccharis p. 'Centennial' Coyote Bush	5 Gal	542	L	
	Leonotis leonurus Lion's Tail	5 Gal	193	L	
	Ligustrum j. Texanum Texas Privet	5 Gal	758	M	
	Leucophyllum frutiscens Texas Ranger	5 Gal	451	L	
	Perovskia atriplicifolia Russian Sage	5 Gal	128	L	
	Rhus ovata Holly Berry	5 Gal	669	L	
	Salvia greggii Autumn Sage	5 Gal	892	L	

ACCENTS

SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Agave americana Century Plant	5 Gal	27	L	
	Agave 'Blue Glow' Blue Glow Agave	5 Gal	14	L	
	Agave parryi Parry's Agave	5 Gal	236	L	
	Dasylirion wheeleri Desert Spoon	5 Gal	147	L	
	Hesperaloe parviflora Red Yucca	5 Gal	241	L	
	Pachycereus marginatus Mexican Fence Post	5 Gal	4	L	

GROUNDCOVER

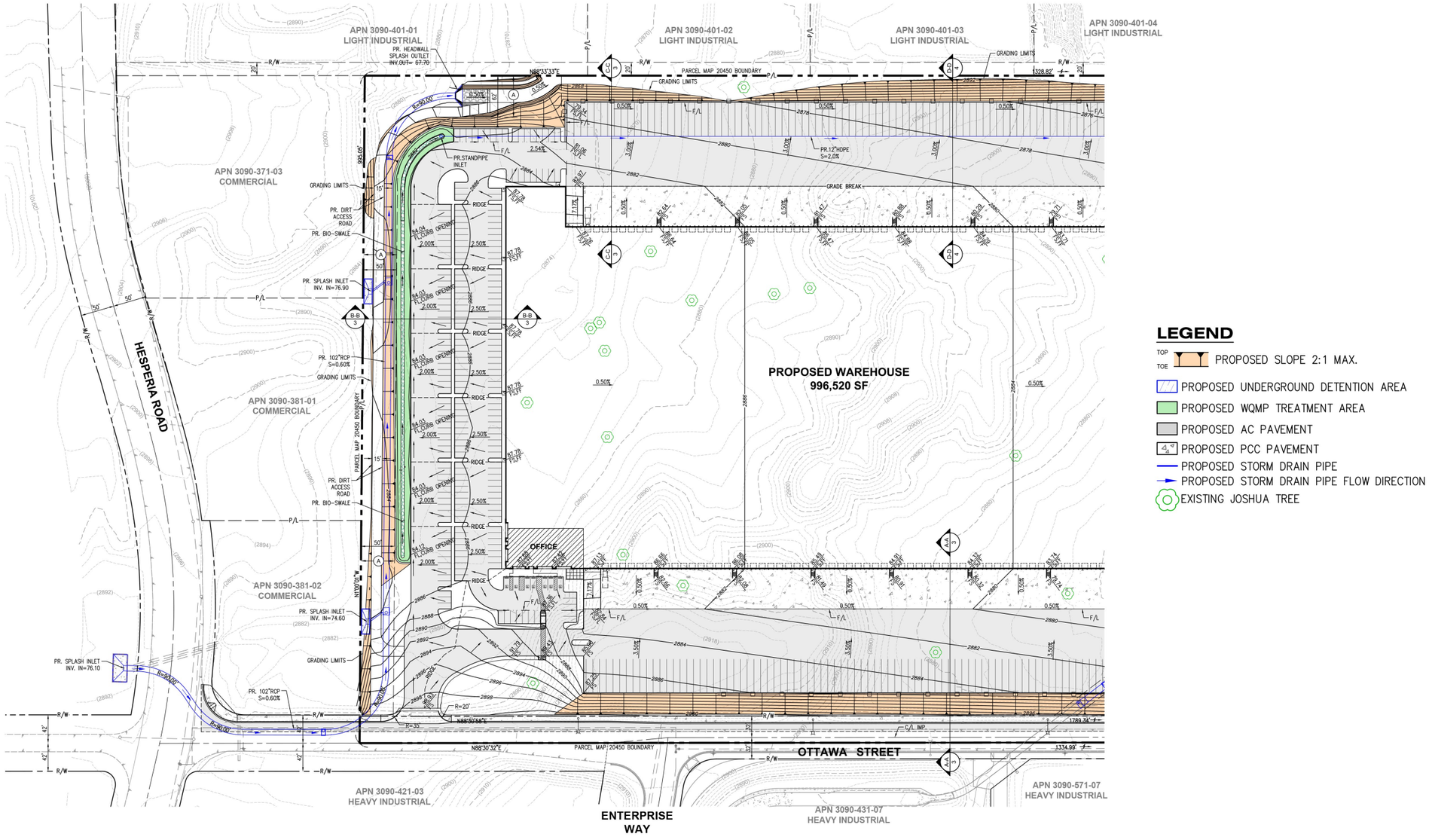
SYMBOL	BOTANICAL/COMMON NAME	SIZE	QTY	WUCOLS	REMARKS
	Acacia redolens 'Low Boy' Dwarf Acacia	1 Gal	1224	L	
	Baccharis p. 'Pigeon Point' Dwarf Coyote Bush	1 Gal	1569	L	
	Rosmarinus o. 'Huntington Carpet' Prostrate Rosemary	1 Gal	814	L	

Source(s): Hunter Landscape (07-27-2022)

Figure 3-6

Not to Scale

Proposed Landscape Plan

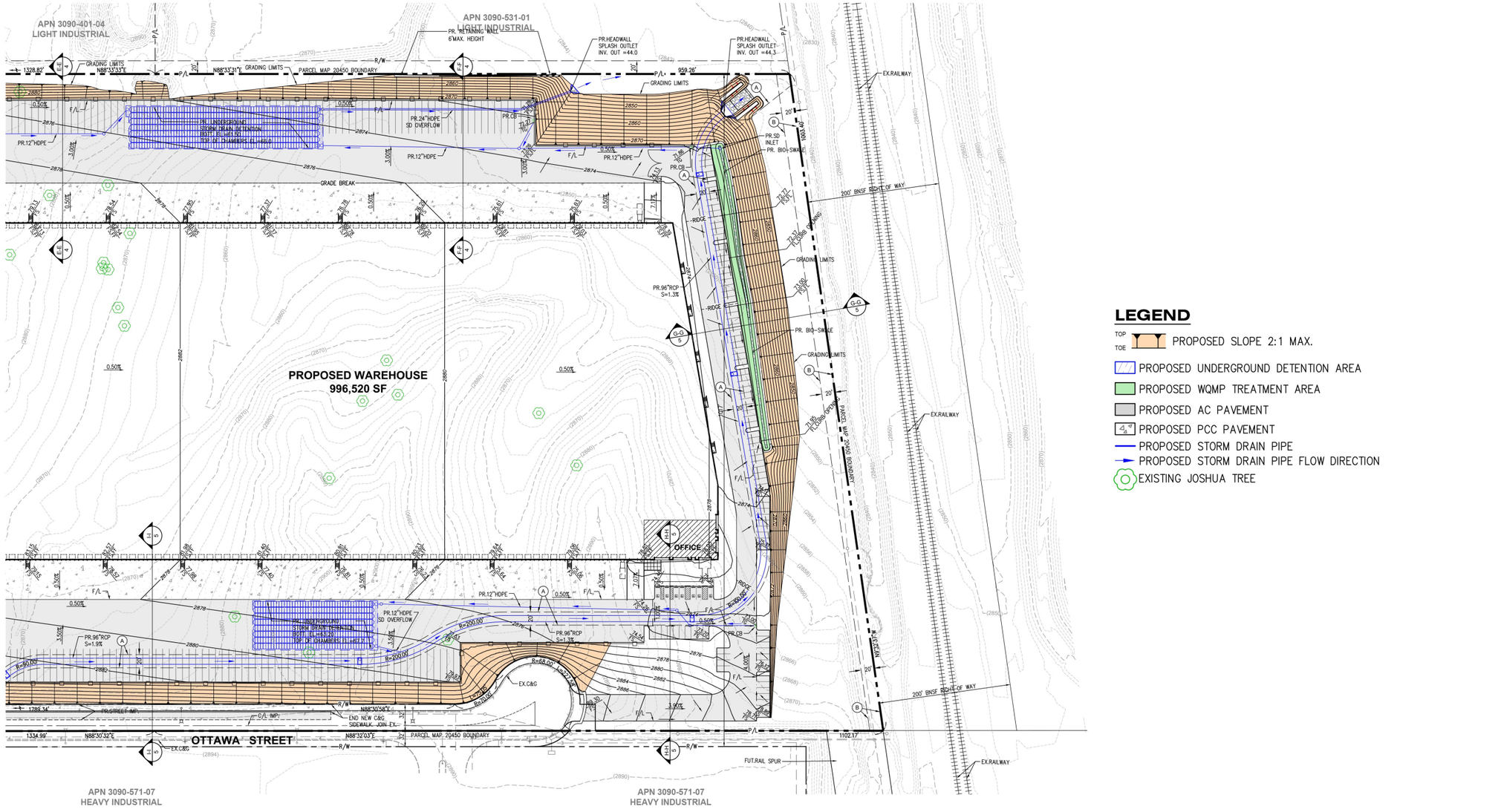


Source(s): David Evans and Associates, Inc. (07-27-2022)

Figure 3-7

Not to Scale

Proposed Grading Plan (West)

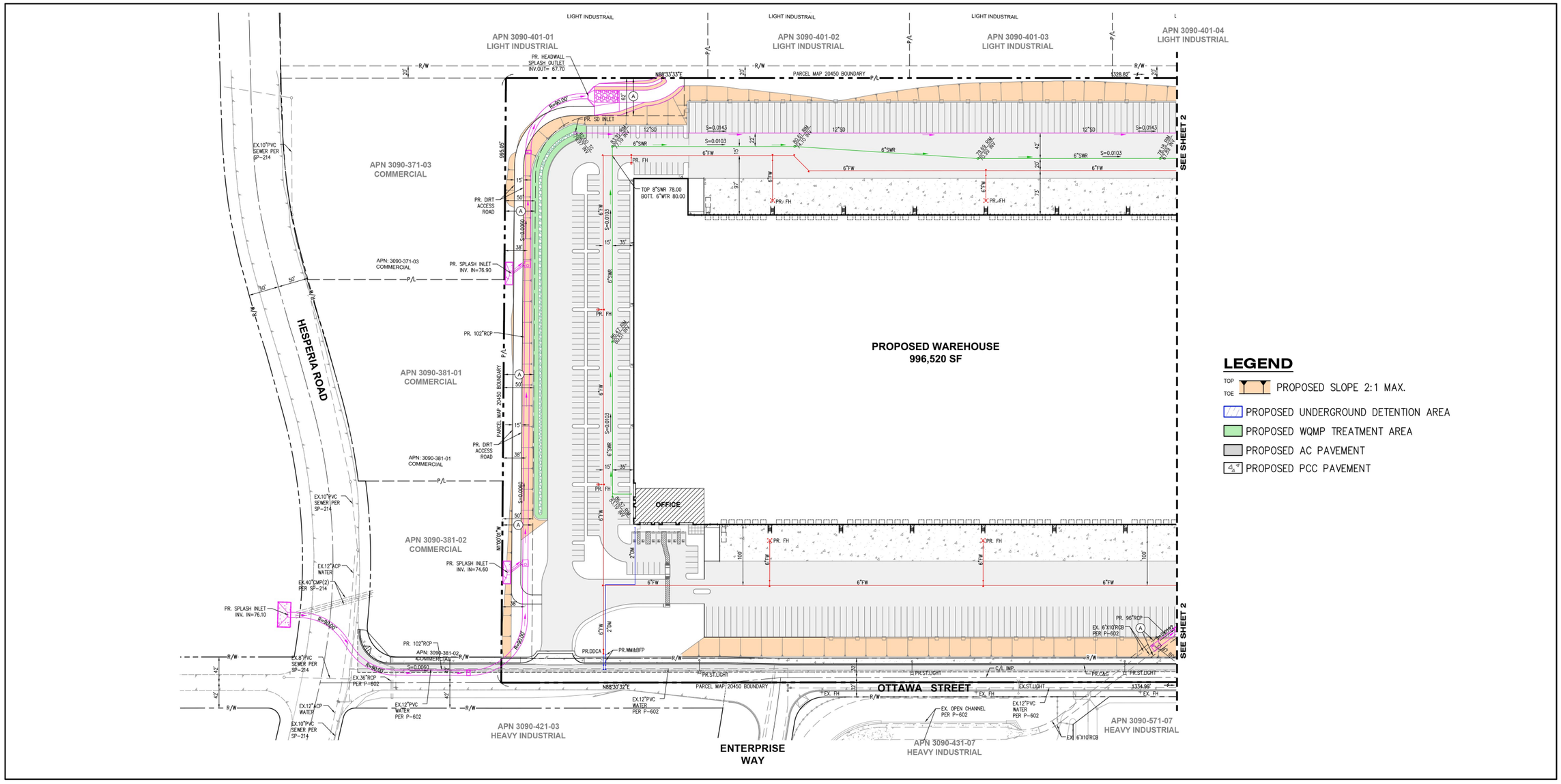


Source(s): David Evans and Associates, Inc. (07-27-2022)

Figure 3-8

Not to Scale

Proposed Grading Plan (East)

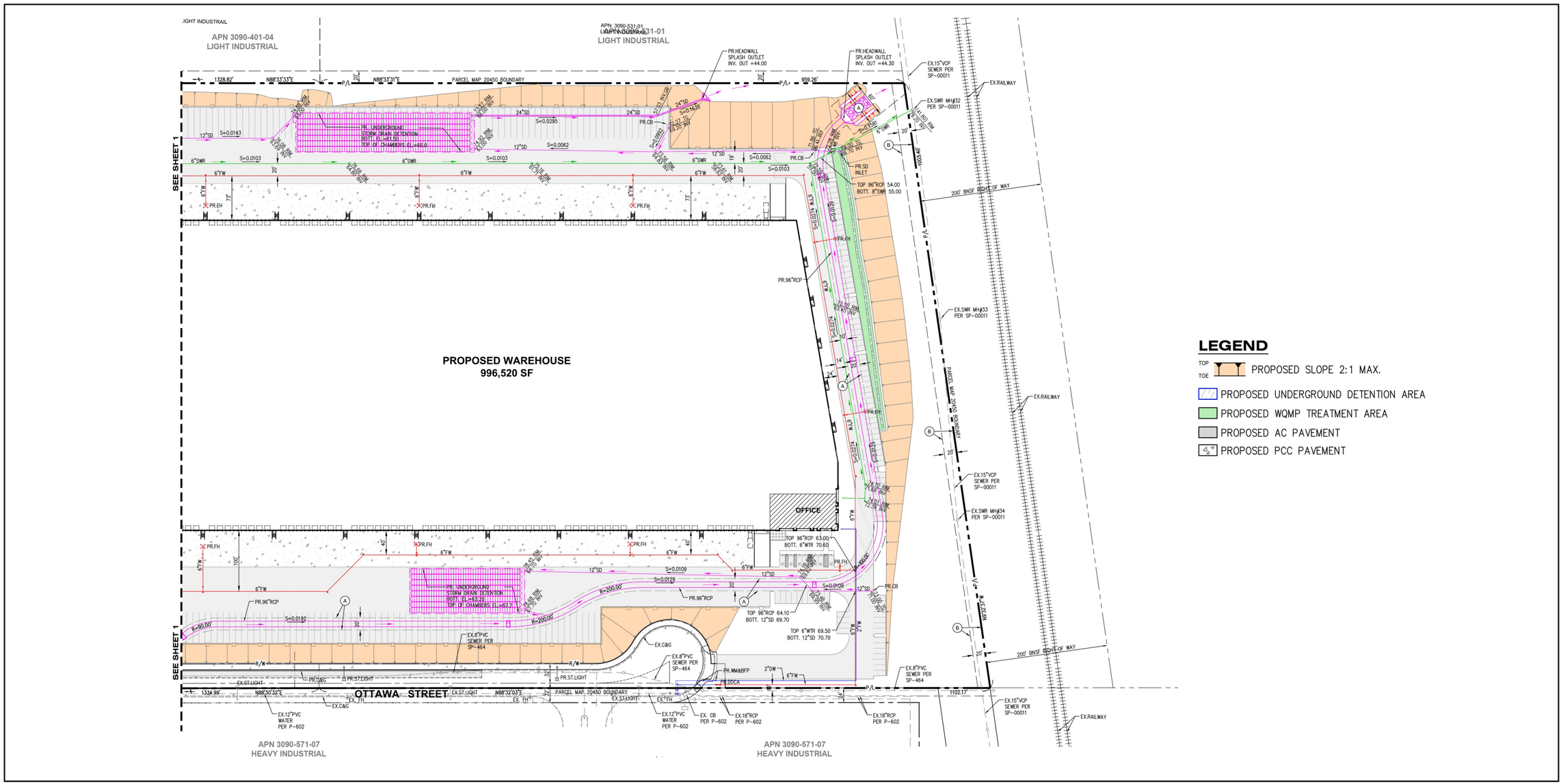


Source(s): David Evans and Associates, Inc. (07-27-2022)

Figure 3-9

Not to Scale

Proposed Utility Plan (West)



LEGEND

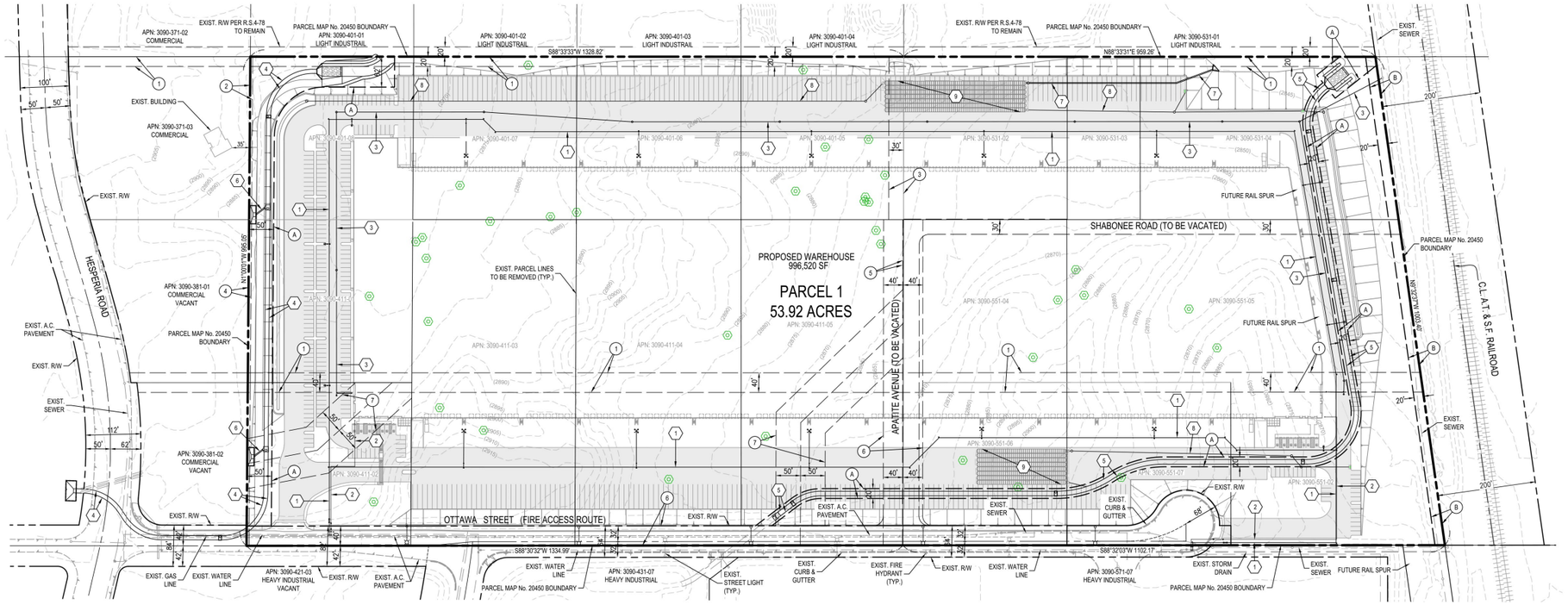
- PROPOSED SLOPE 2:1 MAX.
- PROPOSED UNDERGROUND DETENTION AREA
- PROPOSED WQMP TREATMENT AREA
- PROPOSED AC PAVEMENT
- PROPOSED PCC PAVEMENT

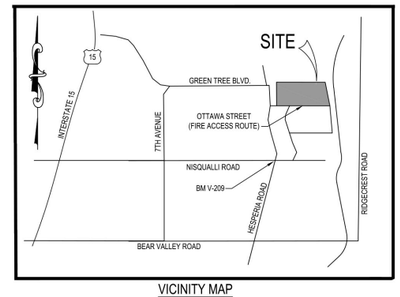
Source(s): David Evans and Associates, Inc. (07-27-2022)

Figure 3-10

Not to Scale

Proposed Utility Plan (East)





VICINITY MAP
NO SCALE

GENERAL NOTES

1. DATE OF PREPARATION: AUGUST 2021
2. APPROXIMATE GROSS AREA = 54 AC.
3. EXISTING USE: VACANT
4. PROPOSED USE: DISTRIBUTION FACILITY
5. EXISTING ZONING: M-2T
6. PROPOSED ZONING: M-2T
7. ADJACENT LAND USE: NORTH-VACANT, SOUTH-WAREHOUSE, EAST-RESIDENTIAL, WEST-VACANT
8. EXISTING GENERAL PLAN: HEAVY INDUSTRIAL
9. PROPOSED GENERAL PLAN: HEAVY INDUSTRIAL
10. FLOOD ZONE: PER FEMA FLOOD INSURANCE RATE MAP (FIRM) MAP NUMBER 0671C6485J THIS PROPERTY IS IN ZONE X
11. ASSESSORS' PARCEL NUMBERS: 3090-401-05, -06,-07,-08
    3090-411-01,-02,-03, -04,-05
    3090-531-02,-03,-04
    3090-551-02,-04,-05,-06,-07
12. ALL DIMENSIONS ARE APPROXIMATE.
13. SLOPES WILL NOT EXCEED 2 FEET HORIZONTAL TO ONE FOOT VERTICAL.
14. CONTOURS AND SPOT ELEVATIONS AS SHOWN HEREON WERE COMPILED PHOTOGRAMETRICALLY FROM AERIAL PHOTOGRAPHY TAKEN IN DECEMBER 2004.
15. SANITARY SEWER SYSTEM SHALL BE PUBLIC.
16. PER THE CITY OF VICTORVILLE PLANNING DEPARTMENT, BUILDING SETBACK REQUIREMENTS ARE:
    FRONT: 10 FEET
    STREET SIDE AND REAR: 10 FEET
    INTERIOR SIDE AND REAR: NONE
    SETBACK FROM RESIDENTIAL DISTRICT: 30 FEET
17. FIRE FLOW : 2000 GPM @ 20 PSI.
18. THERE ARE NO REGULATED TREES OR PLANTS ON THE PROPERTY

BASIS OF BEARING

BEARINGS ARE BASED ON THE NORTHERLY LINE OF THE SOUTHEAST 1/4 OF SECTION 10, TOWNSHIP 4NORTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, BEING N89°42'27"W PER PARCEL MAP NO. 3616, P.M.B. 32/76.

BENCHMARK

CITY OF VICTORVILLE BENCH MARK V-209
LOCATED AT THE SOUTHWEST ECR OF HESPERIA ROAD AND NISQUALLI ROAD
ELEVATION = 2949.94

UTILITY PURVEYORS

ELECTRICITY
SOUTHERN CALIFORNIA EDISON CO.
12353 HESPERIA RD.
VICTORVILLE, CA 92392
(760) 951-3241

SEWER
CITY OF VICTORVILLE
14343 CIVIC DRIVE – P.O. BOX 5001
VICTORVILLE, CA 92393-5001
(760) 955-5000

GAS
SOUTHWEST GAS CORPORATION
13471 MARIPOSA ROAD
VICTORVILLE, CA 92392
(760) 951-4050

CABLE
SPECTRUM COMMUNICATIONS
9536 C AVENUE
HESPERIA, CA 92345
(944) 780-6054

WATER
CITY OF VICTORVILLE
14343 CIVIC DRIVE – P.O. BOX 5001
VICTORVILLE, CA 92393-5001
(760) 955-5000

EXISTING EASEMENTS

NOTE: EASEMENTS SHOWN BELOW TO BE ABANDONED PER THE FINAL MAP, UNLESS OTHERWISE NOTED

1. AN EASEMENT FOR POLE LINES AND INCIDENTAL PURPOSES, IN FAVOR OF CALIFORNIA ELECTRIC POWER COMPANY RECORDED IN BOOK 2048, PAGE 376 OF OFFICIAL RECORDS
2. AN EASEMENT FOR POLE LINES AND INCIDENTAL PURPOSES, IN FAVOR OF CALIFORNIA ELECTRIC POWER COMPANY RECORDED IN BOOK 2048, PAGE 376 OF OFFICIAL RECORDS.
3. AN EASEMENT FOR INGRESS, EGRESS AND INCIDENTAL PURPOSES IN THE DOCUMENT RECORDED IN BOOK 8044, PAGE 217 OF OFFICIAL RECORDS.
4. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES IN FAVOR OF CALIFORNIA ELECTRIC POWER COMPANY , RECORDED JULY 21, 1947 IN BOOK 2050, PAGE 479 OF OFFICIAL RECORDS.
5. AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES,IN FAVOR OF: CALIFORNIA ELECTRIC POWER COMPANY AND CALIFORNIA INTERSTATE TELEPHONE COMPANY RECORDED JULY 18, 1957 IN BOOK 4283, PAGE 29 OF OFFICIAL RECORDS.
6. AN OFFER OF DEDICATION FOR HIGHWAY AND ROAD AND INCIDENTAL PURPOSES, TO THE COUNTY OF SAN BERNARDINO RECORDED JULY 24, 1974 IN BOOK 8479, PAGE 1260 OF OFFICIAL RECORDS. SAID OFFER WAS ACCEPTED BY RESOLUTION, A CERTIFIED COPY OF WHICH WAS RECORDED NOVEMBER 14, 1990 AS INSTRUMENT NO. 90-454873, OF OFFICIAL RECORDS, AND WILL NOT BE ABANDONED PER THE FINAL MAP.
7. AN EASEMENT SHOWN OR DEDICATED ON THE MAP FILED OR RECORDED IN BOOK 18, PAGE 26 OF PARCEL MAPS FOR DRAINAGE AND INCIDENTAL PURPOSES.

PROPOSED EASEMENTS

A. A PROPOSED EASEMENT OF VARYING WIDTH, IN FAVOR OF THE CITY OF VICTORVILLE FOR DRAINAGE PURPOSES.

B. A PROPOSED 20' EASEMENT, IN FAVOR OF THE CITY OF VICTORVILLE FOR SANITARY SEWER PURPOSES.

PROPOSED UTILITES

1. PROPOSED 6" FIRE WATER SERVICE PIPE (PRIVATE)
2. PROPOSED 2" DOMESTIC WATER SERVICE PIPE (PRIVATE)
3. PROPOSED 6" SEWER PIPE (PRIVATE)
4. PROPOSED 102" RCP STORM DRAIN (PUBLIC)
5. PROPOSED 96" RCP STORM DRAIN (PUBLIC)
6. PROPOSED 24" RCP STORM DRAIN (PUBLIC)
7. PROPOSED 24" STORM DRAIN PIPE (PRIVATE)
8. PROPOSED 12" STORM DRAIN PIPE (PRIVATE)
9. PROPOSED UNDERGROUND STORM DRAIN DETENTION (PRIVATE)

LEGEND

- PROPOSED SLOPE 2:1 MAX.
- PROPOSED AC PAVEMENT
- EXISTING JOSHUA TREE

ABBREVIATIONS

BFP	BACK FLOW PREVENTER
C/L	CENTERLINE
C&G	CURB AND GUTTER
CB	CATCH BASIN
EG	EXISTING GROUND
EL.	ELEVATION
ELEC.	ELECTRIC
EX.	EXISTING
FF	FINISH FLOOR
FG	FINISH GRADE
FL	FLOW LINE
FH	FIRE HYDRANT
FS	FINISH SURFACE
FUT.	FUTURE
GB	GRADE BREAK
GUY	GUY ANCHOR
HP	HIGH POINT
INV	INVERT
LF	LINEAR FEET
LP	LOW POINT
P/L	PROPERTY LINE
PE	PAD ELEVATION
PP	POWER POLE
PS	PIPE SLOPE
PR.	PROPOSED
R/W	RIGHT OF WAY
ST.	STREET
SWR	SEWER
TC	TOP OF GRATE
TYP	TYPICAL
WTR	WATER

OWNER / DEVELOPER

SPACE CENTER MIRA LOMA, INC.
C/O LINK LOGISTICS REAL ESTATE MANAGEMENT LLC
90 PARK AVENUE
NEW YORK, NY 10016

OWNER'S REPRESENTATIVE

TOM CRUIKSHANK
LINK LOGISTICS REAL ESTATE
3401 ETIWANDA AVE., LEASING OFFICE
JURUPA VALLEY, CA 91752
TCRUIKSHANK@LINKLOGISTICS.COM

ENGINEER

DAVID EVANS AND ASSOCIATES, INC.
18484 OUTER HIGHWAY 18 NORTH, SUITE 225
APPLE VALLEY, CA 92307

Source(s): David Evans and Associates, Inc. (07-27-2022)

Figure 3-11

Not to Scale

Tentative Parcel Map No. 20450

4.0 ENVIRONMENTAL ANALYSIS

4.0.1 SUMMARY OF EIR SCOPE

In accordance with CEQA Guidelines Sections 15126-15126.4, this EIR Section includes analyses of potential direct, indirect, and cumulatively-considerable impacts that could result from the planning, construction, and/or operation of the proposed Project.

In compliance with the procedural requirements of CEQA, the City of Victorville filed a Notice of Preparation (NOP) with the State Clearinghouse of the California Office of Planning and Research (State Clearinghouse) to indicate that an EIR would be prepared to evaluate the Project's potential to impact the environment. The NOP was filed with the State Clearinghouse and distributed to potential Responsible Agencies, Trustee Agencies, and other interested parties on March 16, 2020, for a 30-day public review period. The NOP was distributed for public review to solicit responses that would help the City identify the full scope and range of potential environmental concerns associated with the Project so that these issues could be fully examined in this EIR. In addition, a publicly-noticed EIR Scoping Meeting was held on April 8, 2020. The EIR Scoping Meeting provided public agencies, interested parties, and members of the general public an additional opportunity to learn about the Project, the CEQA review process, and how to submit comments on the scope and range of potential environmental concerns be addressed in this EIR.

Taking all known information and public comments into consideration, 13 primary environmental subject areas are evaluated in this Section 4.0, as listed below. Each Subsection of this Section 4.0 evaluates several specific subject matters related to the general topic of the Subsection. The title of each subsection is not limiting; therefore, refer to each subsection for a full account of the subject matters addressed therein. Environmental issues and their corresponding Subsections are:

4.1 Air Quality
4.2 Biological Resources
4.3 Cultural Resources
4.4 Energy
4.5 Geology and Soils
4.6 Greenhouse Gas Emissions
4.7 Hazards and Hazardous Materials
4.8 Hydrology and Water Quality
4.9 Land Use and Planning
4.10 Noise
4.11 Transportation
4.12 Tribal Cultural Resources
4.13 Utilities and Service Systems

After consideration of all comments received by the City of Victorville on the scope of this EIR and documented in the City's records, the City determined that the Project clearly had no potential to result in significant impacts under seven primary environmental subject areas: Aesthetics; Agriculture and Forestry Resources; Mineral Resources; Population and Housing; Public Services; Recreation; and Wildfire. These seven subjects are addressed in Section 5.0, *Other CEQA Considerations*.

4.0.2 ORGANIZATION OF ENVIRONMENTAL ANALYSIS

Subsections 4.1 through 4.13 of this EIR evaluate the 13 environmental subjects warranting detailed analysis as determined by the City of Victorville in consideration of preliminary research findings, public comments, and technical study. The format of discussion is standardized as much as possible in each section for ease of review. The environmental setting is discussed first, followed by a discussion of the potential environmental impacts that would result from implementation of the Project (which is based on specified thresholds of significance used as criteria to determine whether potential environmental effects are significant).

The thresholds of significance used in this EIR are based on the thresholds of significance identified in Appendix G to the CEQA Guidelines, as most recently updated in December 2018. The thresholds are intended to assist the reader of this EIR in understanding how and why this EIR reaches a conclusion that an impact would or would not occur, and whether the impact would be significant or less than significant.

Serving as the CEQA Lead Agency for this EIR, the City of Victorville is responsible for determining whether an adverse environmental effect identified in this EIR should be classified as significant or less than significant. The standards of significance used in this EIR are based on the independent judgment of the City of Victorville, taking into consideration the City of Victorville General Plan; the City of Victorville Municipal Code and adopted City policies; the judgment of the technical experts that prepared this EIR's technical appendices; performance standards adopted, implemented, and monitored by regulatory agencies; and significance standards recommended by regulatory agencies.

As required by CEQA Guidelines Section 15126.2(a), Project-related effects on the environment are characterized in this EIR as direct, indirect, cumulatively-considerable, short-term, long-term, on-site, and/or off-site impacts. A summarized "impact statement" is provided in each Subsection following the analysis. Each Subsection also includes a discussion or listing of the applicable regulatory criteria (laws, policies, regulations) that the Project and its implementing actions are required to comply with (if any). If impacts are identified as significant after mandatory compliance with regulatory criteria, feasible mitigation measures are presented that would either avoid the impact or reduce the magnitude of the impact. For any impact identified as significant and unavoidable, the City of Victorville would be required to adopt a statement of overriding considerations pursuant to CEQA Guidelines Section 15093 in order to approve the Project despite its significant impact(s) to the environment. The statement of overriding considerations would list the specific economic, legal, social, technological, and other benefits of the Project, supported by substantial evidence in the Project's administrative record, that outweigh the unavoidable impacts.

4.0.3 TERMINOLOGY USED IN THIS EIR

The level of significance is identified for each impact in this EIR. Although the criteria for determining significance are different for each topic area, the environmental analysis applies a uniform classification of the impacts based on definitions consistent with CEQA and the CEQA Guidelines:

- **No impact.** The Project would not adversely affect the environment.

- **Less than significant.** The Project would not cause any substantial, adverse change in the environment.

- **Significant impact.** A substantial or potentially substantial adverse change in the physical environment would occur and would exceed the threshold(s) of significance presented in this EIR, requiring the consideration of mitigation measures.

Each Subsection also includes a discussion or listing of the applicable regulatory criteria (laws, policies, regulations, etc.) that the Project is required to comply with (if any). If impacts are identified as significant after mandatory compliance with regulatory criteria, feasible mitigation measures are presented that would either avoid the impact or reduce the magnitude of the impact. The following terms are used to describe the level of significance following the application of recommended mitigation measures:

- **Less than significant with mitigation incorporated.** A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this EIR; however, the impact can be avoided or reduced to a less than significant level through the application of feasible mitigation measure(s).

- **Significant and unavoidable.** A substantial or potentially substantial adverse change in the physical environment would occur that would exceed the threshold(s) of significance presented in this EIR. Feasible and enforceable mitigation measure(s) that have a proportional nexus to the Project's impact are either not available or would not be fully effective in avoiding or reducing the impact to below a level of significance.

4.0.4 SCOPE OF CUMULATIVE EFFECTS ANALYSIS

CEQA requires that an EIR contain an assessment of the cumulative impacts that may be associated with a proposed project. As noted in CEQA Guidelines Section 15130(a), "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." "A cumulative impact consists of an impact which is created as a result of the combination of the project evaluated in the EIR together with other projects creating related impacts" (CEQA Guidelines Section 15130(a)(1)). As defined in CEQA Guidelines Section 15355:

> *'Cumulative Impacts' refers to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.*
>
> *(a) The individual effects may be changes resulting from a single project or a number of separate projects.*
>
> *(b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.*

CEQA Guidelines Section 15130(b) describes two acceptable methods for identifying a study area for purposes of conducting a cumulative impact analysis. These two approaches include: "1) a list of past, present, and probable future projects producing related or cumulative impacts, including if necessary, those projects outside the control of the agency ['the list of projects approach'], or 2) a summary of projections contained in an adopted general plan or related planning document, or in a prior environmental document which has been adopted or certified, which described or evaluated regional or area wide conditions contributing to the cumulative impact ['the summary of projections approach']."

The summary of projections approach is used in this EIR, except for the evaluation of cumulative vehicular-related noise impacts, for which a combination of the summary of projections and the list of projects approaches are used. The City of Victorville determined the combined approach to be appropriate because long-range planning documents contain a sufficient amount of information to enable an analysis of cumulative effects for all subject areas, except for vehicular-related noise effects, which require a greater level of detailed study. The cumulative impact analyses of vehicular-related health risk and noise impacts, which rely on data from the Project's Traffic Analysis (EIR *Technical Appendix K2*), inherently utilize the combined approach. With the combined approach, the cumulative impact analyses for the vehicular-related noise issue areas overstate the Project's potential cumulatively-considerable impacts relative to analyses that rely solely on the list of projects approach or solely on the summary of projections approach; therefore, the combined approach provides a conservative, "worst-case" analysis for the Project's contribution to cumulative traffic-related air quality and noise impacts.

The list of projects used to supplement the summary of projections approach for the cumulative vehicular-related air quality and noise impact analyses includes known approved and pending development projects in proximity to the Project Site that would contribute traffic to the same transportation facilities as the Project. This methodology recognizes development projects that have the potential to contribute measurable traffic to the same intersections, roadway segments, and/or State highway system facilities as the proposed Project and have the potential to be fully operational in the foreseeable future. Accordingly, the cumulative impact analysis of vehicular-related noise impacts includes the four other known past, present, and reasonably foreseeable projects described in Table 4.0-1, *Cumulative Development Land Use Summary*, and depicted on Figure 4.0-1, *Cumulative Development Location Map*, in addition to the summary of projections.

Table 4.0-1 Cumulative Development Land Use Summary

#	Project Name	Land Use	Quantity Units[1]
V1	Plan21-00005	Hotel	119.000 DU
V2	Plan21-00003	Drive-Thru Restaurant	4.500 TSF
V3	Plan21-00010	Residential (multi-family)	272 DU
V4	Plan20-00009	Residential (multi-family)	212 DU

[1] DU = Dwelling Units; TSF = Thousand Square Feet
Source: (Urban Crossroads, 2022f, Table 4-2)

For the cumulative impact analyses that rely on the summary projections approach (i.e., all issue areas with the exception of vehicular-related noise, as described above), the cumulative study area for evaluation is

identified and defined in each Subsection of Chapter 4.0. The cumulative study area varies depending on the subject area. Please refer to the cumulative impact analysis provided in each Subsection in Chapter 4.0 for an issue-specific discussion of the cumulative study area.

Table 4.0-2, *SCAG Jurisdiction Level Growth Forecast – Victorville*, depicts SCAG's projections for the City's population, household, and employment for the year 2045. As shown, from 2016 to 2045, the City is expected to increase in population by 71,200, in households by 27,900, and in employment by 20,000. The projections for residential and non-residential buildout potential are included in Table 4.0-3, *City of Victorville General Plan 2030 Buildout Projections*. Table 4.0-3 projects the development intensity of the General Plan Land Use Plan, including the maximum amount of dwelling units and employment square footage that could occur in the City, inclusive of the City's current incorporated boundaries, the existing sphere of influence, and the proposed sphere of influence.

Table 4.0-2 SCAG Jurisdiction Level Growth Forecast – Victorville

City	Population		Households		Employment	
	2016	2045	2016	2045	2016	2045
Victorville	123,300	194,500	33,900	61,800	41,200	61,200

Source: (SCAG, 2020b, Table 14)

Table 4.0-3 City of Victorville General Plan 2030 Buildout Projections

	Acres	Square Feet	Total Dwelling Units	Single Family Units	Multi-family Units
Very Low Density Residential	8,097	-	7,695	7,695	-
Low Density Residential	26,968	-	51,532	51,532	-
Medium Density Residential	510	-	2,212	-	2,212
High Density Residential	2,255	-	15,840	-	15,840
Mixed Density Residential	78	-	183	183	-
Mixed Use	609	-	9,264	-	9,264
Commercial	6,685	1,525,287	-	-	-
Office Professional	393	35,135,280	-	-	-
Light Industrial	5,220	1,680,504	-	-	-
Heavy Industrial	1,501	31,465,805	-	-	-
Open Space	22,348	-	-	-	-
Public Institutional	1,200	4,930,332	-	-	-
Specific Plan	23,042	24,435,162	51,891	27,604	24,287
Totals	**98,906**	**99,172,369**	**138,617**	**87,014**	**51,603**

Source: (City of Victorville, 2008, Table LU-6)

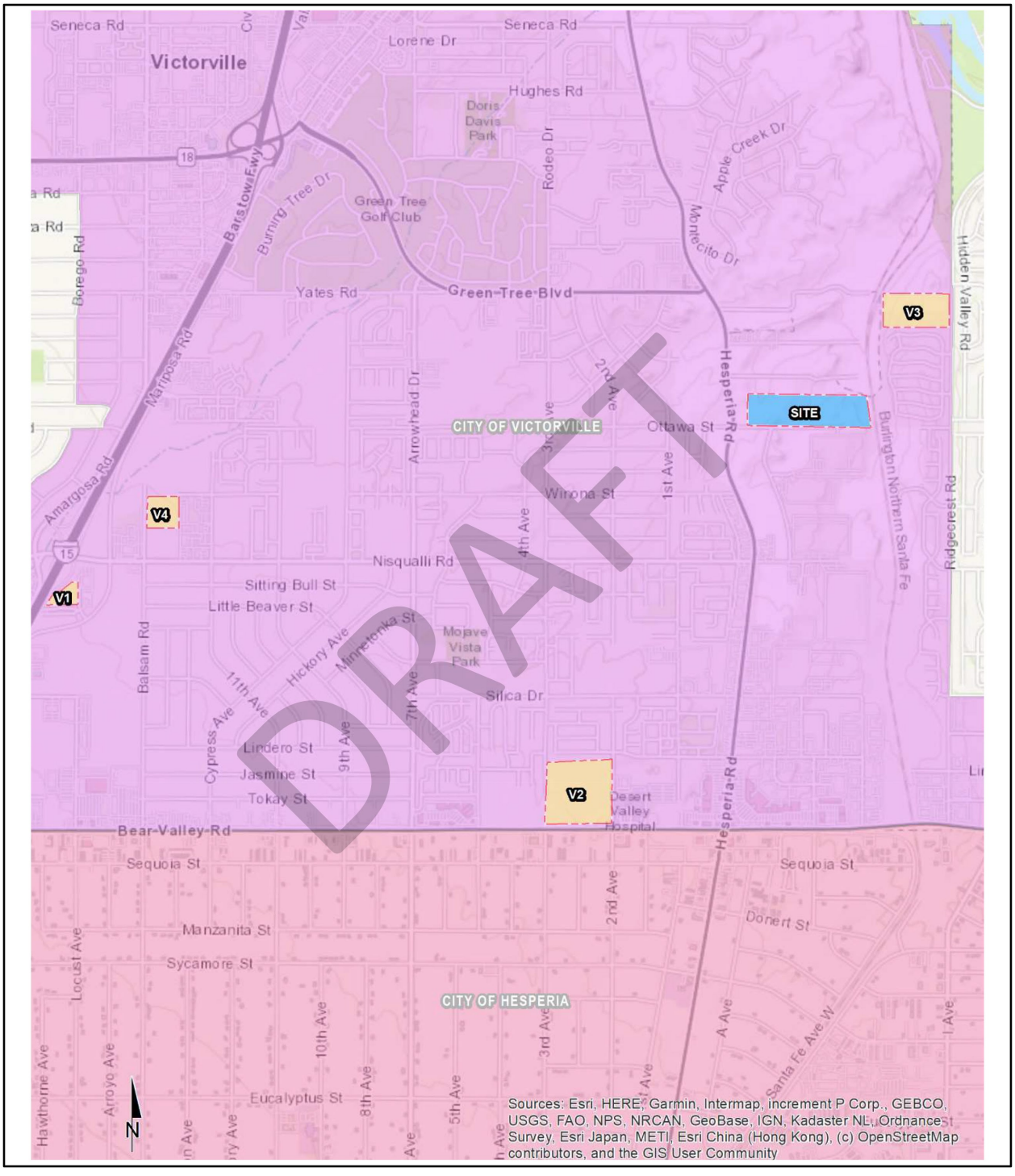
For the issue of air quality, the cumulative study area comprises the Mojave Desert Air Basin (MDAB), while the cumulative impact analysis relies on guidance from the Mojave Desert Air Quality Management District (MDAQMD). The MDAQMD relies on the South Coast Air Quality Management District (SCAQMD) guidance for determining cumulative impacts. SCAQMD has recognized that there is typically insufficient information to quantitatively evaluate the cumulative contributions of multiple projects because each project applicant has no control over nearby projects The SCAQMD published a report giving direction on how to address cumulative impacts from air pollution: *White Paper on Potential Control Strategies to Address Cumulative Impacts from Air Pollution* (SCAQMD, 2003). In this report the AQMD states on page D-3:

> *"…the AQMD uses the same significance thresholds for project specific and cumulative impacts for all environmental topics analyzed in an Environmental Assessment or EIR. The only case where the significance thresholds for project specific and cumulative impacts differ is the Hazard Index (HI) significance threshold for toxic air contaminant (TAC) emissions. The project specific (project increment) significance threshold is HI > 1.0 while the cumulative (facility-wide) is HI > 3.0. It should be noted that the HI is only one of three TAC emission significance thresholds considered (when applicable) in a CEQA analysis. The other two are the maximum individual cancer risk (MICR) and the cancer burden, both of which use the same*

significance thresholds (MICR of 10 in 1 million and cancer burden of 0.5) for project specific and cumulative impacts.

Projects that exceed the project-specific significance thresholds are considered by the SCAQMD to be cumulatively considerable. This is the reason project-specific and cumulative significance thresholds are the same. Conversely, projects that do not exceed the project-specific thresholds are generally not considered to be cumulatively significant."

The cumulative analysis provided in EIR Subsection 4.1 for air quality impacts assumes that individual projects that do not generate emissions that exceed the MDAQMD's recommended daily thresholds for project-specific impacts also would 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. Alternatively, individual project-related emissions that exceed MDAQMD thresholds for Project-specific impacts would be considered cumulatively considerable.



Source(s): Urban Crossroads (07-22-2021)

Figure 4.0-1

Not to Scale

Cumulative Development Location Map

4.1 AIR QUALITY

This Subsection is based primarily on two technical studies that were prepared by Urban Crossroads, Inc. to evaluate the potential for Project-related construction and operational activities to result in adverse effects on local and regional air quality. The first report, an air quality impact analysis, is titled, "Ottawa Business Center Air Quality Impact Analysis" (herein, "AQIA"), is dated September 26, 2022, and is included as *Technical Appendix B1* to this EIR (Urban Crossroads, 2022a). The second report, a mobile source health risk assessment, is titled "Mobile Source Health Risk Assessment" (herein, "HRA"), is dated September 26, 2022, and is appended to this EIR as *Technical Appendix B2* to this EIR (Urban Crossroads, 2022b). Refer to Section 7.0, *References*, for a complete list of reference sources used in this Subsection.

4.1.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were made during the EIR Scoping Meeting that pertain to air quality.

Two air quality-related comments were provided by the CARB and Californians Allied for a Responsible Economy (CARE CA), which were received by the City on December 15 and 17, 2020, respectively. CARB requested that the EIR identify air pollution impacts, in particular those which may affect the neighboring residences and schools, model potential health risks associated with operational and construction emissions, and that final design of the Project be designed to reduce exposure of toxic diesel PM emissions and to include all existing and emerging zero-emission technologies. CARE CA requested that estimates of the significance of air quality impacts must be consistent with current epidemiological studies regarding the effects of pollution and various kinds of environmental stress on public health, and also requested that the EIR include a health risk assessment.

In response to the comment received, potential health impacts during construction and operation to sensitive receptors are addressed below in Pages 4.1-24 to 4.1-26 and in the Project's HRA (*Technical Appendix B2*). Additionally, the significance threshold of air quality and health risk impacts is based on MDAQMD's Guidelines and are discussed further in Pages 4.1-18 to 4.1-19.

4.1.2 ENVIRONMENTAL SETTING

A. Mojave Desert Air Basin (MDAB)

The Project site is located in the Mojave Desert Air Basin (MDAB), within the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). The MDAB encompasses desert portions of Kern, Los Angeles, Riverside and San Bernardino counties. The MDAB is an assemblage of mountain ranges interspersed with long broad valleys that often contain dry lakes. Many of the lower mountains which dot the vast terrain rise from 1,000 to 4,000 feet above the valley floor. The MDAB is separated from the southern California coastal and central California valley regions by mountains (highest elevation approximately 10,000 feet), whose passes form the main channels for these air masses. (MDAQMD, 2016, p. 6)

B. Regional Climate

Air quality in the Project area is not only affected by various emissions sources (mobile, industry, etc.) but is also affected by atmospheric conditions such as wind speed, wind direction, temperature, and rainfall (Urban Crossroads, 2022a, p. 8).

Prevailing winds in the MDAB are out of the west and southwest. These prevailing winds are due to the proximity of the MDAB to coastal and central regions and the blocking nature of the Sierra Nevada Mountains to the north; air masses pushed onshore in Southern California by differential heating are channeled through the MDAB. The Mojave Desert is bordered on the southwest by the San Bernardino Mountains, separated from the San Gabriel Mountains by the Cajon Pass (4,200 feet). A lesser pass lies between the San Bernardino Mountains and the Little San Bernardino Mountains in the Morongo Valley. The Palo Verde Valley portion of the Mojave Desert lies in the low desert, at the eastern end of a series of valleys (notably the Coachella Valley), whose primary channel is the San Gorgonio Pass (2,300 feet) between the San Bernardino and San Jacinto Mountains. (Urban Crossroads, 2022a, p. 8)

During the summer, the MDAB is generally influenced by a Pacific subtropical high cell that sits off the coast, inhibiting cloud formation and encouraging daytime solar heating. The MDAB is rarely influenced by cold air masses moving south from Canada and Alaska, as these frontal systems are weak and diffuse by the time they reach the desert. Most desert moisture arrives from infrequent warm, moist, and unstable air masses from the south. The MDAB averages between three and seven inches of precipitation per year (from 16 to 30 days with at least 0.01 inch of precipitation). The MDAB is classified as a dry-hot desert climate, with portions classified as dry-very hot desert, to indicate that at least three months have maximum average temperatures over 100.4° F. (Urban Crossroads, 2022a, pp. 8-9)

Snow is common above 5,000 feet in elevation, resulting in moderate snowpack and limited spring runoff. Below 5,000 feet, any precipitation normally occurs as rainfall. Pacific storm fronts normally move into the area from the west, driven by prevailing winds from the west and southwest. During late summer, moist high-pressure systems from the Pacific collide with rising heated air from desert areas, resulting in brief, high-intensity thunderstorms that can cause high winds and localized flash flooding. (Urban Crossroads, 2022a, p. 9)

C. Air Quality Pollutants and Associated Human Health Effects

The federal government and State of California have established maximum permissible concentrations for common air pollutants that may pose a risk to human health or would otherwise degrade air quality and adversely affect the environment. These regulated air pollutants are referred to as "criteria pollutants." An overview of the common criteria air pollutants in the SCAB, their sources, and associated effects to human health are summarized on the following pages (also refer to Section 2.3 of *Technical Appendix B1*).

- **Carbon Monoxide (CO)** CO is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend to be the highest during the winter morning, when little to no wind and surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone (O_3), motor vehicles

operating at slow speeds are the primary source of CO in the MDAB. The highest ambient CO concentrations are generally found near congested transportation corridors and intersections. CO is generated by any source that burns fuel such as automobiles, trucks, heavy construction equipment, farming equipment and residential heating. Individuals with a deficient blood supply to the heart are the most susceptible to the adverse effects of CO exposure. The effects observed include earlier onset of chest pain with exercise, and electrocardiograph changes indicative of decreased oxygen supply to the heart. Inhaled CO has no direct toxic effect on the lungs but exerts its effect on tissues by interfering with oxygen transport and competing with oxygen to combine with hemoglobin present in the blood to form carboxyhemoglobin (COHb). Hence, conditions with an increased demand for oxygen supply can be adversely affected by exposure to CO. Individuals most at risk include fetuses, patients with diseases involving heart and blood vessels, and patients with chronic hypoxemia (oxygen deficiency) as seen at high altitudes. (Urban Crossroads, 2022a, Table 2-1)

- **Sulfur Dioxide (SO_2)** is a colorless, extremely irritating gas or liquid. SO_2 enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal and from chemical processes occurring at chemical plants and refineries. When SO_2 oxidizes in the atmosphere, it forms sulfates (SO_4). Collectively, these pollutants are referred to as sulfur oxides (SO_X). SO_2 is generated by coal or oil burning power plants and industries, refineries, and diesel engines. A few minutes of exposure to low levels of SO_2 can result in airway constriction in some asthmatics, all of whom are sensitive to its effects. In asthmatics, increase in resistance to air flow, as well as reduction in breathing capacity leading to severe breathing difficulties, are observed after acute exposure to SO_2. In contrast, healthy individuals do not exhibit similar acute responses even after exposure to higher concentrations of SO_2. Animal studies suggest that despite SO_2 being a respiratory irritant, it does not cause substantial lung injury at ambient concentrations. However, very high levels of exposure can cause lung edema (fluid accumulation), lung tissue damage, and sloughing off of cells lining the respiratory tract. Some population-based studies indicate that the mortality and morbidity effects associated with fine particles show a similar association with ambient SO_2 levels. In these studies, efforts to separate the effects of SO_2 from those of fine particles have not been successful. It is not clear whether the two pollutants act synergistically, or one pollutant alone is the predominant factor. (Urban Crossroads, 2022a, Table 2-1)

- **Nitrogen Oxides (NO_X)** consist of nitric oxide (NO), nitrogen dioxide (NO_2) and nitrous oxide (N_2O) and are formed when nitrogen (N_2) combines with oxygen (O_2). Their lifespan in the atmosphere ranges from one to seven days for nitric oxide and nitrogen dioxide, to 170 years for nitrous oxide. Nitrogen oxides are typically created during combustion processes, and are major contributors to smog formation and acid deposition. NO_2 is a criteria air pollutant, and may result in numerous adverse health effects; it absorbs blue light, resulting in a brownish-red cast to the atmosphere, and reduced visibility. Of the nitrogen oxide compounds, NO_2 is the most abundant in the atmosphere. As ambient concentrations of NO_2 are related to traffic density, commuters in heavy traffic may be exposed to higher concentrations of NO_2 than those indicated by regional monitoring stations. NO_X is generated by any source that burns fuel such as automobiles, trucks, heavy construction equipment, farming equipment and residential heating. Population-based studies suggest that an increase in acute respiratory illness, including infections and respiratory symptoms in children (not infants), is

associated with long-term exposure to NO_2 at levels found in homes with gas stoves, which are higher than ambient levels found in Southern California. Increase in resistance to air flow and airway contraction is observed after short-term exposure to NO_2 in healthy subjects. Larger decreases in lung functions are observed in individuals with asthma or chronic obstructive pulmonary disease (e.g., chronic bronchitis, emphysema) than in healthy individuals, indicating a greater susceptibility of these sub-groups. In animals, exposure to levels of NO_2 considerably higher than ambient concentrations result in increased susceptibility to infections, possibly due to the observed changes in cells involved in maintaining immune functions. The severity of lung tissue damage associated with high levels of O_3 exposure increases when animals are exposed to a combination of O_3 and NO_2. (Urban Crossroads, 2022a, Table 2-1)

- **Ozone (O_3)** is a highly reactive and unstable gas that is formed when volatile organic compounds (VOCs) and nitrogen oxides (NO_X), both byproducts of internal combustion engine exhaust, undergo slow photochemical reactions in the presence of sunlight. Ozone concentrations are generally highest during the summer months when direct sunlight, warm temperatures, and light wind conditions are favorable to the formation of this pollutant. Ozone is formed when reactive organic gases (ROG) and nitrogen oxides react in the presence of sunlight. ROG sources include any source that burns fuels, (e.g., gasoline, natural gas, wood, oil) solvents, petroleum processing and storage and pesticides. Individuals exercising outdoors, children, and people with preexisting lung disease, such as asthma and chronic pulmonary lung disease, are considered to be the most susceptible sub-groups for O_3 effects. Short-term exposure (lasting for a few hours) to O_3 at levels typically observed in Southern California can result in breathing pattern changes, reduction of breathing capacity, increased susceptibility to infections, inflammation of the lung tissue, and some immunological changes. Elevated O_3 levels are associated with increased school absences. In recent years, a correlation between elevated ambient O_3 levels and increases in daily hospital admission rates, as well as mortality, has also been reported. An increased risk for asthma has been found in children who participate in multiple outdoor sports and live in communities with high O_3 levels. Ozone exposure under exercising conditions is known to increase the severity of the responses described above. Animal studies suggest that exposure to a combination of pollutants that includes O_3 may be more toxic than exposure to O_3 alone. Although lung volume and resistance changes observed after a single exposure diminish with repeated exposures, biochemical and cellular changes appear to persist, which can lead to subsequent lung structural changes. (Urban Crossroads, 2022a, Table 2-1)

- **Particulate Matter less than 10 microns (PM_{10}) and Particulate Matter less than 2.5 microns ($PM_{2.5}$)** are major air pollutants consisting of tiny solid or liquid particles of soot, dust, smoke, fumes, and aerosols that are 10 microns or smaller or 2.5 microns or smaller, respectively. Particulate matter pollution is a major cause of reduce visibility (haze) which is caused by the scattering of light and consequently the significant reduction air clarity. The size of the particles (10 microns or smaller, about 0.0004 inches or less) allows them to easily enter the lungs where they may be deposited, resulting in adverse health effects. Additionally, it should be noted that PM_{10} is considered a criteria air pollutant. Sources of PM_{10} include road dust, windblown dust, and construction. PM_{10} also is formed from other pollutants (acid rain, NO_X, SO_X, and organics). Incomplete combustion of any fuel also can generate PM_{10}. (Urban Crossroads, 2022a, Table 2-1)

$PM_{2.5}$ is a similar air pollutant to PM_{10} consisting of tiny solid or liquid particles which are 2.5 microns or smaller (which is often referred to as fine particles). These particles are formed in the atmosphere from primary gaseous emissions that include sulfates formed from SO_2 release from power plants and industrial facilities and nitrates that are formed from NO_X release from power plants, automobiles, and other types of combustion sources. The chemical composition of fine particles highly depends on location, time of year, and weather conditions. $PM_{2.5}$ is a criteria air pollutant. $PM_{2.5}$ comes from fuel combustion in motor vehicles, equipment and industrial sources, residential, and agricultural burning. $PM_{2.5}$ also is formed from reaction of other pollutants (acid rain, NO_X, SO_X, and organics). (Urban Crossroads, 2022a, Table 2-1)

A consistent correlation between elevated ambient fine particulate matter (PM_{10} and $PM_{2.5}$) levels and an increase in mortality rates, respiratory infections, number and severity of asthma attacks and the number of hospital admissions has been observed in different parts of the United States and various areas around the world. In recent years, some studies have reported an association between long-term exposure to air pollution dominated by fine particles and increased mortality, reduction in lifespan, and an increased mortality from lung cancer. Daily fluctuations in $PM_{2.5}$ concentration levels have also been related to hospital admissions for acute respiratory conditions in children, to school and kindergarten absences, to a decrease in respiratory lung volumes in normal children, and to increased medication use in children and adults with asthma. Recent studies show lung function growth in children is reduced with long term exposure to particulate matter. The elderly, people with pre-existing respiratory or cardiovascular disease, and children appear to be more susceptible to the effects of high levels of PM_{10} and $PM_{2.5}$. (Urban Crossroads, 2022a, Table 2-1)

- **Volatile Organic Compounds (VOCs) and Reactive Organic Gasses (ROGs)** are a family of hydrocarbon compounds (any compound containing various combinations of hydrogen and carbon atoms) that exist in the ambient air. Both VOCs and ROGs are precursors to ozone and contribute to the formation of smog through atmospheric photochemical reactions and/or may be toxic. Individual VOCs and ROGs have different levels of reactivity; that is, they do not react at the same speed or do not form ozone to the same extent when exposed to photochemical processes. VOCs often have an odor, including such common VOCs as gasoline, alcohol, and the solvents used in paints. Exceptions to the VOC designation include carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. VOCs and ROGs are criteria pollutants since they are a precursor to O_3, which is a criteria pollutant. Odors generated by VOCs and ROGs can irritate the eye, nose, and throat, and can cause difficulty breathing and nausea, and can damage the central nervous system as well as other organs. Some VOCs can cause cancer. Not all VOCs have all these health effects, though many have several. The terms VOC and ROG are used interchangeably. (Urban Crossroads, 2022a, Table 2-1)

- **Lead (Pb)** is a heavy metal that is highly persistent in the environment and is considered a criteria pollutant. Historically, the primary source of lead in the air was emissions from vehicles burning leaded gasoline. The major sources of lead emissions are ore and metals processing, particularly lead smelters, and piston-engine aircraft operating on leaded aviation gasoline. Other stationary sources include waste incinerators, utilities, and lead-acid battery manufacturers. Sources of lead include metal

smelters, resource recovery, leaded gasoline, and the deterioration of lead paint. Fetuses, infants, and children are more sensitive than others to the adverse effects of lead exposure. Exposure to low levels of lead can adversely affect the development and function of the central nervous system, leading to learning disorders, distractibility, inability to follow simple commands, and lower intelligence quotient. In adults, increased lead levels are associated with increased blood pressure. Lead poisoning can cause anemia, lethargy, seizures, and death; although it appears that there are no direct effects of lead on the respiratory system. lead can be stored in the bone from early age environmental exposure, and elevated blood lead levels can occur due to breakdown of bone tissue during pregnancy, hyperthyroidism (increased secretion of hormones from the thyroid gland) and osteoporosis (breakdown of bony tissue). Fetuses and breast-fed babies can be exposed to higher levels of lead because of previous environmental lead exposure of their mothers. (Urban Crossroads, 2022a, Table 2-1)

- **Odor** means the perception experienced by a person when one or more chemical substances in the air come into contact with the human olfactory nerves. Odors can come from many sources including animals, human activities, industry, natures, and vehicles. Offensive odors can potentially affect human health in several ways. First, odorant compounds can irritate the eye, nose, and throat, which can reduce respiratory volume. Second, studies have shown that the VOCs that cause odors can stimulate sensory nerves to cause neurochemical changes that might influence health, for instance, by compromising the immune system. Finally, unpleasant odors can trigger memories or attitudes linked to unpleasant odors, causing cognitive and emotional effects such as stress. (Urban Crossroads, 2022a, Table 2-1)

D. Existing Air Quality

Existing air quality is measured at established MDAQMD air quality monitoring stations. Monitored air quality is evaluated in the context of ambient air quality standards. These standards are the levels of air quality that are considered safe, with an adequate margin of safety, to protect the public health and welfare. National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS) currently in effect are shown in Table 4.1-1, *Ambient Air Quality Standards*. (Urban Crossroads, 2022a, p. 16)

The determination of whether a region's air quality is healthful or unhealthful is determined by comparing contaminant levels in ambient air samples to the state and federal standards. The most recent state and federal standards were updated by CARB on May 4, 2016 and are presented in Table 4.1-1. The air quality in a region is considered to be in attainment by the State if the measured ambient air pollutant levels for O_3, CO (except 8-hour Lake Tahoe), SO_2 (1 and 24 hour), NO_2, PM_{10}, and $PM_{2.5}$ are not exceeded. All other monitored contaminant levels (such as lead, visibility reducing particles, sulfates, hydrogen sulfide, and vinyl chloride) are not equaled or exceeded. It should be noted that the three-year period is presented for informational purposes and is not the basis for how the State assigns attainment status. Attainment status for a pollutant means that the Air District meets the standards set by the EPA or the California Environmental Protection Agency (CalEPA). Conversely, nonattainment means that an area has monitored air quality that does not meet the NAAQS or CAAQS standards. In order to improve air quality in nonattainment areas, a State Implementation Plan (SIP) is drafted by CARB. The SIP outlines the measures that the state will take to

improve air quality. Once nonattainment areas meet the standards and additional redesignation requirements, the EPA will designate the area as a maintenance area. (Urban Crossroads, 2022a, p. 16)

Table 4.1-1 Ambient Air Quality Standards

Pollutant	Averaging Time	California Standards [1]		National Standards [2]		
		Concentration [3]	Method [4]	Primary [3,5]	Secondary [3,6]	Method [7]
Ozone (O_3)[8]	1 Hour	0.09 ppm (180 µg/m³)	Ultraviolet Photometry	—	Same as Primary Standard	Ultraviolet Photometry
	8 Hour	0.070 ppm (137 µg/m³)		0.070 ppm (137 µg/m³)		
Respirable Particulate Matter (PM10)[9]	24 Hour	50 µg/m³	Gravimetric or Beta Attenuation	150 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	20 µg/m³		—		
Fine Particulate Matter (PM2.5)[9]	24 Hour	—	—	35 µg/m³	Same as Primary Standard	Inertial Separation and Gravimetric Analysis
	Annual Arithmetic Mean	12 µg/m³	Gravimetric or Beta Attenuation	12.0 µg/m³	15 µg/m³	
Carbon Monoxide (CO)	1 Hour	20 ppm (23 mg/m³)	Non-Dispersive Infrared Photometry (NDIR)	35 ppm (40 mg/m³)	—	Non-Dispersive Infrared Photometry (NDIR)
	8 Hour	9.0 ppm (10 mg/m³)		9 ppm (10 mg/m³)	—	
	8 Hour (Lake Tahoe)	6 ppm (7 mg/m³)		—	—	
Nitrogen Dioxide (NO_2)[10]	1 Hour	0.18 ppm (339 µg/m³)	Gas Phase Chemiluminescence	100 ppb (188 µg/m³)	—	Gas Phase Chemiluminescence
	Annual Arithmetic Mean	0.030 ppm (57 µg/m³)		0.053 ppm (100 µg/m³)	Same as Primary Standard	
Sulfur Dioxide (SO_2)[11]	1 Hour	0.25 ppm (655 µg/m³)	Ultraviolet Fluorescence	75 ppb (196 µg/m³)	—	Ultraviolet Flourescence; Spectrophotometry (Pararosaniline Method)
	3 Hour	—		—	0.5 ppm (1300 µg/m³)	
	24 Hour	0.04 ppm (105 µg/m³)		0.14 ppm (for certain areas)[11]	—	
	Annual Arithmetic Mean	—		0.030 ppm (for certain areas)[11]	—	
Lead[12,13]	30 Day Average	1.5 µg/m³	Atomic Absorption	—	—	High Volume Sampler and Atomic Absorption
	Calendar Quarter	—		1.5 µg/m³ (for certain areas)[12]	Same as Primary Standard	
	Rolling 3-Month Average	—		0.15 µg/m³		
Visibility Reducing Particles[14]	8 Hour	See footnote 14	Beta Attenuation and Transmittance through Filter Tape	No National Standards		
Sulfates	24 Hour	25 µg/m³	Ion Chromatography			
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m³)	Ultraviolet Fluorescence			
Vinyl Chloride[12]	24 Hour	0.01 ppm (26 µg/m³)	Gas Chromatography			

Source: (Urban Crossroads, 2022a, Table 2-2)

E. Regional Air Quality

Air pollution contributes to a wide variety of adverse health effects. The EPA has established NAAQS for six of the most common air pollutants: CO, Pb, O_3, particulate matter (PM_{10} and $PM_{2.5}$), NO_2, and SO_2 which are known as criteria pollutants. The MDAQMD monitors levels of various criteria pollutants at six permanent

monitoring stations. On February 20, 2019, CARB posted the 2018 amendments to the state and national area designations. Table 4.1-2, *Attainment Status of Criteria Pollutants in the MDAB*, shows the attainment designations for the MDAB and the Southeast Desert Air Basin (SDAB). Appendix 2.1 of *Technical Appendix B1* provides geographic representation of the State and federal attainment status for applicable criteria pollutants within the MDAB and SDAB. (Urban Crossroads, 2022a, p. 19)

Table 4.1-2 Attainment Status of Criteria Pollutants in the MDAB

Criteria Pollutant	State Designation	Federal Designation
O_3 – 1-hour standard	Nonattainment	--
O_3 – 8-hour standard	Nonattainment	Nonattainment
PM_{10}	Nonattainment	Attainment
$PM_{2.5}$	Nonattainment	Nonattainment
CO	Attainment	Unclassifiable/Attainment
NO_2	Attainment	Unclassifiable/Attainment
SO_2	Unclassifiable/Attainment	Unclassifiable/Attainment
PB[1]	Attainment	Unclassifiable/Attainment

"—" = The national 1-hour O3 standard was revoked effective June 15, 2005
Source: (Urban Crossroads, 2022a, Table 2-3)

F. Local Air Quality

Relative to the Project site, the nearest long-term air quality monitoring site for O_3, CO, NO_2, PM_{10}, and $PM_{2.5}$ was obtained from the MDAQMD Victorville-Park Avenue monitoring station, located approximately 2.28 miles northwest of the Project site. The most recent three (3) years of data available is shown on Table 4.1-3, *Project Area Air Quality Monitoring Summary 2018-2020*, and identifies the number of days ambient air quality standards were exceeded for the study area, which is considered to be representative of the local air quality at the Project site. Data for O_3, CO, NO_2, PM_{10}, and $PM_{2.5}$ was obtained using the CARB iADAM: Air Quality and Data Statistics and the Air Quality and Meteorological Information System (AQMIS). Data for SO_2 has been omitted as attainment is regularly met and few monitoring stations measure SO_2 concentrations. (Urban Crossroads, 2022a, p. 19)

Table 4.1-3 Project Area Air Quality Monitoring Summary 2018-2020

Pollutant	Standard	Year		
		2018	2019	2020
O_3				
Maximum Federal 1-Hour Concentration (ppm)		0.107	0.104	0.112
Maximum Federal 8-Hour Concentration (ppm)		0.096	0.081	0.094
Number of Days Exceeding Federal 1-Hour Standard	> 0.09 ppm	0	0	0
Number of Days Exceeding State 1-Hour Standard		5	3	4
Number of Days Exceeding Federal 8-Hour Standard	> 0.070 ppm	55	29	35
Number of Days Exceeding State 8-Hour Standard	> 0.075 ppm	27	13	17
CO				
Maximum Federal 1-Hour Concentration	> 35 ppm	1.420	1.493	1.638
NO_2				
Maximum Federal 1-Hour Concentration	> 0.100 ppm	0.051	0.056	0.059
Maximum State 1-Hour Concentration	> 0.180 ppm	0.051	0.056	0.059
Annual Federal Standard Design Value		12	11	13
Annual State Standard Design Value		12	12	12
Number of Days Exceeding Federal 1-Hour Standard	> 0.100 ppm	0	0	0
Number of Days Exceeding State 1-Hour Standard	> 0.18 ppm	0	0	0
PM_{10}				
Maximum Federal 24-Hour Concentration (µg/m^3)	> 150 µg/m^3	165.2	170.0	261.4
Annual Federal Arithmetic Mean (µg/m^3)		29.8	27.2	34.0
Number of Days Exceeding Federal 24-Hour Standard	> 150 µg/m^3	1	2	2
$PM_{2.5}$				
Maximum Federal 24-Hour Concentration (µg/m^3)	> 35 µg/m^3	32.7	17.8	48.4
Maximum State 24-Hour Concentration (µg/m^3)		33.2	20.0	48.7
Annual Federal Arithmetic Mean (µg/m^3)	>12 µg/m^3	7.9	7.0	9.7
Annual State Arithmetic Mean (µg/m^3)	>12 µg/m^3	8.7	7.0	10.4
Number of Samples Exceeding Federal 24-Hour Standard	> 35 µg/m^3	0	0	4

ppm = Parts Per Million
µg/m^3 – microgram per cubic meter
-- = data not available
Source: (Urban Crossroads, 2022a, Table 2-4)

4.1.3 REGULATORY FRAMEWORK

The following is a brief description of the federal, State, and local environmental laws and related regulations governing air quality emissions.

A. Federal Regulations

1. Federal Clean Air Act

The Clean Air Act (CAA; 42 U.S.C. § 7401 et seq.) is the comprehensive federal law that regulates air emissions from stationary and mobile sources. Among other things, this law authorizes Environmental Protection Agency (EPA) to establish National Ambient Air Quality Standards (NAAQS) to protect public health and public welfare and to regulate emissions of hazardous air pollutants, which include ozone (O_3), carbon monoxide (CO), nitrogen dioxide (NO_x), sulfur dioxide (SO_2), particulate matter (PM_{10}), $PM_{2.5}$, and lead (Pb). (EPA, 2022a)

One of the goals of the CAA was to set and achieve NAAQS in every state by 1975 in order to address the public health and welfare risks posed by certain widespread air pollutants. The setting of these pollutant standards was coupled with directing the states to develop state implementation plans (SIPs), applicable to appropriate industrial sources in the state, in order to achieve these standards. The CAA was amended in 1977 and 1990 primarily to set new goals (dates) for achieving attainment of NAAQS since many areas of the country had failed to meet the deadlines. (EPA, 2022a)

The sections of the federal CAA most directly applicable to the development of the Project site include Title I (Non-Attainment Provisions) and Title II (Mobile Source Provisions). Title I provisions address the urban air pollution problems of O_3 (smog), CO, and PM_{10}. Specifically, it clarifies how areas are designated and re-designated "attainment." It also allows EPA to define the boundaries of "nonattainment" areas: geographical areas whose air quality does not meet Federal air quality standards designed to protect public health. (EPA, 2021a) Mobile source emissions are regulated in accordance with the CAA Title II provisions. These standards are intended to reduce tailpipe emissions of hydrocarbons, CO, and NO_X on a phased-in basis that began in model year 1994. Automobile manufacturers also are required to reduce vehicle emissions resulting from the evaporation of gasoline during refueling. These provisions further require the use of cleaner burning gasoline and other cleaner burning fuels such as methanol and natural gas. (EPA, 2021b)

Section 112 of the Clean Air Act addresses emissions of hazardous air pollutants. Prior to 1990, CAA established a risk-based program under which only a few standards were developed. The 1990 Clean Air Act Amendments revised Section 112 to first require issuance of technology-based standards for major sources and certain area sources. "Major sources" are defined as a stationary source or group of stationary sources that emit or have the potential to emit 10 tons per year or more of a hazardous air pollutant or 25 tons per year or more of a combination of hazardous air pollutants. An "area source" is any stationary source that is not a major source. (EPA, 2022a)

For major sources, Section 112 requires that EPA establish emission standards that require the maximum degree of reduction in emissions of hazardous air pollutants. These emission standards are commonly referred to as "maximum achievable control technology" or "MACT" standards. Eight years after the technology-based MACT standards are issued for a source category, EPA is required to review those standards to determine whether any residual risk exists for that source category and, if necessary, revise the standards to address such risk. (EPA, 2022a)

2. National Emissions Standards for Hazardous Air Pollutants (NESHAPs) Program

National Emission Standards for Hazardous Air Pollutants (NESHAP) are stationary source standards for hazardous air pollutants. Hazardous air pollutants (HAPs) are those pollutants that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects. The EPA develops national enforcement initiatives that focus on significant environmental risks and noncompliance patterns. For Fiscal Years 2014 to 2016, the Cutting Hazardous Air Pollutants National Initiatives Strategy focuses on categories of sources that emit HAPs. (EPA, 2022b)

Sources subject to NESHAPs are required to perform an initial performance test to demonstrate compliance. To demonstrate continuous compliance, sources are generally required to monitor control device operating parameters which are established during the initial performance test. Sources may also be required to install and operate continuous emission monitors to demonstrate compliance. Consistent with EPA's Clean Air Act Stationary Source Compliance Monitoring Strategy, NESHAP sources that meet the Clean Air Act definition of "major source" generally receive a full compliance evaluation by the state or regional office at least once every two years. (EPA, 2022b)

B. State Regulations

1. California Clean Air Act (CCAA)

The California Clean Air Act (CCAA) establishes numerous requirements for district plans to attain state ambient air quality standards for criteria air contaminants. The CCAA mandates achievement of the maximum degree of emissions reductions possible from vehicular and other mobile sources in order to attain the State's ambient air quality standards, the California Ambient Air Quality Standards (CAAQS), by the earliest practical date. The California Air Resources Board (CARB) established the CAAQS for all pollutants for which the federal government has NAAQS and, in addition, established standards for sulfates, visibility, hydrogen sulfide, and vinyl chloride. Generally, the CAAQS are more stringent than the NAAQS. For districts with serious air pollution, its attainment plan should include the following: no net increase in emissions from new and modified stationary sources; and best available retrofit technology for existing sources. (SCAQMD, n.d.)

2. Air Toxic "Hot Spots" Information and Assessment Act

The Air Toxic "Hot Spots" Information and Assessment Act of 1987, commonly known as AB 2588, (Health & Safety Code §§ 44300, et seq.) requires facilities emitting specified quantities of pollutants to conduct risk assessments describing the health impacts to neighboring communities created by their emissions of numerous specified hazardous compounds. If the district determines the health impact to be significant, neighbors must be notified. In addition, state law requires the facility to develop and implement a plan to reduce the health impacts to below significance, generally within five years. Additional control requirements for hazardous emissions from specific industries are established by the state and enforced by districts. (SCAQMD, n.d.)

3. Air Quality Management Planning

The California Air Resources Board (CARB) and local air districts throughout the State are responsible for developing clean air plans to demonstrate how and when California will attain air quality standards established

under both the CAA and CCAA. For the areas within California that have not attained air quality standards, CARB works with local air districts to develop and implement State and local attainment plans. In general, attainment plans contain a discussion of ambient air quality data and trends; a baseline emissions inventory; future year projections of emissions, which account for growth projections and already adopted control measures; a comprehensive control strategy of additional measures needed to reach attainment; an attainment demonstration, which generally involves complex modeling; and contingency measures. Plans may also include interim milestones for progress toward attainment. Air quality planning activities undertaken by CARB also include the development of policies, guidance, and regulations related to State and federal ambient air quality standards; coordination with local agencies on transportation plans and strategies; and providing assistance to local districts and transportation agencies. (CARB, 2012)

4. California Air Resources Board Rules

The CARB enforces rules related to air pollutant emissions in the State of California. Rules with applicability to the Project include, but are not limited to, those listed below.

- CARB Rule 2480 (13 CCR 2480): Airborne Toxics Control Measure to Limit School Bus Idling and Idling at Schools, which limits nonessential idling for commercial trucks and school buses within 100 feet of a school.
- CARB Rule 2485 (13 CCR 2485): Airborne Toxic Control Measure to Limit Diesel-Fuel Commercial Vehicle Idling, which limits nonessential idling to five minutes or less for commercial trucks.
- CARB Rule 2449 (13 CCR 2449): In-Use Off-Road Diesel Idling Restricts, which limits nonessential idling to five minutes or less for diesel-powered off-road equipment.

5. Mojave Desert Air Quality Management District Rules

The Mojave Desert Air Quality Management District (MDAQMD) enforces rules related to air pollutant emissions in the SCAB. Rules with applicability to the Project include, but are not limited to, those listed below.

- MDAQMD Rule 201: Permit to Construct
- MDAQMD Rule 401: Visible Emissions
- MDAQMD Rule 402: Nuisance
- MDAQMD Rule 403: Fugitive Dust Control
- MDAQMD Rule 431: Sulfur Content of Fuels
- MDAQMD Rule 1113: Architectural Coatings

6. Truck & Bus Regulation

Under the Truck and Bus Regulation, adopted by CARB in 2008, all diesel truck fleets operating in California are required to adhere to an aggressive schedule for upgrading and replacing heavy-duty truck engines. Older, more polluting trucks are required to be replaced first, while trucks that already have relatively clean engines are not required to be replaced until later. Pursuant to the Truck and Bus Regulation, all pre-1994 heavy trucks (trucks with a gross vehicle weight rating greater than 26,000 pounds) were removed from service on California

roads by 2015. Between 2015 and 2020, pre-2000 heavy trucks were equipped with PM filters and upgraded or replaced with an engine that meets 2010 emissions standards. The upgrades/replacements occurred on a rolling basis based on model year. By 2023, all heavy trucks operating on California roads must have engines that meet 2010 emissions standards. Lighter trucks (those with a gross vehicle weight rating of 14,001 to 26,000 pounds) adhered to a similar schedule, and were all replaced by 2020. (CARB, n.d.)

7. Advanced Clean Truck Regulation

In June, 2020, CARB adopted a new Rule requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024. By 2045, every new truck sold in California will be required to be zero-emission. Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines would be required to sell zero-emission trucks as an increasing percentage of their annual California sales from 2024 to 2035. By 2035, zero-emission truck/chassis sales would need to be 55% of Class 2b – 3 truck sales, 75% of Class 4 – 8 straight truck sales, and 40% of truck tractor sales. CARB reports that as of 2020, most commercially-available models of zero-emission vans, trucks and buses operate less than 100 miles per day. Commercial availability of electric-powered long-haul trucks is very limited. However, as technology advances over the next 20 years, zero-emission trucks will become suitable for more applications, and several truck manufacturers have announced plans to introduce market ready zero-emission trucks in the future. (CARB, 2021)

8. Senate Bill 535 – Disadvantaged Communities

Senate Bill 535 ("SB 535"; De León, Chapter 830, 2012) asserts that low-income and disadvantaged communities are vulnerable to poor air quality. Disadvantaged communities in California are specifically targeted for investment of proceeds from the State's cap-and-trade program. These investments are aimed at improving public health, quality of life, and economic opportunity in California's most burdened communities while at the same time reducing pollution that causes climate change. Authorized by the California Global Warming Solutions Act of 2006 (AB 32), the State's cap-and-trade program is one of several strategies that California uses to reduce greenhouse gas emissions that cause climate change. The funds must be used for programs that further reduce emissions of greenhouse gases. SB 535 requires that 25 percent of the proceeds from the Greenhouse Gas Reduction Fund go to projects that provide a benefit to disadvantaged communities. The California Environmental Protection Agency (CalEPA) is charged with the duty to identify disadvantaged communities. CalEPA bases its identification of these communities on geographic, socioeconomic, public health, and environmental hazard criteria (Health and Safety Code, section 39711, subsection (a)). In this capacity, CalEPA currently defines a disadvantaged community, from an environmental hazard and socioeconomic standpoint, as a community that scores within the top 25 percent of the census tracts, as analyzed by the California Communities Environmental Health Screening Tool Version 3.0 (CalEnviroScreen). (OEHHA, 2017)

9. Senate Bill 1000 – Environmental Justice in Local Land Use Planning

In an effort to address the inequitable distribution of pollution and associated health effects in low-income communities and communities of color, the Legislature passed and Governor Brown signed Senate Bill 1000 (SB 1000) in 2016, requiring local governments to identify environmental justice communities (called

"disadvantaged communities") in their jurisdictions and address environmental justice in their general plans. This new law has several purposes, including to facilitate transparency and public engagement in local governments' planning and decision-making processes, reduce harmful pollutants and the associated health risks in environmental justice communities, and promote equitable access to health-inducing benefits, such as healthy food options, housing, public facilities, and recreation. SB 1000 requires environmental justice elements to identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities. Generally, environmental justice elements will include policies to reduce the community's exposure to pollution through air quality improvement. SB 1000 affirms the need to integrate environmental justice principles into the planning process to prioritize improvements and programs that address the needs of disadvantaged communities. (OAG, n.d.)

10. Assembly Bill 617

Assembly Bill 617 (AB 617) was enacted into law in 2017, and relates to criteria air pollutants and toxic air contaminants from sources other than vehicles. In response to AB 617, the California Air Resources Board (CARB) established the Community Air Protection Program (CAPP or Program). The Program's focus is to reduce exposure in communities most impacted by air pollution. Communities around the State are working together to develop and implement new strategies to measure air pollution and reduce health impacts. This first-of-its-kind statewide effort includes community air monitoring and community emissions reduction programs. In addition, the Legislature appropriated funding to support early actions to address localized air pollution through targeted incentive funding to deploy cleaner technologies in these communities, as well as grants to support community participation in the AB 617 process. AB 617 also includes new requirements for accelerated retrofit of pollution controls on industrial sources, increased penalty fees, and greater transparency and availability of air quality and emissions data, which will help advance air pollution control efforts throughout the State. This new effort provides an opportunity to continue to enhance air quality planning efforts and better integrate community, regional, and State level programs to provide clean air. (CARB, n.d.)

C. Local Policies

1. City General Plan Policies

The City of Victorville General Plan identifies policies that relate to air quality within the City. The specific policies outlined in the City's General Plan that are related to air quality and that apply to the proposed Project are listed in a General Plan Consistency Analysis table in EIR Section 4.9, *Land Use and Planning* (refer to Table 4.9-1).

4.1.4 METHODOLOGY FOR CALCULATING PROJECT-RELATED AIR QUALITY EMISSIONS

A. California Emissions Estimator Model (CalEEMod)

In May 2021, the South Coast Air Quality Management District (SCAQMD), in conjunction with the California Air Pollution Control Officers Association (CAPCOA) and other California air districts (including the MDAQMD), released the latest version of the CalEEMod Version 2020.4.0. The purpose of this model is to calculate construction-source and operational-source criteria pollutant (VOCs, NO_X, SO_X, CO, PM_{10}, and $PM_{2.5}$) and GHG emissions from direct and indirect sources; and quantify applicable air quality and GHG

reductions achieved from mitigation. Accordingly, the latest version of CalEEMod has been used for this Project to determine construction and operational air quality emissions. Output from the model runs for both construction and operational activity are provided in Appendices 3.1 and 3.4 of the Air Quality Impact Analysis (*Technical Appendix B1*). (Urban Crossroads, 2022a, p. 27)

B. Methodology for Calculating Project Construction Emissions

Construction activities associated with the Project would result in emissions of VOCs, NO_X, SO_X, CO, PM_{10}, and $PM_{2.5}$. Construction-related emissions are expected from the following construction activities: site preparation, grading, building construction, paving, architectural coating, and construction workers commuting. (Urban Crossroads, 2022a, p. 27)

Dust is typically a major concern during grading activities. Because such emissions are not amenable to collection and discharge through a controlled source, they are called "fugitive emissions". Fugitive dust emissions rates vary as a function of many parameters (soil silt, soil moisture, wind speed, area disturbed, number of vehicles, depth of disturbance or excavation, etc.). CalEEMod was utilized to calculate fugitive dust emissions resulting from this phase of activity. The Project would require 539,558 cubic yards of cut and 800,953 cubic yards of fill, resulting in a total of 261,395 cubic yards of import. (Urban Crossroads, 2022a, p. 27)

Construction emissions for construction worker vehicles traveling to and from the Project site, as well as vendor trips (construction materials delivered to the Project site) were estimated based on information from CalEEMod defaults. (Urban Crossroads, 2022a, p. 27)

For the purposes of evaluating the Project's construction-related air quality impacts, construction is expected to commence in June 2023 and would last through December 2024. The construction schedule utilized in the analysis was previously depicted in EIR Table 3-1 in Section 3.0, and represents a "worst-case" analysis scenario because emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent; thus, if Project construction takes place at a later date, the level of emissions would be less than what is disclosed herein. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet. The duration of construction activity was based on information provided by the Project Applicant, CalEEMod defaults, and the 2024 opening year. (Urban Crossroads, 2022a, p. 28)

Site-specific construction fleet may vary due to specific project needs at the time of construction. The associated construction equipment was generally based on CalEEMod defaults. A detailed summary of construction equipment assumptions by phase was previously depicted in EIR Table 3-2 in Section 3.0. Please refer to specific detailed modeling inputs/outputs contained in Appendix 3.1 of the Project's AQIA (*Technical Appendix B1*). (Urban Crossroads, 2022a, p. 28)

Refer to Section 3.4 of *Technical Appendix B1* for more detail on the methodology utilized to calculate the Project's estimated construction-related regional pollutant emissions.

C. Methodology for Calculating Project Operational Emissions

Operational activities associated with the proposed Project will result in emissions of VOCs, NO_X, SO_X, CO, PM_{10}, and $PM_{2.5}$. Operational emissions would be expected from Area Source Emissions, Energy Source Emissions, Mobile Source Emissions, On-Site Equipment, and Transportation Refrigeration Units (TRU) Emissions. Area source emissions include emissions from architectural coatings, consumer products, and landscape maintenance equipment. Energy source emissions include emissions associated with the combustion of natural gas and electricity. Mobile sources emissions include Project-related traffic, including both passenger vehicles and large trucks, and were calculated based on the results of the Project's Traffic Assessment (EIR *Technical Appendix K2*). On-site equipment emissions include the operation of exterior cargo handling equipment in the building's truck court areas, and it is assumed that such equipment would include up to four (4) 200 horsepower (hp), compressed natural gas or gasoline-powered tractors/ loaders/backhoes operating at four hours per day for 365 days of the year. TRU emissions are associated with the use of refrigerated trucks, and estimated emissions for TRUs are based on the 2017 Off-road Emissions model, version 1.0.1 (Orion), developed by the CARB. (Urban Crossroads, 2022a, pp. 30-34)

For additional information regarding the calculation of Project operational emissions, please refer to Section 3.5 of the Project's Air Quality Impact Analysis (*Technical Appendix B1*).

D. Health Risk Assessment (HRA) Methodology

The MDAQMD identifies that if a proposed Project is expected to generate/attract heavy-duty diesel trucks, which emit diesel particulate matter (DPM), preparation of a mobile-source Health Risk Assessment (HRA) is recommended. The Project's HRA, which is included as *Technical Appendix B2*, has been prepared in accordance with the relevant documentation available including *Health Risk Assessment Guidance for Analyzing Cancer Risk from Mobile Source Diesel Idling Emissions for CEQA Air Quality Analysis* and is composed of all relevant and appropriate procedures presented by the United States Environmental Protection Agency (EPA), Cal EPA, and MDAQMD. The Project's HRA is based on applicable guidelines to produce conservative estimates of human health risk posed by exposure to DPM. The conservative nature of this analysis is due primarily to the following factors: (Urban Crossroads, 2022b, pp. 6, 10)

- The CARB-adopted diesel exhaust Unit Risk Factor (URF) of 300 in one million per $\mu g/m^3$ is based upon the upper 95 percentile of estimated risk for each of the epidemiological studies utilized to develop the URF. Using the 95th percentile URF represents a very conservative (health-protective) risk posed by DPM because it represents breathing rates that are high for the human body (95% higher than the average population). (Urban Crossroads, 2022b, p. 10)

- The emissions derived assume that every truck accessing the Project site will idle for 15 minutes under the unmitigated scenario, and this is an overestimation of actual idling times and thus conservative. The California Air Resources Board (CARB's) anti-idling requirements impose a 5-minute maximum idling time and therefore the analysis conservatively overestimates DPM emissions from idling by a factor of three. (Urban Crossroads, 2022b, p. 10)

Toxic Air Contaminant (TAC) emissions were calculated using the following models: CARB's California Emissions Factor Model, Version 2017 (EMFAC2017) for vehicle DPM PM_{10} emissions, the United States Environmental Protection Agency's (EPA) AERMOD air dispersion model to determine DPM concentrations by estimating source specific inputs, MDAQMD's thresholds for emissions of TACs which are considered significant risk, and OHHEA's Reference Exposure Level (REL) for an evaluation of the potential noncarcinogenic effects of chronic exposures. Refer to Section 2 of the Project's Health Risk Assessment (*Technical Appendix B2*) for a detailed description of HRA methodologies and for the model inputs and equations used in the estimation of the Project-related TAC emissions. (Urban Crossroads, 2022b, pp. 13-22)

For long-term operational emissions, each roadway was modeled as a line source (made up of multiple adjacent volume sources). The modeled emission sources associated with Project operations are illustrated on Figure 4.1-1, *Modeled Onsite Emission Sources,* and *Figure 4.1-2, Modeled Offsite Emission Sources*. The modeled truck travel routes included in the HRA are based on the truck trip distributions (inbound and outbound) available from the Project's Traffic Assessment appended to this EIR as *Technical Appendix K2*. The modeled truck route is consistent with the trip distribution patterns identified in *Technical Appendix K2*, is supported by substantial evidence, and was modeled to determine the potential impacts to sensitive receptors along the primary truck routes. The modeling domain is limited to the Project's primary truck route and includes off-site sources in the study area for more than ¾-mile. This modeling domain is more inclusive and conservative than using only a ¼-mile modeling domain which is the distance supported by several reputable studies which conclude that the greatest potential risks occur within a ¼ mile of the primary source of emissions (in the case of the Project, the primary source of emissions is the on-site idling and travel). (Urban Crossroads, 2022b, p. 14)

Refer to Section 2 of the Project's HRA (*Technical Appendix B2*) for a detailed description of methodologies and for the model inputs and equations used in the estimation of the Project-related TAC emissions.

E. Sensitive Receptors

Receptors in the Project study area are described below and shown in Figure 4.1-3, *Sensitive Receptor Locations*. All distances are measured from the Project sites boundary to the outdoor living areas (e.g., backyards) or at the building façade, whichever is closer to the Project sites. The selection of receptor locations is based on Federal Highway Administration (FHWA) guidelines and is consistent with additional guidance provided by Caltrans and the Federal Transit Administration (FTA). Distance is measured in a straight line from the project boundary to each receptor location. (Urban Crossroads, 2022a, pp. 38-39)

R1: Location R1 represents the existing residence at 17049 Montecito Drive, approximately 2,232 feet northwest of the Project site. R1 is placed at the private outdoor living area (backyard) facing the Project site.

R2: Location R2 represents the Complete Trucking facility at 17384 Terra Linda Drive, approximately 228 feet north of the Project site.

R3: Location R3 represents the existing residence at 13432 Jubilee Place, approximately 380 feet northeast of the Project site. R3 is placed at the private outdoor living area (backyard) facing the Project site.

R4: Location R4 represents the sensitive residence at 13284 High Mesa Street, approximately 1,011 feet east of the Project site. R4 is placed at the private outdoor living area (backyard) facing the Project site.

R5: Location R5 represents The Nutro Company facility at 13243 Nutro Way, approximately 265 feet south of the Project site.

R6: Location R6 represents the sensitive residence at 13291 Great Falls Avenue, approximately 717 feet southwest of the Project site. R6 is placed at the private outdoor living area (backyard) facing the Project site.

R7: Location R7 represents the sensitive residence at 16873 Lambert Lane, approximately 1,478 feet northwest of the Project site. R7 is placed at the private outdoor living area (backyard) facing the Project site.

4.1.5 BASIS FOR DETERMINING SIGNIFICANCE

Section II of Appendix G to the CEQA Guidelines addresses typical adverse effects due to air quality, and includes the following threshold questions to evaluate the Project's impacts to air quality:

a. Would the Project conflict with or obstruct implementation of the applicable air quality plan?

b. Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?

c. Would the Project expose sensitive receptors to substantial pollutant concentrations?

d. Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

The MDAQMD has developed regional significance thresholds for regulated pollutants, as summarized in Table 4.1-4, *Maximum Daily Regional Emissions Thresholds*. The MDAQMD's Guidelines indicate that any projects in the MDAB with daily regional emissions that exceed any of the indicated thresholds should be considered as having an individually and cumulatively significant air quality impact. (Urban Crossroads, 2022a, p. 26)

Table 4.1-4 Maximum Daily Regional Emissions Thresholds

Pollutant	Daily Threshold (lbs/day)
CO	548 lbs/day
NO_X	137 lbs/day
VOC	137 lbs/day
SO_X	137 lbs/day
PM_{10}	82 lbs/day
$PM_{2.5}$	65 lbs/day

Note: lbs/day = pounds per day
Source: (Urban Crossroads, 2022a, Table 3-1)

With respect to health risks, the MDAQMD has established an incidence rate of ten (10) persons per million as the maximum acceptable incremental cancer risk due to DPM exposure from a project such as the proposed Project. This threshold serves to determine whether or not a given project has a potentially significant development-specific and cumulatively considerable impact. The MDAQMD also has established non-carcinogenic risk parameters for use in HRAs. Non-carcinogenic risks are quantified by calculating a "hazard index," expressed as the ratio between the ambient pollutant concentration and its toxicity or Reference Exposure Level (REL). An REL is a concentration at or below which health effects are not likely to occur. A hazard index less of than one (1.0) means that adverse health effects are not expected. Non-carcinogenic exposures of less than 1.0 are considered less-than-significant. Both the cancer risk and non-carcinogenic risk thresholds are applied to the nearest sensitive receptors. (Urban Crossroads, 2022b, p. 5)

4.1.6 IMPACT ANALYSIS

Threshold a: ***Would the Project conflict with or obstruct implementation of the 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. Accordingly, conformance with these attainment plans for development projects is determined by demonstrating compliance the indicators discussed below. (Urban Crossroads, 2022a, p. 37)

1. Consistency Criterion No. 1

Local Land Use Plan and/or Population Projections

The City of Victorville General Plan designates the Project site for "Heavy Industrial (HI)" uses. The HI land use category refers to industrial and manufacturing uses that are more specialized in nature and require special consideration in terms of use of the property as well as impacts on adjacent properties. The Project Applicant

proposes land uses that are consistent with development anticipated under the site's existing General Plan land use designation. The Project would therefore conform to local land use plans. (Urban Crossroads, 2022a, p. 37)

2. Consistency Criterion No. 2

All MDAQMD Rules and Regulations

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 Control). As stated above, the Project also would be required to comply with MDAQMD Rule 1113 (Architectural Coatings). Because the Project would not conflict with any MDAQMD rules or regulations, the Project would be meet consistency criterion No. 2. (Urban Crossroads, 2022a, p. 37)

3. Consistency Criterion No. 3

Demonstrating That the Project Will Not Increase the Frequency or Severity of a Violation in the Federal or State Ambient Air Quality Standards

As discussed in detail under the analysis of Threshold b., below, Project construction and operational-source emissions would not exceed applicable MDAQMD regional thresholds after implementation of Mitigation Measure MM AQ-1 (refer to subsection 4.1.9). As such, the Project would not 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. (Urban Crossroads, 2022a, p. 38)

4. Conclusion

As indicated in the preceding analysis, the Project would conform to local land use plans, comply with all applicable MDAQMD Rules and Regulations, and would not exeed the applicable regional thresholds after the implementation of mitigation. Therefore, the Project is consistent with the applicable air quality plan, and impacts would therefore be less than significant. (Urban Crossroads, 2022a, p. 38)

Threshold b: ***Would the Project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?***

As previously indicated in Table 4.1-2, the MDAB is currently designated as nonattainment under federal standards for ozone (8-hour standard) and PM_{10}, and is classified as nonattainment under State standards for ozone (1-hour and 8-hour standards) and PM_{10}. Provided below is an analysis of the Project's potential to exceed the MDAQMD regional thresholds of significance (refer to Table 4.1-4) during both construction and long-term operation.

A. Construction Emissions Impact Analysis

Construction activities associated with the Project would result in emissions of VOCs, NO_X, SO_X, CO, PM_{10}, and $PM_{2.5}$. Construction-related emissions are expected from the following construction activities: Site

Preparation; Grading; Building Construction; Paving; Architectural Coating; and Construction Workers Commuting. (Urban Crossroads, 2022a, p. 27)

CalEEMod calculates maximum daily emissions for summer and winter periods. As such, the estimated maximum daily construction emissions without mitigation for both summer and winter periods are summarized in Table 4.1-5, *Project Construction Emissions Summary*. Detailed construction model outputs are presented in Appendix 3.1 of *Technical Appendix B1*. Under the assumed scenarios, emissions resulting from the Project construction would exceed the criteria pollutant threshold established by the MDAQMD for emissions of NO_x emissions. Therefore, construction emissions impacts would be potentially significant prior to mitigation. (Urban Crossroads, 2022a, p. 29)

B. Operational Emissions Impact Analysis

Operational activities associated with the Project would result in emissions of VOCs, NO_X, SO_X, CO, PM_{10}, and $PM_{2.5}$. Operational-related emissions are expected from the following primary sources: Area Source Emissions; Energy Source Emissions; Mobile Source Emissions; On-Site Cargo Handling Equipment Emissions; and TRU Emissions. (Urban Crossroads, 2022a, p. 30)

Table 4.1-5 Project Construction Emissions Summary

Year	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Summer						
2023	12.79	162.44	97.79	0.41	51.09	24.61
2024	50.18	115.73	137.36	0.33	15.87	7.43
Winter						
2023	12.71	164.48	97.75	0.41	51.09	24.61
2024	49.95	116.24	132.29	0.32	15.87	7.43
Maximum Daily Emissions	**50.18**	**164.48**	**137.36**	**0.41**	**51.09**	**24.61**
MDAQMD Regional Threshold	137	137	548	137	82	65
Threshold Exceeded?	**NO**	**YES**	**NO**	**NO**	**NO**	**NO**

Source: (Urban Crossroads, 2022a, Table 3-4)

The estimated operation-source emissions are summarized on Table 4.1-6, *Project Operation Emissions Summary*. Detailed operation model outputs for the Project are presented in Appendices 3.3 and 3.4 of *Technical Appendix B1*. As shown in Table 4.1-6, the Project's daily regional emissions from on-going operations would not exceed the thresholds of significance for emissions of any criteria pollutant. Therefore, impacts associated with the Project's operational emissions would be less than significant. (Urban Crossroads, 2022a, p. 34)

Table 4.1-6 Project Operation Emissions Summary

Source	Emissions (lbs/day)					
	VOC	NO_X	CO	SO_X	PM_{10}	$PM_{2.5}$
Summer						
Area Source	28.38	3.48E-03	0.38	3.00E-05	1.37E-03	1.37E-03
Energy Source	0.35	3.21	2.70	0.02	0.24	0.24
Mobile Source	6.96	80.15	70.08	0.52	27.06	8.00
TRU Source	0.69	7.68	9.78	1.85E-03	0.08	0.07
On-Site Equipment Sources	0.44	3.89	3.01	0.01	0.14	0.13
Total Maximum Daily Emissions	**36.82**	**94.93**	**85.94**	**0.55**	**27.53**	**8.45**
MDAQMD Regional Threshold	137	137	548	137	82	65
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**
Winter						
Area Source	28.38	3.48E-03	0.38	3.00E-05	1.37E-03	1.37E-03
Energy Source	0.35	3.21	2.70	0.02	0.24	0.24
Mobile Source	6.18	84.24	65.05	0.51	27.06	8.00
TRU Source	0.69	7.68	9.78	1.85E-03	0.08	0.07
On-Site Equipment Sources	0.44	3.89	3.01	0.01	0.14	0.13
Total Maximum Daily Emissions	**36.04**	**99.02**	**80.92**	**0.54**	**27.53**	**8.45**
MDAQMD Regional Threshold	137	137	548	137	82	65
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Source: (Urban Crossroads, 2022a, Table 3-8)

Threshold c: ***Would the Project expose sensitive receptors to substantial pollutant concentrations?***

During both construction and operation, the Project has the potential to expose nearby sensitive receptors to substantial pollutant concentrations. The following provides an analysis of the Project's potential to result in or contribute to CO "hot spots," and an analysis of the Project's potential to result in cancer risks and non-cancer health hazards.

A. CO Hot Spot Impact Analysis

The Project would not result in potentially adverse CO concentrations or "hot spots." Further, detailed modeling of Project-specific CO "hot spots" is not needed to reach this conclusion. An adverse CO concentration, known as a "hot spot", would occur if an exceedance of the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm were to occur. In the 1990s, the MDAB was designated nonattainment under the CAAQS and NAAQS for CO. (Urban Crossroads, 2022a, pp. 35-36)

It has long been recognized that CO hotspots are caused by vehicular emissions, primarily when idling at congested intersections. In response, vehicle emissions standards have become increasingly stringent in the last twenty years. Currently, the allowable CO emissions standard in California is a maximum of 3.4 grams/mile for passenger cars (there are requirements for certain vehicles that are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of increasingly sophisticated and efficient emissions control technologies, CO concentration in the MDAB is now designated as attainment. (Urban Crossroads, 2022a, p. 35)

To establish a more accurate record of baseline CO concentrations affecting the MDAB, a CO "hot spot" analysis was conducted in 2003 for four busy intersections in Los Angeles at the peak morning and afternoon time periods. This "hot spot" analysis did not predict any violation of CO standards, as shown in Table 3-10 of the Project's AQIA (*Technical Appendix B1*). Peak CO concentrations in the MDAB were a result of unusual meteorological and topographical conditions and not a result of traffic volumes and congestion at a particular intersection. As evidence of this, for example, 9.3 ppm 8-hour CO concentration measured at the Long Beach Boulevard and Imperial Highway intersection (highest CO generating intersection within the "hot spot" analysis), only 0.7 ppm was attributable to the traffic volumes and congestion at this intersection; the remaining 8.6 ppm were due to the ambient air measurements. (Urban Crossroads, 2022a, p. 35)

Furthermore, the Bay Area Air Quality Management District (BAAQMD) concluded that under existing and future vehicle emission rates, a given project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour (vph) – or 24,000 vph where vertical and/or horizontal air does not mix – in order to generate a significant CO impact. (Urban Crossroads, 2022a, p. 36)

The busiest intersection evaluated in the 2003 CO "hot spot" analysis was at Wilshire Blvd and Veteran Ave., which had a daily traffic volume of approximately 100,000 vehicles per day and AM/PM traffic volumes of 8,062 vehicles per hour (vph) and 7,719 vph respectively. It was estimated that the 1-hour concentration for this intersection was 4.6 ppm; this indicates that, should the daily traffic volume increase four times to 400,000 vehicles per day, CO concentrations (4.6 ppm x 4= 18.4 ppm) would still not likely exceed the most stringent 1-hour CO standard (20.0 ppm). (Urban Crossroads, 2022a, p. 36)

The Project would not produce the volume of traffic required to generate a CO "hot spot" either in the context of the 2003 Los Angeles "hot spot" analysis or based on representative BAAQMD CO threshold considerations. Therefore, CO "hot spots" are not an environmental impact of concern for the proposed Project. Localized air quality impacts related to mobile-source emissions would therefore be less than significant. (Urban Crossroads, 2022a, p. 36)

B. Toxic Air Contaminants Impact Analysis

A Project-specific HRA was prepared for the Project based on MDAQMD guidelines to produce conservative estimates of risk posed by exposure to DPM. The Project's HRA is included as *Technical Appendix B2* to this EIR. Refer to Section 2 of the Project's HRA for a discussion of the recommended methodology, emissions estimation, exposure quantification, carcinogenic chemical risk, and non-carcinogenic exposure used as inputs to the analysis. Provided below is a summary of the results of the HRA for the Maximally Exposed Individual

Receptor (MEIR), Maximally Exposed Individual Worker (MEIW), and Maximally Exposed Individual School Child (MEISC) during both construction and long-term operation.

1. Construction Impacts

The land use with the greatest potential exposure to Project construction DPM source emissions is Location R3 (refer to Figure 4.1-3), which is located approximately 380 feet east of the Project site at an existing residence located at 13432 Jubilee Place. R3 is placed at the private outdoor living area (backyard) facing the Project site. At the Maximally Exposed Individual Receptor (MEIR), the maximum incremental cancer risk attributable to Project construction DPM source emissions is estimated at 2.37 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 <0.01, which would not exceed the applicable threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity. All other receptors during construction activity would experience less risk than what is identified for this location. Accordingly, impacts would be less than significant. (Urban Crossroads, 2022b, p. 22)

2. Operational Impacts

Residential Exposure Scenario

The residential land use with the greatest potential exposure to Project DPM source emissions is Location R3 (refer to Figure 4.1-3), which is located approximately 380 feet east of the Project site at an existing residence located at 13432 Jubilee Place. R3 is placed in the private outdoor living areas (backyard) facing the Project site. At the MEIR, the maximum incremental cancer risk attributable to Project DPM source emissions is estimated at 0.44 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 <0.01, 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 from the Project site and primary truck route than the MEIR analyzed herein, and TACs generally dissipate with distance from the source, all other residential receptors in the vicinity of the Project site would be exposed to less emissions and therefore less risk than the MEIR identified herein. As such, the Project would not cause a significant human health or cancer risk to nearby residences, and impacts would be less than significant. (Urban Crossroads, 2022b, p. 22)

Worker Exposure Scenario[1]

The worker receptor land use with the greatest potential exposure to Project DPM source emissions is Location R2, which represents the adjacent potential worker receptor approximately 228 feet north of the Project site. At the MEIW, the maximum incremental cancer risk impact is 0.18 in one million which is less than the MDAQMD's threshold of 10 in one million. Maximum non-cancer risks at this same location were estimated

[1] Mojave Desert AQMD guidance does not require assessment of the potential health risk to on-site workers. Excerpts from the document OEHHA Air Toxics Hot Spots Program Risk Assessment Guidelines – The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments (OEHHA 2003), also indicate that it is not necessary to examine the health effects to on-site workers unless required by RCRA (Resource Conservation and Recovery Act) / CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) or the worker resides on-site.

to be <0.01, which would not exceed the applicable significance threshold of 1.0. Because all other modeled worker receptors are located at a greater distance than the MEIW analyzed herein, and DPM dissipates with distance from the source, all other worker receptors in the vicinity of the Project would be exposed to less emissions and therefore less risk than the MEIW identified herein. As such, the Project would not cause a significant human health or cancer risk to nearby workers, and impacts would be less than significant. (Urban Crossroads, 2022b, p. 23)

School Child Exposure Scenario

The nearest school is Green Tree East Leadership Academy, located approximately 3,740 feet north of the Project site. However, due to its location adjacent to the primary truck route on Nisqualli Road, Victor Valley Christian School is the school with the greatest potential exposure to Project DPM emissions, despite being located approximately 11,800 feet southwest of the Project site. At the maximally exposed individual school child (MEISC), the maximum incremental cancer risk impact attributable to the Project is calculated to be 0.11 in one million, which is less than the significance threshold of 10 in one million. At this same location, non-cancer risks attributable to the Project were calculated to be <0.01, which would not exceed the applicable significance threshold of 1.0. All other school receptors, including Green Tree East Leadership Academy, would be exposed to lower concentrations of TACs and therefore less risk than the MEISC identified herein. As such, the Project will not cause a significant human health or cancer risk to nearby school children, and impacts would be less than significant. (Urban Crossroads, 2022b, p. 23)

3. Conclusion – Toxic Air Contaminants

The land use with the greatest potential exposure to Project construction and operational DPM source emissions is Location R3. At the MEIR, the maximum incremental cancer risk attributable to Project construction and operational DPM source emissions is estimated at 2.73 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to nearby land uses as a result of Project construction and operational activity. All other receptors during construction and operational activity would experience less risk than what is identified for this location. The nearest modeled receptors are illustrated on Figure 4.1-3. Therefore, Project impacts due to TACs would be less than significant.

Threshold d: ***Would the Project result in other emissions (such as those leading to odors adversely affecting a substantial number of people?***

Land uses generally associated with odor complaints 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 or require land uses that would use substantive sources of objectionable odors. (Urban Crossroads, 2022a, p. 41)

Potential temporary and intermittent construction-related odor sources associated with the Project may result from construction equipment exhaust and application of asphalt and architectural coatings during construction activities. 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. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. (Urban Crossroads, 2022a, p. 41)

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 Victorville's solid waste regulations. (Urban Crossroads, 2022a, p. 41)

The Project would also be required to comply with MDAQMD Rule 402. 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." (Urban Crossroads, 2022a, p. 41)

Based on the preceding analysis, the potential for the Project to create objectionable odors affecting a substantial number of people would be less than significant. (Urban Crossroads, 2022a, p. 41)

4.1.7 CUMULATIVE IMPACT ANALYSIS

The MDAQMD relies on the South Coast AQMD guidance for determining cumulative impacts. The South Coast AQMD considers all impacts that are significant and direct to also be cumulatively considerable.

Individual projects that do not generate operational or construction emissions that exceed the MDAQMD's recommended daily thresholds for project-specific impacts also would 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. As discussed above under Threshold a, with implementation of construction-related mitigation, the Project would not exceed any of the applicable MDAQMD regional thresholds of significance. As such, Project impacts due to a conflict with the applicable air quality plan would be less-than-cumulatively considerable.

As previously discussed, construction activities associated with the Project would exceed the MDAQMD Regional Thresholds for NO_x emissions, while Project operational emissions would not exceed any of the MDAQMD Regional Thresholds. Accordingly, prior to mitigation, the Project's construction activities would result in a cumulatively-considerable impact due to the net increase of a criteria pollutant for which the Project region is non-attainment (i.e., ozone). This is evaluated as a significant impact for which mitigation would be required.

As discussed above under Threshold c, the Project would have no potential to result in or contribute to a CO "Hot Spot." Accordingly, impacts associated with CO "Hot Spots" would be less than significant on a cumulatively considerable basis. Construction and operation of the Project also would not emit airborne TACs at concentrations that would result in cancer or non-cancer risks exceeding the MDAQMD thresholds of 10 in

one million and 1.0, respectively. Accordingly, Project impacts due to TACs would be less than significant on a cumulatively-considerable basis.

With respect to odors, and as discussed under the analysis of Threshold d., the proposed Project would be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances (including odors) during both construction and long-term operation, and would be subject to the City's solid waste regulations. Other developments within the cumulative study area similarly would be required to comply with MDAQMD Rule 402 and the solid waste regulations of the applicable jurisdictions. Therefore, Project impacts due to other emissions (such as those leading to odors) would be less-than-cumulatively considerable.

4.1.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project would conform to local land use plans, comply with all applicable MDAQMD Rules and Regulations, and would not exeed the applicable regional thresholds after the implementation of mitigation. Therefore, the Project is consistent with the applicable air quality plan, and impacts would therefore be less than significant.

Threshold b: Significant Direct and Cumulatively-Considerable Impact. As shown in Table 4.1-5, Project construction emissions would exceed the criteria pollutant threshold established by the MDAQMD for emissions of NO_x emissions. Therefore, construction emissions impacts would be potentially significant prior to mitigation. As shown in Table 4.1-6, the Project's daily regional emissions from on-going operations would not exceed the thresholds of significance for emissions of any criteria pollutant. Therefore, impacts associated with the Project's operational emissions would be less than significant.

Threshold c: Less-than-Significant Impact. Project emissions would not cause or contribute to a CO "Hot Spot." Additionally, the maximum incremental cancer risk attributable to Project construction and operational DPM source emissions is estimated at 2.73 in one million, which is less than the threshold of 10 in one million. At this same location, non-cancer risks were estimated to be <0.01, which would not exceed the applicable threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to nearby land uses as a result of Project construction and operational activity. Because all other receptors during construction and operational activity would experience less risk than what is identified for this location, Project impacts due to TACs would be less than significant.

Threshold d: Less-than-Significant Impact. The Project does not propose land uses typically associated with emitting objectionable odors. Standard construction requirements would minimize odor impacts from construction. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. Additionally, it is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City of Victorville's solid waste regulations. The proposed Project also would be required to comply with MDAQMD Rule 402 to prevent occurrences of public nuisances. Therefore, odors associated with the proposed Project construction and operations would be less than significant and no mitigation is required.

4.1.9 City Regulations, Design Requirements, and Mitigation

Applicable City Regulations and Design Requirements

- The Project is required to comply with the provisions of Mojave Desert Air Quality Management District Rule 402, which requires 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.

- The Project is required to comply with the provisions of Mojave Desert Air Quality Management District Rule 403, "Fugitive Dust Control" by implementing the following dust control measures during construction activities, such as earth-moving activities, grading, and equipment travel on unpaved roads. Prior to grading permit issuance, the City of Victorville shall verify that the following notes are included on the grading plan. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.
    - All clearing, grading, earth-moving, or excavation activities shall be reduced when winds exceed 25 miles per hour (mph) per MDAQMD guidelines in order to limit fugitive dust emissions. A reduction in Earth-Moving Activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.
    - The construction contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are subject to periodic watering for short-term stabilization of disturbed surfaces. Use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance.
    - The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 mph or less.

- The Project is required to comply with the provisions of Mojave Desert Air Quality Management District Rule 113, *Architectural Coatings*, by requiring that all architectural coatings must consist of low VOCs.

- The Project is required to comply with the provisions of MDAQMD Rule 402, "Nuisance" which requires that a person shall not discharge air contaminants or other materials that would cause health or safety hazards to any considerable number of persons or the public.

Mitigation

MM 4.1-1 Prior to grading permit issuance, the City of Victorville shall review grading plans to ensure that a notation is included on the grading plans requiring the grading contractor to utilize off-road diesel construction equipment that complies with Environmental Protection Agency

(EPA)/California Air Resources Board (CARB) Tier 4 emissions standards or equivalent. The notation also shall require that all construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications. These requirements also shall be specified in bid documents issued to prospective grading contractors. In order to demonstrate compliance, the grading contractor shall keep a copy of each unit's certified tier specification, CARB or SCAQMD operating permit (if applicable), and maintenance records on site in a location available to the City or City designee for inspection upon request.

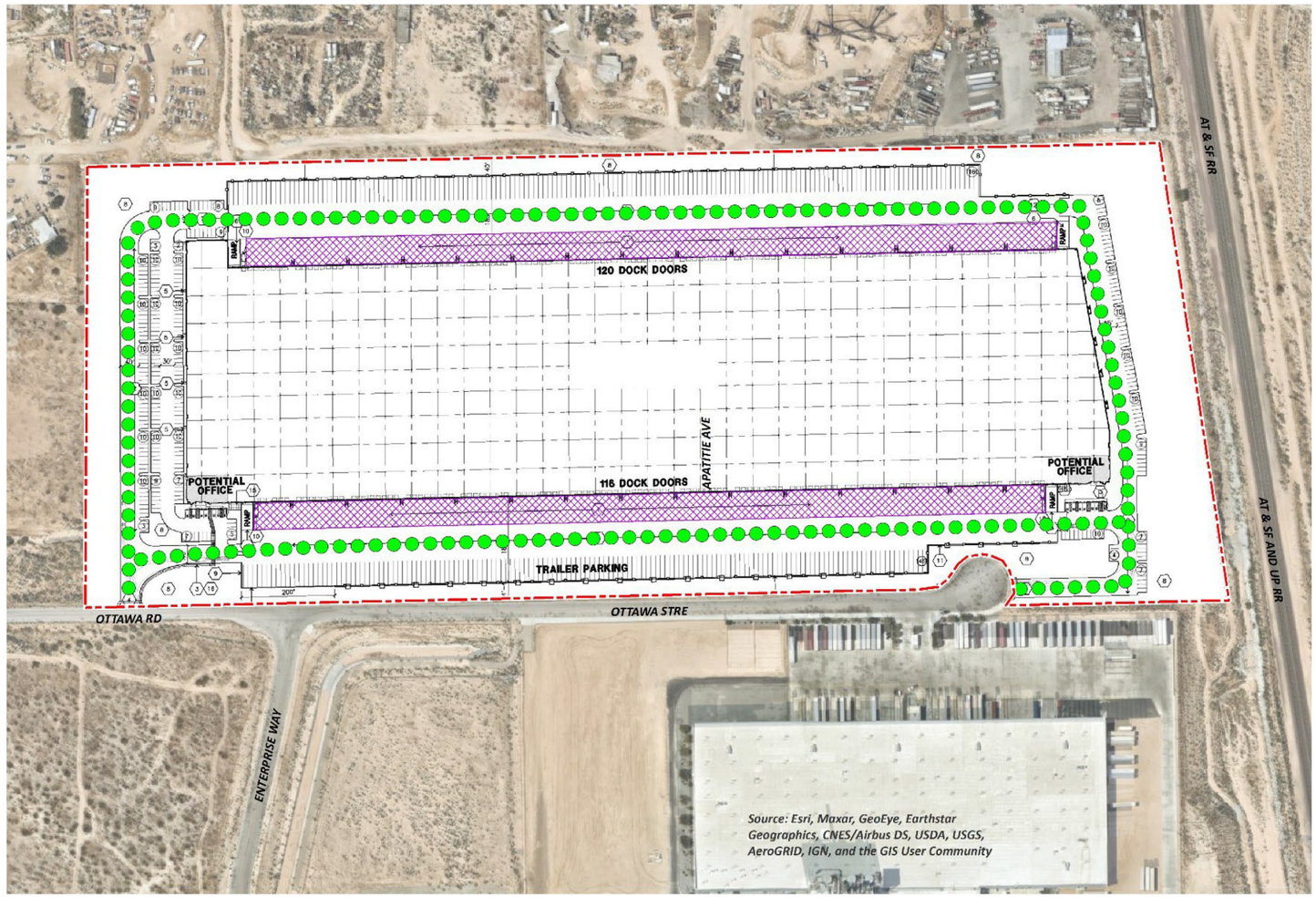
4.1.10 Significance of Impacts After Mitigation

Threshold b: Less-than-Significant Impact with Mitigation Incorporated. Project construction-source emissions have the potential to exceed MDAQMD regional threshold for NO_x emissions prior to mitigation. As shown in Table 4.1-7, *Project Construction Emissions Summary – With Mitigation*, with implementation of Mitigation Measure MM 4.1-1, Project construction-source emissions of NO_x would be reduced to below the MDAQMD Regional Threshold for this pollutant. Therefore, with mitigation, Project impacts due to a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment would be reduced to less-than-significant levels.

Table 4.1-7 Project Construction Emissions Summary – With Mitigation

Year	Emissions (lbs/day)					
	VOC	NO_x	CO	SO_x	PM_{10}	$PM_{2.5}$
Summer						
2023	11.05	90.63	112.45	0.41	51.09	24.61
2024	50.18	115.73	137.36	0.33	15.87	7.43
Winter						
2023	10.85	90.73	112.41	0.41	51.09	24.61
2024	49.95	116.24	132.29	0.32	15.87	7.43
Maximum Daily Emissions	**50.18**	**116.24**	**137.36**	**0.41**	**51.09**	**24.61**
MDAQMD Regional Threshold	137	137	548	137	82	65
Threshold Exceeded?	**NO**	**NO**	**NO**	**NO**	**NO**	**NO**

Source: (Urban Crossroads, 2022a, Table 3-5)

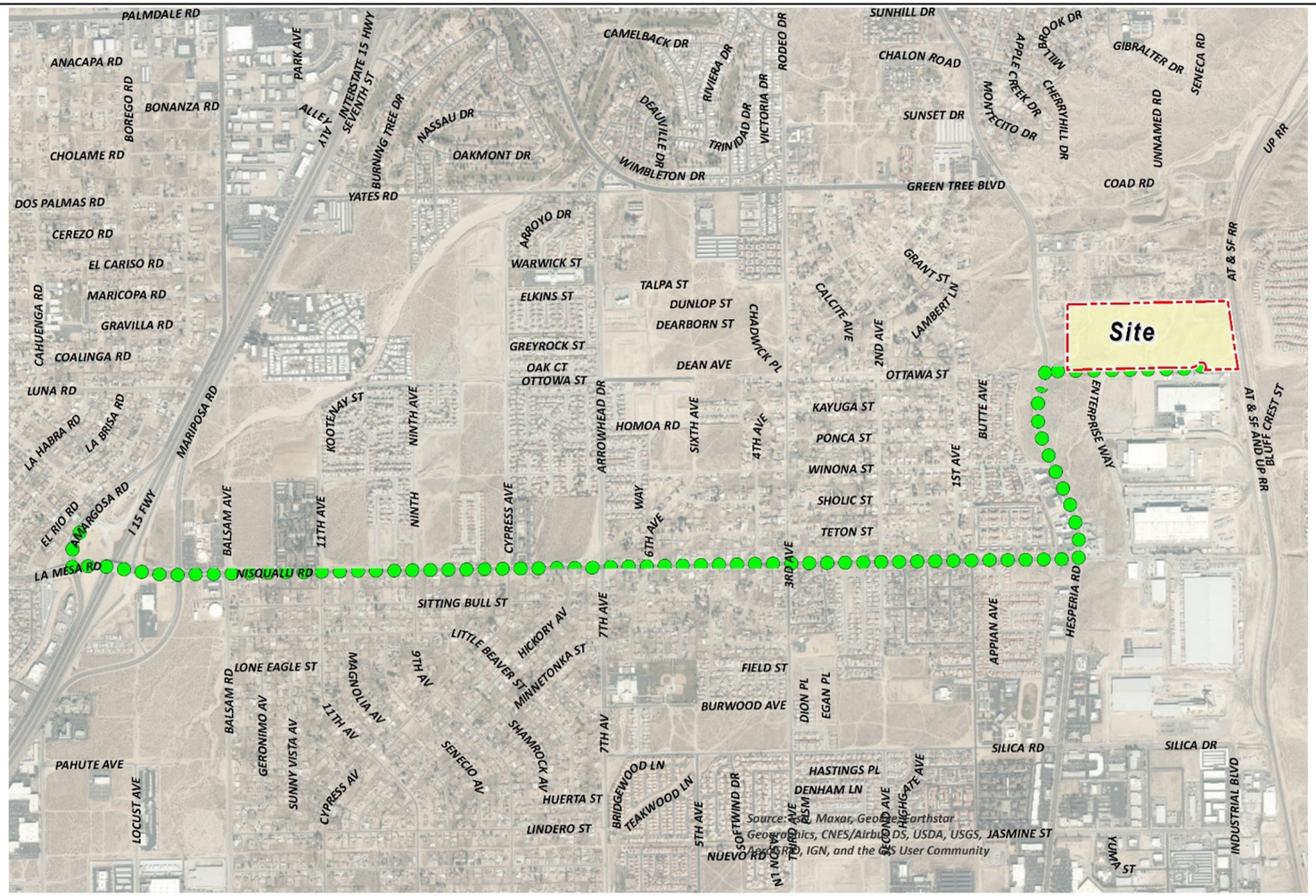


Source(s): Urban Crossroads (09-26-2022)

Figure 4.1-1

Not to Scale

Modeled Onsite Emission Source

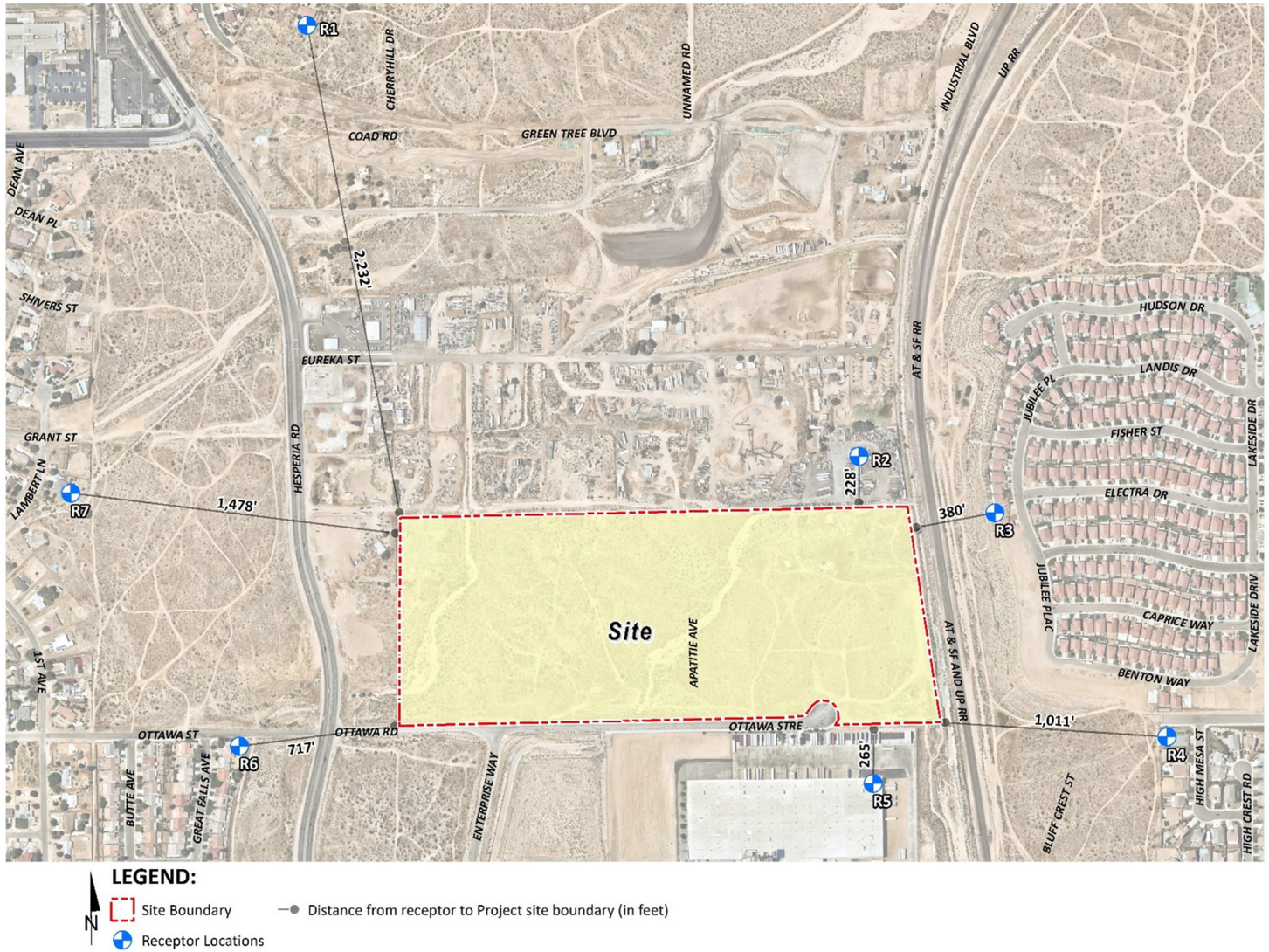


Source(s): Urban Crossroads (02-10-2022)

Figure 4.1-2

Not to Scale

Modeled Offsite Emission Source



Source(s): Urban Crossroads (02-09-2022)

Figure 4.1-3

Not to Scale

Sensitive Receptor Locations

4.2 BIOLOGICAL RESOURCES

The following analysis is based in part on information obtained from two technical reports prepared by Glenn Lukos Associates, Inc. (herein, "GLA"), entitled, "Biological Technical Report for the Ottawa Business Center Project" (herein, "BTR"), dated February 7, 2022, and appended to this EIR as *Technical Appendix C1* (GLA, 2022). The BTR relies on the findings of a separate technical study prepared by GLA, entitled, "Jurisdictional Delineation for the Ottawa Business Center Project," dated December 20, 2021, and appended to this EIR as *Technical Appendix C2* (GLA, 2021). Refer to Section 7.0, *References*, for a complete list of these and other reference sources.

4.2.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were received after the NOP period or made during the EIR Scoping Meeting that pertain to biological resources.

4.2.2 ENVIRONMENTAL SETTING

Under existing conditions, the Project site is relatively flat, ranging in elevation from 2,845 feet above mean sea level (amsl) at the northeastern corner of the Project site to 2,927 feet amsl along the southern boundary in the western portion of the Project site (Google Earth, 2022). Up until approximately 2009, the northeastern corner of the property was developed with multiple structures and was used to store various materials similar to the offsite property to the north. In recent years the structures and materials have been removed and vegetation has begun to re-establish in the previously disturbed areas. The northwestern corner of the property is heavily disturbed, having been previously used for vehicle storage, and presently for stockpiling soils and debris. Portions of the site also contain various dirt access roads. The Project site is mapped as containing three soil types, including Bryman Loamy Fine Sand, Cajon Sand, and Haplargids-Calciorthids Complex. The Project site contains sandy washes that generally flow from southwest to northeast. The washes are mostly unvegetated and are regulated as jurisdictional waters. (GLA, 2022, p. 21)

A. Vegetation Communities

The Project site contains four distinct vegetation types dominated by native species, including the *Atriplex lentiformis* Shrubland Alliance (Quailbush Scrub), *Ephedra nevadensis-Lycium andersonii-Grayia spinosa* Shrubland Alliance (Nevada Joint Fir Scrub), *Ericameria nauseosa* Shrubland Alliance (Rubber Rabbitbrush Scrub), and the *Larrea tridentata* Shrubland Alliance (Creosote Bush Scrub). Two other land use categories were mapped within the Project site (unvegetated wash and disturbed/developed) that are generally unvegetated. Detailed descriptions of each vegetation type follow the table. Table 4.2-1, *Summary of Vegetation Alliances/Land Use Types (On Site)*, provides a summary of vegetation alliances/land uses and the corresponding acreage, while Figure 4.2-1, *Vegetation Map*, depicts the extent of the vegetation communities on site, each of which is described below. (GLA, 2022, p. 21)

Table 4.2-1 Summary of Vegetation Alliances/Land Use Types (On Site)

VEGETATION ALLIANCES/ LAND USE TYPE	RANK	CODE	ACREAGE
SHRUBLAND AND GRASSLAND ALLIANCES			
Atriplex lentiformis Shrubland Alliance (Quailbush Scrub)	G4 S4	36.340.00	5.46
Ephedra nevadensis-Lycium andersonii-Grayia spinosa Shrubland Alliance (Nevada Joint Fir Scrub)	G5 S3S4	33.185.00	16.56
Ericameria nauseosa Shrubland Alliance (Rubber Rabbitbrush Scrub)	G5 S5	35.310.00	6.55
Larrea tridentata Shrubland Alliance (Creosote Bush Scrub)	G5 S5	33.010.00	15.27
OTHER			
Unvegetated Wash	---	---	1.64
Disturbed/Developed	---	---	6.44
Total			**51.92**

Source: (GLA, 2022, Table 4-1)

The Project site contains 35 individual Joshua trees (*Yucca brevifolia*). As identified in A Manual of California Vegetation, Second Edition (MCVII), the membership rules for the *Yucca brevifolia* Woodland Alliance (Joshua tree woodland) are for *Yucca brevifolia* to be evenly distributed at greater than or equal to a one-percent cover. Based on the measured canopy size of each individual Joshua tree, the total cover of all Joshua trees at the site is approximately 950 square feet, which equates to a cover of 0.04 percent (substantially less than one percent). However, the individual Joshua trees are not evenly distributed across the site, but even when measuring just the general areas where Joshua trees are present at the site, the total coverage is still less than one percent. The Survey of California Vegetation Classification and Mapping Standards notes that the minimum mapping unit (MMU) for vegetation community mapping is usually 1 or 2 acres, but for wetlands and other sensitive communities the MMU can be as small as one-quarter acre. Using the one-quarter standard for the MMU, there is no portion of the site where the cover of Joshua trees exceeds one percent. (GLA, 2022, pp. 21-22)

Provided below is a description of each of the vegetation communities that occur on the Project site.

1. Atriplex Lentiformis Shrubland Alliance (Quailbush Scrub)

Approximately 5.48 acres of the Study Area are vegetated with the *Atriplex lentiformis* Shrubland Alliance (5.46 acres onsite and 0.02 acre offsite) and are located throughout the Study Area. The *Atriplex lentiformis*

Shrubland Alliance has a G4 S4 rarity ranking, meaning that this vegetation type is apparently secure in both its global and California range. (GLA, 2022, p. 23)

2. Ephedra Nevadensis-Lycium Andersonii-Grayia Spinosa Shrubland Alliance (Nevada Joint Fir Scrub)

Approximately 16.69 acres of the Study Area are vegetated with the *Ephedra nevadensis-Lycium andersonii-Grayia spinosa* Shrubland Alliance (16.56 acres onsite and 0.13 acre offsite) and are located throughout the Study Area. The *Ephedra nevadensis-Lycium andersonii-Grayia spinosa* Shrubland Alliance has a G5 S3S4 rarity ranking, meaning that this vegetation type is demonstrably secure in its global range, and apparently secure in its California range. (GLA, 2022, p. 23)

3. Ericameria Nauseosa Shrubland Alliance (Rubber Rabbitbrush Scrub)

Approximately 7.03 acres of the Study Area are vegetated with the *Ericameria nauseosa* Shrubland Alliance (6.55 acres onsite and 0.48 acre offsite) and are located throughout the Study Area. The *Ericameria nauseosa* Shrubland Alliance has a G5 S5 rarity ranking, meaning that this vegetation type is demonstrably secure in both its global and California range. (GLA, 2022, p. 24)

4. Larrea Tridentata (Creosote Bush Scrub) Shrubland Alliance

Approximately 15.53 acres of the Study Area are vegetated with the *Larrea tridentata* Shrubland Alliance (15.27 acres onsite and 0.26 acre offsite) and are located throughout. The *Larrea tridentata* Shrubland Alliance has a G5 S5 rarity ranking, meaning that this vegetation type is demonstrably secure in both its global and California range. (GLA, 2022, p. 24)

5. Unvegetated Wash

Approximately 1.64 acres of the Study Area (all onsite) consists of unvegetated washes that flow through the Project site toward the Mojave River. Within the Project site, bare ground consists of areas of recently deposited sediment or eroded surfaces that do not support vegetation in quantities sufficient to support a specific vegetation community. (GLA, 2022, p. 24)

6. Disturbed/Developed

Approximately 7.59 acres of the Study Area consist of disturbed/developed areas, including 6.44 acres onsite and 1.15 acres offsite). Within the Study Area, disturbed developed areas consist of a former residence, concrete stockpiling, and unauthorized vehicular trails. These areas do not support vegetation in quantities sufficient to support a specific vegetation community due to ongoing human disturbance. (GLA, 2022, p. 25)

B. Wildlife

A total of 27 wildlife species, including reptiles, birds, and mammals were recorded for the site (GLA, 2022, p. 25).

Three species of reptiles were observed, including the common side-blotched lizard (*Uta stansburiana elegans*), Great Basin fence lizard (*Sceloporus occidentalis longipes*), and Great Basin whiptail (*Aspidoscilis tigris tigris*) (GLA, 2022, p. 25).

The following birds were observed during general biological surveys conducted within the Project site: northern mockingbird (*Mimus polyglottos*), greater roadrunner (*Geococcyx occidentalis*), common raven (*Corvus corvax*), white-crowned sparrow (*Zonotrichia leucophrys*), black-throated sparrow *(Amphispiza bilineata*), black-tailed gnatcatcher (*Polioptila melanura*), Gambel's quail (*Callipepla gambelii*), white-crowned sparrow (*Zonotrichia leucophrys*), Say's phoebe (*Sayornis saya*), mourning dove (*Zenaida macroura*), red-tailed hawk (*Buteo jamaicensis*), Cooper's hawk (*Accipiter cooperii*), house finch (*Haemorhous mexicanus*), Anna's hummingbird (*Calypte anna*), verdin (*Auriparus flaviceps*), rock wren (*Salpinctes obsoletus*), Bewick's wren (*Thryomanes bewickii*), cactus wren (*Campylorhynchus bruneicapillus*), and rock dove (*Columba livia*) (GLA, 2022, p. 25).

A total of six species of mammals were detected via observation or by evidence of sign (scat, tracks, burrows, etc.) during general and focused biological surveys conducted within the Project site. Species detected included black-tailed jackrabbit (*Lepus californicus*), desert cottontail (*Sylvilagus audubonii*), coyote (*Canis latrans*), white-tailed antelope squirrel (*Ammospermophilus luecurus*), and California ground squirrel (*Otospermophilus beecheyi*). (GLA, 2022, p. 25)

C. Special-Status Vegetation Communities

The California Natural Diversity Database (CNDDB) does not identify any special-status vegetation communities on or in the vicinity of the Study Area, based on a review of the Hesperia quadrangle map and surrounding quadrangles. Furthermore, the Study Area does not contain any special-status communities as determined through the biological studies. (GLA, 2022, p. 25)

D. Special-Status Plants

One special-status plant (Joshua tree) was detected at the Project site. Table 4-3 of the Project's BTR (*Technical Appendix C1*) provides a list of special-status plants evaluated for the Project site through general biological surveys, habitat assessments, and focused surveys. Species were evaluated based on the following factors: 1) species identified by the CNDDB and CNPS as occurring (either currently or historically) on or in the vicinity of the Project site, and 2) any other special-status plants that are known to occur within the vicinity of the Project site, or for which potentially suitable habitat occurs within the site. (GLA, 2022, pp. 25-26)

As depicted on Figure 4.2-2, *Joshua Tree Survey Map*, GLA mapped 35 Joshua trees at the Project site, including 33 live trees and two dead trees. The data collected for each inventoried tree are provided in Table 4-4 of the BTR (*Technical Appendix C1*). Nearly all of the trees were already tagged as part of what was presumably a prior inventory. Of the 33 live trees, nine were assigned a Very Good health rating, 16 an Average rating, five a Poor rating, and three a Very Poor rating. (GLA, 2022, p. 28)

E. Special-Status Animals

No special-status animals were detected within the Study Area during the biological surveys. Table 4-5 of the Project's BTR (*Technical Appendix C1*) provides a list of special-status animals evaluated for the Project site through general biological surveys, habitat assessments, and focused surveys. Species were evaluated based on the following factors, including: 1) species identified by the CNDDB as occurring (either currently or historically) on or in the vicinity of the Project site, and 2) any other special-status animals that are known to occur within the vicinity of the Project site, for which potentially suitable habitat occurs on the site. (GLA, 2022, p. 29)

Burrowing Owl

A focused survey for the burrowing owl (*Athene cunicularia*) was conducted according to the 2012 CDFG Staff Report on Burrowing Owl Mitigation. All suitable burrows were inspected for diagnostic owl sign (e.g., pellets, prey remains, whitewash, feathers, bones, and/or decoration) in order to identify potentially occupied burrows. No burrowing owls were detected at the Project site during focused breeding season surveys. (GLA, 2022, pp. 6-7)

Desert Tortoise

A focused survey also was conducted for the desert tortoise (*Gopherus agassizii*). The survey was conducted in accordance with the 2010 and 2018 United States Fish and Wildlife Service (USFWS) Mojave Desert Tortoise Pre-project Survey Protocol, which for "small project areas" (less than 500 acres) requires 10-meter-wide belt transects to cover the entire Action Area, which is defined to be any lands subject to ground-disturbing activities associated with the Project and coincides with the Project's impact limits. No desert tortoise or desert tortoise sign was observed within the Project site. (GLA, 2022, p. 7)

Mojave Ground Squirrel

In addition, a focused trapping survey was conducted for the Mohave ground squirrel ("MGS"; *Xerospermophilus mohavensis*) in 2021. Survey methods were derived from generally accepted professional standards including the 2010 California Department of Fish and Wildlife (CDFW) Mohave Ground Squirrel Survey Guidelines, and performed under the auspices of a Memorandum of Understanding (MOU) with the CDFW. MGS were not captured on the Project site during the 2021 protocol survey, indicating that this species is absent from the Project site. (GLA, 2021, p. 8 and Table 4-5)

F. Special-Status Wildlife Species Not Observed but with a Potential to Occur at the Project Site

Two special-status species, including Crotch bumblebee (*Bombus crotchii*; Species of Special Concern [SSC]) and loggerhead shrike (*Lanius ludovicianus*, SSC), have a moderate potential to utilize the Project site as live-in/breeding habitat, with the exception of disturbed developed areas. Therefore, the Project site represents 46.43 acres of moderately potential habitat for these species. (GLA, 2022, p. 34)

Three special-status bird species, including Swainson's hawk (*Buteo swainsonii*; State Threatened [ST]), Olivesided flycatcher (*Contopus cooperi*; SSC), and yellow warbler (*Setophaga petechia*; SSC) have the potential to forage at the site, but would not breed due to a lack of suitable habitat. (GLA, 2022, p. 34)

One special-status bat species, pallid bat (*Antrozous pallidus*), an SSC, has the potential to forage within the Project site. Bat species are not expected to roost within the Project site, due to the lack of tree cavities, unoccupied buildings, and rock crevices. (GLA, 2022, p. 34)

G. Nesting Birds and Raptor Use

The Project site contains trees, shrubs, and ground cover that provide suitable habitat for nesting migratory birds. Impacts to nesting birds are prohibited under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (CFGC). (GLA, 2022, p. 35)

The Project site provides suitable foraging and breeding habitat for a number of raptor species, including special-status raptors. Southern California holds a diversity of birds of prey (raptors), and many of these species are in decline. For most of the declining species, foraging requirements include extensive open, undisturbed, or lightly disturbed areas, especially grasslands. This type of habitat has declined severely in the region, affecting many species, but especially raptors. A few species, such as Red-tailed Hawk (*Buteo jamaicensis*) and American Kestrel (*Falco sparverius*), are somewhat adaptable to low-level human disturbance and can be readily observed adjacent to neighborhoods and other types of development. These species still require appropriate foraging habitat and low levels of disturbance in vicinity of nesting sites. Much of the Project site is composed of suitable raptor foraging habitat and supports a suite of mammal, reptile, and insect species that represent suitable prey for various raptor species. (GLA, 2022, p. 35)

H. Jurisdictional Delineation

The Project site contains three distinct drainage features designated as Drainages A, B, and C, depicted on Figure 4.2-3, *Corps/Regional Board Jurisdictional Delineation Map*, and Figure 4.2-4, *CDFW Jurisdictional Delineation Map*. The drainage features all flow in a northeast direction prior to exiting the site at the northern and eastern boundaries. Flows ultimately discharge into the Mojave River, a Relatively Permanent Water (RPW), located less than two miles from the Project site. (GLA, 2022, p. 36)

Potential United States Army Corps of Engineers (Corps) jurisdiction within the Project site totals approximately 0.96 acre (4,081 linear feet), none of which consists of federal wetlands. Table 4.2-2, *Summary of Potential Corps Jurisdiction*, provides a summary of the Corps jurisdictional areas on site. (GLA, 2022, p. 36)

As summarized in Table 4.2-3, *Summary of Potential Regional Board Jurisdiction*, Regional Board jurisdiction within the Project site totals approximately 0.96 acre (4,081 linear feet), none of which consists of State wetlands. (GLA, 2022, p. 36)

As summarized in Table 4.2-4, *Summary of Potential CDFW Jurisdiction*, CDFW jurisdiction within the Project site totals approximately 1.67 acres (4,085 linear feet), of which approximately 0.02 acre consists of vegetated riparian habitat. The riparian vegetation occurs within an off-site segment of Drainage A evaluated for the Project and consists of a small stand of Fremont cottonwood (*Populus fremontii*) trees. (GLA, 2022, p. 37)

Table 4.2-2 Summary of Potential Corps Jurisdiction

Drainage Name	Potential Corps Non-Wetland Waters (acres)	Potential Corps Jurisdictional Wetlands (acres)	Total Potential Corps Jurisdiction (acres)	Length (linear feet)
Drainage A	0.39	0	0.39	1,319
Tributary A1	0.01	0	0.01	541
Tributary A2	0.01	0	0.01	174
Drainage B	0.54	0	0.54	1,799
Drainage C	0.01	0	0.01	248
Total	**0.96**	**0**	**0.96**	**4,081**

Source: (GLA, 2022, Table 4-6)

Table 4.2-3 Summary of Potential Regional Board Jurisdiction

Drainage Name	Regional Board Non-Wetland Waters (acres)	Regional Board Jurisdictional Wetlands (acres)	Total Regional Board Jurisdiction (acres)	Length (linear feet)
Drainage A	0.39	0	0.39	1,319
Tributary A1	0.01	0	0.01	541
Tributary A2	0.01	0	0.01	174
Drainage B	0.54	0	0.54	1,799
Drainage C	0.01	0	0.01	248
Total	**0.96**	**0**	**0.96**	**4,081**

Source: (GLA, 2022, Table 4-7)

Table 4.2-4 Summary of Potential CDFW Jurisdiction

Drainage Name	CDFW Non-riparian Stream (acres)	CDFW Riparian Habitat (acres)	Total CDFW Jurisdiction (acres)	Length (linear feet)
Drainage A	0.66	0.02	0.68	1,323
Tributary A1	0.01	0	0.01	541
Tributary A2	0.01	0	0.01	174
Drainage B	0.95	0	0.95	1,799
Drainage C	0.02	0	0.02	248
Total	**1.65**	**0.02**	**1.67**	**4,085**

Source: (GLA, 2022, Table 4-8)

4.2.3 REGULATORY FRAMEWORK

A. Federal Regulations

1. Endangered Species Act (ESA)

The purpose of the federal Endangered Species Act (ESA) is to protect and recover imperiled species and the ecosystems upon which they depend. It is administered by the U.S. Fish and Wildlife Service (USFWS) and the Commerce Department's National Marine Fisheries Service (NMFS). The USFWS has primary responsibility for terrestrial and freshwater organisms, while the responsibilities of NMFS are mainly marine wildlife such as whales and anadromous fish such as salmon. Under the ESA, species may be listed as either endangered or threatened. "Endangered" means a species is in danger of extinction throughout all or a significant portion of its range. "Threatened" means a species is likely to become endangered within the foreseeable future. All species of plants and animals, except pest insects, are eligible for listing as endangered or threatened. (USFWS, 2017)

The ESA makes it unlawful for a person to take a listed animal without a permit. Take is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." Through regulations, the term "harm" is defined as "an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering." Listed plants are not protected from take, although it is illegal to collect or maliciously harm them on federal land. Protection from commercial trade and the effects of federal actions do apply for plants. (USFWS, 2017)

Section 7 of the ESA requires federal agencies to use their legal authorities to promote the conservation purposes of the ESA and to consult with the USFWS and NMFS, as appropriate, to ensure that effects of actions they authorize, fund, or carry out are not likely to jeopardize the continued existence of listed species. During consultation, the "action" agency receives a "biological opinion" or concurrence letter addressing the proposed action. In the relatively few cases in which the USFWS or NMFS makes a jeopardy determination, the agency offers "reasonable and prudent alternatives" about how the proposed action could be modified to

avoid jeopardy. It is extremely rare that a project ends up being withdrawn or terminated because of jeopardy to a listed species. (USFWS, 2017)

Section 10 of the ESA may be used by landowners including private citizens, corporations, tribes, states, and counties who want to develop property inhabited by listed species. Landowners may receive a permit to take such species incidental to otherwise legal activities, provided they have developed an approved habitat conservation plan (HCP). HCPs include an assessment of the likely impacts on the species from the proposed action, the steps that the permit holder will take to avoid, minimize, and mitigate the impacts, and the funding available to carry out the steps. HCPs may benefit not only landowners but also species by securing and managing important habitat and by addressing economic development with a focus on species conservation. (USFWS, 2017)

2. Clean Water Act Section 401

Clean Water Act (CWA) § 401 water quality certification provides states and authorized tribes with an effective tool to help protect water quality, by providing them an opportunity to address the aquatic resource impacts of federally issued permits and licenses. Under § 401, a federal agency cannot issue a permit or license for an activity that may result in a discharge to waters of the U.S. until the state or tribe where the discharge would originate has granted or waived § 401 certification. The central feature of CWA § 401 is the state or tribe's ability to grant, grant with conditions, deny, or waive certification. Granting certification, with or without conditions, allows the federal permit or license to be issued consistent with any conditions of the certification. Denying certification prohibits the federal permit or license from being issued. Waiver allows the permit or license to be issued without state or tribal comment. States and tribes make their decisions to deny, certify, or condition permits or licenses based in part on the proposed project's compliance with Environmental Protection Agency (EPA)-approved water quality standards. In addition, states and tribes consider whether the activity leading to the discharge will comply with any applicable effluent limitations guidelines, new source performance standards, toxic pollutant restrictions, and other appropriate requirements of state or tribal law. (EPA, 2022f)

Many states and tribes rely on § 401 certification to ensure that discharges of dredge or fill material into a water of the U.S. do not cause unacceptable environmental impacts and, more generally, as their primary regulatory tool for protecting wetlands and other aquatic resources. However, § 401 is limited in scope and application to situations involving federally-permitted or licensed activities that may result in a discharge to a water of the U.S. If a federal permit or license is not required, or would authorize impacts only to waters that are not waters of the U.S., the activity is not subject to the CWA § 401. (EPA, 2022f)

3. Clean Water Act Section 404

Section 404 of the CWA establishes a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. Wetlands subject to Clean Water Act Section 404 are defined as "areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas." Activities

in waters of the United States regulated under this program include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. Section 404 requires a permit before dredged or fill material may be discharged into waters of the United States, unless the activity is exempt from Section 404 regulation (e.g. certain farming and forestry activities). (EPA, n.d.)

The basic premise of the program is that no discharge of dredged or fill material may be permitted if: (1) a practicable alternative exists that is less damaging to the aquatic environment; or (2) the nation's waters would be significantly degraded. Applications for permits must, to the extent practicable: (l) demonstrate steps have been taken to avoid wetland impacts; (2) demonstrate that potential impacts on wetlands have been minimized; and (3) provide compensation for any remaining unavoidable impacts. Proposed activities are regulated through a permit review process. (EPA, n.d.)

An individual permit is required for potentially significant impacts. Individual permits are reviewed by the U.S. Army Corps of Engineers (USACE), which evaluates applications under a public interest review, as well as the environmental criteria set forth in the CWA Section 404(b)(1) Guidelines. However, for most discharges that will have only minimal adverse effects, a general permit may be suitable. General permits are issued on a nationwide, regional, or State basis for particular categories of activities. The general permit process eliminates individual review and allows certain activities to proceed with little or no delay, provided that the general or specific conditions for the general permit are met. States also have a role in Section 404 decisions, through state program general permits, water quality certification, or program assumption. (EPA, n.d.)

4. Executive Order 11990 – Protection of Wetlands

The purpose of Executive Order (EO) 11990 is to "minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands." To meet these objectives, the Order requires federal agencies, in planning their actions, to consider alternatives to wetland sites and limit potential damage if an activity affecting a wetland cannot be avoided. (FEMA, 2022a) The Order applies to:

- Acquisition, management, and disposition of federal lands and facilities construction and improvement projects which are undertaken, financed, or assisted by federal agencies;

- Federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities. (FEMA, 2022a)

The procedures require the determination of whether or not the proposed project will be in or will affect wetlands. If so, a wetlands assessment must be prepared that describes the alternatives considered. The procedures include a requirement for public review of assessments. (FEMA, 2022a)

5. Migratory Bird Treaty Act (16 USC Section 703-712)

The Migratory Bird Treaty Act (MBTA) makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of

such a bird except under the terms of a valid permit issued pursuant to federal regulations. The migratory bird species protected by the MBTA are listed in 50 CFR 10.13. The USFWS has statutory authority and responsibility for enforcing the MBTA (16 U.S.C. 703-712). The MBTA implements Conventions between the United States and four countries (Canada, Mexico, Japan, and Russia) for the protection of migratory birds. (USFWS, 2020)

B. State Regulations

1. California Endangered Species Act (CESA)

The California Endangered Species Act (CESA) states that all native species of fishes, amphibians, reptiles, birds, mammals, invertebrates, and plants, and their habitats, threatened with extinction and those experiencing a significant decline which, if not halted, would lead to a threatened or endangered designation, will be protected or preserved. The California Department of Fish and Wildlife (CDFW) works with interested persons, agencies, and organizations to protect and preserve such sensitive resources and their habitats. CESA prohibits the take of any species of wildlife designated by the California Fish and Game Commission as endangered, threatened, or candidate species. CDFW may authorize the take of any such species if certain conditions are met. (CDFW, n.d.)

Section 2081 subdivision (b) of the California Fish and Game Code (CFGC) allows CDFW to authorize take of species listed as endangered, threatened, candidate, or a rare plant, if that take is incidental to otherwise lawful activities and if certain conditions are met. These authorizations are commonly referred to as incidental take permits (ITPs). (CDFW, n.d.)

If a species is listed by both the federal ESA and CESA, CFGC Section 2080.1 allows an applicant who has obtained a federal incidental take statement (federal Section 7 consultation) or a federal incidental take permit (federal Section 10(a)(1)(B)) to request that the Director of CDFW find the federal documents consistent with CESA. If the federal documents are found to be consistent with CESA, a consistency determination (CD) is issued and no further authorization or approval is necessary under CESA. (CDFW, n.d.)

A Safe Harbor Agreement (SHA) authorizes incidental take of a species listed as endangered, threatened, candidate, or a rare plant, if implementation of the agreement is reasonably expected to provide a net conservation benefit to the species, among other provisions. SHAs are intended to encourage landowners to voluntarily manage their lands to benefit CESA-listed species. California SHAs are analogous to the federal safe harbor agreement program and CDFW has the authority to issue a consistency determination based on a federal safe harbor agreement. (CDFW, n.d.)

On October 9, 2020, the western Joshua tree (*Yucca brevifolia*) was designated as a candidate species for listing as threatened under the CESA. As a candidate species, western Joshua tree now has full protection under CESA and any take of the species (including removal of western Joshua tree or similar actions) will require authorization under CESA. For projects where "take" is incidental to carrying out an otherwise lawful activity, an Incidental Take Permit (ITP) may be obtained from the CDFW.

2. Natural Community Conservation Planning Act (NCCP)

CDFW's Natural Community Conservation Planning (NCCP) program takes a broad-based ecosystem approach to planning for the protection and perpetuation of biological diversity. The NCCP program began in 1991 as a cooperative effort to protect habitats and species. It is broader in its orientation and objectives than the California and Federal Endangered Species Acts, as these laws are designed to identify and protect individual species that have already declined in number significantly. (CDFW, n.d.)

An NCCP identifies and provides for the regional protection of plants, animals, and their habitats, while allowing compatible and appropriate economic activity. Working with landowners, environmental organizations, and other interested parties, a local agency oversees the numerous activities that compose the development of an NCCP. CDFW and the USFWS provide the necessary support, direction, and guidance to NCCP participants. (CDFW, n.d.)

There are currently 17 approved NCCPs (includes 6 subarea plans) and more than 9 NCCPs in various stages of planning (includes 2 subarea plans), which together cover more than 8 million acres and will provide conservation for nearly 400 special status species and a wide diversity of natural community types throughout California. (CDFW, n.d.)

3. California Fish and Game Code, Section 1600, et seq.

CFGC section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: (1) substantially divert or obstruct the natural flow of any river, stream, or lake; (2) substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or (3) deposit debris, waste or other materials that could pass into any river, stream, or lake. The CFGC indicates that "any river, stream or lake" includes those that are episodic (they are dry for periods of time) as well as those that are perennial (they flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water. (CDFW, n.d.)

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when it determines that the activity, as described in a complete LSA Notification, may substantially adversely affect existing fish or wildlife resources. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify a project that would eliminate or reduce harmful impacts to fish and wildlife resources. Before issuing an LSA Agreement, CDFW must comply with CEQA. (CDFW, n.d.)

4. Native Plant Protection Act (NPPA) of 1977

The Native Plant Protection Act (NPPA) was enacted in 1977 and allows the Fish and Game Commission to designate plants as rare or endangered. There are 64 species, subspecies, and varieties of plants that are protected as rare under the NPPA. The NPPA prohibits take of endangered or rare native plants, but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying CDFW for

vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations. (CDFW, n.d.)

5. Unlawful Take or Destruction of Nests or Eggs (CFGC Sections 3503.5-3513)

Section 3503.5 of the CFGC specifically protects birds of prey, stating: "It is unlawful to take, possess, or destroy any . . . [birds-of-prey] or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto." Section 3513 of the CFGC duplicates the federal protection of migratory birds, stating: "It is unlawful to take or possess any migratory nongame bird as designated in the Migratory Bird Treaty Act or any part of such migratory nongame bird except as provided by rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act." (CA Legislative Info, n.d.)

6. Porter-Cologne Water Quality Act

The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code section 13000 et seq.), the policy of the State is as follows:

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and
- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation. (SWRCB, 2014)

C. Local Regulations

1. City of Victorville Municipal Code Title 13 Chapter 13.33 – Preservation and Removal of Joshua Trees

Title 13 Chapter 13.33 of the City of Victorville's municipal code states the following (GLA, 2022, p. 20):

> *"It is determined by the city council that proper and necessary steps be taken in order to protect and preserve, to the greatest extent possible, Joshua trees in all areas of the city so as to preserve the unique natural desert environment throughout the city and for the health, safety and welfare of the community.*
>
> *It is unlawful for any person to cut, damage, destroy, dig up, or harvest any Joshua tree without the prior written consent of the director of parks and recreation or his designee. A violation of this section is a misdemeanor punishable by up to six months in jail and/or a five-hundred-dollar fine."*

4.2.4 BASIS FOR DETERMINING SIGNIFICANCE

Section IV of Appendix G to the CEQA Guidelines addresses typical adverse effects to biological resources, and includes the following threshold questions to evaluate the Project's impacts to biological resources:

a) *Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

b) *Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?*

c) *Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?*

d) *Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?*

e) *Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

f) *Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?*

4.2.5 IMPACT ANALYSIS

Threshold a:	***Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?***

The following discussion examines the potential impacts to plant and wildlife resources that would occur as a result of the proposed Project.

A. Impacts to Special-Status Plants

Joshua tree is listed as a State Candidate Endangered species under the CESA. The proposed Project would eliminate habitat for the Joshua tree and remove 35 individual trees, including 33 living trees and two dead trees with recruits at the base. The loss of these individuals would represent a potential substantial adverse

effect to the species as a whole, and the impacts would be considered potentially significant prior to mitigation. In addition, pursuant to CESA, the loss of individual trees would require an Incidental Take Permit (ITP) from CDFW. Accordingly, Project impacts to the Joshua tree represent a significant impact for which mitigation would be required. The Project would not result in any other significant impacts to any special-status plant species. (GLA, 2022, p. 40)

B. Special-Status Animals

The proposed Project would result in the removal of habitat with the potential to support special-status animals, including potential live-in and foraging habitat for Crotch bumblebee and loggerhead shrike, and potential foraging habitat for Swainson's hawk, olive-sided flycatcher, and yellow warbler. However, based on the broader distribution of these species and the extent of potential impact, the loss of habitat would not be considered as a substantial adverse effect on the species as a whole, and the potential impact would be less than significant without mitigation required. The Project would not result in any impacts to any other special-status animal species. (GLA, 2022, pp. 40-41)

Although focused surveys conducted on site did not identify the presence of any burrowing owls, there is a potential for burrowing owls to occupy the Project site prior to the commencement of construction activities. This is evaluated as a potentially significant impact for which mitigation would be required. (GLA, 2022, p. 7 and Table 4-5)

Threshold b:	***Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?***

The proposed Project would not directly impact through grading any sensitive natural vegetation community. As a result of the proposed re-direction of flows associated with Drainage A into the Project's storm drain system, the Project has a limited potential to indirectly impact approximately 0.02 acre of riparian habitat (a cottonwood tree) associated with an offsite portion of Drainage A as a result of the elimination of a hydrology source. However, given that the cottonwood tree is established and presumably deeply rooted, the diversion of the infrequent storm flows would not likely harm the tree. Regardless, for purposes of analysis it is assumed that the tree would be indirectly impacted, but this minimal impact would not be considered a substantial adverse effect to riparian habitat and would be less than significant. (GLA, 2022, p. 41)

The Project would impact through grading approximately 43.64 acres of native vegetation communities (Quailbush Scrub, Nevada Joint Fir Scrub, Rubber Rabbitbush Scrub and Creosote Bush Scrub), including 42.75 acres onsite and 0.89 acre offsite. These impacts are summarized below in Table 4.2-5, *Summary of Native Vegetation Impacts*. None of the four vegetation alliances are considered sensitive vegetation communities, and thus Project impacts would be less than significant. (GLA, 2022, p. 41)

Table 4.2-5 Summary of Native Vegetation Impacts

VEGETATION ALLIANCES/ LAND USE TYPE	ONSITE	OFFSITE	TOTAL
Atriplex lentiformis Shrubland Alliance (Quailbush Scrub)	5.46	0.02	5.48
Ephedra nevadensis-Lycium andersonii-Grayia spinosa Shrubland Alliance (Nevada Joint Fir Scrub)	16.51	0.13	16.64
Ericameria nauseosa Shrubland Alliance (Rubber Rabbitbrush Scrub)	5.55	0.48	6.03
Larrea tridentata Shrubland Alliance (Creosote Bush Scrub)	15.23	0.26	15.49
Total	42.75	0.89	43.64

Source: (GLA, 2022, Table 5-1)

Accordingly, based on the preceding analysis, the Project would not have a substantial adverse effect on riparian habitat or any sensitive natural community, and impacts would be less than significant.

Threshold c: ***Would the Project have substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?***

The Project site does not contain any State- or federally-protected wetlands, and therefore the Project would not impact wetlands. No impact would occur. (GLA, 2022, p. 42)

The Project would, however, result in impacts to drainages considered jurisdictional by the Corps, Regional Board, and/or CDFW. The Project's impacts to jurisdictional waters are discussed below.

A. Corps and Regional Board Jurisdiction Impacts

Table 4.2-6, *Summary of Impacts to Potential Corps and Regional Board Jurisdiction*, summarizes impacts to potential Corps and Regional Board jurisdiction. The proposed Project would impact approximately 0.94 acre of potential Corps and Regional Board non-wetland waters, including 0.87 acre onsite and 0.07 acre offsite, as depicted on Exhibit 12A of the Project's BTR (*Technical Appendix C1*). Project impacts to Corps jurisdiction would require a permit pursuant to Section 404 of the Clean Waters Act. Impacts to Regional Board jurisdiction would require water quality certification pursuant to Section 401 of the Clean Water Act. (GLA, 2022, p. 43)

Table 4.2-6 Summary of Impacts to Potential Corps and Regional Board Jurisdiction

Drainage Feature	Onsite Impacts (acres)	Offsite Impacts (acres)	Total Impacts (acres)	Linear Feet
A	0.33	0.06	0.39	1,316
A1	0.01	0	0.01	541
A2	0	0.01	0.01	174
B	0.52	0	0.52	1,744
C	0.01	0	0.01	122
Total	**0.87**	**0.07**	**0.94**	**3,897**

Source: (GLA, 2022, Table 5-2)

Of the 0.87 acre of onsite impacts, approximately 0.03 acre consist of temporary impacts where the streambed would be restored to pre-construction contours following the completion of construction. Of the 0.07 acre of offsite impacts, 0.01 acre would be the result of permanent grading impacts, while 0.06 acre would consist of the offsite portion of Drainage A and Tributary A2 where flows would be diverted away from the drainage features into the Project's storm drain system. (GLA, 2022, p. 43)

Project impacts to 0.94 acre of potential Corps and Regional Board non-wetland waters, including 0.87 acre onsite and 0.07 acre offsite, represents a significant impact of the proposed Project for which mitigation would be required.

B. Impacts to CDFW Jurisdiction

As summarized in Table 4.2-7, *Summary of Impacts to CDFW Jurisdiction*, the proposed Project would impact approximately 1.63 acres of potential CDFW jurisdiction (of which 0.02 acre consists of riparian vegetation), including 1.51 acres onsite and 0.12 acre offsite. Impacts to CDFW jurisdiction would require a Lake and Streambed Alteration Agreement pursuant to Section 1602 of the California Fish and Game Code. (GLA, 2022, p. 43)

Table 4.2-7 Summary of Impacts to CDFW Jurisdiction

Drainage Feature	Onsite Impacts (acres)	Offsite Impacts (acres)	Total Impacts (acres)	Linear Feet
A	0.57	0.11	0.68	1,316
A1	0.01	0	0.01	541
A2	0	0.01	0.01	174
B	0.92	0	0.92	1,744
C	0.01	0	0.01	122
Total	**1.51**	**0.12**	**1.63**	**3,897**

Source: (GLA, 2022, Table 5-3)

Of the 1.51 acres of onsite impacts, approximately 0.04 acre would consist of temporary impacts where the streambed would be restored to pre-construction contours following the completion of construction. Of the

0.12 acre of offsite impacts, 0.02 acre would be the result of permanent grading impacts, while 0.10 acre would consist of the offsite portion of Drainage A and Tributary A2 where flows would be diverted away from the drainage features into the Project's storm drain system. The 0.10 acre of diversion impacts includes the 0.02 acre of riparian impacts. Impacts to CDFW jurisdiction would require a Lake and Streambed Alteration Agreement pursuant to Section 1602 of the California Fish and Game Code.

Accordingly, Project impacts to 1.63 acres of potential CDFW jurisdiction (of which 0.02 acre consists of riparian vegetation), including 1.51 acres onsite and 0.12 acre offsite, would represent a significant impact of the Project for which mitigation would be required.

Threshold d: ***Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?***

The Project would not impact a migratory wildlife corridor. The Project has the potential to impact active bird nests if vegetation is removed during the nesting season. Impacts to nesting birds are prohibited by the MBTA and California Fish and Game Code. However, although impacts to native birds are prohibited by MBTA and similar provisions of California Fish and Game Code, impacts to native birds by the proposed Project would not be a significant impact under CEQA. The native birds with potential to nest on the Project site would be those that are extremely common to the region and highly adapted to human landscapes (e.g., house finch, killdeer). The number of individuals potentially affected by the Project would not significantly affect regional, let alone local populations of such species. Furthermore, the extent of avian breeding at the Project site does not constitute a "nursery site," which are sites where wildlife concentrate for hatching and/or raising young, such as rookeries, spawning areas, and bat colonies. This degree of breeding does not apply to the Project site. Notwithstanding, because the Project has the potential to impact active nests regulated by the MBTA and California Fish and Game Code, Project impacts to nesting birds represents a significant impact of the Project for which mitigation in the form of pre-construction surveys and avoidance of active nests would be required. (GLA, 2022, p. 42)

Threshold e: ***Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?***

The only local policy or ordinance protecting biological resources in effect within the Project area is Title 13, Chapter 13.33 of the Victorville Municipal Code (Preservation and Removal of Joshua Trees), which prohibits the removal of (or other damage to) Joshua trees without prior written consent of the Director of Parks and Recreation. The proposed Project would result in the removal of 35 individual trees, including 33 living trees and two dead trees with recruits at the base. Accordingly, the Project has the potential to conflict with Chapter 13.33 of the City's Municipal Code, resulting in a potentially significant impact requiring mitigation. (GLA, 2022, p. 40)

Threshold f:	***Would the Project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?***

The Project site is not located within any adopted Habitat Conservation, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Accordingly, no impacts would occur.

4.2.6 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis for biological resources considers development of the Project Site in conjunction with other development projects in the vicinity of the Project Site as well as full General Plan buildout in the City of Victorville and surrounding areas.

As indicated in the analysis of Threshold a., the proposed Project would eliminate habitat for the Joshua tree and remove 35 individual trees, including 33 living trees and two dead trees with recruits at the base. In addition, the Project would not result in any significant impacts to special-status wildlife species, with exception of the burrowing owl. As other cumulative developments within the region also have the potential to result in impacts to the Joshua tree and/or burrowing owl, Project impacts would be cumulatively considerable.

As indicated under the analysis of Threshold b., the Project would impact through grading approximately 43.64 acres of native vegetation communities (Quailbush Scrub, Nevada Joint Fir Scrub, Rubber Rabbitbush Scrub and Creosote Bush Scrub), including 42.75 acres onsite and 0.89 acre offsite. However, none of the four vegetation alliances are considered sensitive vegetation communities. The Project also would not result in any significant impacts to riparian habitat. Therefore, Project impacts to sensitive vegetation communities and riparian habitat would be less than significant on a cumulatively-considerable basis.

As indicated under the analysis of Threshold c., the Project would not impact any State or federally-protected wetlands, and as such cumulatively-considerable impacts to wetlands would not occur. However, the Project would result in impacts to approximately 0.94 acre of potential Corps and Regional Board non-wetland waters, including 0.87 acre onsite and 0.07 acre offsite, as well as approximately 1.63 acres of potential CDFW jurisdiction (of which 0.02 acre consists of riparian vegetation), including 1.51 acres onsite and 0.12 acre offsite. As other developments within the region also have the potential to result in impacts to drainages regulated by the Corps, Regional Board, and/or CDFW, Project impacts would be significant on a cumulatively-considerable basis.

Although the Project would not impact any migratory wildlife corridors or nursery sites, the Project does have the potential to result in impacts to nesting birds that may occupy the Project site prior to the commencement of construction activities. As other cumulative developments also have the potential to impact nesting birds that are regulated by the California Fish and Game Code and the MBTA, Project impacts would be cumulatively considerable.

As discussed under the analysis of Threshold e., the Project has the potential to conflict with Title 13, Chapter 13.33 of the Victorville Municipal Code because the Project would result in the removal of 35 individual trees, including 33 living trees and two dead trees with recruits at the base. As other cumulative developments also have the potential to result in impacts to Joshua trees, Project impacts due to a potential conflict with Chapter 13.33 would be cumulatively-considerable.

The Project site is not located within any adopted Habitat Conservation, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Accordingly, the Project has no potential to result in cumulatively-considerable impacts due to a conflict with an adopted Habitat Conservation, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan.

4.2.7 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Significant Direct and Cumulatively-Considerable Impact. The proposed Project would eliminate habitat for the Joshua tree and remove 35 individual trees, including 33 living trees and two dead trees with recruits at the base, which represents a significant impact of the proposed Project. The Project also has the potential to result in impacts to the burrowing owl, if the Project site were to become occupied prior to the commencement of construction activities. Project impacts to the Joshua tree and burrowing owl represent significant impacts of the Project on both a direct and cumulatively-considerable basis.

Threshold b: Less-than-Significant Impact. The Project would impact through grading approximately 43.64 acres of native vegetation communities (Quailbush Scrub, Nevada Joint Fir Scrub, Rubber Rabbitbush Scrub and Creosote Bush Scrub), including 42.75 acres onsite and 0.89 acre offsite. None of the four vegetation alliances are considered sensitive vegetation communities, and thus Project impacts would be less than significant.

Threshold c: Significant Direct and Cumulatively-Considerable Impact. The Project site does not contain any State- or federally-protected wetlands, and therefore the Project would not impact wetlands. However, the Project would result in impacts to 0.94 acre of potential Corps and Regional Board non-wetland waters, including 0.87 acre onsite and 0.07 acre offsite, as well as impacts to 1.63 acres of potential CDFW jurisdiction (of which 0.02 acre consists of riparian vegetation), including 1.51 acres onsite and 0.12 acre offsite. Project impacts to waters considered jurisdictional by the Corps, Regional Board, and/or CDFW represent a significant impact of the proposed Project on both a direct and cumulatively-considerable basis.

Threshold d: Significant Direct and Cumulatively-Considerable Impact. There is no potential for the Project to interfere with the movement of fish or impede the use of a native wildlife nursery. However, the Project has the potential to impact nesting migratory birds protected by the MBTA and California Fish and Game Code, should habitat removal occur during the nesting season and should nesting birds be present. This is evaluated as a significant impact on both a direct and cumulatively-considerable basis.

Threshold e: Significant Direct and Cumulatively-Considerable Impact. The proposed Project would result in the removal of 35 individual trees, including 33 living trees and two dead trees with recruits at the base. Chapter

13.33 of the Victorville Municipal Code (Preservation and Removal of Joshua Trees) prohibits the removal of (or other damage to) Joshua trees without prior written consent of the Director of Parks and Recreation. Accordingly, the Project has the potential to conflict with Chapter 13.33 of the City's Municipal Code, resulting in a potentially significant impact requiring mitigation.

Threshold f: No Impact. The Project site is not located within any adopted Habitat Conservation, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Accordingly, no impacts would occur.

4.2.8 CITY REGULATIONS, DESIGN REQUIREMENTS, AND MITIGATION

Mitigation Measures

MM 4.2-1 Conservation of Western Joshua Tree Lands: Mitigation for direct impacts to western Joshua trees shall 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 (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 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 or successor in interest will adhere to measures and conditions set forth within the Incidental Take Permit.

MM 4.2-2 Impacts to Burrowing Owl: Prior to issuance of grading permits or any other permits allowing for the removal of vegetation on site, the City shall condition the Project to require that at least one survey must be performed between 14 and 30 days to prior to disturbance of the site, the results of which shall be provided to the City Planning Department. The conditions of approval also shall require that an additional survey shall take place within 24 hours prior to disturbance to account for burrowing owls that may colonize suitable habitat in the time elapsed since the previous survey visit, with a copy of the results being provided to the Planning Department. If burrowing owls are not detected during the pre-disturbance surveys, then no additional action is required. If burrowing owls are detected within or adjacent to the proposed disturbance area,

then the owls shall be passively relocated from the site to adjacent areas of suitable habitat. A qualified biologist shall prepare a Burrowing Owl Relocation and Protection Plan that shall document the relocation procedures. The Plan shall be submitted to CDFW for review and approval prior to relocating burrowing owls. Passive relocation shall be performed outside of the breeding season (October 1 to January 31), unless a qualified biologist verifies through non-invasive methods that either: 1) the birds have not begun egg-laying and incubation; or 2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival. Prior to performing the relocation, the biologist shall ensure that the adjacent relocation area contains suitable burrows at a 2:1 ratio over the number of occupied burrows to be impacted. If the relocation site does not contain enough natural burrows, then artificial burrows shall be created. Until burrowing owls can be excluded from the impact area, the occupied burrows shall be avoided with adequate buffers as recommended by the biologist. During the breeding season, the avoidance buffer may be as high as 500 meters depending on the type of disturbance occurring adjacent to the occupied habitat.

MM 4.2-3 Impacts to Nesting Birds: Prior to the issuance of grading permits or other permits allowing for ground-disturbing activities or the removal of vegetation on site, the City of Victorville Department of Engineering shall ensure that the following note is included on the grading plans. Project contractors shall be required to ensure compliance with this note and permit periodic inspection of the construction site by City of Victorville staff or its designee to confirm compliance. This note also shall be specified in bid documents issued to prospective construction contractors.

> "*Vegetation clearing shall be conducted outside of the bird nesting season (February 1 through September 15) to the extent feasible. If avoidance of the nesting season is not feasible, a nesting bird survey shall be conducted by a qualified biologist within no more than 72 hours of such scheduled disturbance, to determine the presence of nests or nesting birds. If active nests are identified, the biologist shall establish appropriate buffers around the vegetation (typically 500 feet for raptors and sensitive species, 200 feet for non-raptors/non-sensitive species). All work within these buffers shall be halted until the nesting effort is finished (i.e., the juveniles are surviving independent from the nest). The biologist shall review and verify compliance with these nesting boundaries and shall verify the nesting effort has finished. Work may resume within the buffer area when no other active nests are found. Alternatively, a qualified biologist may determine that construction can be permitted within the buffer areas and would develop a monitoring plan to prevent any impacts while the nest continues to be active (eggs, chicks, etc.). Upon completion of the survey and any follow-up construction avoidance management, a report shall be prepared and submitted to City of Victorville for mitigation monitoring compliance record keeping. If vegetation removal is not completed within 72 hours of a negative survey during nesting season, the nesting survey must be repeated to confirm the absence of nesting birds.*

MM 4.2-4 Jurisdictional Waters Impacts: Prior to issuance of grading permits or other permits authorizing ground disturbance (e.g., vegetation clearing, clearing and grubbing, tree removal, site watering, equipment staging), the Project Applicant shall provide evidence to the City of Victorville that impacts to 0.94 acre of potential Corps and Regional Board non-wetland waters and impacts to 1.63 acres of potential CDFW jurisdiction have been mitigated through the purchase of either rehabilitation and/or re-establishment mitigation credits at a minimum 1:1 ratio at an approved mitigation bank or in-lieu fee program within the Mojave River Watershed and/or the Santa Ana River Watershed, resulting in a minimum replacement of 0.91 acre of Corps and Regional Board jurisdiction, and 1.59 acres of CDFW jurisdiction. In addition, and also prior to issuance of grading permits, the Project Applicant shall provide the City of Victorville of a copy of the Project's Clean Water Act Section 404 permit from the Corps, Section 401 Water Quality Certification from the Regional Board, and Fish and Game Code Section 1602 Lake and Streambed Alteration Agreement from CDFW, as applicable.

4.2.9 SIGNIFICANCE AFTER MITIGATION

Threshold a.: Less-than-Significant with Mitigation Incorporated. Implementation of Mitigation Measure MM 4.2-1 would ensure that Project impacts to 35 Joshua trees (33 living trees and two dead trees with recruits at the base) are mitigated to less-than-significant levels through translocation and/or habitat conservation at a minimum 1:1 ratio. Implementation of Mitigation Measure MM 4.2-2 would ensure that appropriate pre-construction surveys are conducted prior to ground-disturbing activities and/or vegetation removal, and would ensure that owls are passively relocated to a site containing suitable burrows at a 2:1 ratio over the number of occupied burrows to be impacted. Implementation of the required mitigation would reduce Project impacts to species identified as a candidate, sensitive, or special status species, including the Joshua tree and burrowing owl, to less-than-significant levels.

Threshold c.: Less-than-Significant with Mitigation Incorporated. Implementation of Mitigation Measure MM 4.2-4 would ensure that Project impacts to 0.94 acre of potential Corps and Regional Board non-wetland waters and 1.63 acres of potential CDFW jurisdiction are mitigated at a minimum 1:1 ratio at an approved mitigation bank or in-lieu fee program. The required mitigation also would ensure that the Project Applicant obtains appropriate permits from the Corps, Regional Board, and/or CDFW. Implementation of the required mitigation would reduce the Project's impacts to jurisdictional waters to less-than-significant levels.

Threshold d: Less-than-Significant with Mitigation Incorporated. Implementation of Mitigation Measure MM 4.2-3 would ensure that appropriate pre-construction surveys are conducted during the bird nesting season, and further would ensure that any active nests are avoided and protected by an appropriate buffer area. Implementation of the required mitigation would reduce the Project's potential impacts to nesting birds to less-than-significant levels.

Threshold e: Less-than-Significant with Mitigation Incorporated. Implementation of Mitigation Measure MM 4.2-1 would ensure that Project impacts to 35 Joshua trees (33 living trees and two dead trees with recruits at the base) are mitigated to less-than-significant levels through translocation and/or habitat conservation at a

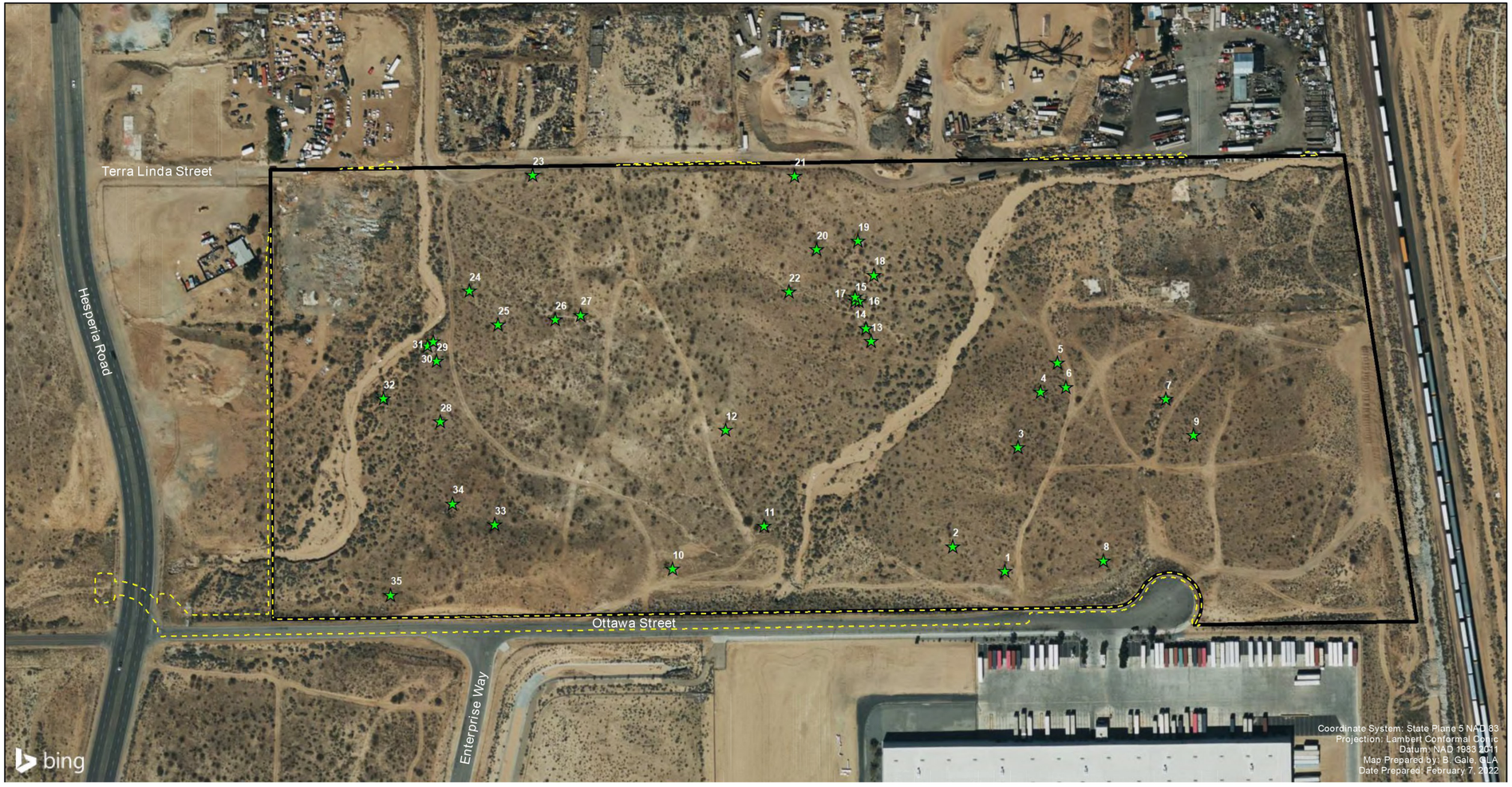
minimum 1:1 ratio.. Implementation of the required mitigation would reduce the Project's impacts due to a potential conflict with local policies or ordinances to less-than-significant levels.

Source(s): Glenn Lukos Associates (02-07-2022)

Figure 4.2-1

Not to Scale

Vegetation Map

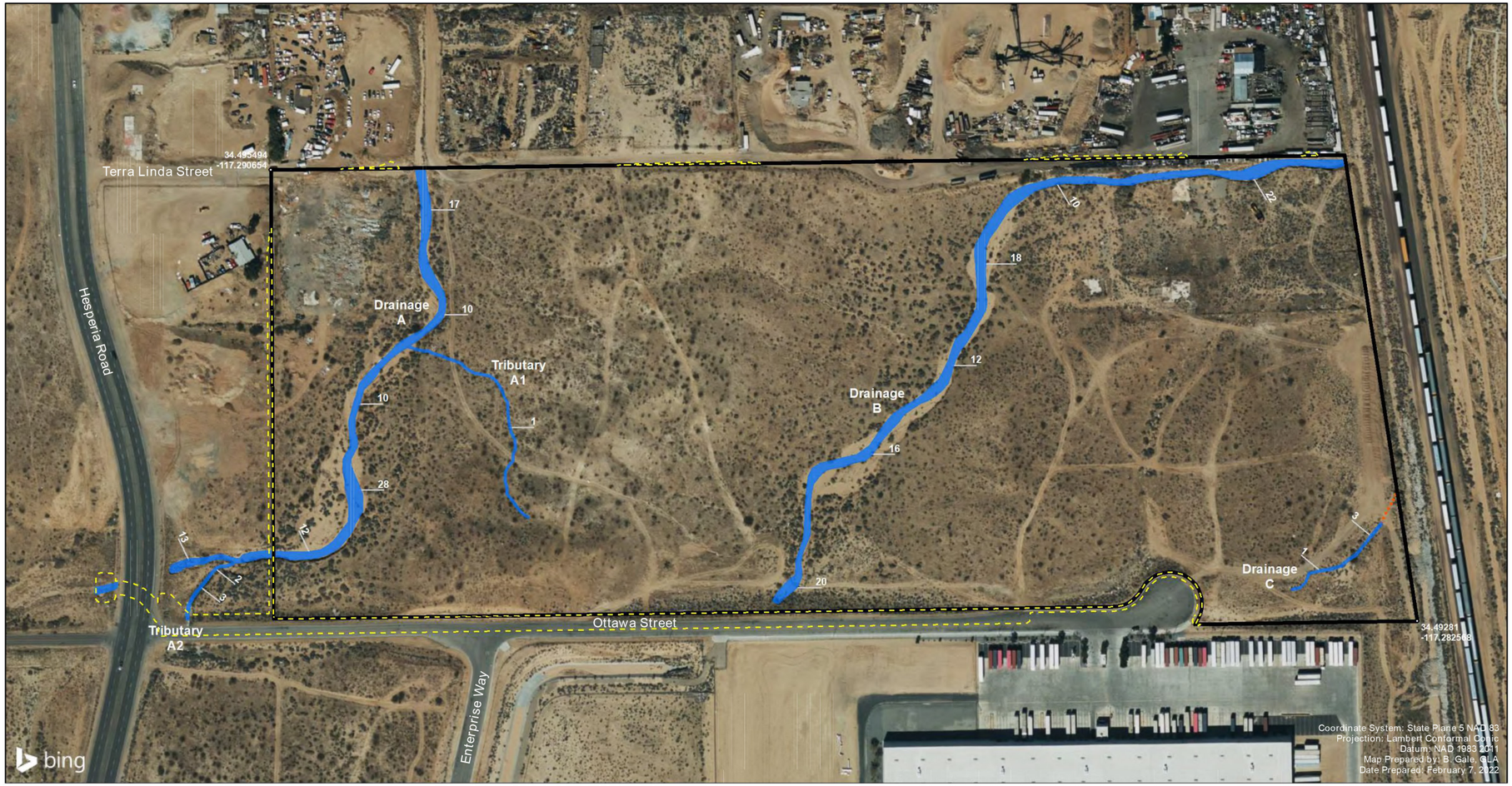


Source(s): Glenn Lukos Associates (02-07-2022)

Figure 4.2-2

Not to Scale

Joshua Tree Survey Map



Source(s): Glenn Lukos Associates (02-07-2022)

Figure 4.2-3

Not to Scale

Corps/Regional Board Jurisdictional Delineation Map

Source(s): Glenn Lukos Associates (02-07-2022)

Figure 4.2-4

Not to Scale

CDFW Jurisdictional Delineation Map

4.3 CULTURAL RESOURCES

The analysis in this Subsection is based on a technical study prepared by Brian F. Smith and Associates (herein, "BFSA"), entitled, "A Phase I Cultural Resources Assessment for the Ottawa Business Center Project" (herein, "CRA"), dated July 13, 2021, and included as *Technical Appendix D* to this EIR (BFSA, 2021).

Confidential information has been redacted from *Technical Appendix D* for the purposes of public review. In addition, much of the written and oral communication between Native American tribes, the City of Victorville, and BFSA is considered confidential in respect to places that may have traditional tribal cultural significance (Government Code Section 65352.4), and although relied upon in part to inform the preparation of this EIR Subsection, those communications are treated as confidential and are not available for public review. Under existing law, environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (California Code Regulations Section 15120(d)).

4.3.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were received after the NOP period or made during the EIR Scoping Meeting that pertain to cultural resources.

4.3.2 ENVIRONMENTAL SETTING

A. Cultural Setting

The Project site is located in the City of Victorville, California. The following provides a brief discussion of the prehistoric and historic context of the Project area for better understanding of the relevance of resources identified within its proximity. Refer to Subsection 2.3 of the Project's CRA (*Technical Appendix D*) for a complete discussion of the prehistoric and historic setting.

1. Archaeological Setting

The Project's area of Potential Effect (APE) straddles the traditional territory of multiple Native American groups including the Serrano and the Vanyume. Although there may be a range of cultural variation among these groups, they all have language derived from a base Uto-Aztecan language stock. In the same instance, although they may have held differing worldviews and maintained variations in their social structures, how they exploited the natural resources of their territories remained similar. (BFSA, 2021, p. 2.0-5)

Although the Mojave Desert is an area believed to have had limited prehistoric subsistence resources, it has historically supported a long and occasionally dense population. Evidence of villages and camps, burials, quarries, rock features, and bedrock mortars has been documented at archaeological sites across the desert, some of which contain evidence of a lengthy prehistoric time span. Although early archaeological remains are not found frequently, when they are, they are generally located along the margins of former pluvial lakes or in areas of dune deflation. In contrast, artifacts on the desert floor may be sparse, widely scattered, and mixed with the desert pavements. For the region, archaeologists have reached a broad consensus regarding the general

cultural chronology. The identified sequence includes the Paleo Indian Period, the Pinto Period, the Gypsum Period, the Saratoga Springs Period, and the Ethnohistoric Period. (BFSA, 2021, p. 2.0-5)

- Paleo Indian Period (12,000 to 7,000 Years Before Present [YBP]). The earliest documented evidence of human occupation in the Mojave Desert comes from the Paleo Indian Period, a cultural expression referred to as the Western Pluvial Lakes Tradition (WPLT). One of the most well-known expressions of the WPLT is the Lake Mojave Complex, which is thought to have covered a vast area including parts of the southwestern Great Basin and the Mojave Desert, maybe reaching as far south as the San Diego area. Artifacts indicative of the Lake Mojave Complex include foliated points and knives, Lake Mojave points, Silver Lake points, and flaked-stone crescents. Similar artifacts have been subsequently recorded along the shoreline of many other pluvial lakes in the Mojave Desert. (BFSA, 2021, p. 2.0-6)

- Pinto Period (7,000 to 4,000 YBP). The Pinto Period dates to the end of the Pleistocene, when the severe and dramatic environmental change from pluvial to arid conditions began. Pinto Period sites are found mostly near ephemeral lakes and now dry streams and springs, suggesting a wetter climate than the present. Projectile points associated with the Pinto Period are characterized as larger atlatl dart points, as opposed to arrowhead points, which were introduced later. Pinto Period artifacts have been interpreted as indications of temporary or seasonal occupations by small groups of people. (BFSA, 2021, p. 2.0-6)

- Gypsum Period (4,000 to 1,500 YBP). The presence of Humboldt Concave Base, Gypsum Cave, Elko Eared, or Elko corner notched points are believed to be indicative of the Gypsum Period. The Gypsum Period reflects a more intensive desert occupation. Indications of trade with coastal populations are evidenced by the shell beads in the archaeological record. An increase in milling stones and manos has been found in association with this period, which indicates an increased use of hard seeds. A shift in settlement patterns toward a more sedentary lifestyle occurred during this period, characterized by the emergence of large permanent or semi-permanent village sites and associated cemeteries. (BFSA, 2021, p. 2.0-6)

- Saratoga Springs Period (1,500 to 800 YBP). The Saratoga Springs Period is characterized by a transition from larger dart points to smaller arrow points. This, combined with evidence from rock art motifs, leads scholars to argue for a shift from atlatls to the use of the bow and arrow either during the end of the Gypsum Period or the beginning of the Saratoga Springs Period. This period saw an increase in trade with Arizona and other areas of the Southwest. Evidence in the archaeological record shows that Brown and Buff wares (pottery styles) characteristic of Arizona made their way to the California desert by A.D. 900. It is also believed that the Anasazi mined turquoise in the eastern California desert about this time. (BFSA, 2021, p. 2.0-7)

- Ethnohistoric Period (800 YBP to the Time of European Contact). During the Ethnohistoric Period, the Vanyume and potentially the Serrano occupied the Project site. The territory of the Vanyume was covered by small and relatively sparse populations focused primarily along the Mojave River, north of

the Serrano and southeast of the Kawaiisu. It is believed that the southwestern extent of their territory went as far as Cajon Pass and portions of Hesperia. As with the majority of California native populations, Vanyume populations were decimated around the 1820s by placement in Spanish missions and asistencias. It is believed that by 1900, the Vanyume had become extinct. However, given the settlement patterns reported for the Vanyume, it is more probable that the population was dispersed rather than completely wiped out. (BFSA, 2021, p. 2.0-7)

The Serrano and Vanyume were primarily hunters and gatherers. Individual family dwellings were likely circular, domed structures. In general, manufactured goods included baskets, some pottery, rabbit-skin blankets, awls, arrow straighteners, sinew-backed bows, arrows, fire drills, stone pipes, musical instruments (rattles, rasps, whistles, bull-roarers, and flutes), feathered costumes, mats, bags, storage pouches, and nets. Food acquisition and processing required the manufacture of additional items such as knives, stone or bone scrapers, pottery trays and bowls, bone or horn spoons, and stirrers. Mortars, made of either stone or wood, and metates were also manufactured. (BFSA, 2021, pp. 2.0-7 and 2.0-8)

2. Historical Setting

Prior to European presence in North America, Native American groups subsisted along the shores of the no longer extant lakes of the Great Basin region that covered the major portion of the present-day Mojave Desert. It was along these shores that Native Americans made their homes, produced their tools, and left an indelible mark upon the landscape. However, by the time the first Spanish explorers ventured into what is now southern California in 1769, the pluvial lakes had long since vanished, leaving the Mojave River to support primarily the Paiute and the Mohave tribes. (BFSA, 2021, p. 2.0-8)

Up until the 1850s, the majority of traffic through the region took place along the "Old Spanish Trail," which forked northward from Mojave Road, located a few miles east of present-day Barstow. These early travelers were not likely organized groups, and more often than not, were raiders, mission escapees, slave traders, fur trappers, soldiers, explorers, stockmen, merchants, guides, gold prospectors, and immigrants. (BFSA, 2021, p. 2.0-8)

By the early 1860s, many early pioneers began settling along the Mojave River, deriving their income from the road traffic that was now more common in the region. This in turn led to the development of way stations that held emergency supplies for travelers, with their most lucrative trade being liquor. It was around this same time that settlers also began agricultural and stock-raising ventures. Despite the early forays into gold mining that began as early as the 1850s, large-scale local developments did not begin until nearly 1881. This was likely a result of the harsh nature of the region, which forced costly freight charges and had crude mineral recovery methods, a scarcity of water, and an overall lack of local subsistence. It was not until the discovery of silver in Calico and the construction of the Southern Pacific Railroad from Mojave to Daggett in 1882 that the region became a mining center. (BFSA, 2021, p. 2.0-8)

In 1853, Congress authorized exploration and surveys to determine the most economical route for a rail line from the Mississippi River to the Pacific Ocean. Southern Pacific Railroad constructed the desert section of

the rail line. The route was completed from Mojave to Needles in 1882 to 1883. Ore was hauled on the Calico Railroad from Calico to the Oro Grande Milling Company, which was across the river from Daggett, around 1888. It was at this same time that the Santa Fe Railroad arrived in the region. In 1886, the California Southern Railroad (a subsidiary of the Atchison, Topeka, and Santa Fe Railway Company) completed the line from National City in San Diego County through Cajon Pass, joining the transcontinental line. (BFSA, 2021, pp. 2.0-8 and 2.0-9)

That same year, the plan of the town of Victor was prepared. Named for California Southern Railroad construction superintendent Jacob Nash Victor, the town was established after the construction of the original railroad station located approximately one mile northwest of the narrows of the Mojave River. The plan for the town of Victor included a grid-patterned original subdivision map of approximately 200 acres that would encompasses properties between A and G streets and First through Eleventh streets. In 1901, the name of the town was changed from Victor to Victorville, due to confusion by the United States Post Office with Victor, Colorado. (BFSA, 2021, p. 2.0-9)

Due to the presence of rich soils and an abundance of water from the Mojave River, the town of Victor began to develop agriculturally soon after it was established in the 1880s. This focus was short-lived, however, as in the 1890s, limestone and granite were discovered in Victor Valley. This discovery led to the town shifting its attentions toward the cement manufacturing industry, with the Southwestern Portland Cement Company beginning operations in the town in 1916. (BFSA, 2021, p. 2.0-9)

As Victorville grew, the United States government became interested in utilizing the lands surrounding the town. The United States Army Corps of Engineers began construction of the Victorville Army Flight Training School in 1941, completing construction in 1942. A total of 10,000 men were stationed at the school when it opened. Following World War II, however, the airfield saw less use until the facility was reactivated in 1950 due to training needs associated with the Korean War. Upon reopening, the facility was renamed George Air Force Base after Brigadier General Harold H. George who was killed in a ground accident on a United States base in Australia in 1942. The base was closed in 1992 and has been converted for civilian use as the Southern California Logistics Airport. (BFSA, 2021, p. 2.0-9)

The town of Victorville was incorporated as a general law city in 1962, its city limits encompassing approximately 10 square miles (BFSA, 2021, p. 2.0-9).

B. Archaeological and Historical Investigation Results

1. Records Search Results

An archaeological records search for the project and the surrounding area within a one-mile radius was requested from the South Central Coastal Information Center (SCCIC) at California State University (CSU) Fullerton on May 21, 2021. The search results indicate that 11 cultural resource sites are mapped within one mile of the Project site, none of which are located within the Project site boundaries. The recorded sites include historic refuse scatters/deposits, a multicomponent site with a prehistoric lithic scatter and historic refuse scatter, a historic building foundation and associated refuse scatter, and prehistoric isolates. (BFSA, 2021, p. 4.0-1)

The results of the SCCIC records search also indicate that 31 previous cultural resource studies have been conducted within one mile of the subject property, two of which overlap portions of the Project site. No cultural resources were recorded within or directly adjacent to the Project site as a result of these prior studies. (BFSA, 2021, p. 4.0-1)

The 1902 USGS Hesperia Quadrangle map indicates that the only developments in the vicinity of the Project site are the California Northern Railway, which was established in the 1990s, and two dirt roads that run along the east and west boundaries of the Project site. The first available aerial photograph for the Project site is from 1929 and shows the entire property as vacant. The 1942 USGS Hesperia Quadrangle map shows increased development in the vicinity of the Project site. The easternmost dirt road was paved by this time and residential structures are shown to the north of the Project site. The 1953 aerial photograph also shows the Project site as vacant and unaltered. However, construction is present adjacent to the northwest of the Project site, across what is now Terra Linda Street. Additionally, three structures, likely a residence and outbuildings are located adjacent to the southwest boundary of the Project site. (BFSA, 2021, p. 4.0-2)

The 1957 edition of the 1956 USGS Hesperia Quadrangle map shows three structures outside the Project site boundary, two of which are in the vicinity of the structures located adjacent to the southwest corner of the project, as shown on the 1953 aerial photograph. The other structure is located adjacent to the northwest corner of the Project site. By 1959, the northeast corner of the property was graded, and three structures had been constructed. By 1986, the northwest corner of the property was graded, a structure was constructed, and the area was used for trailer parking. The northeast corner of the property appears to also be used for car or trailer parking. The 1990 aerial photograph indicates that another structure was constructed in the northeast corner of the property and by 2009, all of the structures within the Project site had been removed. As indicated by the aerial photographs and USGS maps, the Project site and surrounding community continued to develop through the twentieth century with housing developments and commercial properties. (BFSA, 2021, p. 4.0-2)

2. Field Survey Results

The archaeological survey of the project was conducted by BFSA on May 15, 2021. The archaeological survey of the property was an intensive reconnaissance consisting of a series of parallel survey transects spaced at approximately five-meter intervals. The entire property was accessible with approximately 75 percent ground visibility, which was affected by creosote, pickleweed, and yucca vegetation. During the pedestrian survey, the observation was made that approximately 25 percent of the property has been disturbed through the grading of dirt roads which run throughout the property, grading associated with four structure foundations located in the northeast and northwest corners of the property, and a storm drain culvert located along the southern perimeter of the APE. Additionally, modern trash dumping was observed throughout the project. The property is otherwise relatively undisturbed desert landscape with minimal topographic variation. (BFSA, 2021, p. 4.0-12)

During the survey, a total of four structure foundations and one historic refuse scatter were identified. The refuse scatter was identified as Site Temp-1. The structure foundation identified in the northwest corner of the Project site was determined to be constructed sometime between 1973 and 1986, and the northernmost structure foundation identified in the northeast corner of the project was determined to be constructed between

1986 and 1990, according to aerial photographs. As a result, these two foundations, do not meet the minimum threshold of 50 years to be considered historic-period structures. The remaining two structure foundations were determined to be constructed between 1957 and 1959, thus meeting the minimum age threshold to be considered historic. Therefore, they were given the temporary site numbers of Temp-2 and Temp-3. (BFSA, 2021, p. 4.0-13)

Site Temp-1

During the survey, a dispersed scatter of historic artifacts was discovered in the northeast portion of the Project site, approximately 100 feet north of Ottawa Street, in the bend of the westernmost northeast-to-southwest-trending drainage. The scatter consists of three amethyst glass fragments, two hobble-skirt Coca-Cola bottles, five to 10 glass fragments, five ceramic tableware fragments, and the fragments of approximately four metal cans. (BFSA, 2021, p. 4.0-13)

Artifacts within the scatter are widespread, encompassing approximately 40 by 30 feet, are highly disturbed by natural wind and flooding events of the nearby drainage, and display no concentration or detectable association. The sparse and widely dispersed scatter is clearly superficial on the desert pavement and none of the artifacts observed were partially buried or suggestive of any subsurface deposits. (BFSA, 2021, p. 4.0-13)

The presence of the amethyst glass fragments indicates that the artifacts could have been deposited between 1880 and 1920 and the Coca-Cola bottle fragments indicate that the artifacts could have deposited between 1917 and 1952. Given the probable date range of the artifacts, it is possible that they are associated with the residence that was located in the Project site as early as 1953. (BFSA, 2021, p. 4.0-13)

Given the dispersed, disturbed nature of the artifact scatter, it is unlikely that any sort of subsurface deposit is associated with the resource or that the resource could provide any further research potential. Therefore, Site Temp-1 has been evaluated as a non-significant resource under CEQA criteria. (BFSA, 2021, p. 4.0-13)

Sites Temp-2 and Temp-3

In the northeast corner of the project, two foundations were identified (Plates 4.2–4 and 4.2–5). Aerial photographs consulted indicate that the structures were constructed sometime between 1953 and 1959 (see Plates 4.1–2, 4.1–3, and 4.2–2). Historic USGS maps were also consulted, and they further narrow the date range, indicating that the structures were likely constructed after 1957, as they are not present until the 1970 edition of the 1956 USGS Hesperia Quadrangle (7.5-minute) map. Aerial photographs further indicate that the structures, which were likely residences, were removed between 2006 and 2009 (see Plate 4.1–6). The only cultural materials associated with the structures include construction debris from demolishing the structures. (BFSA, 2021, p. 4.0-17)

Given the lack of associated artifacts, and the poor quality of the remains of the structures, it is unlikely that any sort of subsurface deposit is associated with the foundations or that they could provide any further research potential. Therefore, Sites Temp-2 and Temp-3 have been evaluated as non-significant resources under CEQA criteria. (BFSA, 2021, p. 4.0-17)

4.3.3 REGULATORY FRAMEWORK

A. Federal Regulations

1. National Register of Historic Places (NRHP)

The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the NHPA of 1966, the NPS's National Register of Historic Places (NRHP) is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources. (NPS, 2022a)

To be considered eligible, a property must meet the National Register Criteria for Evaluation. This involves examining the property's age, integrity, and significance, as follows:

- Age and Integrity. Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past?

- Significance. Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were important in the past? With significant architectural history, landscape history, or engineering achievements? Does it have the potential to yield information through archaeological investigation about our past? (NPS, 2022a)

Nominations can be submitted to a SHPO from property owners, historical societies, preservation organizations, governmental agencies, and other individuals or groups. The SHPO notifies affected property owners and local governments and solicits public comment. If the owner (or a majority of owners for a district nomination) objects, the property cannot be listed but may be forwarded to the NPS for a Determination of Eligibility (DOE). Listing in the NRHP provides formal recognition of a property's historical, architectural, or archaeological significance based on national standards used by every state. (NPS, 2022a)

Under Federal Law, the listing of a property in the National Register places no restrictions on what a non-federal owner may do with their property up to and including destruction, unless the property is involved in a project that receives Federal assistance, usually funding or licensing/permitting. National Register listing does not lead to public acquisition or require public access. (NPS, 2022a)

2. National Historic Landmarks Program

National Historic Landmarks (NHLs) are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting the heritage of the United States. Today, over 2,600 historic places bear this national distinction. Working with citizens throughout the nation, the NHL Program draws upon the expertise of NPS staff who guide the nomination process for new Landmarks and provide assistance to existing Landmarks. (NPS, 2022b)

3. American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) requires each executive branch agency with statutory or administrative responsibility for the management of Federal lands, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies are also required to maintain the confidentiality of sacred sites. Each executive branch agency with statutory or administrative responsibility for the management of Federal lands are required to implement procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. (NOAA, n.d.)

4. Federal Antiquities Act

The Antiquities Act is the first law to establish that archaeological sites on public lands are important public resources. It obligates federal agencies that manage the public lands to preserve for present and future generations the historic, scientific, commemorative, and cultural values of the archaeological and historic sites and structures on these lands. It also authorizes the President to protect landmarks, structures, and objects of historic or scientific interest by designating them as National Monuments. (NPS, 2022d)

B. State Regulations

1. California Administrative Code, Title 14, Section 4308

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: "No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value." (NPS, n.d.)

2. California Code of Regulations Title 14, Section 1427

California Code of Regulations Title 14, Section 1427 provides that: "No person shall collect or remove any object or thing of archaeological or historical interest or value, nor shall any person injure, disfigure, deface or destroy the physical site, location or context in which the object or thing of archaeological or historical interest or value is found." (NAHC, n.d.)

3. California Register of Historic Resources

The State Historical Resources Commission has designed this program for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The Register is the authoritative guide to the state's significant historical and archaeological resources. The California Register program encourages public recognition and protection of resources of architectural, historical, archaeological, and cultural significance; identifies historical resources for state and local planning purposes; determines eligibility for state historic preservation grant funding; and affords certain protections under CEQA. (OHP, n.d.)

In order for a resource to be included on the Register of Historic Resources, the resources must meet one of the following criteria:

- Associated with events that have made a significant contribution to the broad patterns of local or regional history or the cultural heritage of California or the United States (Criterion 1).
- Associated with the lives of persons important to local, California or national history (Criterion 2).
- Embodies the distinctive characteristics of a type, period, region, or method of construction or represents the work of a master or possesses high artistic values (Criterion 3).
- Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation (Criterion 4). (OHP, n.d.)

For resources included on the Register of Historic Resources, environmental review may be required under CEQA if property is threatened by a project. Additionally, local building inspectors must grant code alternatives provided under State Historical Building Code. Further, the local assessor may enter into contract with property owner for property tax reduction pursuant to the Mills Act. A property owner also may place his or her own plaque or marker at the site of the resource. (OHP, n.d.)

Consent of owner is not required, but a resource cannot be listed over an owner's objections. The State Historical Resources Commission (SHRC) can, however, formally determine a property eligible for the California Register if the resource owner objects. (OHP, n.d.)

4. Traditional Tribal Cultural Places Act (Senate Bill 18, "SB 18")

Senate Bill 18 (SB 18) requires local (city and county) governments to consult with California Native American tribes to aid in the protection of traditional tribal cultural places ("cultural places") through local land use planning. SB 18 also requires the Governor's Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations. (OPR, 2005)

The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The purpose of involving tribes at these early planning stages is to allow consideration of cultural places in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by a local government. (OPR, 2005)

SB 18 requires local governments to consult with tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code § 65300 et seq.) and specific plans (defined in Government Code § 65450 et seq.). Although SB 18 does not specifically mention consultation or notice requirements for adoption or amendment of specific plans, existing state planning law requires local governments to use the same processes for adoption and amendment of specific plans as for general plans (see Government Code § 65453). Therefore, where SB 18 requires consultation and/or notice for a general plan adoption or amendment, the requirement extends also to a specific plan adoption or amendment. (OPR, 2005)

5. Assembly Bill 52 (AB 52)

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process. (OPR, 2017)

As part of the mandatory AB 52 consultation process required by State law, the City sent notification to the Native American tribes (the San Manuel Band of Mission Indians; the Twenty-Nine Palms Band of Mission Indians; the Morongo Band of Mission Indians; and the Cabazon Band of Mission Indians) with possible traditional or cultural affiliation to the area that previously requested consultation pursuant to AB 52 requirements. During the course of the tribal consultation process, no Native American tribe responded to the City's invitation for consultation, nor provided the City with substantial evidence indicating that tribal cultural resources, as defined in Public Resources Code § 21074, are present on the Project site or have been found previously on the Project site.

The Public Resources Code now establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." (Pub. Resources Code, § 21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, § 21080.3.1.) (OPR, 2017)

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code § 20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources. These rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015. (OPR, 2017)

§ 21074 of the Public Resources Code defines "tribal cultural resources." In brief, in order to be considered a "tribal cultural resource," a resource must be either:

(1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or
(2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource. (OPR, 2017)

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe. (OPR, 2017)

6. State Health and Safety Code

California Health and Safety Code (HSC) § 7050.5(b) requires that excavation and disturbance activities must cease "In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery…" until the coroner can determine regarding the circumstances, manner, and cause of any death. The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. HSC § 7051 specifies that the removal of human remains from "internment or a place of storage while awaiting internment" with the intent to sell them or to dissect them with "malice or wantonness" is a public offense punishable by imprisonment in a state prison. Lastly, HSC §§ 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that "all California Indian human remains and cultural items are to be treated with dignity and respect." It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims. (CA Legislative Info, n.d.)

California Health and Safety Code, Section 5097.98 states that whenever the commission receives notification of a discovery of Native American human remains pursuant to HSC subdivision (c) of Section 7050.5, it shall immediately notify those persons that are the most likely descendants. The descendants may inspect the site and make recommendations to the landowner as to the treatment of the human remains. The landowner shall ensure that the immediate vicinity around the remains is not damaged or disturbed by further development activity until coordination has occurred with the descendants regarding their recommendations for treatment, taking into account the possibility of multiple human remains. The descendants shall complete their inspection and make recommendations within 48 hours of being granted access to the site. (CA Legislative Info, n.d.)

7. California Code of Regulations Section 15064.5

The California Code of Regulations, Title 14, Chapter 3, § 15064.5 (the State CEQA Guidelines) establishes the procedure for determining the significance of impacts to archaeological and historical resources, as well as classifying the type of resource. Cultural resources are aspects of the environment that require identification and assessment for potential significance. The evaluation of cultural resources under CEQA is based upon the definitions of resources provided in CEQA Guidelines § 15064.5, as follows: (CRNA, 2019)

- *A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4850 et seq.).*
- *A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the*

requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

- *Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code § 5024.1, Title 14 CCR, Section 4852) including the following:*
    - *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
    - *Is associated with the lives of persons important in our past;*
    - *Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
    - *Has yielded, or may be likely to yield, information important in prehistory or history.*
- *The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.*

4.3.4 BASIS FOR DETERMINING SIGNIFICANCE

Section V of Appendix G to the CEQA Guidelines addresses typical adverse effects to cultural resources, and includes the following threshold questions to evaluate the Project's impacts on cultural resources:

- *Would the Project cause a substantial adverse change in the significance of a historical resource in pursuant to § 15064.5?*
- *Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?*
- *Would the Project disturb any human remains, including those interred outside of formal cemeteries?*

4.3.5 IMPACT ANALYSIS

Threshold a: ***Would the Project cause a substantial adverse change in the significance of a historical resource in pursuant to § 15064.5***

The cultural resources study for the Project resulted in the discovery of one historic refuse scatter (Site Temp-1) and two historic structure foundations with associated demolition debris (Sites Temp-2 and Temp-3). Due to the highly disturbed nature of the sites, it is unlikely that any subsurface deposits are associated with the resources. In addition, the refuse scatter and foundations currently possess no further research potential to provide information about historic life within the city of Victorville or southern California. Due to a lack of research potential and any potential for subsurface deposits, Sites Temp-1, Temp-2, and Temp-3 have been evaluated as non-significant resources under CEQA criteria. (BFSA, 2021, p. 5.0-1)

Accordingly, and based on the analysis presented in the Project's CRA, implementation of the proposed Project would not alter or destroy a historic site or cause a substantial adverse change in the significance of a historical resource pursuant to California Code of Regulations Section 15064.5, either on site or off site within proposed off-site improvement areas. However, there is a potential for the Project area to contain unidentified subsurface resources. Thus, there is a potential that historical resources may be uncovered during on- or off-site grading or ground-disturbing activities, which could result in adverse changes to previously-undiscovered historical resources. This is evaluated as a potentially significant impact for which mitigation would be required.

Threshold b: ***Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?***

According to the archival records search, no prehistoric cultural resources have been previously recorded on the Project site and no prehistoric cultural resources were observed on the Project site during the pedestrian survey. Therefore, implementation of the Project would not cause a substantial adverse change in the significance of a known archeological resource pursuant to CEQA Guidelines Section 15064.5. (BFSA, 2021)

Although impacts to known archaeological resources on the Project site and off-site improvement areas would be less than significant, both the Project site and off-site improvement areas have the potential to contain unidentified archaeological resources. Given the presence of previously-identified archaeological resources within the Project vicinity, there is a potential for the Project site or off-site improvement areas to contain unidentified surface or subsurface archaeological resources. Therefore, Project impacts to previously-undiscovered archaeological resources that may occur in the on- or off-site impact areas of the proposed Project would be significant prior to mitigation.

Threshold c: ***Would the Project disturb any human remains, including those interred outside of formal cemeteries?***

The Project site does not contain a cemetery and no known formal cemeteries are located within the immediate site vicinity. Field surveys conducted on the Project site did not identify the presence of any human remains and no human remains are known to exist beneath the surface of the site (BFSA, 2021). Nevertheless, the

remote potential exists that human remains may be unearthed during grading and excavation activities associated with Project construction.

If human remains are unearthed during Project construction, the construction contractor would be required by law to comply with California Health and Safety Code Section 7050.5 "Disturbance of Human Remains." According to Section 7050.5(b) and (c), if human remains are discovered, the County Coroner must be contacted and if the Coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, the Coroner is required to contact the Native American Heritage Commission (NAHC) by telephone within 24 hours. Pursuant to California Public Resources Code Section 5097.98, whenever the NAHC receives notification of a discovery of Native American human remains from a county coroner, the NAHC is required to immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.94(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials. With mandatory compliance to California Health and Safety Code Section 7050.5 and Public Resources Code § 5097.98, any potential impacts to human remains, including human remains of Native American ancestry, that may result from development of the Project would be less than significant.

4.3.6 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development that were once similarly influenced by the past cultural activity in the City of Victorville and the Project region.

As noted above under Threshold a., the Project site includes one historic refuse scatter (Site Temp-1) and two historic structure foundations with associated demolition debris (Sites Temp-2 and Temp-3). However, none of these resources are evaluated as significant resources under CEQA criteria. Notwithstanding, there is a potential for the Project area to contain unidentified subsurface resources. As other developments within the region also have the potential to result in impacts to historical resources as defined by CEQA Guidelines Section 15064.5, the Project's potential impacts to sub-surface historical resources would be cumulatively considerable.

As discussed under the analysis of Threshold b., the Project's CRA (*Technical Appendix D*) did not identify any potentially significant archaeological resources or sites within the Project site or off-site improvement areas. As such, the Project would not result in any cumulatively-considerable impacts to previously identified archaeological resources or sites. However, there is a possibility that previously-undiscovered subsurface archaeological resources may be impacted by development of the Project as proposed. Other cumulative developments in the region also have the potential to result in impacts to archaeological sites or resources,

including sites or resources that may be buried beneath the ground surface. As such, the Project's potential impacts to previously-undiscovered archaeological sites or resources would be cumulatively considerable prior to mitigation.

As discussed under the analysis of Threshold c., mandatory compliance with the provisions of California Health and Safety Code Section 7050.5 as well as Public Resources Code Section 5097 et seq., would ensure that Project impacts to human remains would remain below a level of significant. As other cumulative developments also would be subject to compliance with California Health and Safety Code Section 7050.5 and Public Resources Code Section 5097 et seq., the Project's impacts to human remains are evaluated as less than significant on a cumulatively-considerable basis.

4.3.7 Significance of Impacts Before Mitigation

Threshold a: Significant Direct and Cumulatively-Considerable Impact. No historic resources, as defined by CEQA Guidelines Section 15064.5, are present on the Project Site. However, there is a potential for the Project area to contain unidentified subsurface resources. Thus, there is a potential that historical resources may be uncovered during on- or off-site grading or ground-disturbing activities, which could result in adverse changes to previously-undiscovered historical resources. This is evaluated as a potentially significant impact for which mitigation would be required.

Threshold b: Significant Direct and Cumulatively-Considerable Impact. No known archaeological resources, as defined by CEQA Guidelines Section 15064.5, are present on the Project site. However, given the presence of previously-identified archaeological resources within the Project vicinity, there is a potential for the Project site or off-site improvement areas to contain unidentified surface or subsurface archaeological resources. Therefore, Project impacts to previously-undiscovered archaeological resources that may occur in the on- or off-site impact areas of the proposed Project would be significant prior to mitigation.

Threshold c: Less-Than-Significant Impact. In the unlikely event that human remains are discovered during Project grading or other ground disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 et seq. Mandatory compliance with State law would ensure that human remains, if encountered, are appropriately treated and would preclude the potential for significant impacts to human remains.

4.3.8 City Regulations, Design Requirements, and Mitigation

Applicable City Regulations and Design Requirements

- In the event that human remains are uncovered during Project construction activities, the Project construction contractor shall comply with applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.

- Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure

requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code Section 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).

Mitigation

MM 4.3-1 **Construction Monitoring During Grading:** The following measures shall be undertaken prior to and during grading activities associated with the Project:

a. Archaeological Monitor: Prior to the issuance of a grading permit, the Project Applicant shall retain an archaeological monitor to be present for the initial clearing of the property and then periodically as determined by the project archaeologist. The principal investigator (PI) shall submit a detailed letter to the City of Victorville during earthwork to inform the City of a modification to the monitoring program when field conditions require a change in monitoring status, including suspension of monitoring if it is determined that no further monitoring is needed.

b. Discovery Notification Process: In the event of an archaeological discovery, either historic or prehistoric, the archaeological monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to, digging, trenching, excavating, or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources. If the discovered resource is associated with the prehistoric Native American occupation of this area, a Native American representative from a local tribe shall be contacted to review and participate in the evolution of the discovered resource. The monitor shall immediately notify the PI (unless monitor is the PI) of the discovery, and subsequently the property owner shall be notified of the discovery.

c. Determination of Significance: If an archaeological discovery occurs, either historic or prehistoric, the PI shall evaluate the significance of the resource. The PI shall immediately notify the City of Victorville to discuss significance determination and also shall submit a letter indicating whether additional mitigation is required. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) to the City of Victorville to review and approve. Impacts to significant resources shall be mitigated by the implementation of the ADRP before ground-disturbing activities in the area of discovery will be allowed to resume. If the resource is not significant, the PI shall submit a letter to the City of Victorville indicating that artifacts will be collected, curated, and documented in the final monitoring report. The letter shall also indicate that no further work is required.

MM 4.3-2 **Post-Construction Requirements:** Prior to issuance of building permits, the following measures shall be undertaken:

a. Draft Monitoring Report: Prior to final grading inspection, the PI shall submit to the City a draft monitoring report (even if negative) prepared in accordance with the agency guidelines, which describes the results, analysis, and conclusions of all phases of the

archaeological monitoring program (with appropriate graphics). For significant archaeological resources encountered during monitoring, the ADRP shall be included in the draft monitoring report. Recording sites with the State of California Department of Parks and Recreation (DPR) shall be the responsibility of the PI, including recording (on the appropriate forms-DPR 523 A/B) any significant or potentially significant resources encountered during the archaeological monitoring program. The PI shall submit a revised draft monitoring report to the City for approval, including any changes or clarifications requested by the City.

b. Handling of Artifacts: The PI shall be responsible for ensuring that all cultural remains collected are cleaned and cataloged. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate. The cost for curation is the responsibility of the Project Applicant.

c. Curation of Artifacts: Any artifacts recovered from the project shall be curated in an approved facility, such as the Western Science Center. Native American artifacts may be repatriated to a local tribal representative.

d. Final Monitoring Report(s): The PI shall submit the approved final monitoring report to the City and any interested parties.

4.3.9 SIGNIFICANCE AFTER MITIGATION

Threshold a.: Less-Than-Significant with Mitigation Incorporated. Implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2 would ensure that any historical resources identified on site or within the Project's off-site improvement areas during ground-disturbing activities are appropriately treated, including, if necessary, curation of the historical artifact(s) at the Western Science Center in Hemet. Implementation of the required mitigation would ensure that any potential impacts to subsurface historical sites or resources would be reduced to less-than-significant levels.

Threshold b.: Less-Than-Significant with Mitigation Incorporated. Implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2 would ensure that any archaeological sites or resources identified on site or within the Project's off-site improvement areas during ground-disturbing activities are appropriately treated as directed by the Archaeological Monitor, City of Victorville, and Native American Monitor. Implementation of the required mitigation would reduce the Project's potential impacts to subsurface archaeological sites or resources to below a level of significance.

4.4 ENERGY

The analysis in this Subsection is primarily based on a technical report prepared by Urban Crossroads titled, "Energy Analysis" (herein, "EA"), dated September 26, 2022, and included as *Technical Appendix E* to this EIR (Urban Crossroads, 2022c). Refer to Section 7.0, *References*, for a complete list of reference sources.

4.4.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were made during the NOP and EIR Scoping Meeting that pertain to energy.

4.4.2 ENVIRONMENTAL SETTING

A. Overview

The most recent data for California's estimated total energy consumption and natural gas consumption is from 2019, released by the United States (U.S.) Energy Information Administration's (EIA) California State Profile and Energy Estimates in 2021 and included (Urban Crossroads, 2022c, p. 7):

- As of 2019, approximately 7,802 trillion British Thermal Unit (BTU) of energy was consumed
- As of 2019, approximately 662 million barrels of petroleum
- As of 2019, approximately 2,144 billion cubic feet of natural gas
- As of 2019, approximately 1 million short tons of coal

The California Energy Commission's (CEC) Transportation Energy Demand Forecast 2018-2030 was released in order to support the 2017 Integrated Energy Policy Report. The Transportation energy Demand Forecast 2018-2030 lays out graphs and data supporting their projections of California's future transportation energy demand. The projected inputs consider expected variable changes in fuel prices, income, population, and other variables. Predictions regarding fuel demand included: (Urban Crossroads, 2022c, p. 7)

- Gasoline demand in the transportation sector is expected to decline from approximately 15.8 billion gallons in 2017 to between 12.3 billion and 12.7 billion gallons in 2030

- Diesel demand in the transportation sector is expected to rise, increasing from approximately 3.7 billion diesel gallons in 2015 to approximately 4.7 billion in 2030

- Data from the Department of Energy states that approximately 3.9 billion gallons of diesel fuel were consumed in 2019

The most recent data provided by the EIA for energy use in California by demand sector is from 2018 and is reported as follows (Urban Crossroads, 2022c, p. 7):

- Approximately 39.3% transportation

- Approximately 23.2% industrial
- Approximately 18.7% residential
- Approximately 18.9% commercial

In 2020, total system electric generation for California was 272,576 gigawatt hours (GWh). California's massive electricity in-state generation system generated approximately 190,913 GWh which accounted for approximately 70% of the electricity it uses; the rest was imported from the Pacific Northwest (15%) and the U.S. Southwest (15%). Natural gas is the main source for electricity generation at 42.97% of the total in-state electric generation system power as shown in Table 4.4-1, *Total Electricity System Power – California (2020)*. (Urban Crossroads, 2022c, p. 7)

Table 4.4-1 Total Electricity System Power – California (2020)

Fuel Type	California In-State Generation (GWh)	Percent of California In-State Generation	Northwest Imports (GWh)	Southwest Imports (GWh)	Total Imports (GWh)	Percent of Imports	Total California Energy Mix	Total California Power Mix
Coal	317	0.17%	194	6,963	7,157	8.76%	7,474	2.74%
Natural Gas	92,298	48.35%	70	8,654	8,724	10.68%	101,022	37.06%
Oil	30	0.02%	-	-	0	0.00%	30	0.01%
Other (Waste Heat/Petroleum Coke)	384	0.20%	125	9	134	0.16%	518	0.19%
Nuclear	16,280	8.53%	672	8,481	9,154	11.21%	25,434	9.33%
Large Hydro	17,938	9.40%	14,078	1,259	15,337	18.78%	33,275	12.21%
Unspecified	-	0.00%	12,870	1,745	14,615	17.90%	14,615	5.36%
Non-Renewable and Unspecified Totals	127,248	66.65%	28,009	27,111	55,120	67.50%	182,368	66.91%
Biomass	5,680	2.97%	975	25	1,000	1.22%	6,679	2.45%
Geothermal	11,345	5.94%	166	1,825	1,991	2.44%	13,336	4.89%
Small Hydro	3,476	1.82%	320	2	322	0.39%	3,798	1.39%
Solar	29,456	15.43%	284	6,312	6,596	8.08%	36,052	13.23%
Wind	13,708	7.18%	11,438	5,197	16,635	20.37%	30,343	11.13%
Renewable Totals	63,665	33.35%	13,184	13,359	26,543	32.50%	90,208	33.09%
System Totals	***190,913***	***100.00%***	***41,193***	***40,471***	***81,663***	***100.00%***	***272,576***	***100.00%***

Source: California Energy Commission's 2020 Total System Electric Generation

Source: (Urban Crossroads, 2022c, Table 2-1)

An updated summary of, and context for energy consumption and energy demands within the State is presented in "U.S. Energy Information Administration, California State Profile and Energy Estimates, Quick Facts" excerpted below (Urban Crossroads, 2022c, p. 9):

- California was the seventh-largest producer of crude oil among the 50 states in 2019, and, as of January 2020, it ranked third in oil refining capacity. Foreign suppliers, led by Saudi Arabia, Iraq, Ecuador, and Colombia, provided more than half of the crude oil refined in California in 2019. (Urban Crossroads, 2022c, p. 9)

- California is the largest consumer of both jet fuel and motor gasoline among the 50 states and accounted for 17% of the nation's jet fuel consumption and 11% of motor gasoline consumption in 2019. The state is the second-largest consumer of all petroleum products combined, accounting for 10% of the U.S. total. In 2018, California's energy consumption was the second highest among the states, but its per capita energy consumption was the fourth-lowest due in part to its mild climate and its energy efficiency programs. (Urban Crossroads, 2022c, p. 9)
- In 2019, California was the nation's top producer of electricity from solar, geothermal, and biomass energy and the state was second in the nation in conventional hydroelectric power generation. (Urban Crossroads, 2022c, p. 9)
- In 2019, California was the fourth largest electricity producer in the nation, but the state was also the nation's largest importer of electricity and received about 28% of its electricity supply from generating facilities outside of California, including imports from Mexico. (Urban Crossroads, 2022c, p. 9)

As indicated above, California is one of the nation's leading energy-producing states, and California's per capita energy use is among the nation's most efficient (Urban Crossroads, 2022c, p. 9).

B. Electricity

Under existing conditions, the Project site is vacant and undeveloped; therefore, there is currently no electricity consumed within the Project site. Electricity is currently provided to the Project site by Southern California Edison (SCE). SCE provides electric power to more than 15 million persons in 15 counties and in 180 incorporated cities, within a service area encompassing approximately 50,000 square miles. Based on SCE's 2018 Power Content Label Mix, SCE derives electricity from varied energy resources including: fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. SCE also purchases from independent power producers and utilities, including out-of-state suppliers. (Urban Crossroads, 2022c, p. 10)

The Southern California region's electricity reliability has been of concern for the past several years due to the planned retirement of aging facilities that depend upon once-through cooling technologies, as well as the June 2013 retirement of the San Onofre Nuclear Generating Station (San Onofre). While the once-through cooling phase-out has been ongoing since the May 2010 adoption of the State Water Resources Control Board's once-through cooling policy, the retirement of San Onofre complicated the situation. California Independent Service Operator (ISO) studies revealed the extent to which the Mojave Desert Air Basin (MDAB) and the San Diego Air Basin (SDAB) region were vulnerable to low-voltage and post-transient voltage instability concerns. A preliminary plan to address these issues was detailed in the 2013 Integrative Energy Policy Report (IEPR) after a collaborative process with other energy agencies, utilities, and air districts. Similarly, the subsequent 2018 and 2019 IEPR's identify broad strategies that are aimed at maintaining electricity system reliability. (Urban Crossroads, 2022c, p. 9)

California's electricity industry is an organization of traditional utilities, private generating companies, and State agencies, each with a variety of roles and responsibilities to ensure that electrical power is provided to consumers. The California ISO is a nonprofit public benefit corporation and is the impartial operator of the

State's wholesale power grid and is charged with maintaining grid reliability, and to direct uninterrupted electrical energy supplies to California's homes and communities. While utilities still own transmission assets, the ISO routes electrical power along these assets, maximizing the use of the transmission system and its power generation resources. The ISO matches buyers and sellers of electricity to ensure that enough power is available to meet demand. To these ends, every five minutes the ISO forecasts electrical demands, accounts for operating reserves, and assigns the lowest cost power plant unit to meet demands while ensuring adequate system transmission capacities and capabilities. (Urban Crossroads, 2022c, p. 10)

Part of the ISO's charge is to plan and coordinate grid enhancements to ensure that electrical power is provided to California consumers. To this end, utilities 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. (Urban Crossroads, 2022c, p. 10)

Table 4.4-2, *SCE 2020 Power Content Mix*, identifies SCE's specific proportional shares of electricity sources in 2020. As indicated in Table 4.4-2, the 2020 SCE Power Mix has renewable energy at 30.9% of the overall energy resources. Geothermal resources are at 5.5%, wind power is at 9.4%, large hydroelectric sources are at 3.3%, solar energy is at 15.1%, and coal is at 0%. (Urban Crossroads, 2022c, p. 10)

C. Natural Gas

As mentioned above, the Project site is vacant and undeveloped; therefore, there is currently no natural gas consumed within the Project site. Natural gas is provided to the Project site by Southwest Gas Company (SW Gas) which is regulated by the California Public Utilities Commission (CPUC). The following summary of natural gas customers and volumes, supplies, delivery of supplies, storage, service options, and operations is excerpted from information provided by the CPUC. (Urban Crossroads, 2022c, p. 11)

> *"The CPUC regulates natural gas utility service for approximately 10.8 million customers that receive natural gas from Pacific Gas and Electric (PG&E), Southern California Gas (SoCalGas), San Diego Gas & Electric (SDG&E), Southwest Gas, and several smaller natural gas utilities. The CPUC also regulates independent storage operators: Lodi Gas Storage, Wild Goose Storage, Central Valley Storage and Gill Ranch Storage.* (Urban Crossroads, 2022c, p. 11)

> *"California's natural gas utilities provide service to over 11 million gas meters. SoCalGas and PG&E provide service to about 5.9 million and 4.3 million customers, respectively, while SDG&E provides service to over 800, 000 customers. In 2018, California gas utilities forecasted that they would deliver about 4740 million cubic feet per day (MMcfd) of gas to their customers, on average, under normal weather conditions.* (Urban Crossroads, 2022c, p. 11)

Table 4.4-2 SCE 2020 Power Content Mix

Energy Resources	2020 SCE Power Mix
Eligible Renewable	**30.9%**
Biomass & Waste	0.1%
Geothermal	5.5%
Eligible Hydroelectric	0.8%
Solar	15.1%
Wind	9.4%
Coal	**0.0%**
Large Hydroelectric	**3.3%**
Natural Gas	**15.2%**
Nuclear	**8.4%**
Other	**0.3%**
Unspecified Sources of power*	42.0%
Total	**100%**

* "Unspecified sources of power" means electricity from transactions that are not traceable to specific generation sources

Source: (Urban Crossroads, 2022c, Table 2-2)

"The overwhelming majority of natural gas utility customers in California are residential and small commercials customers, referred to as "core" customers. Larger volume gas customers, like electric generators and industrial customers, are called "noncore" customers. Although very small in number relative to core customers, noncore customers consume about 65% of the natural gas delivered by the state's natural gas utilities, while core customers consume about 35%. (Urban Crossroads, 2022c, p. 11)

"A significant amount of gas (about 19%, or 1131 MMcfd, of the total forecasted California consumption in 2018) is also directly delivered to some California large volume consumers, without being transported over the regulated utility pipeline system. Those customers, referred to as "bypass" customers, take service directly from interstate pipelines or directly from California producers. (Urban Crossroads, 2022c, p. 12)

"SDG&E and Southwest Gas' southern division are wholesale customers of SoCalGas, i.e. they receive deliveries of gas from SoCalGas and in turn deliver that gas to their own customers. (Southwest Gas also provides natural gas distribution service in the Lake Tahoe area.) Similarly, West Coast Gas, a small gas utility, is a wholesale customer of PG&E. Some other wholesale customers are municipalities like the cities of Palo Alto, Long Beach, and Vernon, which are not regulated by the CPUC. (Urban Crossroads, 2022c, p. 12)

"Natural gas from out-of-state production basins is delivered into California via the interstate natural gas pipeline system. The major interstate pipelines that deliver out-of-state natural gas to California gas utilities are Gas Transmission Northwest Pipeline, Kern River Pipeline, Transwestern Pipeline, El Paso Pipeline, Ruby Pipeline, Mojave Pipeline, and Tuscarora. Another pipeline, the North Baja – Baja Norte Pipeline takes gas off the El Paso Pipeline at the California/Arizona border, and delivers that gas through California into Mexico. While the Federal Energy Regulatory Commission (FERC) regulates the transportation of natural gas on the interstate pipelines, and authorizes rates for that service, the California Public Utilities Commission may participate in FERC regulatory proceedings to represent the interests of California natural gas consumers. (Urban Crossroads, 2022c, p. 12)

"The gas transported to California gas utilities via the interstate pipelines, as well as some of the California-produced gas, is delivered into the PG&E and SoCalGas intrastate natural gas transmission pipelines systems (commonly referred to as California's "backbone" pipeline system). Natural gas on the utilities' backbone pipeline systems is then delivered to the local transmission and distribution pipeline systems, or to natural gas storage fields. Some large volume noncore customers take natural gas delivery directly off the high-pressure backbone and local transmission pipeline systems, while core customers and other noncore customers take delivery off the utilities' distribution pipeline systems. The state's natural gas utilities operate over 100,000 miles of transmission and distribution pipelines, and thousands more miles of service lines. (Urban Crossroads, 2022c, p. 12)

"Bypass customers take most of their deliveries directly off the Kern/Mojave pipeline system, but they also take a significant amount of gas from California production. (Urban Crossroads, 2022c, p. 12)

"PG&E and SoCalGas own and operate several natural gas storage fields that are located within their service territories in northern and southern California, respectively. These storage fields, and four independently owned storage utilities – Lodi Gas Storage, Wild Goose Storage, Central Valley Storage, and Gill Ranch Storage – help meet peak seasonal and daily natural gas demand and allow California natural gas customers to secure natural gas supplies more efficiently. PG&E is a 25% owner of the Gill Ranch Storage field. These storage fields provide a significant amount of infrastructure capacity to help meet California's natural gas requirements, and without these storage fields, California would need much more pipeline capacity in order to meet peak gas requirements. (Urban Crossroads, 2022c, pp. 12-13)

"Prior to the late 1980s, California regulated utilities provided virtually all natural gas services to all their customers. Since then, the Commission has gradually restructured the California gas industry in order to give customers more options while assuring regulatory protections for those customers that wish to, or are required to, continue receiving utility-provided services. (Urban Crossroads, 2022c, p. 13)

"The option to purchase natural gas from independent suppliers is one of the results of this restructuring process. Although the regulated utilities procure natural gas supplies for most core customers, core customers have the option to purchase natural gas from independent natural gas marketers, called "core transport agents" (CTA). Contact information for core transport agents can

be found on the utilities' web sites. Noncore customers, on the other hand, make natural gas supply arrangements directly with producers or with marketers. (Urban Crossroads, 2022c, p. 13)

"Another option resulting from the restructuring process occurred in 1993, when the Commission removed the utilities' storage service responsibility for noncore customers, along with the cost of this service from noncore customers' transportation rates. The Commission also encouraged the development of independent storage fields, and in subsequent years, all the independent storage fields in California were established. Noncore customers and marketers may now take storage service from the utility or from an independent storage provider (if available), and pay for that service, or may opt to take no storage service at all. For core customers, the Commission assures that the utility has adequate storage capacity set aside to meet core requirements, and core customers pay for that service. (Urban Crossroads, 2022c, p. 13)

"In a 1997 decision, the Commission adopted PG&E's "Gas Accord", which unbundled PG&E's backbone transmission costs from noncore transportation rates. This decision gave customers and marketers the opportunity to obtain pipeline capacity rights on PG&E's backbone transmission pipeline system, if desired, and pay for that service at rates authorized by the Commission. The Gas Accord also required PG&E to set aside a certain amount of backbone transmission capacity in order to deliver gas to its core customers. Subsequent Commission decisions modified and extended the initial terms of the Gas Accord. The "Gas Accord" framework is still in place today for PG&E's backbone and storage rates and services and is now simply referred to as PG&E Gas Transmission and Storage (GT&S). (Urban Crossroads, 2022c, p. 13)

"In a 2006 decision, the Commission adopted a similar gas transmission framework for Southern California, called the "firm access rights" system. SoCalGas and SDG&E implemented the firm access rights (FAR) system in 2008, and it is now referred to as the backbone transmission system (BTS) framework. As under the PG&E backbone transmission system, SoCalGas backbone transmission costs are unbundled from noncore transportation rates. Noncore customers and marketers may obtain, and pay for, firm backbone transmission capacity at various receipt points on the SoCalGas system. A certain amount of backbone transmission capacity is obtained for core customers to assure meeting their requirements. (Urban Crossroads, 2022c, pp. 13-14)

"Many if not most noncore customers now use a marketer to provide for several of the services formerly provided by the utility. That is, a noncore customer may simply arrange for a marketer to procure its supplies, and obtain any needed storage and backbone transmission capacity, in order to assure that it will receive its needed deliveries of natural gas supplies. Core customers still mainly rely on the utilities for procurement service, but they have the option to take procurement service from a CTA. Backbone transmission and storage capacity is either set aside or obtained for core customers in amounts to assure very high levels of service. (Urban Crossroads, 2022c, p. 14)

"In order properly operate their natural gas transmission pipeline and storage systems, PG&E and SoCalGas must balance the amount of gas received into the pipeline system and delivered to customers or to storage fields. Some of these utilities' storage capacity is dedicated to this service, and under

most circumstances, customers do not need to precisely match their deliveries with their consumption. However, when too much or too little gas is expected to be delivered into the utilities' systems, relative to the amount being consumed, the utilities require customers to more precisely match up their deliveries with their consumption. And, if customers do not meet certain delivery requirements, they could face financial penalties. The utilities do not profit from these financial penalties – the amounts are then returned to customers as a whole. If the utilities find that they are unable to deliver all the gas that is expected to be consumed, they may even call for a curtailment of some gas deliveries. These curtailments are typically required for just the largest, noncore customers. It has been many years since there has been a significant curtailment of core customers in California." (Urban Crossroads, 2022c, p. 14)

As indicated in the preceding discussions, natural gas is available from a variety of in-state and out-of-state sources and is provided throughout the state in response to market supply and demand. Complementing available natural gas resources, biogas may soon be available via existing delivery systems, thereby increasing the availability and reliability of resources in total. The CPUC oversees utility purchases and transmission of natural gas to ensure reliable and affordable natural gas deliveries to existing and new consumers throughout the State. (Urban Crossroads, 2022c, p. 14)

Natural gas is currently provided to the Project by Southwest Gas Company (SW Gas). SW Gas is engaged in the business of purchasing, distributing, and transporting natural gas in portions of Arizona, California, and Nevada, serving over 2 million customers. SW Gas serves customers in portions of California, including the Lake Tahoe area, and the high desert and mountain areas in San Bernardino County. It is an energy infrastructure holding company that conducts high-quality operations in both regulated and unregulated businesses by providing clean and affordable natural gas services and building energy infrastructure. (Urban Crossroads, 2022c, p. 14)

D. Transportation Energy/Fuel Consumption

The Project would generate additional vehicle trips with resulting consumption of energy resources, predominantly gasoline and diesel fuel. The Department of Motor Vehicles (DMV) identified 35.8 million registered vehicles in California, and those vehicles consume an estimated 17.4 billion gallons of fuel each year. Gasoline (and other vehicle fuels) are commercially provided commodities and would be available to the Project patrons and employees via commercial outlets. (Urban Crossroads, 2022c, pp. 14-15)

California's on-road transportation system includes 394,383 land miles, more than 26.4 million passenger vehicles and light trucks, and almost 8.8 million medium- and heavy-duty vehicles. While gasoline consumption has been declining since 2008 it is still by far the dominant fuel. California is the second-largest consumer of petroleum products, after Texas, and accounts for 10% of the nation's total consumption. The state is the largest U.S. consumer of motor gasoline and jet fuel, and 85% of the petroleum consumed in California is used in the transportation sector. (Urban Crossroads, 2022c, p. 15)

California accounts for less than 1% of total U.S. natural gas reserves and production. As with crude oil, California's natural gas production has experienced a gradual decline since 1985. In 2019, about 37% of the

natural gas delivered to consumers went to the state's industrial sector, and about 28% was delivered to the electric power sector. Natural gas fueled more than two-fifths of the state's utility-scale electricity generation in 2019. The residential sector, where two-thirds of California households use natural gas for home heating, accounted for 22% of natural gas deliveries. The commercial sector received 12% of the deliveries to end users and the transportation sector consumed the remaining 1%.

4.4.3 REGULATORY FRAMEWORK

Federal and state agencies regulate energy use and consumption through various means and programs. On the federal level, the U.S. Department of Transportation, the U.S. Department of Energy, and the U.S. Environmental Protection Agency (EPA) are three federal agencies with substantial influence over energy policies and programs. On the state level, the CPUC and the CEC are two agencies with authority over different aspects of energy. Relevant federal and state energy-related laws and plans are summarized below.

A. Federal Regulations

1. Intermodal Surface Transportation Efficiency Act (ISTEA)

The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) promoted the development of inter-modal transportation systems to maximize mobility as well as address national and local interests in air quality and energy. ISTEA contained factors that Metropolitan Planning Organizations (MPOs) were to address in developing transportation plans and programs, including some energy-related factors. To meet the new ISTEA requirements, MPOs adopted explicit policies defining the social, economic, energy, and environmental values guiding transportation decisions. The applicable MPO for the City of Victorville is the Southern California Association of Governments (SCAG). SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) is the applicable planning document for the area. (FHWA, 2020)

B. State Regulations

1. Integrated Energy Policy Report

Senate Bill 1389 (Bowen, Chapter 568, Statutes of 2002) requires the California Energy Commission (CEC) to prepare a biennial integrated energy policy report that assesses major energy trends and issues facing California's electricity, natural gas, and transportation fuel sectors and provides policy recommendations to conserve resources; protect the environment; ensure reliable, secure, and diverse energy supplies; enhance the State's economy; and protect public health and safety (Public Resources Code § 25301a). The CEC prepares these assessments and associated policy recommendations every two years, with updates on alternate years, as part of the Integrated Energy Policy Report (IEPR). (CEC, n.d.)

The 2019 IEPR focuses on changes in its energy system to address climate change and improve air quality in order to ensure that all Californians share in the benefit of the state's clean energy future. The report provides an analysis of electricity sector trends, building decarbonization and energy efficiency, zero-emission vehicles, energy equity, climate change adaptation, electricity reliability in Southern California, natural gas technologies, and electricity, natural gas, and transportation energy demand forecasts. In response to SB 100, which calls for California's electricity system to become 100 percent zero-carbon by 2045, the CEC, California

Public Utilities Commission (CPUC) and the California Air Resources Board (CARB) are leading the way to identify pathways to remove carbon from the state's electricity system. The goal is to utilize the clean electricity system to eliminate the carbon from other portions of California's energy system. (CEC, n.d.)

2. California Code Title 24, Part 6, Energy Efficiency Standards

California Code Title 24, Part 6 (also referred to as the California Energy Code) was promulgated by the CEC in 1978 in response to a legislative mandate to create uniform building codes to reduce California's energy consumption. To these ends, the California Energy Code provides energy efficiency standards for residential and nonresidential buildings. California's building efficiency standards are updated on an approximately three-year cycle. The 2019 Standards for building construction, which went into effect on January 1, 2020, improved upon the former 2016 Standards for residential and nonresidential buildings. The CEC anticipates that single-family homes built with the 2019 standards will use approximately 7% less energy compared to the residential homes built under the 2016 standards. Additionally, after implementation of solar PV systems, homes built under the 2019 standards will about 53% less energy than homes built under the 2016 standards. Nonresidential buildings will use approximately 30% less energy due to lighting upgrades compared to the prior code. (CEC, n.d.)

3. California Renewable Portfolio Standards (RPS)

The California Energy Commission (CEC) implements and administers portions of California's Renewables Portfolio Standard (RPS). Under the existing RPS, 25% of retail sales are required to be from renewable sources by December 31, 2016, 33% by December 31, 2020, 40% by December 31, 2024, 45% by December 31, 2027, and 50% by December 31, 2030. SB 100 raises California's RPS requirement to 50% renewable resources target by December 31, 2026, and to achieve a 60% target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours (kWh) of those products sold to their retail end-use customers achieve 44% of retail sales by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030. In addition to targets under AB 32 and SB 32, Executive Order B-55-18 establishes a carbon neutrality goal for the state of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency (CNRA), California Environmental Protection Agency (CalEPA), the Department of Food and Agriculture (CDFA), and California Air Resources Board (CARB) to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal. (CEC, n.d.)

4. Pavley Fuel Efficiency Standards (AB 1493)

In California, AB 1493 establishes fuel efficiency ratings for model year 2009-2016 passenger cars and light trucks. (CARB, n.d.)

5. Senate Bill 350 (SB 350) – Clean Energy and Pollution Reduction Act of 2015

In October 2015, the legislature approved, and the Governor signed, SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the renewables portfolio standard (RPS), higher energy efficiency requirements for buildings, initial

strategies towards a regional electricity grid, and improved infrastructure for electric vehicle charging stations. Specifically, SB 350 requires the following to reduce statewide GHG emissions: (CA Legislative Info, n.d.)

- Increase the amount of electricity procured from renewable energy sources from 33 percent to 50 percent by 2030, with interim targets of 40 percent by 2024, and 25 percent by 2027.
- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission (CPUC), the CEC, and local publicly owned utilities.
- Reorganize the Independent System Operator (ISO) to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

6. Advanced Clean Cars Program

In 2012, the California Air Resources Board (CARB) adopted a set of regulations to control emissions from passenger vehicle model years 2017 through 2025, collectively called Advanced Clean Cars. Advanced Clean Cars, developed in coordination with the United States Environmental Protection Agency (EPA) and National Highway Traffic Safety Administration (NHTSA), combined the control of smog-causing (criteria) pollutants and greenhouse gas (GHG) emissions into a single coordinated package of regulations: the Low-Emission Vehicle III Regulation for criteria (LEV III Criteria) and GHG (LEV III GHG) emissions, and a technology-forcing mandate for zero-emission vehicles (ZEV). The goal of the program is to guide the development of environmentally advanced cars that would continue to deliver the performance, utility, and safety car owners have come to expect. Advanced Clean Cars includes the following elements (CARB, n.d.):

> LEV III Criteria: Reducing Smog-Forming Pollution. CARB adopted new emission standards to reduce smog-forming emissions (also known as "criteria pollutants") beginning with 2015 model year vehicles. The goal of this regulation is to have cars emit 75 percent less smog-forming pollution than the average car sold in 2012 by 2025.
>
> LEV III GHG: Reducing GHG Emissions. California's GHG regulations are projected to reduce GHG emissions from new vehicles by approximately 40 percent (from 2012 model vehicles) in 2025.
>
> ZEV Regulation: Promoting the Cleanest Cars. The ZEV regulation is designed to achieve the State's long-term emission reduction goals by requiring auto manufacturers to offer for sale specific numbers of the very cleanest cars available. These vehicle technologies include full battery-electric, hydrogen fuel cell, and plug-in hybrid-electric vehicles. Updated estimates using publicly available information show about 8 percent of California new vehicle sales in 2025 will be ZEVs and plug-in hybrids.

7. Advanced Clean Trucks Program

In June, 2020, CARB adopted a new Rule requiring truck manufacturers to transition from diesel trucks and vans to electric zero-emission trucks beginning in 2024 (CARB, 2020d). By 2045, every new truck sold in California will be required to be zero-emission (ibid.). Manufacturers who certify Class 2b-8 chassis or complete vehicles with combustion engines would be required to sell zero-emission trucks as an increasing

percentage of their annual California sales from 2024 to 2035 (ibid.). By 2035, zero-emission truck/chassis sales would need to be 55% of Class 2b – 3 truck sales, 75% of Class 4 – 8 straight truck sales, and 40% of truck tractor sales (ibid.). CARB reports that as of 2020, most commercially-available models of zero-emission vans, trucks and buses operate less than 100 miles per day (ibid.). Commercial availability of electric-powered long-haul trucks is very limited (ibid.). However, as technology advances over the next 20 years, zero-emission trucks will become suitable for more applications, and several truck manufacturers have announced plans to introduce market ready zero-emission trucks in the future (ibid.). When commercial availability of electric-powered long-haul trucks is more readily available, implementation of the Advanced Clean Trucks Regulation is anticipated to significantly reduce GHG emissions and energy usage statewide.

C. Local Regulations

1. City of Victorville General Plan

The General Plan policies that are related to energy resources and apply to the Project are listed in a General Plan Consistency Analysis table in Subsection 4.9, *Land Use and Planning*, of this EIR.

4.4.4 Basis for Determining Significance

According to Section VI of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to energy if the Project or any Project-related component would:

- *Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or*

- *Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.*

4.4.5 Methodology

Information from the CalEEMod Version 2020.4.0 outputs for the Air Quality Impact Analysis (AQIA) was utilized in the analysis, detailing Project related construction equipment, transportation energy demands, and facility energy demands. (Urban Crossroads, 2022c, p. 21)

In May 2021, the South Coast Air Quality Management District (SCAQMD), in conjunction with the California Air Pollution Control Officers Association (CAPCOA) and other California air districts, released the latest version of the CalEEMod Version 2020.4.0. The purpose of this model is to calculate construction-source and operational-source criteria pollutants and greenhouse gas (GHG) emissions from direct and indirect sources as well as energy usage. Accordingly, the latest version of CalEEMod has been used to determine the proposed Project's anticipated transportation and facility energy demands. Output from the annual construction and operational model runs are provided in Appendices 4.1 through 4.3 of the Project's EA (*Technical Appendix E*). (Urban Crossroads, 2022c, p. 21)

On August 19, 2019, the EPA approved the 2017 version of the Emissions FACtor model (EMFAC) web database for use in State Implementation Plan and transportation conformity analyses. EMFAC2017 is a mathematical model that was developed to calculate emission rates, fuel consumption, vehicle miles traveled

(VMT) from motor vehicles that operate on highways, freeways, and local roads in California and is commonly used by the CARB to project changes in future emissions from on-road mobile sources. The Project's EA utilizes the different fuel types for each vehicle class from the annual EMFAC2017 emission inventory in order to derive the average vehicle fuel economy which is then used to determine the estimated annual fuel consumption associated with vehicle usage during Project construction and operational activities. For purposes of analysis, the 2023 and 2024 analysis years were utilized to determine the average vehicle fuel economy used throughout the duration of the Project. (Urban Crossroads, 2022c, pp. 21-22)

4.4.6 IMPACT ANALYSIS

Threshold a:	***Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?***

A. Energy Use During Project Construction

1. Overview of Construction-Related Energy Consumption

The total Project construction power costs is the summation of the products of the area (s.f.) by the construction duration and the typical power cost. As previously discussed in EIR subsection 3.4.2, construction is expected to commence in June 2023 and would last through August 2024. The 2022 National Construction Estimator identifies a typical power cost per 1,000 s.f. of construction per month of $2.41, which was used to calculate the Project's total construction power cost. As shown in Table 4-2 of the Project's EA (*Technical Appendix E*), the total power cost of the on-site electricity usage during the construction of the Project is estimated to be approximately $76,308.37. (Urban Crossroads, 2022c, p. 22)

The SCE's general service rate schedule were used to determine the Project's electrical usage. As of January 1, 2022, SCE's general service rate is $0.13 per kilowatt hours (kWh) of electricity for industrial services. As shown on Table 4-3 of the Project's EA (*Technical Appendix E*), the total electricity usage from on-site Project construction related activities is estimated to be approximately 579,323 kWh. (Urban Crossroads, 2022c, p. 23)

Project construction activity timeline estimates, construction equipment schedules, equipment power ratings, load factors, and associated fuel consumption estimates are presented in Table 4-5 of the Project's EA (*Technical Appendix E*). The aggregate fuel consumption rate for all equipment is estimated at 18.5 horsepower hour per gallon (hp-hr-gal.), obtained from CARB 2018 Emissions Factors Tables and cited fuel consumption rate factors presented in Table D-24 of the Moyer guidelines. For the purposes of this analysis, the calculations are based on all construction equipment being diesel-powered which is consistent with industry standards. Diesel fuel would be supplied by existing commercial fuel providers serving the Project area and region. As presented in Table 4-5 of the Project's EA, Project construction activities would consume an estimated 284,705 gallons of diesel fuel. Project construction would represent a "single-event" diesel fuel demand and would not require on-going or permanent commitment of diesel fuel resources for this purpose. (Urban Crossroads, 2022c, pp. 24, 26)

With respect to estimated VMT for the Project, the construction worker trips would generate an estimated 98,778 VMT during the 14 months of construction. Based on CalEEMod methodology, it is assumed that 50% of all worker trips are from light-duty-auto vehicles (LDA), 25% are from light-duty-trucks (LDT1[1]), and 25% are from light-duty-trucks (LDT2[2]). Data regarding Project related construction worker trips were based on CalEEMod defaults utilized within the Project's Air Quality Impact Analysis ("AQIA"; EIR *Technical Appendix B1*). Tables 4-7 through 4-9 of the Project's EA (*Technical Appendix E*) provide an estimated annual fuel consumption resulting from LDAs, LDT1s, and LDT2s, respectively, related to the Project construction worker trips. Based on these tables, it is estimated that LDAs would consume 44,231 gallons of fuel, LDT1s would consume 26,532 gallons of fuel, and LDT2s would consume 28,015 gallons of fuel related to construction worker trips during full construction of the Project. It should be noted that construction worker trips would represent a "single-event" gasoline fuel demand and would not require on-going or permanent commitment of fuel resources for this purpose. (Urban Crossroads, 2022c, pp. 26-28)

With respect to estimated VMT, the construction vendor trips (vehicles that deliver materials to the site during construction) would generate an estimated 131,500 VMT along area roadways for the Project over the duration of construction activities. It is assumed that 50% of all vendor trips are from medium-heavy duty trucks (MHDT), 50% are from heavy-heavy duty trucks (HHDT), and 100% of all hauling trips are from HHDTs. These assumptions are consistent with the CalEEMod defaults utilized within the within the Project's AQIA (*Technical Appendix B1*). Vehicle fuel efficiencies for MHDTs and HHDTs were estimated using information generated within EMFAC2017. Based on Table 4-10 of the Project's EA, it is estimated that 19,460 gallons of fuel would be consumed related to construction vendor trips (MHDTs) during full construction of the Project. Based on EA Table 4-11, fuel consumption from construction vendor/hauling trips (HHDTs) would total approximately 112,040 gallons. It should be noted that Project construction vendor trips would represent a "single-event" diesel fuel demand and would not require on-going or permanent commitment of diesel fuel resources for this purpose. (Urban Crossroads, 2022c, pp. 28-29)

2. Construction Energy Efficiency/Conservation Measures

Starting in 2014, CARB adopted the nation's first regulation aimed at cleaning up off-road construction equipment such as bulldozers, graders, and backhoes. These requirements ensure fleets gradually turnover the oldest and dirtiest equipment to newer, cleaner models and prevent fleets from adding older, dirtier equipment. As such, the equipment used for Project construction would conform to CARB regulations and California emissions standards. It should also be noted that there are no unusual Project characteristics or construction processes that would require the use of equipment that would be more energy intensive than is used for comparable activities; or equipment that would not conform to current emissions standards (and related fuel efficiencies). Equipment employed in construction of the Project would therefore not result in inefficient wasteful, or unnecessary consumption of fuel. (Urban Crossroads, 2022c, p. 30)

[1]Vehicles under the LDT1 category have a gross vehicle weight rating (GVWR) of less than 6,000 lbs. and equivalent test weight (ETW) of less than or equal to 3,750 lbs.
[2]Vehicles under the LDT2 category have a GVWR of less than 6,000 lbs. and ETW between 3,751 lbs. and 5,750 lbs.

Construction contractors would be required to comply with applicable CARB regulation regarding retrofitting, repowering, or replacement of diesel off-road construction equipment. Additionally, CARB has adopted the Airborne Toxic Control Measure to limit heavy-duty diesel motor vehicle idling in order to reduce public exposure to diesel particulate matter and other Toxic Air Contaminants. Compliance with anti-idling and emissions regulations would result in a more efficient use of construction-related energy and the minimization or elimination of wasteful or unnecessary consumption of energy. Idling restrictions and the use of newer engines and equipment would result in less fuel combustion and energy consumption. (Urban Crossroads, 2022c, p. 30)

Additional construction-source energy efficiencies would occur due to required California regulations and best available control measures (BACM). For example, CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than five minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. In this manner, construction equipment operators are required to be informed that engines are to be turned off at or prior to five minutes of idling. Enforcement of idling limitations is realized through periodic site inspections conducted by City building officials, and/or in response to citizen complaints. (Urban Crossroads, 2022c, p. 30)

A full analysis related to the energy needed to form construction materials is not included in this analysis due to a lack of detailed Project-specific information on construction materials. At this time, an analysis of the energy needed to create Project-related construction materials would be extremely speculative and thus has not been prepared. (Urban Crossroads, 2022c, p. 30)

In general, the construction processes promote conservation and efficient use of energy by reducing raw materials demands, with related reduction in energy demands associated with raw materials extraction, transportation, processing, and refinement. Use of materials in bulk reduces energy demands associated with preparation and transport of construction materials as well as the transport and disposal of construction waste and solid waste in general, with corollary reduced demands on area landfill capacities and energy consumed by waste transport and landfill operations. (Urban Crossroads, 2022c, p. 30)

B. Energy Use During Project Operation

Energy consumption in support of or related to Project operations would include transportation energy demands (energy consumed by passenger car and truck vehicles accessing the Project site) and facilities energy demands (energy consumed by building operations and site maintenance activities). Each is discussed below. (Urban Crossroads, 2022c, p. 31)

1. Transportation Energy Demands

Energy that would be consumed by Project-generated traffic is a function of total VMT and estimated vehicle fuel economies of vehicles accessing the Project site. The VMT per vehicle class can be determined by evaluated in the vehicle fleet mix and the total VMT. (Urban Crossroads, 2022c, p. 31)

In order to account for the possibility of refrigerated uses (cold storage) that would be accommodated by the up to 200,000 sf of high-cube cold storage warehouse proposed, it is assumed that all trucks accessing this land

use are presumed to also have transport refrigeration units (TRUs). Therefore, for modeling purposes 75 truck are assumed to be trucks with TRUs. TRUs are also accounted for during on-site and off-site travel. (Urban Crossroads, 2022c, p. 31)

As summarized in Table 4.4-3, *Total Project-Generated Traffic Annual Fuel Consumption (All Vehicles)*, the Project would result in an annual VMT of 11,141,603 and an estimated annual fuel consumption of 912,885 gallons of fuel. Under subsequent future conditions, average fuel economies of vehicles accessing the Project site can be expected to improve as older, less fuel-efficient vehicles are removed from circulation, and in response to fuel economy and emissions standards imposed on newer vehicles entering the circulation system. (Urban Crossroads, 2022c, p. 31)

Table 4.4-3 Total Project-Generated Traffic Annual Fuel Consumption (All Vehicles)

Vehicle Type	Annual VMT	Average Vehicle Fuel Economy (mpg)	Estimated Annual Fuel Consumption (gallons)
LDA	2,746,774	34.66	79,259
LDT1	284,703	29.01	9,814
LDT2	877,284	27.48	31,920
MDV	693,315	21.86	31,719
MCY	127,218	39.18	3,247
LHDT1	944,179	14.46	65,311
LHDT2	254,890	15.30	16,657
MHDT	690,634	9.05	76,312
HHDT	4,522,606	7.56	598,496
TRUs	-	-	149
TOTAL (ALL VEHICLES)	***11,141,603***		***912,885***

Source: (Urban Crossroads, 2022c, Table 4-12)

2. Facility Energy Demands

Project building operations and Project site maintenance activities would result in the consumption of natural gas and electricity. Natural gas would be supplied to the Project by SW Gas; electricity would be supplied to the Project by SCE. (Urban Crossroads, 2022c, p. 32)

Energy use in buildings is divided into energy consumed by the built environment and energy consumed by uses that are independent of the construction of the building such as in plug-in appliances. In California, the California Building Standards Code Title 24 governs energy consumed by the built environment, mechanical systems, and some types of fixed lighting. Non-building energy use, or "plug-in" energy use can be further subdivided by specific end-use (refrigeration, cooking, appliances, etc.). (Urban Crossroads, 2022c, p. 32)

Annual natural gas and electricity demands of the Project are summarized in Table 4.4-4, *Project Annual Energy Demand Summary*. As shown, Project facility operational energy demands are estimated at 11,947,010 kBTU/year of natural gas and 9,862,781 kWh/year of electricity. (Urban Crossroads, 2022c, p. 32)

Table 4.4-4 Project Annual Energy Demand Summary

Land Use	Natural Gas Demand (kBTU/year)	Electricity Demand (kWh/year)
High-Cube Cold Storage	10,346,000	7,968,000
High-Cube Fulfillment	1,601,010	1,847,930
Parking	0	46,851
Other Asphalt Surfaces	0	0
TOTAL PROJECT DEMAND	***11,947,010***	***9,862,781***

Source: (Urban Crossroads, 2022c, Table 4-12)

3. Operational Energy Efficiency/Conservation Measures

Energy efficiency/energy conservation attributes of the Project would be complemented by increasingly stringent state and federal regulatory actions addressing vehicle fuel economies and vehicle emissions standards; and enhanced building/utilities energy efficiencies mandated under California building codes (e.g., Title 24, California Green Building Standards Code). (Urban Crossroads, 2022c, p. 32)

Project annual fuel consumption estimates presented previously in Table 4.4-3 represent likely potential maximums that would occur for the Project. Under subsequent future conditions, average fuel economies of vehicles accessing the Project site can be expected to improve as older, less fuel-efficient vehicles are removed from circulation, and in response to fuel economy and emissions standards imposed on newer vehicles entering the circulation system. (Urban Crossroads, 2022c, p. 33)

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. Facilitating pedestrian and bicycle access would reduce VMT and associated energy consumption. In compliance with the California Green Building Standards Code and City requirements, 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. As supported by the preceding discussions, Project transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary. (Urban Crossroads, 2022c, p. 35)

C. Conclusion

As supported by the preceding analyses, Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy. The Project also would therefore not cause or result in the need for additional energy producing or transmission facilities. Therefore, Project impacts due to the wasteful, inefficient, or unnecessary consumption of energy resources during both construction and long-term operation would be less than significant. (Urban Crossroads, 2022c, p. 37)

Threshold b: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

A summary of the Project's consistency with applicable regulations and requirements is provided below.

Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA)

Transportation and access to the Project site is provided by the local and regional roadway systems. The Project would not interfere with, nor otherwise obstruct intermodal transportation plans or projects that may be realized pursuant to the ISTEA because Southern California Association of Governments is not planning for intermodal facilities on or through the Project site. (Urban Crossroads, 2022c, p. 37)

The Transportation Equity Act for the 21st Century (TEA-21)

The Project site is located along major transportation corridors with proximate access to the Interstate freeway system. The site selected for the Project facilitates access, acts to reduce vehicle miles traveled, takes advantage of existing infrastructure systems, and promotes land use compatibilities through collocation of similar uses. The Project supports the strong planning processes emphasized under TEA-21. The Project is therefore consistent with, and would not otherwise interfere with, nor obstruct implementation of TEA-21. (Urban Crossroads, 2022c, p. 37)

Integrated Energy Policy Report (IEPR)

Electricity would be provided to the Project by SCE. SCE's *Clean Power and Electrification Pathway* (CPEP) white paper builds on existing state programs and policies. As such, the Project is consistent with, and would not otherwise interfere with, nor obstruct implementation the goals presented in the 2020 IEPR. Additionally, the Project would comply with the applicable Title 24 standards which would ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary. As such, development of the Project would support the goals presented in the 2020 IEPR. (Urban Crossroads, 2022c, p. 37)

State of California Energy Plan

The Project site is located along major transportation corridors with proximate access to the Interstate freeway system. The site selected for the Project facilitates access and takes advantage of existing infrastructure systems. The Project therefore supports urban design and planning processes identified under the State of California Energy Plan, is consistent with, and would not otherwise interfere with, nor obstruct implementation of the State of California Energy Plan. (Urban Crossroads, 2022c, p. 38)

California Code Title 24, Part 6, Energy Efficiency Standards

The 2019 version of Title 24 was adopted by the CEC and became effective on January 1, 2020. It should be noted that the analysis herein assumes compliance with the 2019 Title 24 Standards. It should be noted that the CEC anticipates that nonresidential buildings would use approximately 30% less energy compared to the prior code. (Urban Crossroads, 2022c, p. 38)

Assembly Bill (AB) 1493

AB 1493 is not applicable to the Project as it is a Statewide measure establishing vehicle emissions standards. No feature of the Project would interfere with implementation of the requirements under AB 1493. (Urban Crossroads, 2022c, p. 38)

California Renewable Portfolio Standards (RPS)

California's RPS is not applicable to the Project as it is a Statewide measure that establishes a renewable energy mix. No feature of the Project would interfere with implementation of the requirements under RPS. (Urban Crossroads, 2022c, p. 38)

SB 350

The Project would use energy from SCE, which has committed to diversify their portfolio of energy sources by increasing energy from wind and solar sources. No feature of the Project would interfere with implementation of SB 350. Additionally, the Project would be designed and constructed to implement the energy efficiency measures for new industrial developments and would include several measures designed to reduce energy consumption. (Urban Crossroads, 2022c, p. 38)

Conclusion

As shown above, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts would be less than significant (Urban Crossroads, 2022c, p. 38).

4.4.7 CUMULATIVE IMPACT ANALYSIS

Cumulative impacts result if the Project, along with cumulative projects, taken together could result in wasteful, inefficient, or unnecessary use of energy. Future projects would be subject to CEQA and would require an energy analysis, consistency with existing plans and policies for renewable energy and energy efficiency, and implementation of control measures and mitigation if necessary to avoid wasteful, inefficient, or unnecessary consumption of energy resources. The areas considered for cumulative impacts to electricity and natural gas supplies are the service areas of the SCE and SW Gas, respectively.

As indicated under the analysis of Threshold a., there are no components of the proposed Project that would result in the wasteful, inefficient, or unnecessary consumption of energy resources. Although it is possible other cumulative developments could result in the wasteful, inefficient, or unnecessary consumption of energy resources, the Project's projected energy demand during operations would be less-than-cumulatively considerable with mandatory compliance with applicable regulations.
As indicated under the analysis of Threshold b., the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency. As such, the Project has no potential to result in cumulatively-considerable impacts due to a conflict with or obstruction of such plans.

4.4.8 Significance of Impacts Before Mitigation

Threshold a: Less than Significant. Project construction and operations would not result in the inefficient, wasteful, or unnecessary consumption of energy. Further, the energy demands of the Project can be accommodated within the context of available resources and energy delivery systems. The Project would therefore not cause or result in the need for additional energy producing or transmission facilities. The Project would not engage in wasteful or inefficient uses of energy and aims to achieve energy conservations goals within the State of California. As such, Project impacts due to wasteful, inefficient, or unnecessary consumption of energy resources would be less than significant requiring no mitigation.

Threshold b: Less than Significant. Energy consumed by the Project's operation is calculated to be comparable to, or less than, energy consumed by other warehouse projects of similar scale and intensity that are operating in California, as the Project would be subject to current regulatory requirements, such as the 2019 version of Title 24, which was not in effect when most existing developments were constructed. Specifically, the CEC anticipates that non-residential buildings will use approximately 30% less energy due to lighting upgrades compared to the 2016 version of the Title 24 requirements. Based on the analysis presented herein, the Project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency, and impacts would be less than significant.

4.4.9 City Regulations, Design Requirements, and Mitigation

Applicable City Regulations and Design Requirements

The following are applicable regulations and design requirements within San Bernardino County. Although these requirements technically do not meet CEQA's definition for mitigation, they are imposed herein to ensure Project compliance with applicable City regulations and design requirements.

- Pavley Fuel Efficiency Standards (AB1493). Establishes fuel efficiency ratings for new vehicles.

- Renewable Portfolio Standards (SB 100). Increases California's RPS requirement to 50% renewable resources target by December 31, 2026, and to achieve a 60% target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours (kWh) of those products sold to their retail end-use customers achieve 44% of retail sales by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030. In addition to targets under AB 32 and SB 32, Executive Order B-55-18 establishes a carbon neutrality goal for the state of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency (CNRA), California Environmental Protection Agency (CalEPA), the Department of Food and Agriculture (CDFA), and CARB to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal.

- CCR Title 13, Motor Vehicles, Section 2449(d)(3), *Idling*. Grading plans shall reference the requirement that a sign shall be posted on-site stating that construction workers need to shut off engines at or before five minutes of idling.

Mitigation

Project impacts due to energy consumption would be less than significant; therefore, mitigation measures are not required.

4.5 GEOLOGY AND SOILS

The following analysis is based on information obtained from the technical reports entitled, *Geotechnical Engineering Report*, dated August 24, 2021 for the Project site by Terracon Consultants, Inc. (Terracon, 2021) (*Technical Appendix F1* to this EIR); the *Paleontological Assessment*, dated June 15, 2021 for the Project site by Brain F. Smith and Associates, Inc. (BFSA, 2021b) (*Technical Appendix F2* to this EIR); and the City of Victorville General Plan (City of Victorville 2008a). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.5.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were received after the NOP period or made during the EIR Scoping Meeting that pertain to geology and soils.

4.5.2 ENVIRONMENTAL SETTING

The elevation of the Project site ranges from 2,926 feet above mean sea level (amsl) in the southwest portion to about 2,845 amsl in the northeast (Terracon, 2021). The Geotechnical Investigation for the Project site (see *Technical Appendix F1*) details the existing geologic and soils conditions on the Project site, which are described below.

A. Regional Geologic Setting

The site is located within the Mojave Desert Geomorphic Province. The Mojave Desert is bounded on the southwest by the San Andreas fault and the Transverse Ranges and on the northeast by the Garlock fault. The Mojave Desert is an ancient feature formed in response to the inception of movement on the San Andreas and Garlock faults. The region is characterized by broad alluviated basins that are burying the previously mountainous topography.

B. Earthquake Faults

The Project Site is located in an area of southern California that is subject to strong ground motions due to seismic events (i.e., earthquakes). The geologic structure of southern California is dominated mainly by northwest-trending faults associated with the San Andreas system. The nearest active fault zone to the Project site is the Helendale Lockhart (South) Fault line, located approximately 18 miles northeast of the Project site. An active fault is defined by the California Geological Survey as a fault that has experienced surface displacement within the Holocene Epoch (roughly the last 11,000 years).

C. Soils

The site is located on a large alluvial fan emanating from the Transverse Ranges (San Gabriel and San Bernardino Mountains) located south of the site. The native materials at the site consist mostly of older valley fill materials that have been incised by younger drainages. The older valley fill material occupies the higher elevations of the site and has been mapped as older alluvium. Based on the degree of soil

development and geomorphology exhibited by the older alluvium, it is considered to be at least late Pleistocene in age. Materials encountered in exploratory borings and during development of the property south of the site consist generally of interbedded sands, silty sands and gravels with some clay and silt beds.

The older alluvium has been incised by recent drainages (ephemeral stream channels) due to relative uplift and change in base level of the nearby Mojave River. These drainages occupy the lower areas of the site and include loose sands and silty sands.

D. Groundwater

Groundwater was not observed within borings during the course of drilling. Review of historical information regarding groundwater levels indicates that historic groundwater levels are deeper than 50 feet below ground surface (bgs). The depth to groundwater at the site is expected to be greater than or consistent with the elevation of surface flows in the nearby Mojave River and Spring Valley Lake, which is greater than 100 feet bgs. Groundwater level fluctuations occur due to seasonal variations in the amount of rainfall, runoff and other factors not evident at the time the borings were performed.

E. Secondary Seismic Hazards

Secondary seismic hazards generally associated with severe ground-shaking during an earthquake include: liquefaction, seiches and tsunamis, and landslides, each of which is discussed below.

1. Liquefaction

Liquefaction is a mode of ground failure that results from the generation of high pore-water pressures during earthquake ground shaking, causing loss of shear strength, and is typically a hazard where loose sandy soils exist below groundwater. County of San Bernardino has designated certain areas as potential liquefaction hazard zones. These are areas considered at a risk of liquefaction-related ground failure during a seismic event, based upon mapped surficial deposits and the presence of a relatively shallow water table.

The subsurface materials generally consist of interbedded layers of silty sand with gravel, poorly graded sand with silt, sandy silt and silty clay with sand extending to the maximum depth of the borings approximately 51½ feet bgs. Groundwater was not encountered within borings during drilling, and has historically been deeper than 100 feet bgs. According to the County of San Bernardino geologic hazard map, the site is not located within an area having liquefaction potential. Based on the County mapping and encountered subsurface soils, liquefaction potential is low.

2. Seiches and Tsunamis

The Project site is not located in a coastal area and reservoirs are not located up gradient from or in close proximity to the site. There is no potential for the Project site to be affected by a seiche or tsunami (earthquake-generated wave) due to the absence of any large bodies of water near the site.

3. Seismically-Induced Landslides

The Project Site and immediately surrounding properties are generally flat and gently sloping and contain no steep natural or manufactured slopes (Google Earth, 2022); thus, there is no potential for landslides to occur on or immediately adjacent to the site.

F. Paleontological resources

A review of published and unpublished literature was conducted for potential paleontological resources that are known in the vicinity of the project. The sources reviewed did not indicate the presence of any known fossil localities within the project. However, in the greater Victorville area, there are many recorded Pleistocene vertebrate fossil localities. Most of the specimens and records recovered from these localities are held by the San Bernardino County Museum (SBCM).

Three localities are less than a half-mile north and northeast of the project, recovered from Eureka Street, Dean Place, and Shrives Road (SBCM localities [locs.] 01.114.7, 01.114.31, and 01.114.32) These localities include the remains of mammoths, camels, extinct horse, and rodents. Just over one mile to the south at the Southern California Edison office locality, SBCM loc. 01.114.38 yielded the remains of several species of rodents and hare. Northeast of the project, between four to six miles distant, are several more known localities. Tusks of the mammoth species *Mammuthus* sp., cf. M. *meridionalis* were recovered during mitigation monitoring northwest of the intersection of Tawney Ridge Lane and Amargosa Road, and are on display at the Mojave River Valley Museum in Barstow. More mammoth (*M. meridionalis*) remains, consisting of the skull, mandible, pelvis, and several ribs (SBCM loc. 01.114.28), were recovered near the intersection of Village Drive and Jurassic Place and were estimated to be approximately 375,000 years old.

4.5.3 REGULATORY FRAMEWORK

The following is a brief description of the federal, state, and local environmental laws and related regulations governing issues related to geology, soils, and paleontological resources.

A. Federal Regulations

1. Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point

sources are discrete conveyances such as pipes or man- made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. (EPA, 2022d)

2. Paleontological Resources Preservation Act

The Paleontological Resources Preservation Act (PRPA) was signed into law on March 30, 2009 (Public Law 111-11, Title VI, Subtitle D; 16 U.S.C. §§ 470aaa - 470aaa-11). PRPA directs the Department of Agriculture (U.S. Forest Service) and the Department of the Interior (National Park Service, Bureau of Land Management, Bureau of Reclamation, and Fish and Wildlife Service) to implement comprehensive paleontological resource management programs. Section 6310 of PRPA specifically states, "As soon as practical after the date of enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this subtitle, providing opportunities for public notice and comment." (NPS, 2022e)

B. State Regulations

1. Alquist-Priolo Earthquake Fault Zoning Act (A-P Act)

The Alquist-Priolo Earthquake Fault Zoning Act (A-P Act) was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. The A-P Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. The A-P Act only addresses the hazard of surface fault rupture and is not directed toward other earthquake hazards. (CA Legislative Info, n.d.)

The A-P Act requires the State Geologist to establish regulatory zones (known as Earthquake Fault Zones) around the surface traces of active faults and to issue appropriate maps. ["Earthquake Fault Zones" were called "Special Studies Zones" prior to January 1, 1994.] The maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling new or renewed construction. Local agencies must regulate most development projects within the zones. Projects include all land divisions and most structures for human occupancy. Single family wood-frame and steel-frame dwellings up to two stories not part of a development of four units or more are exempt. However, local agencies can be more restrictive than state law requires. (CA Legislative Info, n.d.)

Before a project can be permitted, cities and counties must require a geologic investigation to demonstrate that proposed buildings will not be constructed across active faults. An evaluation and written report of a specific site must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back from the fault (generally 50 feet). (CA Legislative Info, n.d.)

2. Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) of 1990 (Public Resources Code, Chapter 7.8, § 2690-2699.6) directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. The purpose of the SHMA is to minimize loss of life and property through the identification, evaluation, and mitigation of seismic hazards. (CDC, n.d.)

Staff geologists in the Seismic Hazards Program gather existing geological, geophysical, and geotechnical data from numerous sources to produce the Seismic Hazard Zone Maps. They integrate and interpret these data regionally in order to evaluate the severity of the seismic hazards and designate as Zones of Required Investigation (ZORI) those areas prone to liquefaction and earthquake–induced landslides. Cities and counties are then required to use the Seismic Hazard Zone Maps in their land use planning and building permit processes. (CDC, n.d.)

The SHMA requires site-specific geotechnical investigations be conducted within the ZORI to identify and evaluate seismic hazards and formulate mitigation measures prior to permitting most developments designed for human occupancy. (CDC, n.d.)

3. Natural Hazards Disclosure Act

The Natural Hazards Disclosure Act, effective June 1, 1998 (as amended June 9, 1998), requires that sellers of real property and their agents provide prospective buyers with a "Natural Hazard Disclosure Statement" when the property being sold lies within one or more state-mapped hazard areas, including a Seismic Hazard Zone. (CA Legislative Info, n.d.)

The law requires the State Geologist to establish regulatory zones (Zones of Required Investigation) and to issue appropriate maps (Seismic Hazard Zone maps). These maps are distributed to all affected cities, counties, and state agencies for their use in planning and controlling construction and development. Single-family frame dwellings up to two stories not part of a development of four or more units are exempt from the state requirements. However, local agencies can be more restrictive than state law requires. (CA Legislative Info, n.d.)

Before a development permit can be issued or a subdivision approved, cities and counties must require a site-specific investigation to determine whether a significant hazard exists at the site and, if so, recommend measures to reduce the risk to an acceptable level. The investigation must be performed by state-licensed engineering geologists and/or civil engineers. (CA Legislative Info, n.d.)

4. California Building Standards Code (Title 24)

California Code of Regulations (CCR) Title 24 is reserved for state regulations that govern the design and construction of buildings, associated facilities, and equipment. These regulations are also known as building standards (reference California Health and Safety Code § 18909). Health and Safety Code

(state law) § 18902 gives CCR Title 24 the name California Building Standards Code (CBSC). (CBSC, 2022, p. 1)

The CBSC in CCR Title 24 is published by the California Building Standards Commission and it applies to all building occupancies (see Health and Safety Code §§ 18908 and 18938) throughout the State of California. Cities and counties are required by state law to enforce CCR Title 24 (reference Health and Safety Code §§ 17958, 17960, 18938(b), and 18948). Cities and counties may adopt ordinances making more restrictive requirements than provided by CCR Title 24, because of local climatic, geological, or topographical conditions. Such adoptions and a finding of need statement must be filed with the California Building Standards Commission (Reference Health and Safety Code §§ 17958.7 and 18941.5). (CBSC, 2022, p. 1)

C. Regional Policies

1. South Coast Air Quality Management District Rule 403

The South Coast Air Quality Management District (SCAQMD) is responsible for enforcing air pollution control measures in the South Coast Air Basin, within which the Project site is located. Rule 403 (Fugitive Dust) addresses blowing dust from construction sites and is applicable to the Project due to the potential for wind erosion during Project grading and construction activities.

D. City General Plan Policies

In the Final Environmental Impact Report of the City of Victorville General Plan, paleontological resource mitigation measures are specified in CUL-1. For previously undeveloped properties greater than one acre, mitigation measure CUL-1 must be implemented before construction starts (City of Victorville 2008a). The measure is as follows:

> CUL-1: The applicant shall provide for an on-site paleontological/archaeological inspector to monitor all grading operations, or a letter from said licensed professional indicating that monitoring is not necessary during grading. Further, if disturbed resources are required to be collected and preserved, the applicant shall be required to participate financially up to the limits imposed by Public Resources Code § 21083.2. The results of said monitoring shall be filed with the Development Director or his designee prior to the final approval of the development. (City of Victorville 2008a)

4.5.4 Basis for Determining Significance

Section VII of Appendix G to the CEQA Guidelines addresses typical adverse effects due to geological conditions, and includes the following threshold questions to evaluate the Project's impacts resulting from geologic or soil conditions:

a. *Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:*

1. *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (Refer to Division of Mines and Geology Special Publication 42);*

2. *Strong seismic ground shaking;*

3. *Seismic-related ground failure, including liquefaction; and*

4. *Landslides.*

b. *Result in substantial soil erosion or the loss of topsoil;*

c. *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse;*

d. *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property;*

e. *Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water*; and

f. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.*

4.5.5 IMPACT ANALYSIS

Threshold a:	***Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42; strong seismic ground shaking; seismic-related ground failure, including liquefaction; landslides?***

A. Rupture of a Known Earthquake Fault

There are no known faults on the Project site and the Project site is not located within an Alquist-Priolo earthquake fault zone (Terracon, 2021). Therefore, no impacts related to the rupture of a known earthquake fault, as depicted on the most Alquist-Priolo Earthquake Fault Zoning Map, are anticipated to occur as a result of Project implementation.

B. Strong Seismic Ground Shaking

Southern California is a seismically active area and properties in the City of Victorville, including the Project site, are subject to periodic ground shaking and other effects from earthquake activity along nearby regional faults. As indicated in the Geotechnical Report, the Project site is not at an increased risk relative to the surrounding areas (Terracon, 2021). Project-related structures and buildings would be required to be designed and constructed in compliance with the California Building Code (CBC [California Code of Regulations, Title 24, Part 2]), which contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock onsite, and the probable strength of ground motion. Therefore, as structures would be designed to meet or exceed CBC standards for earthquake resistance, development of the Project would create less than significant impacts related to seismic ground shaking. Impacts would be less than significant.

C. Seismic-Related Ground Failure, Including Liquefaction

The subsurface materials generally consist of interbeded layers of silty sand with gravel, poorly graded sand with silt, sandy silt and silty clay with sand extending to the maximum depth of the borings approximately 51½ feet bgs. Groundwater was not encountered within borings during drilling, and has historically been deeper than 100 feet bgs. Additionally, the County of San Bernardino geologic hazard map, the site is not located within an area having a liquefaction potential. Accordingly, the liquefaction potential for the Project site is considered low, and impacts would be less than significant.

D. Landslides

Slope failures in the form of landslides are common during strong seismic shaking in areas of steep hills. The Project site and surrounding area are generally flat with no significant slopes. The Project site is not located within a landslide zone. Accordingly, no impact related to landslide hazards would occur.

Threshold b: Would the Project result in substantial soil erosion or the loss of topsoil?

The surface soils at the site primarily consist of sandy soils which are typically subject to significant wind/water erosion or sedimentation. The Geotechnical Engineering Report (*Technical Appendix F1* of this Draft EIR) identifies design recommendations to minimize erosion. A brow berm or drainage swale would be provided at the top of all slopes and intermediate drainage benches would be provided at vertical intervals in accordance with Victorville Municipal Code (VMC) § 16-5.02.140. The brow berms and drainage benches shall be designed by the civil engineer to accommodate the calculated runoff. Implementing these features will limit the amount of runoff water traveling down slopes minimizing erosion and sedimentation. In order to issue a grading permit, VMC § 16-5.02.110 requires inspection by the Building Official and supervision by a registered civil engineer to ensure that recommendations in reports prepared by the registered civil engineer, soils engineer, and/or engineering geologist are completed in accordance with the approved plans. Compliance with the recommendations of the Geotechnical Engineering Report and VMC §§ 16-5.02.110 and 16-5.02.140

would ensure that the Project does not result in substantial soil erosion or loss of topsoil during grading activities and impacts would be less than significant.

Surficial slope instability typically impacts the upper 3 to 5 feet of the subsurface profile, predominantly during extended wet periods. The Geotechnical Engineering Report (*Technical Appendix F1* of this Draft EIR) provides recommendations to maintain surficial slope stability. 1) regular maintenance to identify and address changes in natural drainage creating potential for soil creep or erosion near improvements; 2) replacing or replanting trees and grasses, as necessary; 3) grading the slope to reduce soil creep and erosion. If future surficial slope erosion occurs near the crest of slopes, the slope face shall be restored and irrigated landscaping shall be setback a minimum of 30 feet from the crest of the slopes. Pursuant to VMC § 10.30.210, in order to receive a grading or building permit from the City, all applicants for projects involving construction activities (regardless of size) shall submit an erosion and sediment control plan (ESCP) to the City for review and approval. Additionally, pursuant to VMC § 17.88.010, every tentative map shall be conditioned on compliance with requirements for grading and erosion control including the prevention of sedimentation or damage to off-site property. Compliance with the recommendations of the Geotechnical Engineering Report and VMC §§ 16-10.30.210 and 17.88.010 would ensure that the Project does not result in substantial soil erosion or loss of topsoil during grading activities and impacts would be less than significant.

Furthermore, the State Water Resources Control Board (SWRCB) Order No. 2009-0009-DWQ (General Construction Permit) contains water quality standards and stormwater discharge requirements applying to construction projects of one acre or more. The General Construction Permit was issued pursuant to the National Pollutant Discharge Elimination System (NPDES) regulations for implementing part of the federal Clean Water Act. The General Construction Permit requires preparation of a Stormwater Pollution Prevention Plan (SWPPP) that identifies the sources of pollution that may affect the quality of stormwater discharges and describes and ensures the implementation of best management practices (BMPs) to reduce the pollutants, including silt and soil, in construction stormwater discharges. Future development of the Project site would be required to comply with the NPDES permit by preparing and implementing a SWPPP specifying BMPs for minimizing pollution of stormwater with soil and sediment during Project construction. Lastly, the Project would be required to implement erosion and dust control measures pursuant Mojave Desert Air Quality Management District Rule 403 to minimize water- and windborne erosion. Adherence to the BMPs in the SWPPP and Mojave Desert Air Quality Management District Rule 403 would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. Therefore, impacts related to substantial soil erosion or the loss of topsoil would be less than significant.

Threshold c:	***Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?***

The Project site is not susceptible to landslides or liquefaction. Lateral spreading and collapse can occur as an effect of seismic ground shaking and expansive soils. However, Project-related structures

and buildings would be required to be designed and constructed in compliance with the CBC and the VMC §§ 16-5.02.110 and 16-5.02.140, which requires the Project to implement the recommendations of the site-specific geotechnical investigation. For example, the risk of the impacts of hydrocollapse would be reduced by removal and replacement of the upper portions of the on-site soil with engineered fill as described in Geotechnical Engineering Report (*Technical Appendix F1* of this Draft EIR). The recommendations require foundations to be constructed based on the expansion index and shear strength of onsite soils. Compliance with the CBC and VMC would ensure that no impact would occur.

Threshold d: ***Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?***

Expansive soils are soils that exhibit cyclic shrink and swell patterns in response to variations in moisture content. On-site subsurface soils are not expected to experience substantial volumetric changes (shrink/swell) with fluctuations in moisture content. (Terracon, 2021) Project-related structures and buildings would be required to be designed and constructed in compliance with the CBC and the VMC §§ 16-5.02.110 and 16-5.02.140, which requires the Project to implement the recommendations of the site-specific geotechnical investigation. For example, development of the Project would require excavation and installation of engineered fill extending to a depth of 4 feet below the bottom foundations, or 6 feet below existing grades, whichever is greater. All fill materials should be inorganic soils free of vegetation, debris, and fragments larger than three inches in size. Pea gravel or other similar non-cementitious, poorly-graded materials should not be used as fill or backfill without the prior approval of the geotechnical engineer, ensuring that imported fill materials will be non-expansive. Furthermore, compulsory compliance with the CBC and local regulations will further diminish the possibility of risk associated from expansive soil. Accordingly, no impact is anticipated.

Threshold e: ***Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?***

No septic tanks will be used as part of the proposed Project. The proposed Project would connect to the existing wastewater system. Accordingly, no impact is anticipated and no mitigation is required.

Threshold f: ***Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

Section 5.5.1.2 of the City of Victorville's Draft EIR for the general plan describes the palaeontologic resources within the City. Based on Pleistocene vertebrate fossils recovered from sediments deposited by the ancestral Mojave River, areas mapped at such are assigned a "moderate to high sensitivity" for the potential to yield significant paleontological resources.

The Society of Vertebrate Paleontology (SVP) has drafted guidelines that include four categories of paleontological sensitivity for geologic units (formations) that might be impacted by a proposed project. Using these criteria, the presence of nearby significant fossil localities and the strong likelihood that the nearby fossil localities originated from the same geologic formation as that of the project, the Pleistocene alluvium of the ancestral Mojave River can be considered to have a high potential to yield paleontological resources.

The Project site contains potentially fossiliferous Pleistocene to Pliocene-aged alluvium of the ancestral Mojave River ("Qvof" and "Qoam") that are mapped at the surface of the Project site. The known occurrence of significant terrestrial vertebrate fossils at shallow depths from deposits of the ancient Mojave River across Victorville and the "moderate to high" paleontological sensitivity rating assigned to deposits of the ancient Mojave River for yielding paleontological resources indicate that there is a potential to encounter paleontological resources during grading activities. Accordingly, the Project would have potential to directly or indirectly destroy a unique paleontological resource or geological feature, and impacts are potentially significant.

4.5.6 CUMULATIVE IMPACT ANALYSIS

As noted in the foregoing analysis, all potential Project-related direct and indirect impacts related to geology and soils would be addressed through mandatory conformance with the CBSC, City of Victorville Municipal Code, other standard regulatory requirements, and the site-specific recommendations identified in the Geotechnical Report contained within *Technical Appendix F1* of this EIR.

With the exception of erosion hazards, potential hazardous effects related to geologic and soil conditions addressed under Thresholds "a," "c," "d," and "e" are unique to the Project site, and inherently restricted to the specific property proposed for development. That is, issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve effects to (and not from) a proposed development project, are specific to conditions on the subject property, and are not influenced or exacerbated by the geologic and/or soils hazards that may occur on other, off-site properties. Because of the site-specific nature of these potential hazards and the measures to address them, there would be no direct or indirect connection to similar potential issues or cumulative effects to or from other properties.

As discussed under Threshold "b," regulatory requirements mandate that the Project incorporate design measures during construction and long-term operation to ensure that significant erosion impacts do not occur. Other development projects in the vicinity of the Project site would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse water and wind erosion impacts. Because the Project and other projects within the cumulative study area would be subject to similar mandatory regulatory requirements to control erosion hazards during construction and long-term operation, cumulative impacts associated with wind and water erosion hazards would be less than significant.

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development in the vicinity of the Project site that have a potential for uncovering paleontological resources. Generally, impacts relating to paleontological resources are site-specific and addressed on a site-by-site basis. Therefore, while there is a potential for an impact on a specific site, the impact would not ordinarily extend beyond the site or immediately surrounding area. Additionally, mitigation measures MM 4.5-1 through MM 4.5-5 would ensure Project-specific paleontological impacts are reduced to less than significant. There could be circumstances in which a paleontological resource extends over more than one property, however, there are no adjacent related projects that could potentially result in affects to unknown paleontological resources that may lie in the subsurface of the project site; therefore, there would be no cumulative impacts would occur.

4.5.7 Significance of Impacts Before Mitigation

Threshold a: Less than significant impact. The project is not located on a known earthquake fault, but would potentially be subject to strong seismic ground shaking. As structures would be designed to meet or exceed CBC standards for earthquake resistance, development of the Project would create less than significant impacts related to seismic ground shaking. The liquefaction for the Project site is low, and is not located in an area susceptible to landslides. Impacts would be less than significant.

Threshold b: Less than significant impact. Future development within the Project site would be required to comply with the NPDES permit by preparing and implementing a SWPPP specifying BMPs for minimizing pollution of stormwater with soil and sediment during Project construction. Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. Therefore, impacts related to substantial soil erosion or the loss of topsoil would be less than significant.

Threshold c: No impact. As stated previously, the Project site is not susceptible to landslides or liquefaction. Lateral spreading and collapse can occur as an effect of seismic ground shaking and expansive soils. Project-related structures and buildings would be required to be designed and built in compliance with the CBC, which requires the Project to implement the recommendations of the site-specific geotechnical investigation. The recommendations require foundations to be constructed based on the expansion index and shear strength of onsite soils. Compliance with the CBC and VMC would ensure that no impact would occur.

Threshold d: No impact. On-site subsurface soils are not expected to experience substantial volumetric changes (shrink/swell) with fluctuations in moisture content. Furthermore, compulsory compliance with the CBC and local regulations will further diminish the possibility of risk associated from expansive soil. Accordingly, no impact is anticipated.

Threshold e: No impact. No septic tanks will be used as part of the proposed Project. The proposed Project would connect to the existing waste water disposal system. Accordingly, no impact is anticipated and no mitigation is required.

Threshold f: Potentially Significant impact. The Pleistocene alluvium of the ancestral Mojave River can be considered to have a high potential to yield paleontological resources. The Project would have potential to directly or indirectly destroy a unique paleontological resource or geological feature and impacts are potentially significant.

4.5.8 MITIGATION

Applicable City Regulations and Design Requirements

- The Project is required to comply with the provisions of Mojave Desert Air Quality Management District Rule 403, "Fugitive Dust Control" by implementing the following dust control measures during construction activities, such as earth-moving activities, grading, and equipment travel on unpaved roads. Prior to grading permit issuance, the City of Victorville shall verify that the following notes are included on the grading plan. Project contractors shall be required to ensure compliance with the notes and permit periodic inspection of the construction site by City staff or its designee to confirm compliance. These notes also shall be specified in bid documents issued to prospective construction contractors.
    - All clearing, grading, earth-moving, or excavation activities shall be reduced when winds exceed 25 miles per hour (mph) per MDAQMD guidelines in order to limit fugitive dust emissions. A reduction in Earth-Moving Activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance.
    - The construction contractor shall ensure that all disturbed unpaved roads and disturbed areas within the Project are subject to periodic watering for short-term stabilization of disturbed surfaces. Use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance.
    - The contractor shall ensure that traffic speeds on unpaved roads and Project site areas are reduced to 15 mph or less.

- The Project is required to comply with the provisions of Mojave Desert Air Quality Management District Rule 113, *Architectural Coatings*, by requiring that all architectural coatings must consist of low VOCs.

- The Project is required to comply with the provisions of MDAQMD Rule 402, "Nuisance" which requires that a person shall not discharge air contaminants or other materials that would cause health or safety hazards to any considerable number of persons or the public.

Mitigation

The following mitigation measures, outlined below, are based on the findings stated above. Paleontological monitoring may be reduced upon the observations and recommendations of the professional-level project paleontologist. The following MMRP, when implemented, would reduce potential impacts of paleontological resources to a level below significant:

MM 4.5-1 Prior to initiation of any grading, drilling, and/or excavation activities, a preconstruction meeting will be held and attended by the paleontologist of record, representatives of the grading contractor and subcontractors, the project owner or developer, and a representative of the lead agency. The nature of potential paleontological resources shall be discussed, as well as the protocol that is to be implemented following the discovery of any fossiliferous materials.

MM 4.5-2 During grading activities, monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor. Starting at the surface, monitoring will be conducted full-time in areas of grading or excavation in undisturbed sediments of the alluvium of the ancestral Mojave River.

MM 4.5-3 During grading activities, paleontological monitors will be equipped to salvage fossils as they are unearthed to avoid construction delays. The monitor must be empowered to temporarily halt or divert equipment to allow removal of abundant or large specimens in a timely manner. Monitoring may be reduced if the potentially fossiliferous units are not present in the subsurface, or, if present, are determined upon exposure and examination by qualified paleontological personnel to have low potential to contain fossil resources. The monitor shall notify the project paleontologist, who will then notify the concerned parties of the discovery.

MM 4.5-4 During grading activities, paleontological salvage during trenching and boring activities is typically from the generated spoils and does not delay the trenching or drilling activities. Fossils are collected and placed in cardboard flats or plastic buckets and identified by field number, collector, and date collected. Notes are taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place. On mass grading projects, discovered fossil sites are protected by flagging to prevent them from being overrun by earthmovers (scrapers) before salvage begins. Fossils are collected in a similar manner, with notes and photographs being taken before removing the fossils. Precise location of the site is determined with the use of handheld GPS units. If the site involves remains from a large terrestrial vertebrate, such as large bone(s) or a mammoth tusk, that is/are too large to be easily removed by a single monitor, a fossil recovery crew shall excavate around the find, encase the find within a plaster and burlap jacket, and remove it after

the plaster is set. For large fossils, use of the contractor's construction equipment may be solicited to help remove the jacket to a safe location.

MM 4.5-5 If fossils are encountered, isolated fossils are collected by hand, wrapped in paper, and placed in temporary collecting flats or five-gallon buckets. Notes are taken on the map location and stratigraphy of the site, which is photographed before it is vacated, and the fossils are removed to a safe place.

- Particularly small invertebrate fossils typically represent multiple specimens of a limited number of organisms, and a scientifically suitable sample can be obtained from one to several five-gallon buckets of fossiliferous sediment. If it is possible to dry screen the sediment in the field, a concentrated sample may consist of one or two buckets of material. For vertebrate fossils, the test is usually the observed presence of small pieces of bones within the sediments. If present, as many as 20 to 40 five-gallon buckets of sediment can be collected and returned to a separate facility to wet-screen the sediment.

- In accordance with the "Microfossil Salvage" section of the SVP guidelines (2010:7), bulk sampling and screening of fine-grained sedimentary deposits (including carbonate-rich paleosols) must be performed if the deposits are identified to possess indications of producing fossil "microvertebrates" to test the feasibility of the deposit to yield fossil bones and teeth.

- In the laboratory, individual fossils are cleaned of extraneous matrix, any breaks are repaired, and the specimen, if needed, is stabilized by soaking in an archivally approved acrylic hardener (e.g., a solution of acetone and Paraloid B-72).

- Recovered specimens are prepared to a point of identification and permanent preservation (not display), including screen-washing sediments to recover small invertebrates and vertebrates. Preparation of individual vertebrate fossils is often more time-consuming than for accumulations of invertebrate fossils.

- Identification and curation of specimens into a professional, accredited public museum repository with a commitment to archival conservation and permanent retrievable storage (e.g., the San Bernardino County Museum) shall be conducted. The paleontological program should include a written repository agreement prior to the initiation of mitigation activities. Prior to curation, the lead agency (e.g., the City of Victorville) will be consulted on the repository/museum to receive the fossil material.

MM 4.5-6 A final monitoring and mitigation report of findings and significance will be prepared, including lists of all fossils recovered and necessary maps and graphics to accurately record their original location(s). The report, when submitted to, and accepted by, the appropriate lead agency, will signify satisfactory completion of the project program to mitigate impacts to any potential nonrenewable paleontological resources (i.e., fossils) that might have been lost or otherwise adversely affected without such a program in place.

4.5.9 Significance of Impacts After Mitigation

Threshold f: Less Than Significant Impact with Mitigation Incorporated. MM 4.5-1 through MM 4.5-6 would ensure the proper identification and subsequent treatment of any significant paleontological resources that may be encountered during ground-disturbing activities associated with implementation of the proposed Project. With implementation of the required mitigation, the Project's potential impacts to important paleontological resources would be reduced to less than significant. The Project's contribution to cumulative impacts would likewise be reduced to less than significant.

4.6 GREENHOUSE GAS EMISSIONS

The analysis in this Subsection is based in part on a report prepared by Urban Crossroads, Inc. titled *Ottawa Business Center Greenhouse Gas Analysis*, dated September 26, 2022 and included as *Technical Appendix G* to this EIR (Urban Crossroads, 2022d). The technical report and analysis in this Subsection assess the proposed Project's potential to generate greenhouse gas (GHG) emissions that could contribute to global climate change and its associated environmental effects.

4.6.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were made during the NOP and EIR Scoping Meeting that pertain to greenhouse gas emissions.

4.6.2 ENVIRONMENTAL SETTING

A. Introduction to Global Climate Change

Global Climate Change (GCC) is defined as the change in average meteorological conditions on the earth with respect to temperature, precipitation, and storms. The majority of scientists believe that the climate shift taking place since the Industrial Revolution is occurring at a quicker rate and magnitude than in the past. Scientific evidence suggests that GCC is the result of increased concentrations of GHGs in the earth's atmosphere, including carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), and fluorinated gases. The majority of scientists believe that this increased rate of climate change is the result of GHGs resulting from human activity and industrialization over the past 200 years.

An individual project like the Project cannot generate enough GHG emissions to affect a discernible change in global climate. However, the Project may participate in the potential for GCC by its incremental contribution of GHGs combined with the cumulative increase of all other sources of GHGs, which when taken together constitute potential influences on GCC. Because these changes may have serious environmental consequences, the Project's Greenhouse Gas Analysis will evaluate the potential for the Project to have a significant effect upon the environment as a result of its potential contribution to the greenhouse effect.

GCC refers to the change in average meteorological conditions on the earth with respect to temperature, wind patterns, precipitation, and storms. Global temperatures are regulated by naturally occurring atmospheric gases such as water vapor, CO_2, N_2O, CH_4, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), nitrogen trifluoride (NF_3), and sulfur hexafluoride (SF_6). These particular gases are important due to their residence time (duration they stay) in the atmosphere, which ranges from 10 years to more than 100 years. These gases allow solar radiation into the earth's atmosphere, but prevent radioactive heat from escaping, thus warming the earth's atmosphere. GCC can occur naturally as it has in the past with the previous ice ages.

Gases that trap heat in the atmosphere are often referred to as GHGs. GHGs are released into the atmosphere by both natural and anthropogenic activity. Without the natural GHG effect, the earth's average temperature would be approximately 61 degrees Fahrenheit (°F) cooler than it is currently. The cumulative accumulation of these gases in the earth's atmosphere is considered to be the cause for the observed increase in the earth's temperature.

B. Greenhouse Gasses

GHGs trap heat in the atmosphere, creating a GHG effect that results in global warming and climate change. For the purposes of this analysis, emissions of CO_2, CH_4, and N_2O were evaluated because these gases are the primary contributors to GCC from development projects. Although there are other substances such as fluorinated gases that also contribute to GCC, these fluorinated gases were not evaluated as their sources are not well-defined and do not contain accepted emissions factors or methodology to accurately calculate these gases.

GHGs have varying Global Warming Potential (GWP) values. GWP of a GHG indicates the amount of warming a gas causes over a given period of time and represents the potential of a gas to trap heat in the atmosphere. CO_2 is utilized as the reference gas for GWP, and thus has a GWP of 1. The atmospheric lifetime and GWP of selected GHGs are summarized in Table 4.6-1, *GWP and Atmospheric Lifetime of Select GHGs*. As shown in the table below, GWP for the 2nd Assessment Report, the Intergovernmental Panel on Climate Change (IPCC)'s scientific and socio-economic assessment on climate change, range from 1 for CO_2 to 23,900 for SF_6 and GWP for the IPCC's 5th Assessment Report range from 1 for CO_2 to 23,500 for SF_6.

Table 4.6-1 GWP and Atmospheric Lifetime of Select GHGs

Gas	Atmospheric Lifetime (years)	Global Warming Potential (100-year time horizon)		
		2nd Assessment Report	4th Assessment Report	5th Assessment Report
CO_2	See*	1	1	1
CH_4	12.4	21	25	28
N_2O	121	310	298	265
HFC-23**	222	11,700	14,800	12,400
HFC-134a	13.4	1,300	1,430	1,300
HFC-152a	1.5	140	124	138
SF_6	3,200	23,900	22,800	23,500
NF_3	-	-	17,200	16,100

*As per Appendix 8.A of IPCC's 5th Assessment Report, no single lifetime can be given.
Source: (Urban Crossroads, 2022d, Table 2-2)

Provided below is a description of the common gases that contribute to GCC. For more information about these gases and their associated human health effects, refer to Section 2.3 of *Technical Appendix G* to this EIR and the reference sources cited therein.

- Water Vapor (H_2O) is the most abundant, important, and variable GHG in the atmosphere. Water vapor is not considered a pollutant; in the atmosphere it maintains a climate necessary for life. Changes in its concentration are primarily considered to be a result of climate feedbacks related to the warming of the atmosphere rather than a direct result of industrialization. The feedback loop in which water is involved is critically important to projecting future climate change. As the temperature of the atmosphere rises, more water is evaporated from ground storage (rivers, oceans, reservoirs, soil). Because the air is warmer, the relative humidity can be higher (in essence, the air is able to 'hold' more water when it is warmer), leading to more water vapor in the atmosphere. As a GHG, the higher concentration of water vapor is then able to absorb more thermal indirect energy radiated from the Earth, thus further warming the atmosphere. The warmer atmosphere can then hold more water vapor and so on and so on. This is referred to as a "positive feedback loop." The extent to which this positive feedback loop will continue is unknown as there are also dynamics that hold the positive feedback loop in check. As an example, when water vapor increases in the atmosphere, more of it will eventually also condense into clouds, which are more able to reflect incoming solar radiation, thereby allowing less energy to reach the Earth's surface and heat it up. There are no human health effects from water vapor itself; however, when some pollutants come in contact with water vapor, they can dissolve and the water vapor can then act as a pollutant-carrying agent.

- Carbon Dioxide (CO_2) is an odorless and colorless GHG that is emitted from natural and manmade sources. Natural sources include: the decomposition of dead organic matter; respiration of bacteria, plants, animals and fungus; evaporation from oceans; and volcanic outgassing. Manmade sources include: the burning of coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700s, the sort of human activity that increases CO_2 emissions has increased dramatically. As an example, prior to the industrial revolution, CO_2 concentrations were fairly stable at 280 parts per million (ppm). Today, they are around 370 ppm, an increase of more than 30 percent. Exposure to CO_2 in high concentrations can cause human health effects, but outdoor levels are not high enough to adversely affect human health.

- Methane (CH_4) is an extremely effective absorber of radiation, though its atmospheric concentration is less than CO_2 and its lifetime in the atmosphere is brief (10-12 years) compared to other GHGs. Methane has both natural and manmade sources. It is released as part of the biological processes in low oxygen environments, such as in swamplands or in rice production (at the roots of the plants). Over the last 50 years, human activities such as growing rice, raising cattle, using natural gas, and mining coal have added to the atmospheric concentration of methane. Other manmade sources include fossil-fuel combustion and biomass burning. No human health effects are known to occur from atmospheric exposure to methane; however, methane is an asphyxiant that may displace oxygen in enclosed spaces.

- Nitrous Oxide (N_2O) concentrations began to rise in the atmosphere at the beginning of the industrial revolution. In 1998, the global concentration was 314 parts per billion (ppb). Nitrous oxide is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. N_2O is used as an aerosol spray propellant, (e.g., in whipped cream bottles), in potato chip bags to keep chips fresh, and in rocket engines and in race cars. N_2O can be transported into the stratosphere, be deposited on the Earth's surface, and be converted to other compounds by chemical reaction. N2O can cause dizziness, euphoria, and sometimes slight hallucinations. In small doses, it is considered harmless. However, in some cases, heavy and extended use can cause brain damage.

- Chlorofluorocarbons (CFCs) are gases formed synthetically by replacing all hydrogen atoms in CH4 or ethane (C_2H_6) with chlorine and/or fluorine atoms. CFCs are nontoxic, nonflammable, insoluble and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs were first synthesized in 1928 and have no natural source. CFCs were used for refrigerants, aerosol propellants and cleaning solvents. Due to the discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and was extremely successful, so much so that levels of the major CFCs are now remaining steady or declining. However, due to their long atmospheric lifetime, some of the CFCs will remain in the atmosphere for over 100 years.

- Hydrofluorocarbons (HFCs) are synthetic, man-made chemicals that are used as a substitute for CFCs. Out of all GHGs, they are one of three groups with the highest global warming potential. The HFCs with the largest measured atmospheric abundances are (in order largest to smallest), HFC-23 (CHF_3), HFC-134a (CF_3CH_2F), and HFC-152a (CH_3CHF_2). Prior to 1990, the only significant emissions were HFC-23 emissions. HFC-134a emissions are increasing due to its use as a refrigerant. The U.S. EPA estimates that concentrations of HFC-23 and HFC-134a are now about 10 parts per trillion (ppt) each; and that concentrations of HFC-152a are about 1 ppt. No human health effects are known to result from exposure to HFCs, which are manmade and used for applications such as automobile air conditioners and refrigerants.

- Perfluorocarbons (PFCs) are primarily produced for aluminum production and semiconductor manufacture. PFCs have stable molecular structures and do not break down through chemical processes in the lower atmosphere. High-energy ultraviolet rays, which occur about 60 kilometers above earth's surface, are able to destroy the compounds. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF_4) and hexafluoroethane (C_2F_6). The U.S. EPA

estimates that concentrations of CF_4 in the atmosphere are over 70 ppt. No human health effects are known to result from exposure to PFCs.

- Sulfur Hexafluoride (SF_6) is an inorganic, odorless, colorless, nontoxic, nonflammable gas. It also has the highest GWP of any gas evaluated (23,900). The U.S. Environmental Protection Agency (EPA) indicates that concentrations in the 1990s were about 4 ppt. In high concentrations in confined areas, the gas presents the hazard of suffocation because it displaces the oxygen needed for breathing. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

- Nitrogen Trifluoride (NF_3) is a colorless gas with a distinctly moldy odor. The World Resources Institute indicates that NF_3 has a 100-year GWP of 17,200. NF_3 is used in industrial processes and is produced in the manufacturing of semiconductors, Liquid Crystal Display panels, types of solar panels, and chemical lasers. Long-term or repeated exposure may affect the liver and kidneys and may cause fluorosis.

C. Greenhouse Gas Emissions Inventories

1. Global

Worldwide anthropogenic GHG emissions are tracked by the IPCC for industrialized nations (referred to as Annex I) and developing nations (referred to as Non-Annex I). Human GHG emissions data for Annex I nations are available through 2018. Based on the latest available data, the sum of these emissions totaled approximately 28,768,439 gigagram (Gg) CO_2e, as shown in Table 4.6-2, *Top GHG-Producing Countries and the European Union*. As shown, the United States, as a single country, was the number two producer of GHG emissions in 2018.

Table 4.6-2 Top GHG-Producing Countries and the European Union

Emitting Countries	GHG Emissions (Gg CO_2e)
China	12,300,200
Unites States	6,676,650
European Union (28-member countries)	4,232,274
India	2,220,123
Russian Federation	2,100,850
Japan	1,238,343
Total	**28,768,439**

Source: (Urban Crossroads, 2022d, Table 2-3)

2. State of California

California has significantly slowed the rate of growth of GHG emissions due to the implementation of energy efficiency programs as well as adoption of strict emission controls but is still a substantial

contributor to the United States (U.S.) emissions inventory total. The California Air Resource Board (CARB) compiles GHG inventories for the State of California. Based upon the 2020 GHG inventory data (i.e., the latest year for which data are available) for the 2000-2019 GHG emissions period, California emitted an average 418.1 million metric tons of CO_2e per year ($MMTCO_2e/yr$) or 418,100 Gg CO_2e (6.26% of the total United States GHG emissions.

D. Effects of Climate Change in California

Climate change impacts in California have the potential to include, but are not limited to, the following areas:

1. Public Health

Higher temperatures may increase the frequency, duration, and intensity of conditions conducive to air pollution formation. For example, days with weather conducive to ozone formation could increase from 25 to 35% under the lower warming range to 75 to 85% under the medium warming range. In addition, if global background ozone levels increase as predicted in some scenarios, it may become impossible to meet local air quality standards. Air quality could be further compromised by increases in wildfires, which emit fine particulate matter that can travel long distances, depending on wind conditions. The Our Changing Climate: Assessing the Risks to California report indicates that large wildfires could become up to 55% more frequent if GHG emissions are not significantly reduced.

In addition, under the higher warming range scenario, there could be up to 100 more days per year with temperatures above 90°F in Los Angeles and 95°F in Sacramento by 2100. This is a large increase over historical patterns and approximately twice the increase projected if temperatures remain within or below the lower warming range. Rising temperatures could increase the risk of death from dehydration, heat stroke/exhaustion, heart attack, stroke, and respiratory distress caused by extreme heat.

2. Water Resources

A vast network of artificial reservoirs and aqueducts captures and transports water throughout the State from northern California rivers and the Colorado River. The current distribution system from northern California relies on Sierra Nevada snowpack to supply water during the dry spring and summer months. Rising temperatures, potentially compounded by decreases in precipitation, could severely reduce spring snowpack, and result in a drier Colorado River, increasing the risk of summer water shortages.

If temperatures continue to increase, more precipitation could fall as rain instead of snow, and the snow that does fall could melt earlier, reducing the Sierra Nevada spring snowpack by as much as 70 to 90%. Under the lower warming range scenario, snowpack losses could be only half as large as those possible if temperatures were to rise to the higher warming range. How much snowpack could be lost depends in part on future precipitation patterns, the projections for which remain uncertain. However, even under the wetter climate projections, the loss of snowpack could pose challenges to water managers

and hamper hydropower generation. It could also adversely affect winter tourism. Under the lower warming range, the ski season at lower elevations could be reduced by as much as a month. If temperatures reach the higher warming range and precipitation declines, there might be many years with insufficient snow for skiing and snowboarding.

The State's water supplies are also at risk from rising sea levels. An influx of saltwater could degrade California's estuaries, wetlands, and groundwater aquifers. Saltwater intrusion caused by rising sea levels is a major threat to the quality and reliability of water within several areas including Orange County and the southern edge of the Sacramento/San Joaquin River Delta – a major fresh water supply.

3. Agriculture

Increased temperatures could cause widespread changes to the agriculture industry reducing the quantity and quality of agricultural products statewide. First, California farmers could possibly lose as much as 25% of the water supply needed. Although higher CO_2 levels can stimulate plant production and increase plant water-use efficiency, California's farmers could face greater water demand for crops and a less reliable water supply as temperatures rise. Crop growth and development could change, as could the intensity and frequency of pest and disease outbreaks. Rising temperatures could aggravate ozone pollution, which makes plants more susceptible to disease and pests and interferes with plant growth.

Plant growth tends to be slow at low temperatures, increasing with rising temperatures up to a threshold. However, faster growth can result in less-than-optimal development for many crops, so rising temperatures could worsen the quantity and quality of yield for a number of California's agricultural products. Products likely to be most affected include wine grapes, fruits, and nuts.

In addition, continued GCC could shift the ranges of existing invasive plants and weeds and alter competition patterns with native plants. Range expansion could occur in many species while range contractions may be less likely in rapidly evolving species with significant populations already established. Should range contractions occur, new or different weed species could fill the emerging gaps. Continued GCC could alter the abundance and types of many pests, lengthen pests' breeding season, and increase pathogen growth rates.

4. Forests and Landscapes

GCC has the potential to intensify the current threat to forests and landscapes by increasing the risk of wildfire and altering the distribution and character of natural vegetation. If temperatures rise into the medium warming range, the risk of large wildfires in California could increase by as much as 55%, which is almost twice the increase expected if temperatures stay in the lower warming range. However, since wildfire risk is determined by a combination of factors, including precipitation, winds, temperature, and landscape and vegetation conditions, future risks would not be uniform throughout the state. In contrast, wildfires in northern California could increase by up to 90% due to decreased precipitation.

Moreover, continued GCC has the potential to alter natural ecosystems and biological diversity within the state. For example, alpine and subalpine ecosystems could decline by as much as 60 to 80% by the end of the century as a result of increasing temperatures. The productivity of the state's forests has the potential to decrease as a result of GCC.

5. Rising Sea Levels

Although not relevant to the Project area, rising sea levels, more intense coastal storms, and warmer water temperatures could increasingly threaten the State's coastal regions. Under the higher warming range scenario, sea level is anticipated to rise 22 to 35 inches by 2100. Elevations of this magnitude would inundate low-lying coastal areas with saltwater, accelerate coastal erosion, threaten vital levees and inland water systems, and disrupt wetlands and natural habitats. Under the lower warming range scenario, sea level could rise 12-14 inches.

4.6.3 REGULATORY FRAMEWORK

The following is a brief description of the international, federal, state, and local environmental laws and related regulations related to GHG emissions.

A. International

1. Intergovernmental Panel on Climate Change

In 1988, the United Nations (U.N.) and the World Meteorological Organization established the Intergovernmental Panel on Climate Change (IPCC) to assess the scientific, technical and socioeconomic information relevant to understanding the scientific basis of risk of human-induced climate change, its potential impacts, and options for adaptation and mitigation.

2. United Nation's Framework Convention on Climate Change (Convention)

On March 21, 1994, the U.S. joined a number of countries around the world in signing the Convention. Under the Convention, governments gather and share information on GHG emissions, national policies, and best practices; launch national strategies for addressing GHG emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries; and cooperate in preparing for adaptation to the impacts of climate change.

3. International Climate Change Treaties

The Kyoto Protocol is an international agreement linked to the Convention. The major feature of the Kyoto Protocol is that it sets binding targets for 37 industrialized countries and the European community for reducing GHG emissions at an average of 5% against 1990 levels over the five-year period 2008–2012. The Convention (as discussed above) encouraged industrialized countries to stabilize emissions; however, the Protocol commits them to do so. Developed countries have contributed more emissions over the last 150 years; therefore, the Protocol places a heavier burden on developed nations under the principle of "common but differentiated responsibilities."

In 2001, President George W. Bush indicated that he would not submit the treaty to the U.S. Senate for ratification, which effectively ended American involvement in the Kyoto Protocol. In December 2009, international leaders met in Copenhagen to address the future of international climate change commitments post-Kyoto. No binding agreement was reached in Copenhagen; however, the Committee identified the long-term goal of limiting the maximum global average temperature increase to no more than 2 degrees Celsius (°C) above pre-industrial levels, subject to a review in 2015. The UN Climate Change Committee held additional meetings in Durban, South Africa in November 2011; Doha, Qatar in November 2012; and Warsaw, Poland in November 2013. The meetings are gradually gaining consensus among participants on individual climate change issues.

On September 23, 2014, more than 100 Heads of State and Government and leaders from the private sector and civil society met at the Climate Summit in New York hosted by the U.N. At the Summit, heads of government, business and civil society announced actions in areas that would have the greatest impact on reducing emissions, including climate finance, energy, transport, industry, agriculture, cities, forests, and building resilience.

Parties to the U.N. Framework Convention on Climate Change (UNFCCC) reached a landmark agreement on December 12, 2015 in Paris, charting a fundamentally new course in the two-decade-old global climate effort. Culminating a four-year negotiating round, the new treaty ends the strict differentiation between developed and developing countries that characterized earlier efforts, replacing it with a common framework that commits all countries to put forward their best efforts and to strengthen them in the years ahead. This includes, for the first time, requirements that all parties report regularly on their emissions and implementation efforts and undergo international review.

The agreement and a companion decision by parties were the key outcomes of the conference, known as the 21st session of the UNFCCC Conference of the Parties (COP). Together, the Paris Agreement and the accompanying COP decision:

- Reaffirm the goal of limiting global temperature increase well below 2°C, while urging efforts to limit the increase to 1.5 degrees;
- Establish binding commitments by all parties to make "nationally determined contributions" (NDCs), and to pursue domestic measures aimed at achieving them;
- Commit all countries to report regularly on their emissions and "progress made in implementing and achieving" their NDCs, and to undergo international review;
- Commit all countries to submit new NDCs every five years, with the clear expectation that they will "represent a progression" beyond previous ones;
- Reaffirm the binding obligations of developed countries under the UNFCCC to support the efforts of developing countries, while for the first time encouraging voluntary contributions by developing countries too;

- Extend the current goal of mobilizing $100 billion a year in support by 2020 through 2025, with a new, higher goal to be set for the period after 2025;

- Extend a mechanism to address "loss and damage" resulting from climate change, which explicitly will not "involve or provide a basis for any liability or compensation;"

- Require parties engaging in international emissions trading to avoid "double counting;" and

- Call for a new mechanism, similar to the Clean Development Mechanism under the Kyoto Protocol, enabling emission reductions in one country to be counted toward another country's NDC.

B. Federal

1. Federal Regulation and the Clean Air Act

Prior to the last decade, there have been no concrete federal regulations of GHGs or major planning for climate change adaptation. The following are actions regarding direct and indirect regulations by the federal government concerning GHGs and fuel efficiency.

In *Massachusetts v. Environmental Protection Agency* 549 U.S. 497 (2007), decided on April 2, 2007, the United States Supreme Court (U.S. Court) found that four GHGs, including CO_2, are air pollutants subject to regulation under Section 202(a)(1) of the Clean Air Act (CAA). The Court held that the EPA Administrator must determine whether emissions of GHGs from new motor vehicles cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare, or whether the science is too uncertain to make a reasoned decision. On December 7, 2009, the EPA Administrator signed two distinct findings regarding GHGs under Section 202(a) of the CAA:

- Endangerment Finding: The Administrator finds that the current and projected concentrations of the six key well-mixed GHGs— CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6—in the atmosphere threaten the public health and welfare of current and future generations.

- Cause or Contribute Finding: The Administrator finds that the combined emissions of these well-mixed GHGs from new motor vehicles and new motor vehicle engines contribute to the GHG pollution, which threatens public health and welfare.

These findings do not impose requirements on industry or other entities. However, this was a prerequisite for implementing GHG emissions standards for vehicles, as discussed in section 2.7.2 "Clean Vehicles" in *Technical Appendix G* of this EIR. After a lengthy legal challenge, the Supreme Court declined to review an Appeals Court ruling that upheld the EPA Administrator's findings.

2. Mandatory Reporting of GHGs

The Consolidated Appropriations Act of 2008, passed in December 2007, requires the establishment of mandatory GHG reporting requirements. On September 22, 2009, the EPA issued the Final Mandatory Reporting of GHGs Rule, which became effective January 1, 2010. The rule requires reporting of GHG emissions from large sources and suppliers in the U.S. and is intended to collect accurate and timely emissions data to inform future policy decisions. Under the rule, suppliers of fossil fuels or industrial GHGs, manufacturers of vehicles and engines, and facilities that emit 25,000 metric tons per year (MT/yr) or more of GHG emissions are required to submit annual reports to the EPA.

C. State

1. California Assembly Bill No. 32 (AB 32)

The California State Legislature enacted AB 32, which required that GHGs emitted in California be reduced to 1990 levels by the year 2020 (this goal has been met[1]). GHGs as defined under AB 32 include CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6. Since AB 32 was enacted, a seventh chemical, nitrogen trifluoride, has also been added to the list of GHGs. The CARB is the state agency charged with monitoring and regulating sources of GHGs. AB 32 states the following:

> *"Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems."*

2. The Sustainable Communities and Climate Protection Act of 2008 (SB 375)

On September 30, 2008, SB 375 was signed by Governor Schwarzenegger. According to SB 375, the transportation sector is the largest contributor of GHG emissions, which emits over 40% of the total GHG emissions in California. SB 375 states, "Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32." SB 375 does the following: it (1) requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions, (2) aligns planning for transportation and housing, and (3) creates specified incentives for the implementation of the strategies.

SB 375 requires MPOs to prepare a Sustainable Communities Strategy (SCS) within the Regional Transportation Plan (RTP) that guides growth while taking into account the transportation, housing,

[1] Based upon the 2019 GHG inventory data (i.e., the latest year for which data are available) for the 2000-2017 GHG emissions period, California emitted an average 424.1 $MMTCO_2e$. This is less than the 2020 emissions target of 431 $MMTCO_2e$.

environmental, and economic needs of the region. SB 375 uses CEQA streamlining as an incentive to encourage residential projects, which help achieve AB 32 goals to reduce GHG emissions. Although SB 375 does not prevent CARB from adopting additional regulations, such actions are not anticipated in the foreseeable future.

Concerning CEQA, SB 375, as codified in Public Resources Code Section 21159.28, states that CEQA findings for certain projects are not required to reference, describe, or discuss (1) growth inducing impacts, or (2) any project-specific or cumulative impacts from cars and light-duty truck trips generated by the project on global warming or the regional transportation network, if the project:

1. Is in an area with an approved sustainable communities strategy or an alternative planning strategy that the CARB accepts as achieving the GHG emission reduction targets.
2. Is consistent with that strategy (in designation, density, building intensity, and applicable policies).
3. Incorporates the mitigation measures required by an applicable prior environmental document.

3. California Assembly Bill No. 1493 (AB 1943)

California AB 1493, enacted on July 22, 2002, required CARB to develop and adopt regulations that reduce GHGs emitted by passenger vehicles and light duty trucks. Implementation of the regulation was delayed by lawsuits filed by automakers and by the EPA's denial of an implementation waiver. The EPA subsequently granted the requested waiver in 2009, which was upheld by the U.S. District Court for the District of Columbia in 2011.

The standards phase in during the 2009 through 2016 model years. Several technologies stand out as providing significant reductions in emissions at favorable costs. These include discrete variable valve lift or camless valve actuation to optimize valve operation rather than relying on fixed valve timing and lift as has historically been done; turbocharging to boost power and allow for engine downsizing; improved multi-speed transmissions; and improved air conditioning systems that operate optimally, leak less, and/or use an alternative refrigerant.

The second phase of the implementation for the Pavley bill was incorporated into Amendments to the Low-Emission Vehicle Program (LEV III) or the Advanced Clean Cars program. The Advanced Clean Car program combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulation would reduce GHGs from new cars by 34% from 2016 levels by 2025. The new rules would clean up gasoline and diesel-powered cars, and deliver increasing numbers of zero-emission technologies, such as full battery electric cars, newly emerging plug-in hybrid EVs (EV) and hydrogen fuel cell cars. The package would also ensure adequate fueling infrastructure is available for the increasing numbers of hydrogen fuel cell vehicles planned for deployment in California.

4. California Senate Bill No. 350 (SB 350)

In October 2015, the legislature approved, and the Governor signed SB 350, which reaffirms California's commitment to reducing its GHG emissions and addressing climate change. Key provisions include an increase in the RPS, higher energy efficiency requirements for buildings, initial strategies towards a regional electricity grid, and improved infrastructure for EV charging stations. Provisions for a 50% reduction in the use of petroleum statewide were removed from the Bill because of opposition and concern that it would prevent the Bill's passage. Specifically, SB 350 requires the following to reduce statewide GHG emissions:

- Increase the amount of electricity procured from renewable energy sources from 33% to 50% by 2030, with interim targets of 40% by 2024, and 25% by 2027.

- Double the energy efficiency in existing buildings by 2030. This target will be achieved through the California Public Utility Commission (CPUC), the California Energy Commission (CEC), and local publicly owned utilities.

- Reorganize the Independent System Operator to develop more regional electrify transmission markets and to improve accessibility in these markets, which will facilitate the growth of renewable energy markets in the western United States.

5. California Senate Bill No. 32 (SB 32)

On September 8, 2016, Governor Jerry Brown signed the SB 32 and its companion bill, AB 197. 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. The new legislation builds upon the AB 32 goal and provides an intermediate goal to achieving S-3-05, which sets a statewide GHG reduction target of 80% below 1990 levels by 2050. AB 197 creates a legislative committee to oversee regulators to ensure that CARB not only responds to the Governor, but also the Legislature.

6. California Air Resources Board (CARB) Scoping Plan Update

In November 2017, CARB released the Final 2017 Scoping Plan Update, which identifies the State's post-2020 reduction strategy. The Final 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. Key programs that the proposed Second Update builds upon include the Cap-and-Trade Regulation, the LCFS, and much cleaner cars, trucks and freight movement, utilizing cleaner, renewable energy, and strategies to reduce CH_4 emissions from agricultural and other wastes.

The Final 2017 Scoping Plan Update establishes a new emissions limit of 260 $MMTCO_2e$ for the year 2030, which corresponds to a 40% decrease in 1990 levels by 2030.

California's climate strategy will require contributions from all sectors of the economy, including the land base, and will include enhanced focus on zero- and near-zero-emission (ZE/NZE) vehicle technologies; continued investment in renewables, including solar roofs, wind, and other distributed generation; greater use of low carbon fuels; integrated land conservation and development strategies; coordinated efforts to reduce emissions of short-lived climate pollutants (CH_4, black carbon, and fluorinated gases); and an increased focus on integrated land use planning to support livable, transit-connected communities and conservation of agricultural and other lands. Requirements for direct GHG reductions at refineries will further support air quality co-benefits in neighborhoods, including in disadvantaged communities historically located adjacent to these large stationary sources, as well as efforts with California's local air pollution control and air quality management districts (air districts) to tighten emission limits on a broad spectrum of industrial sources.

7. Cap-and-Trade Program

The Scoping Plan identifies a Cap-and-Trade Program as one of the key strategies for California to reduce GHG emissions. According to CARB, a cap-and-trade program will help put California on the path to meet its goal of achieving a 40% reduction in GHG emissions from 1990 levels by 2030. Under cap-and-trade, an overall limit on GHG emissions from capped sectors is established, and facilities subject to the cap will be able to trade permits to emit GHGs within the overall limit.

CARB adopted a California Cap-and-Trade Program pursuant to its authority under AB 32. The Cap-and-Trade Program is designed to reduce GHG emissions from regulated entities by more than 16% between 2013 and 2020, and by an additional 40% by 2030. The statewide cap for GHG emissions from the capped sectors (e.g., electricity generation, petroleum refining, and cement production) commenced in 2013 and will decline over time, achieving GHG emission reductions throughout the program's duration.

Covered entities that emit more than 25,000 $MTCO_2e$/yr must comply with the Cap-and-Trade Program. Triggering of the 25,000 $MTCO_2e$/yr "inclusion threshold" is measured against a subset of emissions reported and verified under the California Regulation for the Mandatory Reporting of GHG Emissions (Mandatory Reporting Rule or "MRR").

Under the Cap-and-Trade Program, CARB issues allowances equal to the total amount of allowable emissions over a given compliance period and distributes these to regulated entities. Covered entities are allocated free allowances in whole or part (if eligible), and may buy allowances at auction, purchase allowances from others, or purchase offset credits. Each covered entity with a compliance obligation is required to surrender "compliance instruments" for each $MTCO_2e$ of GHG they emit. There also are requirements to surrender compliance instruments covering 30% of the prior year's compliance obligation by November of each year.

The Cap-and-Trade Program provides a firm cap, which provides the highest certainty of achieving the 2030 target. An inherent feature of the Cap-and-Trade program is that it does not guarantee GHG

emissions reductions in any discrete location or by any particular source. Rather, GHG emissions reductions are only guaranteed on an accumulative basis.

The Cap-and-Trade Program covered approximately 80% of California's GHG emissions. The Cap-and-Trade Program covers the GHG emissions associated with electricity consumed in California, whether generated in-state or imported. Accordingly, GHG emissions associated with CEQA projects' electricity usage are covered by the Cap-and-Trade Program. The Cap-and-Trade Program also covers fuel suppliers (natural gas and propane fuel providers and transportation fuel providers) to address emissions from such fuels and from combustion of other fossil fuels not directly covered at large sources in the Program's first compliance period. The Cap-and-Trade Program covers the GHG emissions associated with the combustion of transportation fuels in California, whether refined in-state or imported.

8. Executive Order S-3-05

Former California Governor Arnold Schwarzenegger announced on June 1, 2005, through Executive Order S-3-05, the following reduction targets for GHG emissions:

- By 2010, reduce GHG emissions to 2000 levels.
- By 2020, reduce GHG emissions to 1990 levels.
- By 2050, reduce GHG emissions to 80% below 1990 levels.

The 2050 reduction goal represents what some scientists believe is necessary to reach levels that will stabilize the climate. The 2020 goal was established to be a mid-term target. Because this is an executive order, the goals are not legally enforceable for local governments or the private sector.

9. Executive Order S-01-07 (LCFS)

Governor Schwarzenegger signed Executive Order S-01-07 on January 18, 2007. The order mandates that a statewide goal shall be established to reduce the carbon intensity of California's transportation fuels by at least 10% by 2020. The CARB adopted the LCFS on April 23, 2009.

The LCFS was challenged in the U.S. District Court in Fresno in 2011. The court's ruling issued on December 29, 2011, included a preliminary injunction against CARB's implementation of the rule. The Ninth Circuit Court of Appeals stayed the injunction on April 23, 2012, pending final ruling on appeal, allowing CARB to continue to implement and enforce the regulation. The Ninth Circuit Court's decision, filed September 18, 2013, vacated the preliminary injunction. In essence, the court held that LCFS adopted by CARB were not in conflict with federal law. On August 8, 2013, the Fifth District Court of Appeal (California) ruled CARB failed to comply with CEQA and the Administrative Procedure Act (APA) when adopting regulations for LCFS. In a partially published opinion, the Court of Appeal reversed the trial court's judgment and directed issuance of a writ of mandate setting aside

Resolution 09-31 and two executive orders of CARB approving LCFS regulations promulgated to reduce GHG emissions. However, the court tailored its remedy to protect the public interest by allowing the LCFS regulations to remain operative while CARB complies with the procedural requirements it failed to satisfy.

To address the Court ruling, CARB was required to bring a new LCFS regulation to the Board for consideration in February 2015. The proposed LCFS regulation was required to contain revisions to the 2010 LCFS as well as new provisions designed to foster investments in the production of the low-carbon intensity fuels, offer additional flexibility to regulated parties, update critical technical information, simplify and streamline program operations, and enhance enforcement. On November 16, 2015 the Office of Administrative Law approved the Final Rulemaking Package. The new LCFS regulation became effective on January 1, 2016.

In 2018, the CARB approved amendments to the regulation, which included strengthening the carbon intensity benchmarks through 2030 in compliance with the SB 32 GHG emissions reduction target for 2030. The amendments included crediting opportunities to promote zero emission vehicle adoption, alternative jet fuel, carbon capture and sequestration, and advanced technologies to achieve deep decarbonization in the transportation sector.

10. Executive Order S-13-08

Executive Order S-13-08 states that "climate change in California during the next century is expected to shift precipitation patterns, accelerate sea level rise and increase temperatures, thereby posing a serious threat to California's economy, to the health and welfare of its population and to its natural resources." Pursuant to the requirements in the Order, the 2009 California Climate Adaptation Strategy (CNRA 2009) was adopted, which is the "…first statewide, multi-sector, region-specific, and information-based climate change adaptation strategy in the United States." Objectives include analyzing risks of climate change in California, identifying and exploring strategies to adapt to climate change, and specifying a direction for future research.

11. Executive Order B-30-15

On April 29, 2015, Governor Edmund G. Brown Jr. issued an executive order to establish a California GHG reduction target of 40% below 1990 levels by 2030. The Governor's executive order aligns California's GHG reduction targets with those of leading international governments ahead of the U.N. Climate Change Conference in Paris late 2015. The Order sets a new interim statewide GHG emission reduction target to reduce GHG emissions to 40% below 1990 levels by 2030 in order to ensure California meets its target of reducing GHG emissions to 80% below 1990 levels by 2050 and directs CARB to update the Climate Change Scoping Plan to express the 2030 target in terms of $MMTCO_2e$. The Order also requires the state's climate adaptation plan to be updated every three years, and for the State to continue its climate change research program, among other provisions. As with Executive Order S-3-05, this Order is not legally enforceable for local governments and the private sector.

Legislation that would update AB 32 to make post 2020 targets and requirements a mandate is in process in the State Legislature.

12. Executive Order B-55-18 and Senate Bill No. 100 (SB 100)

Executive Order B-55-18 and SB 100 were signed by Governor Brown on September 10, 2018. Under the existing RPS, 25% of retail sales are required to be from renewable sources by December 31, 2016, 33% by December 31, 2020, 40% by December 31, 2024, 45% by December 31, 2027, and 50% by December 31, 2030. SB 100 raises California's RPS requirement to 50% renewable resources target by December 31, 2026, and to achieve a 60% target by December 31, 2030. SB 100 also requires that retail sellers and local publicly owned electric utilities procure a minimum quantity of electricity products from eligible renewable energy resources so that the total kilowatt hours (kWh) of those products sold to their retail end-use customers achieve 44% of retail sales by December 31, 2024, 52% by December 31, 2027, and 60% by December 31, 2030. In addition to targets under AB 32 and SB 32, Executive Order B-55-18 establishes a carbon neutrality goal for the state of California by 2045; and sets a goal to maintain net negative emissions thereafter. The Executive Order directs the California Natural Resources Agency (CNRA), California Environmental Protection Agency (CalEPA), the Department of Food and Agriculture (CDFA), and CARB to include sequestration targets in the Natural and Working Lands Climate Change Implementation Plan consistent with the carbon neutrality goal.

13. Executive Order N-79-20 and Advanced Clean Cars II

On August 25, 2022 CARB approved the Advanced Clean Cars II rule, which codifies the goals set out in Executive Order N-79-20 and establishes a year-by-year roadmap such that by 2035, 100% of new cars and light trucks sold in California will be zero-emission vehicles. Under this regulation, automakers are required to accelerate deliveries of zero-emission light-duty vehicles, beginning with model year 2026. CARB estimates that the regulation would reduce GHG emissions from light-duty vehicles by 50% by 2040, and that from 2026 to 2040, GHG emissions would be reduced by a cumulative 395 million metric tons.

14. California Title 20 Standards

CCR, Title 20: Division 2, Chapter 4, Article 4, Sections 1601-1608: Appliance Efficiency Regulations regulates the sale of appliances in California. The Appliance Efficiency Regulations include standards for both federally regulated appliances and non-federally regulated appliances. 23 categories of appliances are included in the scope of these regulations. The standards within these regulations apply to appliances that are sold or offered for sale in California, except those sold wholesale in California for final retail sale outside the state and those designed and sold exclusively for use in recreational vehicles or other mobile equipment.

15. California Title 24 Standards

CCR Title 24 Part 6: California's Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2019 version of Title 24 was adopted by the CEC and became effective on January 1, 2020.

The CEC indicates that the 2019 Title 24 standards will require solar photovoltaic systems for new homes, establish requirements for newly constructed healthcare facilities, encourage demand responsive technologies for residential buildings, update indoor and outdoor lighting for nonresidential buildings. The CEC anticipates that single-family homes built with the 2019 standards will use approximately 7% less energy compared to the residential homes built under the 2016 standards. Additionally, after implementation of solar photovoltaic systems, homes built under the 2019 standards will about 53% less energy than homes built under the 2016 standards. Nonresidential buildings will use approximately 30% less energy due to lighting upgrades.

CCR, Title 24, Part 11: California Green Building Standards Code (CALGreen) is a comprehensive and uniform regulatory code for all residential, commercial, and school buildings that went in effect on January 1, 2011, and is administered by the California Building Standards Commission (BSC). CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2019 California Green Building Code Standards that have become effective on January 1, 2020. Local jurisdictions are permitted to adopt more stringent requirements, as state law provides methods for local enhancements. CALGreen recognizes that many jurisdictions have developed existing construction and demolition ordinances and defers to them as the ruling guidance provided, they establish a minimum 65% diversion requirement. The code also provides exemptions for areas not served by construction and demolition recycling infrastructure. The State Building Code provides the minimum standard that buildings must meet in order to be certified for occupancy, which is generally enforced by the local building official. 2019 CALGreen standards which are applicable to the Project are located in subsection Title 24 CCR of *Technical Appendix G* of this EIR.

16. CARB Refrigerant Management Program

CARB adopted a regulation in 2009 to reduce refrigerant GHG emissions from stationary sources through refrigerant leak detection and monitoring, leak repair, system retirement and retrofitting, reporting and recordkeeping, and proper refrigerant cylinder use, sale, and disposal. The regulation is set forth in sections 95380 to 95398 of Title 17, CCR. The rules implementing the regulation establish a limit on statewide GHG emissions from stationary facilities with refrigeration systems with more than 50 lbs of a high GWP refrigerant. The refrigerant management program is designed to (1) reduce emissions of high-GWP GHG refrigerants from leaky stationary, non-residential refrigeration equipment; (2) reduce emissions from the installation and servicing of refrigeration and air-conditioning appliances using high-GWP refrigerants; and (3) verify GHG emission reductions.

17. Tractor-Trailer GHG Regulation

The tractors and trailers subject to this regulation must either use EPA SmartWay certified tractors and trailers or retrofit their existing fleet with SmartWay verified technologies. 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 HD tractors that pull them on California highways. These owners are responsible for replacing or retrofitting their affected vehicles with compliant aerodynamic technologies and low rolling resistance tires. Sleeper cab tractors model year 2011 and later must be SmartWay certified. All other tractors must use SmartWay verified low rolling resistance tires. There are also requirements for trailers to have low rolling resistance tires and aerodynamic devices.

18. Phase 1 and 2 Heavy-Duty Vehicle GHG Standards

In September 2011, CARB has adopted a new regulation for GHG emissions from HDTs and engines sold in California. It establishes GHG emission limits on truck and engine manufacturers and harmonizes with the EPA rule for new trucks and engines nationally. Existing HD vehicle regulations in California include engine criteria emission standards, tractor-trailer GHG requirements to implement SmartWay strategies (i.e., the Heavy-Duty Tractor-Trailer Greenhouse Gas Regulation), and in-use fleet retrofit requirements such as the Truck and Bus Regulation. The EPA rule has compliance requirements for new compression and spark ignition engines, as well as trucks from Class 2b through Class 8. Compliance requirements begin with model year (MY) 2014 with stringency levels increasing through MY 2018. The rule organizes truck compliance into three groupings, which include a) HD pickups and vans; b) vocational vehicles; and c) combination tractors. The EPA rule does not regulate trailers.

CARB staff has worked jointly with the EPA and the NHTSA on the next phase of federal GHG emission standards for medium-duty trucks (MDT) and HDT vehicles, called federal Phase 2. The federal Phase 2 standards were built on the improvements in engine and vehicle efficiency required by the Phase 1 emission standards and represent a significant opportunity to achieve further GHG reductions for 2018 and later model year HDT vehicles, including trailers. But as discussed above, the EPA and NHTSA have proposed to roll back GHG and fuel economy standards for cars and light-duty trucks, which suggests a similar rollback of Phase 2 standards for MDT and HDT vehicles may be pursued.

19. Senate Bill No. 97 and the CEQA Guidelines Update

Passed in August 2007, SB 97 added Section 21083.05 to the Public Resources Code. The code states "(a) On or before July 1, 2009, the OPR shall prepare, develop, and transmit to the Resources Agency guidelines for the mitigation of GHG emissions or the effects of GHG emissions as required by this division, including, but not limited to, effects associated with transportation or energy consumption. (b) On or before January 1, 2010, the Resources Agency shall certify and adopt guidelines prepared and developed by the OPR pursuant to subdivision (a)."

On December 28, 2018, the Natural Resources Agency announced the Office of Administrative Law approved the amendments to the CEQA Guidelines for implementing the CEQA. The CEQA Amendments provide guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents. The CEQA Amendments fit within the existing CEQA framework by amending existing CEQA Guidelines to reference climate change.

Section 15064.3 was added the CEQA Guidelines and states that in determining the significance of a project's GHG emissions, the lead agency should focus its analysis on the reasonably foreseeable incremental contribution of the project's emissions to the effects of climate change. A project's incremental contribution may be cumulatively considerable even if it appears relatively small compared to statewide, national or global emissions. The agency's analysis should consider a timeframe that is appropriate for the project. The agency's analysis also must reasonably reflect evolving scientific knowledge and state regulatory schemes. Additionally, a lead agency may use a model or methodology to estimate GHG emissions resulting from a project. The lead agency has discretion to select the model or methodology it considers most appropriate to enable decision makers to intelligently take into account the project's incremental contribution to climate change. The lead agency must support its selection of a model or methodology with substantial evidence. The lead agency should explain the limitations of the particular model or methodology selected for use.

D. Local

1. City Of Victorville Climate Action Plan (CAP)

The City has prepared a CAP, which provides a framework for reducing GHG emissions and managing resources to best prepare for a changing climate. In order to determine consistency with the CAP, the City of Victorville provided Screening Tables to aid in measuring the reduction of GHG emissions attributable to certain design and construction measures incorporated into development projects. The CAP establishes categories of GHG reduction measures to reduce GHG emissions generated by development projects. CAP GHG reduction measure categories include: energy conservation, water use reduction, increased residential density or mixed uses, transportation management, and solid waste recycling. Within each category, individual sub-measures are assigned a point value under the City's GHG Measures Screening Table. The point values are adjusted according to the intensity of GHG reduction measure. "Modest" Measures that reduce GHG emissions by modest amounts are worth the least number of points; and enhanced GHG emissions reduction measures are worth the most points. Projects that yield at least 45 points are determined to be consistent with the CAP. As such, projects that achieve a total of 45 points or more do not require quantification of project specific GHG emissions and, consistent with CEQA Guidelines, such projects are considered to have a less than significant individual and cumulative impact on GHG emissions.

Moreover, projects that are consistent with an adopted CAP may be found to cause a less than significant impact under CEQA. (CEQA Guidelines § 15064(h)(3)). Projects that are consistent with adopted CAPs are also considered to support and would not conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. The

Project is substantiated herein to be consistent with the CAP. Project GHG emissions impacts on the environment are therefore considered less-than-significant. Additionally, because the Project is substantiated to be consistent with the CAP, the Project would not conflict with an applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases. Additionally, it should be noted that an update to the Screening Table is underway. The City along with other local jurisdictions has coordinated with San Bernardino County Transportation Authority (SBCTA) on an updated Screening Table, which is currently pending approval by SBCTA.

2. City of Victorville Greenhouse Gas Reduction Plan (GGRP)

To meet the intent of SB 32, the City is in the process of adopting the 2021 GGRP to implement General Plan policies focused on GHG emissions. The GGRP sets an aggressive goal to reduce GHG emissions by 55% below 2008 baseline GHG emission levels. In order to achieve this goal, the GGRP will require 100% of new industrial buildings to install on-site renewable electrical generation.

4.6.4 METHODOLOGY

In May 2021, the South Coast AQMD, in conjunction with the California Air Pollution Control Officers Association (CAPCOA) and other California air districts, released the latest version of the CalEEMod Version 2020.4.0. The purpose of this model is to calculate construction-source and operational-source criteria pollutants and GHG emissions from direct and indirect sources; and quantify applicable air quality and GHG reductions achieved from mitigation measures. Accordingly, the latest version of CalEEMod has been used for this Project to determine GHG emissions. Output from the model runs for construction and operational activity are provided in Appendices 3.1 through 3.3 of *Technical Appendix G*. CalEEMod includes GHG emissions from the following source categories: construction, area, energy, mobile, waste, water.

1. Project Construction Emissions

Construction is expected to commence in June 2023 and be completed in August 2024. The construction schedule utilized in the analysis, shown in Table 4.6-3, *Construction Duration*, represents a "worst-case" analysis scenario should construction occur any time after the respective dates since emission factors for construction decrease as time passes and the analysis year increases due to emission regulations becoming more stringent. The duration of construction activity and associated equipment represents a reasonable approximation of the expected construction fleet as required per CEQA Guidelines.

Table 4.6-3 Construction Duration

Phase Name	Start Date	End Date	Days
Site Preparation	06/01/2023	07/26/2023	40
Grading	07/27/2023	12/27/2023	110
Building Construction	12/28/2023	08/28/2024	175
Paving	05/16/2024	08/28/2024	75
Architectural Coating	01/18/2024	08/28/2024	160

Source: (Urban Crossroads, 2022d, Table 3-1)

2. Construction Equipment

Site specific construction fleet may vary due to specific project needs at the time of construction. The associated construction equipment was generally based on CalEEMod defaults, and the Project applicant has confirmed that the equipment list is reasonable for the Project's construction. A detailed summary of construction equipment assumptions by phase is provided at Table 4.6-4, *Construction Equipment*. For detailed modeling inputs/outputs, refer to Appendix 3.1 of *Technical Appendix G* of this EIR.

Table 4.6-4 Construction Equipment

Phase Name	Equipment	Number	Hours Per Day
Site Preparation	Crawler Tractors	9	8
	Rubber Tired Dozers	6	8
Grading	Crawler Tractors	6	8
	Excavators	6	8
	Graders	3	8
	Rubber Tired Dozers	3	8
	Scrapers	6	8
Building Construction	Cranes	3	8
	Crawler Tractors	9	8
	Forklifts	9	8
	Generator Sets	3	8
	Welders	3	8
Paving	Pavers	6	8
	Paving Equipment	6	8

	Rollers	6	8
Architectural Coating	Air Compressors	3	8

Source: (Urban Crossroads, 2022d. Table 3-2)

B. Project Operation Emissions

Operational activities associated with the proposed Project will result in emissions of CO_2, CH_4, and N_2O from the following primary sources: Area Source Emissions; Energy Source Emissions; Mobile Source Emissions; On-site Cargo Handling Equipment Emissions; Transportation Refrigeration Units (TRU) Emissions, Solid Waste; and Water Supply, Treatment, and Distribution.

1. Area Source Emissions

Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shedders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping of the Project. The emissions associated with landscape maintenance equipment were calculated based on assumptions provided in CalEEMod.

2. Energy Source Emissions

GHGs are emitted from buildings as a result of activities for which electricity and natural gas are typically used as energy sources. Combustion of any type of fuel emits CO_2 and other GHGs directly into the atmosphere; these emissions are considered direct emissions associated with a building; the building energy use emissions do not include street lighting[2]. GHGs are also emitted during the generation of electricity from fossil fuels; these emissions are considered to be indirect emissions. It should be noted that for the industrial components of the Project, CalEEMod default parameters were used.

3. Mobile Source

The Project related GHG emissions derive primarily from vehicle trips generated by the Project, including employee trips to and from the site and truck trips associated with the proposed uses. Trip characteristics available from the Traffic Assessment (*Technical Appendix K2*) were utilized in this analysis. The Project is expected to generate a total of approximately 2,124 two-way vehicular trips per day (1,062 inbound and 1,062 outbound) which includes 454 two-way truck trips per day (227 inbound and 227 outbound).

To determine emissions from passenger car vehicles, the CalEEMod defaults were utilized for trip length and trip purpose for the proposed industrial land uses. For the proposed industrial uses, it is

[2] The CalEEMod emissions inventory model does not include indirect emission related to street lighting. Indirect emissions related to street lighting are expected to be negligible and cannot be accurately quantified at this time as there is insufficient information as to the number and type of street lighting that would occur.

important to note that although the Traffic Assessment (*Technical Appendix K2*) does not breakdown passenger cars by type, this analysis assumes that passenger cars include Light-Duty-Auto vehicles (LDA), Light-Duty-Trucks (LDT1[3] & LDT2[4]), Medium-Duty-Vehicles (MDV), and Motorcycles (MCY) vehicle types.

To determine emissions from trucks for the proposed industrial uses, the analysis incorporated the SCAQMD recommended truck trip length of 40 miles[5] and an assumption of 100% primary trips for the proposed industrial land uses. In order to be consistent with the Traffic Assessment (*Technical Appendix K2*), trucks are broken down by truck type. The truck fleet mix is estimated by rationing the trip rates for each truck type based on information provided in the Traffic Assessment (*Technical Appendix K2*). Heavy trucks are broken down by truck type (or axle type) and are categorized as either Light-Heavy-Duty Trucks (LHDT1[6] & LHDT2 [7])/2-axle, Medium-Heavy-Duty Trucks (MHDT)/3-axle, and HHDT/4+-axle.

4. On-site Cargo Handling Equipment Emissions

It is common for warehouse buildings to require the operation of exterior cargo handling equipment in the building's truck court areas. For this particular Project, on-site modeled operational equipment includes up to four (4) 200 horsepower (hp), compressed natural gas or gasoline-powered tractors/loaders/backhoes operating at 4 hours a day for 365 days of the year.

5. TRU Emissions

In order to account for the possibility of refrigerated uses, trucks associated with the cold-storage land use are assumed to also have TRUs. Therefore, for modeling purposes 75 truck have the potential to include TRUs (approximately 33% of all trucks accessing the site). TRUs are accounted for during on-site and off-site travel. The TRU calculations are based on the 2017 Off-road Emissions model, version 1.0.1 (Orion), developed by the CARB. Orion does not provide emission rates per hour or mile as with the on-road emission model and only provides emission inventories. Emission results are produced in tons per day while all activity, fuel consumption and horsepower hours were reported at annual levels. The emission inventory is based on specific assumptions including the average horsepower rating of specific types of equipment and the hours of operation annually. These assumptions are not always consistent with assumptions used in the modeling of project level emissions. Therefore, the emissions inventory was converted into emission rates to accurately calculate emissions from TRU operation associated with project level details. This was accomplished by converting the annual horsepower

[3] Vehicles under the LDT1 category have a gross vehicle weight rating (GVWR) of less than 6,000 lbs. and equivalent test weight (ETW) of less than or equal to 3,750 lbs.
[4] Vehicles under the LDT2 category have a GVWR of less than 6,000 lbs. and ETW between 3,751 lbs. and 5,750 lbs.
[5] The average trip length for heavy trucks were based on the SCAQMD documents for the implementation of the Facility-Based Mobile Source Measures (FBMSMs) adopted in the 2016 AQMP. SCAQMD's "Preliminary Warehouse Emission Calculations" cites 39.9-mile trip length for heavy-heavy trucks. As a conservative measure, a trip length of 40 miles has been utilized for all trucks for the purpose of this analysis
6 Vehicles under the LHDT1 category have a GVWR of 8,501 to 10,000 lbs.
7 Vehicles under the LHDT2 category have a GVWR of 10,001 to 14,000 lbs.

hours to daily operational characteristics and converting the daily emission levels into hourly emission rates based on the total emission of each criteria pollutant by equipment type and the average daily hours of operation.

6. Solid Waste

Industrial land uses would result in the generation and disposal of solid waste. A percentage of this waste would be diverted from landfills by a variety of means, such as reducing the amount of waste generated, recycling, and/or composting. The remainder of the waste not diverted would be disposed of at a landfill. GHG emissions from landfills are associated with the anaerobic breakdown of material. GHG emissions associated with the disposal of solid waste associated with the proposed Project were calculated by CalEEMod using default parameters.

7. Water Supply, Treatment, and Distribution

Indirect GHG emissions result from the production of electricity used to convey, treat, and distribute water and wastewater. The amount of electricity required to convey, treat, and distribute water depends on the volume of water as well as the sources of the water. Unless otherwise noted, CalEEMod default parameters were used.

4.6.5 Basis for Determining Significance

In order to assess the significance of a proposed Project's environmental impacts it is necessary to identify quantitative or qualitative thresholds which, if exceeded, would constitute a finding of significance. As discussed above in Subsection 4.6.1, while estimated Project-related GHG emissions can be quantified, the direct impacts of such emissions on GCC and global warming cannot be determined on the basis of available science. There is no evidence at this time that would indicate that the emissions from a project the size of the proposed Project would directly or indirectly affect the global climate.

AB 32 states, in part, that "[g]lobal warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California." Because global warming is the result of GHG emissions, and GHGs are emitted by innumerable sources worldwide, the proposed Project would have no potential to result in a direct impact to global warming; rather, Project-related contributions to GCC, if any, only have potential significance on a cumulative basis. Therefore, the analysis below focuses on the Project's potential to contribute to GCC in a cumulatively considerable way.

Section VIII of Appendix G to the CEQA Guidelines indicate that a project would result in a significant impact on climate change if a project were to:

- *Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?*

- *Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?*

A numerical threshold for determining the significance of GHG emissions in the MDAB has not been established by the Mojave Desert AQMD for Projects where it is not the lead agency. As an interim threshold based on guidance provided in the CAPCOA CEQA and Climate Change handbook, the City has opted to use a non-zero threshold approach based on Approach 2 of the handbook. Threshold 2.5 (Unit-Based Thresholds Based on Market Capture) establishes a numerical threshold based on capture of approximately 90% of emissions from future development. The latest threshold developed by Mojave Desert AQMD using this method is 3,000 $MTCO_2e$/yr for all projects.

4.6.6 IMPACT ANALYSIS

Threshold a: ***Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?***

A. Project Construction GHG Emissions

For construction phase Project emissions, GHGs are quantified and amortized over the life of the Project. Mojave Desert AQMD follows the South Coast AQMD 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. The amortized construction emissions are presented in Table 4.6-5, *Amortized Annual Construction Emissions*.

Table 4.6-5 Amortized Annual Construction Emissions

Year	Emissions (MT/yr)			
	CO_2	CH_4	N_2O	Total CO_2e[1]
2023	2,348.82	0.45	0.17	2,409.75
2024	2,201.82	0.36	0.06	2,229.77
Total GHG Emissions	4,550.63	0.81	0.23	4,639.52
Amortized Construction Emissions ($MTCO_2e$)	**151.69**	**0.03**	**0.01**	**154.65**

[1] CalEEMod reports the most common GHGs emitted which include CO_2, CH_4, and N_2O. These GHGs are then converted into the CO_2e by multiplying the individual GHG by the GWP.
Source: (Urban Crossroads, 2022d. Table 3-3)

B. Project Operation GHG Emissions

As discussed above, the Project would have the potential to generate greenhouse gas emissions during construction and operation. The annual GHG emissions associated with the operation of the Project are estimated as summarized in Table 4.6-6, *Project GHG Emissions Summary*. As shown, the Project

would result in approximately 13,041.59 $MTCO_2e$/yr. As such, the Project would exceed the Mojave Desert AQMD's numeric threshold of 3,000 $MTCO_2e$/yr, and impacts would be potentially significant.

Table 4.6-6 Project GHG Emissions Summary

Emission Source	Emissions (MT/yr)			
	CO_2	CH_4	N_2O	Total CO_2e
Annual construction-related emissions amortized over 30 years	151.69	0.03	0.01	154.65
Area Source	0.07	1.70E-04	0.00	0.07
Energy Source	2,104.55	0.14	0.03	2,115.47
Mobile Source	8,784.21	0.35	1.14	9,132.69
TRUs Source				200.74
On-Site Equipment Source	203.08	0.07	0.00	204.72
Waste Source	190.15	11.24	0.00	471.08
Water Usage Source	519.43	7.55	0.18	762.16
Total CO_2e (All Sources)	**13,041.59**			

Source: (Urban Crossroads, 2022d. Table 3-6)

Threshold b: ***Would the Project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?***

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 2024. As such the 2008 Scoping Plan does not apply and consistency with the 2017 Scoping Plan is relevant.

A. SB 32/2017 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. Table 4.6-7, *2017 Scoping Plan Consistency*, summarizes the Project's consistency with the 2017 Scoping Plan. As summarized, the Project will not conflict with any of the provisions of the Scoping Plan and in fact supports seven of the action categories.

Table 4.6-7 2017 Scoping Plan Consistency

Action	Responsible Parties	Consistency
Implement SB 350 by 2030		
Increase the Renewables Portfolio Standard to 50% of retail sales by 2030 and ensure grid reliability.	CPUC, CEC, CARB	**No conflict.** The Project would use energy from Southern California Edison (SCE). SCE has committed to diversify its portfolio of energy sources by increasing energy from wind and solar sources. The Project would not interfere with or obstruct SCE energy source diversification efforts.
Establish annual targets for statewide energy efficiency savings and demand reduction that will achieve a cumulative doubling of statewide energy efficiency savings in electricity and natural gas end uses by 2030.		**No conflict.** The Project would be constructed in compliance with current California Building Code requirements. Specifically, new buildings must achieve compliance with 2019 Building and Energy Efficiency Standards and the 2019 California Green Building Standards requirements. The proposed Project includes energy efficient field lighting and fixtures that meet the current Title 24 Standards throughout the Project Site and would be a modern development with energy efficient boilers, heaters, and air conditioning systems.
Reduce GHG emissions in the electricity sector through the implementation of the above measures and other actions as modeled in Integrated Resource Planning (IRP) to meet GHG emissions reductions planning targets in the IRP process. Load-serving entities and publicly- owned utilities meet GHG emissions reductions planning targets through a combination of measures as described in IRPs.		
Implement Mobile Source Strategy (Cleaner Technology and Fuels)		
At least 1.5 million zero emission and plug-in hybrid light-duty EVs by 2025.	CARB, California State Transportation Agency (CalSTA), Strategic Growth Council (SGC), California Department of Transportation (Caltrans), CEC, OPR, Local Agencies	**No conflict.** This is a CARB Mobile Source Strategy. The Project would not obstruct or interfere with CARB zero emission and plug-in hybrid light-duty EV 2025 targets. As this is a CARB enforced standard, vehicles that access the Project are required to comply with the standards and will therefore comply with the strategy.
At least 4.2 million zero emission and plug-in hybrid light-duty EVs by 2030.		**No conflict.** This is a CARB Mobile Source Strategy. The Project would not obstruct or interfere with CARB zero emission and plug-in hybrid light-duty EV 2030 targets. As this is a CARB enforced standard, vehicles that access the Project are required to comply with the standards and will therefore comply with the strategy.

Action	Responsible Parties	Consistency
Further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean cars regulations.		**No conflict.** This is a CARB Mobile Source Strategy. The Project would not obstruct or interfere with CARB efforts to further increase GHG stringency on all light-duty vehicles beyond existing Advanced Clean cars regulations. As this is a CARB enforced standard, vehicles that access the Project are required to comply with the standards and will therefore comply with the strategy.
Medium- and Heavy-Duty GHG Phase 2.		**No conflict.** This is a CARB Mobile Source Strategy. The Project would not obstruct or interfere with CARB efforts to implement Medium- and Heavy-Duty GHG Phase 2. As this is a CARB enforced standard, vehicles that access the Project are required to comply with the standards and will therefore comply with the strategy.
Innovative Clean Transit: Transition to a suite of to-be-determined innovative clean transit options. Assumed 20% of new urban buses purchased beginning in 2018 will be zero emission buses with the penetration of zero-emission technology ramped up to 100% of new sales in 2030. Also, new natural gas buses, starting in 2018, and diesel buses, starting in 2020, meet the optional heavy-duty low-NO_X standard.		**Not applicable.** This measure is not within the purview of this Project.
Last Mile Delivery: New regulation that would result in the use of low NO_X or cleaner engines and the deployment of increasing numbers of zero-emission trucks primarily for class 3-7 last mile delivery trucks in California. This measure assumes ZEVs comprise 2.5% of new Class 3–7 truck sales in local fleets starting in 2020, increasing to 10% in 2025 and remaining flat through 2030.		**Not applicable.** This Project is not responsible for implementation of SB 375 and would therefore not conflict with this measure.
Further reduce VMT through continued implementation of SB 375 and regional Sustainable Communities Strategies; forthcoming statewide implementation of SB 743; and potential additional VMT reduction strategies not specified in the Mobile Source Strategy but included in the		**No conflict.** This Project would not obstruct or interfere with implementation of SB 375 and would therefore not conflict with this measure.

Action	Responsible Parties	Consistency
document "Potential VMT Reduction Strategies for Discussion."		
Increase stringency of SB 375 Sustainable Communities Strategy (2035 targets).	CARB	**Not applicable.** The Project is not within the purview of SB 375 and would therefore not conflict with this measure.
Harmonize project performance with emissions reductions and increase competitiveness of transit and active transportation modes (e.g. via guideline documents, funding programs, project selection, etc.).	CalSTA, SGC, OPR, CARB, Governor's Office of Business and Economic Development (GO-Biz), California Infrastructure and Economic Development Bank (IBank), Department of Finance (DOF), California Transportation Commission (CTC), Caltrans	**No conflict.** The Project would not obstruct or interfere with agency efforts to harmonize transportation facility project performance with emissions reductions and increase competitiveness of transit and active transportation modes.
By 2019, develop pricing policies to support low-GHG transportation (e.g. low-emission vehicle zones for heavy duty, road user, parking pricing, transit discounts).	CalSTA, Caltrans, CTC, OPR, SGC, CARB	**No conflict.** The Project would not obstruct or interfere with agency efforts to develop pricing policies to support low-GHG transportation.
Implement California Sustainable Freight Action Plan		
Improve freight system efficiency.	CalSTA, CalEPA, CNRA, CARB, Caltrans, CEC, GO-Biz	**No conflict.** This measure would apply to all trucks accessing the Project sites, this may include existing trucks or new trucks that are part of the statewide goods movement sector. The Project would not obstruct or interfere with agency efforts to Improve freight system efficiency.

Action	Responsible Parties	Consistency
Deploy over 100,000 freight vehicles and equipment capable of zero emission operation and maximize both zero and near-zero emission freight vehicles and equipment powered by renewable energy by 2030.		**Not applicable.** This measure is not within the purview of this Project.
Adopt a Low Carbon Fuel Standard with a Carbon Intensity reduction of 18%.	CARB	**No conflict.** When adopted, this measure would apply to all fuel purchased and used by the Project in the state. The Project would not obstruct or interfere with agency efforts to adopt a Low Carbon Fuel Standard with a Carbon Intensity reduction of 18%.
Implement the Short-Lived Climate Pollutant Strategy (SLPS) by 2030		
40% reduction in methane and hydrofluorocarbon emissions below 2013 levels.	CARB, CalRecycle, CDFA, California State Water Resource Control Board (SWRCB), Local Air Districts	**Not applicable.** This measure is not within the purview of this Project.
50% reduction in black carbon emissions below 2013 levels.		
By 2019, develop regulations and programs to support organic waste landfill reduction goals in the SLCP and SB 1383.	CARB, CalRecycle, CDFA, SWRCB, Local Air Districts	**Not applicable.** This measure is not within the purview of this Project.
Implement the post-2020 Cap-and-Trade Program with declining annual caps.	CARB	**No conflict.** The Project would be required to comply with any applicable Cap-and-Trade Program provisions. The Project would not obstruct or interfere agency efforts to implement the post-2020 Cap-and-Trade Program.
By 2018, develop Integrated Natural and Working Lands Implementation Plan to secure California's land base as a net carbon sink		
Protect land from conversion through conservation easements and other incentives.	CNRA, Departments Within CDFA, CalEPA, CARB	**Not applicable.** This measure is not within the purview of this Project. However, the Project site is not an identified property that needs to be conserved.
		Not applicable. This measure is not within the purview of this Project. The majority of the site is already currently developed.

Action	Responsible Parties	Consistency
Increase the long-term resilience of carbon storage in the land base and enhance sequestration capacity		
Utilize wood and agricultural products to increase the amount of carbon stored in the natural and built environments		**No conflict.** To the extent appropriate for the proposed industrial buildings, wood products would be used in construction, including for the roof structure. Additionally, the proposed project includes landscaping, including.
Establish scenario projections to serve as the foundation for the Implementation Plan		**Not applicable.** This measure is not within the purview of this Project.
Implement Forest Carbon Plan	CNRA, California Department of Forestry and Fire Protection (CAL FIRE), CalEPA and Departments Within	**Not applicable.** This measure is not within the purview of this Project.
Identify and expand funding and financing mechanisms to support GHG reductions across all sectors.	State Agencies & Local Agencies	**Not applicable.** This measure is not within the purview of this Project.

Source: (Urban Crossroads, 2022d. Table 3-7)

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.

B. CAP Consistency

The Project will be required to achieve a minimum 45 points per the City's Screening Tables and is therefore consistent with the City of Victorville's adopted CAP (see Mitigation Measure 4.6-3, below). As noted previously, the updated Screening Table is currently pending approval from SBCTA; however, the Project conforms to the current table and the Scoping Plan.

Impacts regarding the Project's consistency with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of GHG emissions and generation of GHG emissions were determined to be less than significant. However, despite plan consistency, the Project's long-term

operational GHG emissions would exceed the significance threshold of 3,000 $MTCO_2e$ per year. Therefore, impacts would be potentially significant.

4.6.7 Cumulative Impact Analysis

GCC occurs as the result of global emissions of GHGs. An individual project such as the proposed Project does not have the potential to result in direct and significant GCC-related effects in the absence of cumulative sources of GHGs. The CEQA Guidelines also emphasize that the effects of GHG emissions are cumulative, and should be analyzed in the context of CEQA's requirements for cumulative impacts analysis (See CEQA Guidelines § 15130[f]).

Accordingly, the Project-specific impact analysis provided above reflects a cumulative impact analysis of the Project's GHG emissions, and concludes that the Project would not conflict with an applicable GHG-reduction plans, policies, or regulations but would generate cumulatively considerable GHG emissions that may have a significant impact on the environment because the Project would exceed the Mojave Desert AQMD's GHG emissions threshold of 3,000 $MTCO_2e$ per year.

4.6.8 Significance of Impacts Before Mitigation

Threshold a: Potentially Significant. The Project will result in approximately 13,041.59 MT CO_2e/yr and would exceed the Mojave Desert AQMD threshold of 3,000 MT CO_2e per year. Thus, Project-related emissions would have a significant direct or indirect impact on GHG and climate change.

Threshold b: Potentially Significant. The Project would not conflict with the 2017 Scoping Plan Update, the City's CAP, nor any other applicable plan, policy, or regulation of an agency adopted for the purposes of reducing the emissions of GHGs. However, despite plan consistency, the Project's long-term operational GHG emissions would exceed the significance threshold of 3,000 $MTCO_2e$ per year.

4.6.9 Mitigation

Mobile source emissions are controlled by the State and federal governments. Neither the Project Applicant nor the Lead Agency (City of Victorville) can substantively or materially affect reductions in Project mobile-source emissions beyond the regulatory requirements.

MM 4.6-1 Prior to the issuance of a building permit, the site plan shall include surface parking lots to provide parking for low-emitting, fuel-efficient, and carpool/van vehicles. At minimum, the number of preferential parking spaces shall equal to the Tier 2 Nonresidential Voluntary Measures of CALGreen Section A5.106.5.1.2.

MM 4.6-2 Prior to the issuance of a building permit, the site plan shall include the minimum number of automobile electric vehicle (EV) charging stations required by the CCR Title 24. Final designs of Project buildings shall include electrical infrastructure

sufficiently sized to accommodate the potential installation of additional auto and truck EV charging stations.

MM 4.6-3 The Project shall implement Screening Table Measures providing for a minimum 45 points per the City's CAP Screening Tables. The City shall verify incorporation of the identified Screening Table Measures or equivalent replacement measures within the Project building plans and site designs prior to the issuance of building permit(s) and/or site plans (as applicable). An example of how the Project could achieve a minimum of 45 Screening Table Points is provided in Table 4.6-8. The Project would not be required or limited to these specific measures as long as the Project demonstrates a minimum of 45 points would be achieved.

Table 4.6-8 CAP Consistency

Feature	Description	Points
Windows	Enhanced Window Insulation (0.32 U-factor, 0.25 SHGC)	8
Thermal Storage of Building	Modest Thermal Mass (10% of floor or 10% of walls 12" or more thick exposed concrete or masonry with no permanently installed floor covering such as carpet, linoleum, wood or other insulating materials)	4
Space Heating/Cooling Equipment	High Efficiency HVAC (EER 15/80% AFUE or 8.5 HSPF)	8
Water Heaters	Improved Efficiency Water Heater (0.675 Energy Factor)	14
Photovoltaic	Solar Ready Roofs (sturdy roof and electrical hookups)	2
Water Efficient Landscaping	Only California Native landscape that requires no or only supplemental irrigation	8
Water Efficient Irrigation Systems	Weather based irrigation control systems combined with drip irrigation (demonstrate 20% reduced water)	5
Toilets	Waterless Efficient Toilets/Urinals (1.5gpm)	3
Faucets	Water Efficient faucets (1.28 gpm)	3
Electric Vehicle (EV)	Provide public charging station for use by an electric vehicle (ten points for each charging station within the facility).	10
	Total Points Earned by Commercial/Industrial Project	**65**

Source: (Urban Crossroads, 2022d. Table ES-2)

4.6.10 Significance of Impacts After Mitigation

Threshold a and b: Significant and Unavoidable. Project operational-source GHG emissions would exceed applicable Mojave Desert AQMD numeric threshold and are therefore considered significant and unavoidable. Neither the Project Applicant nor the Lead Agency (City of Victorville) can substantively or materially affect reductions in Project mobile-source emissions beyond the regulatory requirements. As such, although mitigation measures MMs 4.6-1 through 4.6-3 are required to reduce impacts to the maximum extent feasible, Project operational-source GHG emissions exceedances of applicable Mojave Desert AQMD numeric thresholds would remain significant and unavoidable.

4.7 HAZARDS AND HAZARDOUS MATERIALS

The following analysis is based on information obtained from the *Phase I Environmental Site Assessment* (*Technical Appendix H*) that was prepared for the Project by Partner Engineering and Science (Partner), dated November 20, 2018 (Partner, 2018). This Subsection also is based on information contained in the City of Victorville General Plan. All references used in this Subsection are listed in EIR Section 7.0, *References*.

For the purposes of this EIR, the term "toxic substance" is defined as a substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may present an unreasonable risk of injury to human health or the environment. Toxic substances include chemical, biological, flammable, explosive, and radioactive substances.

For purposes of this EIR, the term "hazardous material" is defined as a substance which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may: 1) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, disposed of, or otherwise mismanaged; or 2) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating illness. Hazardous waste is defined in the California Code of Regulations, Title 22, § 66261.3. The defining characteristics of hazardous waste are: ignitability (oxidizers, compressed gases, and extremely flammable liquids and solids), corrosivity (strong acids and bases), reactivity (explosives or generates toxic fumes when exposed to air or water), and toxicity (materials listed by the United States Environmental Protection Agency (USEPA) as capable of inducing systemic damage to humans or animals). Certain wastes are called "Listed Wastes" and are found in the California Code of Regulations, Title 22, §§ 66261.30 through 66261.35. Wastes appear on the lists because of their known hazardous nature or because the processes that generate them are known to produce hazardous wastes (which are often complex mixtures).

4.7.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were received after the NOP period or made during the EIR Scoping Meeting that pertain to hazards and/or hazardous materials.

4.7.2 ENVIRONMENTAL SETTING

A. Historical Review, Regulatory Review, and Field Reconnaissance

Information from standard federal, state, county, and city environmental record sources were provided by EDR. Data from governmental agency lists are updated and integrated into one database, which is updated as these data are released. The information contained in this report was compiled from publicly available sources and the locations of the sites are plotted utilizing a geographic information system, which geocodes the site addresses. A detailed description of the results of the regulatory records review is summarized below.

The Project site is not identified in the regulatory database report; however, there are two properties adjacent to the Project site which are listed in the databases. One of these properties, identified as Complete Trucking at 17384 Terra Linda, is located adjacent to the north of the Project site. This site is listed as a San Bernardino County Permit Site for hazardous materials use and storage, and as a small quantity generator of hazardous wastes. The types of wastes were not listed by EDR. The site was not listed for releases, investigations, or cleanups. Based on the regulatory oversight and the absence of reported releases, this listing is not expected to represent a significant environmental concern and it is unlikely that a regulatory file review for this site would alter the findings of this assessment (Partner, 2018).

The other property identified as adjacent to the Project site listed in the database is identified as Sagebrush Properties Inc/ Foxborough at 13243 Nutro Way, is located adjacent to the south of the Project site. This site is listed on the Resource Conservation and Recovery Act - Small Quantity Generators (RCRA-SQG), Facility Index System (FINDS), Enforcement and Compliance History Online (ECHO), Waste Manifest Data (HAZNET), National Pollutant Discharge Elimination System Permit (NPDES), and as a San Bernardino County Permit site. The RCRA-SQG, FINDS, ECHO, San Bernardino County Permit and HAZNET listings indicate the site generated hazardous wastes, waste oil and mixed oil, unspecified aqueous solution, and ignitable wastes in 2005. The NPDES listing was issued in 2015 related to construction work; the permit status is listed as expired. The site was not listed for releases, investigations, or cleanups. Based on the regulatory oversight and the absence of reported releases, this listing is not expected to represent a significant environmental concern (Partner, 2018).

There are no sites of concern or orphan listings identified in the regulatory database report (Partner, 2018). A copy of regulatory database report is included in *Appendix C* of *Technical Appendix H*.

B. Historical Records

As part of the Phase I Environmental Site Assessment, Partner also conducted a review of historical topographic maps, historical aerial photographs, and city directories to evaluate whether historical uses at the Project site and/or surrounding properties pose any potential adverse environmental effects with respect to the Project site. Refer to EIR *Technical Appendix H* for a detailed description of the historical research methodology, and results of this research.

The Project site is first observed in 1953 as undeveloped land, at which time the railroad to the east was present. The Project site was first developed in 1959 in the northeast corner with a small structure and other improvements. An additional structure was built between 1968 and 1975 at the northwest corner of the site, with more development occurring this area visible by 1984. The development on the northwest corner was removed some time prior to 1994, except for one structure. The remaining structure was removed between 2012 and 2016 (Partner, 2018).

C. Past Uses

Previous environmental reports conducted on the Project site in 2005, 2006, 2007, and 2018 identified historical developments and commercial operations on the Project site that reported environmental concerns. Stained soil and one leaking drum labeled motor oil were observed where motor oil, anti-freeze, hydraulic fluid, and transmission fluid were stored in 55-gallon drums. Limited soil investigations conducted in 2006 and 2007 found petroleum hydrocarbons in soils in the vicinity of the drum storage in the east-central portion of APN:3090-401-08 at concentrations of 15,000 milligrams per kilogram (mg/kg) to 21,000 mg/kg at 0.5 feet. The third shallow soil sample had a low Total Recoverable Petroleum Hydrocarbons (TRPH) concentration of 66 mg/kg and TRPH was not detected in the 2.5-3 foot soil samples. Automobiles, automotive parts, automotive fluids, and miscellaneous debris were observed throughout the yard area of the former residence on the northeastern parcels of the Project site. Minor to moderate soil staining was observed throughout the parcels. More significant soil stains were identified in five areas on APN:3090-531-04.

In 2006, impacted soils on the Project site were removed. Approximately 9 tons of impacted soil were transported for offsite disposal. In 2007, approximately 18 tons of impacted soil were excavated from the Project site and removed for offsite disposal. Five confirmation soil samples were collected from the bottoms of the deepest and most extensive excavations. Petroleum hydrocarbons were not detected in the five confirmation soil samples.

In February 2018, five soil samples were collected from two parcels (APNs:3090-411-04 and 3090-551-07) from a depth of approximately 0.5 feet to one foot. Analysis of the soil samples found petroleum hydrocarbons at concentrations ranging from 14,000 to 42,000 mg/kg. Where sampled, hydrocarbon concentrations decreased in samples collected from a depth of approximately 6-inches and were not detected in samples collected at a depth of one foot.

In May 2018, 70 tons of impacted soils were removed from APN:3090-441-04 and 100 tons were removed from APN:3090-551-07. Eleven confirmation samples were collected at various locations throughout the two excavated areas. Analytical results did not indicate detections above the laboratory Practical Quantitation Limits (PQLs). It was concluded that the impacted soils were determined to have been excavated and removed from the site and no additional investigation was recommended.

Impacted soils associated with the former use and activities conducted at the Project site have been removed. Soil sampling following removal did not indicate detections above the laboratory PQLs. Therefore, the past uses do not represent a significant environmental concern for the Project site.

D. Site Reconnaissance

Reconnaissance was conducted on the Project site on November 16, 2018. Refer to Section 6.0 of the *Phase I Environmental Site Assessment*, contained in EIR *Technical Appendix H* for a detailed discussion of the methodology employed during reconnaissance.

No potential environmental concerns were identified during the onsite reconnaissance. Observations were made for the following general site characteristics, none of which were discovered: solid waste disposal; sewage discharge and disposal; surface water drainage; sources of heating and cooling; wells and cisterns; wastewater; or septic systems. Observations were also made for the following potential environmental hazards, none of which were discovered: hazardous substances or petroleum products; aboveground and underground hazardous substance or petroleum product storage tanks (ASTs/USTs); evidence of releases; polychlorinated biphenyls (PCBs); strong, pungent, or noxious odors; pools of liquid; drains, sumps, or clarifiers; pits, ponds, or lagoons; and stressed vegetation. Observations were also made for the following non-ASTM services, none of which were discovered: asbestos-containing materials (ACMs); lead-based paint (LBP); radon; lead; and mold (Partner, 2018).

A reconnaissance of the adjacent property was conducted by making observations from the Project site boundaries. No items of environmental concern were identified on the adjacent properties during the site assessment, including hazardous substances, petroleum products, ASTs, USTs, evidence of releases, PCBs, strong or noxious odors, pools of liquids, sumps or clarifiers, pits or lagoons, stressed vegetation, or any other potential environmental hazards (Partner, 2018).

E. Airport Hazards

The Project site is not located within an Airport Influence Area (AIA). The nearest airports to the Project site include the Southern California Logistics Airport (approximately 7.3 miles northwest of the Project site), the Apple Valley Airport (approximately 7.8 miles northeast of the Project site), the Hesperia Airport (approximately 8.0 miles south of the Project site), and the Adelanto Airport (located approximately 10.1 miles northeast of the Project site) (Google Earth Pro, 2022).

F. Wildland Fire Hazards

The Project site is not located near wildlands that would present a fire hazard. Additionally, the Project site is not located within a fire hazard severity zone (CalFire, 2022).

4.7.3 REGULATORY FRAMEWORK

The following is a brief description of the federal, state, and local environmental laws and related regulations related to hazards and hazardous materials.

A. Federal Regulations

- ❑ Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and Superfund Amendments and Reauthorization Act (SARA)

The Comprehensive Environmental Response, Compensation, and Liability Act, also known as CERCLA or Superfund, provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, the Environmental Protection Agency (EPA)

was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. EPA cleans up orphan sites when potentially responsible parties cannot be identified or located, or when they fail to act. Through various enforcement tools, EPA obtains private party cleanup through orders, consent decrees, and other small party settlements. EPA also recovers costs from financially viable individuals and companies once a response action has been completed. (EPA, 2022g)

EPA is authorized to implement the Act in all 50 states and U.S. territories. Superfund site identification, monitoring, and response activities in states are coordinated through the state environmental protection or waste management agencies. (EPA, 2022g)

The Superfund Amendments and Reauthorization Act (SARA) of 1986 reauthorized CERCLA to continue cleanup activities around the country. Several site-specific amendments, definitions clarifications, and technical requirements were added to the legislation, including additional enforcement authorities. Also, Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA). (EPA, 2022g)

- ❑ Resource Conservation and Recovery Act (RCRA)

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from the "cradle-to-grave." This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. (EPA, 2022h)

The Federal Hazardous and Solid Waste Amendments (HSWA) are the 1984 amendments to RCRA that focused on waste minimization and phasing out land disposal of hazardous waste as well as corrective action for releases. Some of the other mandates of this law include increased enforcement authority for EPA, more stringent hazardous waste management standards, and a comprehensive underground storage tank program. (EPA, 2022h)

- ❑ Hazardous Materials Transportation Act (HMTA)

The Hazardous Materials Transportation Act of 1975 (HMTA) empowered the Secretary of Transportation to designate as hazardous material any "particular quantity or form" of a material that "may pose an unreasonable risk to health and safety or property." (OSHA, n.d.)

Hazardous materials regulations are subdivided by function into four basic areas:

- Procedures and/or Policies 49 CFR Parts 101, 106, and 107
- Material Designations 49 CFR Part 172
- Packaging Requirements 49 CFR Parts 173, 178, 179, and 180
- Operational Rules 49 CFR Parts 171, 173, 174, 175, 176, and 177 (OSHA, n.d.)

The HMTA is enforced by use of compliance orders [49 U.S.C. 1808(a)], civil penalties [49 U.S.C. 1809(b)], and injunctive relief (49 U.S.C. 1810). The HMTA (Section 112, 40 U.S.C. 1811) preempts state and local governmental requirements that are inconsistent with the statute, unless that requirement affords an equal or greater level of protection to the public than the HMTA requirement. (OSHA, n.d.)

- ❑ Hazardous Materials Transportation Uniform Safety Act of 1990

In 1990, Congress enacted the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) to clarify the maze of conflicting state, local, and federal regulations. Like the HMTA, the HMTUSA requires the Secretary of Transportation to promulgate regulations for the safe transport of hazardous material in intrastate, interstate, and foreign commerce. The Secretary also retains authority to designate materials as hazardous when they pose unreasonable risks to health, safety, or property. (OSHA, n.d.)

The statute includes provisions to encourage uniformity among different state and local highway routing regulations, to develop criteria for the issuance of federal permits to motor carriers of hazardous materials, and to regulate the transport of radioactive materials. (OSHA, n.d.)

- ❑ Occupational Safety and Health Act (OSHA)

Congress passed the Occupational and Safety Health Act (OSHA) to ensure worker and workplace safety. Their goal was to make sure employers provide their workers a place of employment free from recognized hazards to safety and health, such as exposure to toxic chemicals, excessive noise levels, mechanical dangers, heat or cold stress, or unsanitary conditions. (EPA, 2021c)

In order to establish standards for workplace health and safety, the Act also created the National Institute for Occupational Safety and Health (NIOSH) as the research institution for OSHA. OSHA is a division of the U.S. Department of Labor that oversees the administration of the Act and enforces standards in all 50 states. (EPA, 2021c)

- ❑ Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. Certain substances are generally excluded from TSCA, including, among others, food, drugs, cosmetics, and pesticides. TSCA addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon, and lead-based paint. (EPA, 2021d)

Various sections of TSCA provide authority to:

- Require, under Section 5, pre-manufacture notification for "new chemical substances" before manufacture
- Require, under Section 4, testing of chemicals by manufacturers, importers, and processors where risks or exposures of concern are found
- Issue Significant New Use Rules (SNURs), under Section 5, when it identifies a "significant new use" that could result in exposures to, or releases of, a substance of concern.
- Maintain the TSCA Inventory, under Section 8, which contains more than 83,000 chemicals. As new chemicals are commercially manufactured or imported, they are placed on the list.
- Require those importing or exporting chemicals, under Sections 12(b) and 13, to comply with certification reporting and/or other requirements.
- Require, under Section 8, reporting and record-keeping by persons who manufacture, import, process, and/or distribute chemical substances in commerce.
- Require, under Section 8(e), that any person who manufactures (including imports), processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture presents a substantial risk of injury to health or the environment to immediately inform EPA, except where EPA has been adequately informed of such information. EPA screens all TSCA b§8(e) submissions as well as voluntary "For Your Information" (FYI) submissions. The latter are not required by law, but are submitted by industry and public interest groups for a variety of reasons. (EPA, 2021d)

B. State Regulations

❑ Cal/OSHA and the California State Plan

Under an agreement with OSHA, since 1973 California has operated an occupational safety and health program in accordance with Section 18 of the federal OSHA. The State of California's Department of Industrial Relations administers the California Occupational Safety and Health Program, commonly referred to as Cal/OSHA. The State of California's Division of Occupational Safety and Health (DOSH) is the principal agency that oversees plan enforcement and consultation. In addition, the California State program has an independent Standards Board responsible for promulgating State safety and health standards, and reviewing variances. It also has an Appeals Board to adjudicate contested citations and the Division of Labor Standards Enforcement to investigate complaints of discriminatory retaliation in the workplace. (OSHA, n.d.)

Pursuant to 29 CFR 1952.172, the California State Plan applies to all public and private sector places of employment in the state, with the exception of federal employees, the United States Postal Service,

private sector employers on Native American lands, maritime activities on the navigable waterways of the United States, private contractors working on land designated as exclusively under federal jurisdiction and employers that require federal security clearances. Cal/OSHA is the only agency in the state authorized to adopt, amend, or repeal occupational safety and health standards or orders. In addition, the Standards Board maintains standards for certain things not covered by federal standards or enforcement, including: elevators, aerial passenger tramways, amusement rides, pressure vessels and mine safety training. The Cal/OSHA enforcement unit conducts inspections of California workplaces in response to a report of an industrial accident, a complaint about an occupational safety and health hazard, or as part of an inspection program targeting industries with high rates of occupational hazards, fatalities, injuries or illnesses. (OSHA, n.d.)

- California Hazardous Waste Control Law

The Hazardous Waste Control Law (HWCL) (Health and Safety Code [HSC], Division 20, Chapter 6.5, Section 25100, et seq.) is the primary hazardous waste statute in California. The HWCL implements RCRA as a "cradle-to-grave" waste management system in the state. It specifies that generators have the primary duty to determine whether their wastes are hazardous and to ensure its proper management. The HWCL also establishes criteria for the reuse and recycling of hazardous wastes used or reuse as raw materials. The HWCL exceeds federal requirements by mandating source reduction planning and broadening requirements for permitting facilities that treat hazardous waste. It also regulates a number of waste types and waste management activities not covered by federal law (RCRA). (CA Legislative Info, n.d.)

- California Code of Regulations (CCR), Titles 22 and 26

A variety of California Code of Regulation (CCR) titles address regulations and requirements for generators of hazardous waste. Title 22 contains detailed compliance requirements for hazardous waste generators, transporters, and facilities for treatment, storage, and disposal. Because California is a fully-authorized state according to RCRA, most regulations (i.e., 40 CFR 260, et seq.) have been duplicated and integrated into Title 22. However, because the Department of Toxic Substances Control (DTSC) regulates hazardous waste more stringently than the EPA, the integration of state and federal hazardous waste regulations that make up Title 22 does not contain as many exemptions or exclusions as does 40 CFR 260. As with the HSC, Title 22 also regulates a wider range of waste types and waste management activities than does RCRA. To aid the regulated community, California has compiled hazardous materials, waste, and toxics-related regulations from CCR, Titles 3, 8, 13, 17, 19, 22, 23, 24 and 27 into one consolidated listing: CCR Title 26 (Toxics). However, the hazardous waste regulations are still commonly referred to collectively as "Title 22." (DTSC, n.d.; DTSC, 2019)

C. Local

1. City of Victorville General Plan

The General Plan identifies goals related to hazards and hazardous materials in the Safety Element. These goals and policies and a discussion of the Project's consistency are discussed in Table 4.9-1, *General Plan Consistency Analysis*, in EIR Subsection 4.9, *Land Use and Planning*, of this Draft EIR.

2. City of Victorville Local Hazard Mitigation Plan

The City of Victorville Local Hazard Mitigation Plan (LHMP) is a plan that the City reviews, monitors, and updates approximately every five years to reflect changing conditions and new information regarding hazards faced by the City. The most current version is dated January 2022. The LMHP assesses the natural caused risks to City so as to reduce the potential impact of the hazards by creating mitigation strategies. The LHMP represents the City's commitment to create a safer, more resilient community by taking actions to reduce risks and by committing resources to lessen the effects of hazards on the people and property of the City. (Victorville, 2022)

4.7.4 METHODOLOGY

A Phase I ESA was prepared in accordance with the scope of work and limitations of ASTM Standard Practice E1527-13, the Environmental Protection Agency Standards and Practices for All Appropriate Inquiries (AAI) (40 CFR Part 312) for the Project site. The assessment included: 1) a property and adjacent site reconnaissance; 2) interviews with key personnel; 3) a review of historical sources; 4) a review of regulatory agency records; and 5) a review of a regulatory database report provided by a third-party vendor.

4.7.5 BASIS FOR DETERMINING SIGNIFICANCE

Section VIII of Appendix G to the CEQA Guidelines addresses typical adverse effects due to hazards and hazardous materials, and includes the following threshold questions to evaluate the Project's impacts from hazards and hazardous materials (OPR, 2018):

- *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials;*

- *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment;*

- *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school;*

- *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment;*

- *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area;*

- *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and*

- *Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.*

4.7.6 IMPACT ANALYSIS

Threshold a: ***Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?***

A. On-Site Conditions

As previously stated, and based on a review of regulatory databases and a site reconnaissance; the Project site does not contain any hazards, nor is the Project site affected by any off-site hazards. No unusual or noxious odors, pools of liquid or potentially hazardous substances, hazardous materials storage structures, stained soil, aboveground storage tanks, pits, or ponds were observed. The Phase I ESA identified environmental issues during the course of this assessment pertaining to past uses of the Project site. Impacted soils associated with the former use and activities conducted at the Project site have been removed. Soil sampling following removal did not indicate detections above the laboratory PQLs. Therefore, the past uses do not represent a significant environmental concern for the Project site. As a result, implementation of the Project would result in less than significant impacts related to on-site soil contamination.

B. Temporary Construction-Related Activities

Heavy equipment that would be used during Project construction would be fueled and maintained by substances such as oil, diesel fuel, gasoline, hydraulic fluid, and other liquid materials that would be considered hazardous if improperly stored or handled. In addition, materials such as paints, roofing materials, solvents, and other substances typically used in building construction would be located on the Project site during construction.

These materials would not be in such quantities or stored in such a manner as to pose a significant safety hazard to onsite construction workers or the general public. Construction activities would also be short-term or one time in nature and would cease upon completion of the proposed Project's

construction phase. Project construction workers would also be trained in safe handling and hazardous materials use per Hazardous Waste and Emergency Response (HAZWOPER) regulations. Additionally, the use, storage, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards. Any Project-related hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263). The proposed Project would also be constructed in accordance with the regulations of San Bernardino County Fire Department (SBCFD), which serves as the designated CUPA.
Construction activities required to develop the Project site would involve the disturbance of onsite soils. As stated, there were no identified impacted soils found onsite; no RECs or HRECs were identified that would negatively impact the environment. Therefore, the risk of exposure of hazardous materials to workers and the public through the routine, transport, use, or disposal of contaminated soils would be less than significant.

C. Long-Term Operation

Based on the facilities and uses proposed at the Project site, hazardous materials would be used during the course of daily operations at the Project site. The precise materials that would be used onsite are not known, as the tenants of the proposed warehouses are not yet defined. In the event that hazardous materials, other than those common materials described above, are associated with future warehouse operations, the hazardous materials would only be stored and transported to and from the building site. Federal and State Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals that may be used by the businesses that would operate at the Project site. Laws also are in place that require businesses to plan and prepare for possible chemical emergencies. Any business that operates any of the facilities at the Project site and that handles and/or stores substantial quantities of hazardous materials (as defined by § 25500 of California Health and Safety Code, Division 20, Chapter 6.95) would be required to prepare and submit a Hazards Materials Business Emergency Plan (HMBEP) in order to register the business as a hazardous materials handler. Such business is also required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which require immediate reporting to Victorville Fire Department and State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business.

The operation of the Project would be required to comply with all applicable federal, State, and local regulations to ensure the proper transport, use, and disposal of hazardous substances (as described in Subsection 4.7.3 above). With mandatory regulatory compliance, potential hazardous materials impacts associated with long-term operation of the Project is not expected to pose a significant hazard to the public or environment through the routine transport, use, or disposal of hazardous materials, nor

would the Project increase the potential for accident operations which could result in the release of hazardous materials into the environment.

With mandatory regulatory compliance with federal, State, and local laws (as described above), potential hazardous materials impacts associated with long-term operation of the Project are regarded as less than significant and mitigation is not required.

Threshold b: ***Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?***

As indicated under the discussion and analysis for Threshold a, the Project's Phase I Environmental Site Assessment did not identify any potential hazardous materials at the Project site, or any RECs or HRECs. Accordingly, there would be no impact with respect to 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 associated with the existing conditions at the Project site.

As discussed under Threshold a, the Project's near-term construction activities would not have a significant impact associated with hazardous materials handling or disposal. Construction activities would also be short-term or one time in nature and would cease upon completion of the proposed Project's construction phase. Improper use, storage, or transportation of hazardous materials could result in accidental releases or spills, potentially posing health risks to workers, the public, and the environment. The potential for accidental releases and spills of hazardous materials during construction is a standard risk on all construction sites, and there would be no greater risk for improper handling, transportation, or spills associated with future development that would be a reasonable consequence of the proposed Project than would occur on any other similar construction site. Thus, impacts due to construction activities would not cause a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, and a less than significant impact would occur. Additionally, project construction workers would also be trained in safe handling and hazardous materials use per HAZWOPER regulations. Additionally, the use, storage, transport, and disposal of construction-related hazardous materials would be required to conform to existing laws and regulations including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards. Any Project-related hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263). The proposed Project would also be constructed in accordance with the regulations of SBCFD, which serves as the designated CUPA.

The long-term operation of the proposed Project would not result in any significant adverse effects associated with reasonably foreseeable upset and accident conditions involving the release of

hazardous materials into the environment. The operation of the proposed Project would not include any components associated with the transport, use, or disposal of hazardous materials beyond those typical of a similar land use, which would be conducted in accordance with all applicable local, State, and federal regulations. Any business that operates any of the facilities at the Project site and that handles and/or stores substantial quantities of hazardous materials (as defined by California Health and Safety Code, Division 20, Chapter 6.95) would be required to prepare and submit an HMBEP to the SBCFD in order to register the business as a hazardous materials handler. General cleaning activities on-site that contain toxic substances are usually low in concentration and small in amount; therefore, there is no significant risk to humans or the environment from the use of such cleaning products. Accordingly, the proposed Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment, and impacts would be less than significant. No mitigation is required.

Threshold c:	***Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?***

The nearest existing school to the Project site is the Endeavour School of Exploration, located approximately 1.2 miles southeast of the Project site (Google Earth Pro, 2022). Additionally, there are no schools planned within 0.25-mile of the Project site. Accordingly, the Project has no potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school. Thus, no impact would occur and mitigation is not required.

Threshold d:	***Would the Project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?***

Government Code Section 65962.5 requires DTSC, the State Department of Health Services, State Water Resources Control Board, and the State Department of Resources Recycling and Recovery to maintain a list of hazardous materials sites that fall within specific, defined categories. The Project site is not located on any list of hazardous materials sites complied pursuant to Government Code Section 65962.5 (DTSC, n.d.). As such, no impact would occur.

Threshold e:	***For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the project area?***

As discussed above in Subsection 4.7.2, the Project site is not within two miles of an airport and the Project site is not identified as within an AIA for airports in San Bernardino or Riverside County (City

of San Bernardino, 2005; Riverside County, 2019; San Bernardino County ALUC, 1991). As such, no impact would occur.

Threshold f: ***Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?***

The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, the proposed Project would be required to maintain adequate access for emergency vehicles. As part of the City's discretionary review process, the City reviewed the proposed Project's access driveways and circulation to ensure appropriate emergency ingress and egress would be available to Project site, and determined that the proposed Project would not substantially impede emergency response routes in the local area. Accordingly, the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan. Thus, no impact would occur and mitigation is not required.

Threshold g: ***Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires.***

The Project site is not located in close proximity to wildlands or areas with high fire hazards. Additionally, the Project site is not located within an area recognized by CalFire as a fire hazard severity zone (CalFire, 2022). Therefore, the Project would not expose people or structures, directly or indirectly, to a risk of loss, injury or dead involving wildland fire, and no impact would occur.

4.7.7 CUMULATIVE IMPACT ANALYSIS

The Project's Phase I Environmental Site Assessment (EIR *Technical Appendix H*) determined that the Project site is not potentially adversely impacted by hazardous materials, and did not identify any RECs or HRECs at the Project site under existing conditions. The Project's temporary construction activities would entail the storage, handling and use of hazardous substances; however, there would be no greater risk associated with the transport, use, disposal, or accidental release of these substances than would occur on any other similar construction site, and impacts would be less than significant. Similarly, any other developments in the area proposing the construction of uses for the potential for use, storage, or transport of hazardous materials also would be required to comply with the same federal, State, and local regulations as the Project, which would preclude potential adverse impacts related to hazardous materials. As concluded under Threshold a, operation of the proposed Project would be required to comply with all applicable federal, State, and local regulations to ensure the proper transport, use, or disposal of hazardous substances, which would ensure that operation of the Project would have a less than significant impact related to the release of hazardous materials into the environment. Because the Project and nearby cumulative development would not result in adverse impacts related to handling, transport, storage, and treatment of hazardous materials due to mandatory compliance with federal, State, and local regulations that require that minimum, adequate safety standards are met, there is no

potential for a cumulative impact to occur related to hazardous materials, including under routine and accident conditions.

No existing or planned schools are located within 0.25-mile of the Project site, and therefore, the Project has no potential to emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25-mile of an existing or proposed school, and no impact would occur. Therefore, the Project has no potential to combine with other development projects to result in substantial hazardous materials-related impacts within 0.25-mile of the Project site.

As indicated under Threshold d, the Project site is not listed on any hazardous materials sites lists compiled pursuant to Government Code Section 65962.5; no impact would occur. Because the Project site is not classified as a hazardous materials site, there is no potential for the Project to contribute to, or exacerbate, adverse environmental effects resulting from other hazardous materials sites in the Project vicinity.

The Project site is not located within an AIA. Accordingly, the Project would not result in an impact associated with air travel safety hazards or aircraft operations. Therefore, the Project has no potential to combine with other development projects to result in air travel safety hazards or aircraft operations impacts.

The Project site does not contain any emergency facilities nor does it serve as an emergency evacuation route; therefore, it has no potential to impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan, and would result in no impact. Thus, the Project would have no effect on emergency access and there is no potential for the proposed Project to contribute to any cumulative impacts associated with emergency facilities or emergency evacuation routes.

The Project site is not located in an area that is susceptible to wildfire hazards, and therefore would result in no impact related to significant risk of loss, injury, or death involving wildland fires. As such, the Project would not contribute to any cumulative impact related to wildland fires.

4.7.8 Significance of Impacts Before Mitigation

Threshold a and b: Less-than-Significant Impact. During Project construction and operation, mandatory compliance to federal, State, and local regulations would ensure that the proposed Project would not create a significant hazard to the environment due to routine transport, use, disposal, or upset of hazardous materials.

Threshold c: No Impact. The Project Site is not located within one-quarter mile of any existing or proposed school. Accordingly, the Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. No impacts would occur to schools located more than one-quarter mile of the Project site.

Threshold d: No Impact. The Project Site is not located on any list of hazardous materials sites complied pursuant to Government Code Section 65962.5.

Threshold e: No Impact. The Project site is not within two miles of an airport and the Project site is not identified as within an AIA for airports in San Bernardino or Riverside County.

Threshold f: Less-than-Significant Impact. The Project Site does not contain any emergency facilities nor does it serve as an emergency evacuation route. During construction and long-term operation, adequate emergency vehicle access is required to be provided. Accordingly, implementation of the Project would not impair implementation of or physically interfere with an adopted emergency response plan or an emergency evacuation plan.

Threshold g: No Impact. The Project site is not located in close proximity to wildlands or areas with high fire hazards. Additionally, the Project site is not located within an area recognized by CalFire as a fire hazard severity zone. Therefore, the Project would not expose people or structures, directly or indirectly, to a risk of loss, injury or dead involving wildland fire, and impacts would be less than significant.

4.7.9 MITIGATION

The Project would result in less-than-significant impacts related to hazards and hazardous materials and no mitigation is required.

4.8 HYDROLOGY AND WATER QUALITY

The information presented in this Subsection primarily relies on two technical reports prepared by David Evans and Associates, Inc. (hereafter, "DEA"): 1) "Preliminary Hydrology Study" (DEA, 2022a), dated January 2022; 2) "Water Quality Management Plan for Ottawa Logistics Center," dated January 2022 (DEA, 2022b); and 3) Water Supply Assessment for EWTR21-00135 (PLAN21-00031 –Ottawa Business Center), dated May 2022 and prepared by Water Systems Consulting, Inc. (hereinafter, "WSC") (WSC, 2022). These reports are provided as *Technical Appendices I1, I2, and L* to this EIR, respectively. The Project site is located within the Victorville Water District (VWD) and this section will rely on VWD's *2020 Urban Water Management Plan* (VWD, 2021). These documents and others relied upon to prepare this Subsection are listed in EIR Section 7.0, *References*.

4.8.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were made during the NOP and EIR Scoping Meeting that pertain to Hydrology and Water Quality.

4.8.2 ENVIRONMENTAL SETTING

A. Regional Hydrology

The Project site is located in the Mojave River Watershed, which is a hydrologically diverse area covering over 5,400 square miles in the California High Desert, in San Bernardino County. Over 90 percent of the basin groundwater recharge originates in the San Gabriel and San Bernardino Mountains. Groundwater is discharged from the basin primarily by well pumping, evaporation through soil, transpiration by plants, seepage into dry lakes where accumulated water evaporates, and seepage into the Mojave River. (MWA, 2014)

B. Site Hydrology

Under existing conditions, the Project site is undeveloped and receives offsite run-on. There are two off-site run-on areas onto the Project site that are identified in the City of Hesperia's Master Plan of Drainage (MPD) as Lines J-01-01 and Line J-03. A third flow, Line J-01, runs along the east side of the Project site but does not run-on to the Project site. Line J-03 outlets onto the south side of the Project site from a reinforced concrete box (RCB) culvert, traverses to the northeast corner of the Project site, and confluences with Line J-01 nearby. The design for 100-year peak flow (Q100) for line J-03 is 990 cubic feet per second (cfs). (DEA, 2022a)

Line J-01-01 enters the Project site on the west side near the south boundary then turns north and flows through the Project site exiting into an existing drainage course. The existing drainage course continues to flow north, then northeast approximately 0.5 mile, where it then confluences with Line J-01. Line J-01-01's run-on Q100 is 920 cfs. Both off-site run-on areas will be picked up in concrete pipes and conveyed through the Project. (DEA, 2022a)

C. Flooding and Dam Inundation

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C6485J, the Project site is located within "Zone X (unshaded)," which are areas with a 0.2% chance of annual flood (FEMA, 2016). The Zone X (unshaded) designation is considered to be an area of minimal flood hazard and is not considered a special flood hazard area.

D. Water Quality

The Federal Water Pollution Control Act Amendment of 1972 (also referred to as the Clean Water Act, CWA) requires all states to conduct water quality assessments of their water resources to identify water bodies that do not meet water quality standards. Water bodies that do not meet water quality standards due to excessive concentrations of pollutants are placed on a list of impaired waters pursuant to Section 303(d) of the CWA. The Region's groundwater basins contain numerous areas with water quality issues. Key contaminants include arsenic, nitrates, iron, manganese, Chromium VI, and TDS. Some of these are naturally occurring in desert environments while others are associated with human activities. Measurements in excess of drinking water standards have been found for some of these constituents within the Mojave River Basin and the Morongo Basin/Johnson Valley Area ("Morongo"). Groundwater in these areas may have to be treated prior to consumption. (MWA, 2014)

4.8.3 REGULATORY FRAMEWORK

The following is a brief description of the federal, state, and local environmental laws and related regulations related to hydrology and water quality.

A. Federal Regulations

1. Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man- made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. (EPA, 2022d)

2. Federal Flood Insurance Program

The U.S. Congress established the National Flood Insurance Program (NFIP) with the passage of the National Flood Insurance Act of 1968. The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Participation in the NFIP is based on an agreement between communities and the Federal Government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in floodplains, the Federal Government will make flood insurance available within the community as a financial protection against flood losses. This insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods. The Federal Insurance and Mitigation Administration (FIMA) within the Federal Emergency Management Agency (FEMA) is responsible for administering the NFIP and administering programs that provide assistance for mitigating future damages from natural hazards. (FEMA, 2022b)

3. Executive Order 11988 – Floodplain Management

Executive Order 11988 requires federal agencies to avoid to the extent possible the long- and short-term adverse impacts associated with the occupancy and modification of flood plains and to avoid direct and indirect support of floodplain development wherever there is a practicable alternative. In accomplishing this objective, "each agency shall provide leadership and shall take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health, and welfare, and to restore and preserve the natural and beneficial values served by flood plains in carrying out its responsibilities" for the following actions: (FEMA, 2021)

- acquiring, managing, and disposing of federal lands and facilities;
- providing federally-undertaken, financed, or assisted construction and improvements; and
- conducting federal activities and programs affecting land use, including but not limited to water and related land resources planning, regulation, and licensing activities.

B. State Regulations

1. Porter-Cologne Water Control Act

The Porter-Cologne Act is the principal law governing water quality regulation in California. It establishes a comprehensive program to protect water quality and the beneficial uses of water. The Porter-Cologne Act applies to surface waters, wetlands, and ground water and to both point and nonpoint sources of pollution. Pursuant to the Porter-Cologne Act (California Water Code § 13000 et seq.), the policy of the State is as follows: (SWRCB, 2014)

- That the quality of all the waters of the State shall be protected;
- That all activities and factors affecting the quality of water shall be regulated to attain the highest water quality within reason; and

- That the State must be prepared to exercise its full power and jurisdiction to protect the quality of water in the State from degradation.

The Porter-Cologne Act established nine Regional Water Boards (based on hydrogeologic barriers) and the State Water Board, which are charged with implementing its provisions and which have primary responsibility for protecting water quality in California. The State Water Board provides program guidance and oversight, allocates funds, and reviews Regional Water Boards decisions. In addition, the State Water Board allocates rights to the use of surface water. The Regional Water Boards have primary responsibility for individual permitting, inspection, and enforcement actions within each of nine hydrologic regions. The State Water Board and Regional Water Boards have numerous non-point source (NPS) related responsibilities, including monitoring and assessment, planning, financial assistance, and management. (SWRCB, 2014)

The Regional Water Boards regulate discharges under the Porter-Cologne Act primarily through issuance of NPDES permits for point source discharges and waste discharge requirements (WDRs) for NPS discharges. Anyone discharging or proposing to discharge materials that could affect water quality (other than to a community sanitary sewer system regulated by an NPDES permit) must file a report of waste discharge. The State Water Resources Control Board (SWRCB) and the Regional Water Quality Control Boards (RWQCBs) can make their own investigations or may require dischargers to carry out water quality investigations and report on water quality issues. The Porter-Cologne Act provides several options for enforcing WDRs and other orders, including cease and desist orders, cleanup and abatement orders, administrative civil liability orders, civil court actions, and criminal prosecutions. (SWRCB, 2014)

The Porter-Cologne Act also implements many provisions of the Clean Water Act, such as the NPDES permitting program. The Porter-Cologne Act also requires adoption of water quality control plans that contain the guiding policies of water pollution management in California. In addition, regional water quality control plans (basin plans) have been adopted by each of the Regional Water Boards and get updated as necessary and practical. These plans identify the existing and potential beneficial uses of waters of the State and establish water quality objectives to protect these uses. The basin plans also contain implementation, surveillance, and monitoring plans. (SWRCB, 2014) The Project site is located in the Mojave River Watershed, which is within the purview of Lahontan Regional Water Quality Control Board. The Mojave River Integrated Regional Water Quality Management Plan is the governing water quality plan for the region.

2. California Water Code

The California Water Code is the principal state law regulating water quality in California. Water quality provisions must be complied with as contained in numerous code sections including: 1) the Health and Safety Code for the protection of ground and surface waters from hazardous waste and other toxic substances; 2) the Fish and Game Code for the prevention of unauthorized diversions of any surface water and discharge of any substance that may be deleterious to fish, plant, animal, or bird

life; 3) the Harbors and Navigation Code for the prevention of the unauthorized discharge of waste from vessels into surface waters; and 4) the Food and Agriculture Code for the protection of groundwater which may be used for drinking water supplies. The California Department of Fish and Wildlife (CDFW), through provisions of the Fish & Game Code (§§ 1601 - 1603) is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. CDFW regulates wetland areas only to the extent that those wetlands are part of a river, stream, or lake as defined by CDFW. (CA Legislative Info, n.d.)

Surface water quality is the responsibility of the Regional Water Quality Control Board (RWQCB), water supply and wastewater treatment agencies, and city and county governments. The principal means of enforcement by the RWQCB is through the development, adoption, and issuance of water discharge permits. RWQCB basin plans establish water quality objectives that are defined as the limits or levels of water quality constituents or characteristics for the reasonable protection of beneficial uses of water. (CA Legislative Info, n.d.)

3. California Toxics Rule (CTR)

The California Toxics Rule (CTR) fills gap in California's water quality standards necessary to protect human health and aquatic life beneficial uses. The CTR criteria are similar to those published in the National Recommended Water Quality Criteria. The CTR supplements, and does not change or supersede, the criteria that EPA promulgated for California waters in the National Toxics Rule (NTR). The human health NTR and CTR criteria that apply to drinking water sources (those water bodies designated in the Basin Plans as municipal and domestic supply) consider chemical exposure through consumption of both water and aquatic organisms (fish and shellfish) harvested from the water. For waters that are not drinking water sources (e.g., enclosed bays and estuaries), human health NTR and CTR criteria only consider the consumption of contaminated aquatic organisms. The CTR and NTR criteria, along with the beneficial use designations in the Basin Plans and the related implementation policies, are the directly applicable water quality standards for toxic priority pollutants in California waters.

4. CDFG Code Section 1600 et seq. (Lake- or Streambed Alteration Agreement Program)

Fish and Game Code § 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: (CDFW, n.d.)

- Substantially divert or obstruct the natural flow of any river, stream, or lake;
- Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or
- Deposit debris, waste or other materials that could pass into any river, stream, or lake.

It should be noted that "any river, stream or lake" includes those that are episodic (they are dry for periods of time) as well as those that are perennial (they flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow. It may also apply to work undertaken within the flood plain of a body of water. (CDFW, n.d.)

CDFW requires a Lake and Streambed Alteration (LSA) Agreement when it determines that the activity, as described in a complete LSA Notification, may substantially adversely affect existing fish or wildlife resources. An LSA Agreement includes measures necessary to protect existing fish and wildlife resources. CDFW may suggest ways to modify a project that would eliminate or reduce harmful impacts to fish and wildlife resources. Before issuing an LSA Agreement, CDFW must comply with CEQA. (CDFW, n.d.)

5. Watershed Management Initiative (WMI)

The State and Regional Water Boards are currently focused on looking at entire watersheds when addressing water pollution. The Water Boards adopted the Watershed Management Initiative (WMI) to further their goals. The WMI establishes a broad framework overlying the numerous federal and State mandated priorities. As such, the WMI helps the Water Boards achieve water resource protection, enhancement and restoration while balancing economic and environmental impacts. (SWRCB, 2017) The integrated approach of the WMI involves three main ideas:

- Use water quality to identify and prioritize water resource problems within individual watersheds. Involve stakeholders to develop solutions.
- Better coordinate point source and nonpoint source regulatory efforts. Establish working relationships between staff from different programs.
- Better coordinate local, state, and federal activities and programs, especially those relating to regulations and funding, to assist local watershed groups. (SWRCB, 2017)

6. Sustainable Groundwater Management Act (SGMA)

The 2014 Sustainable Groundwater Management Act (SGMA) requires governments and water agencies of high and medium priority basins to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge. Under SGMA, these basins should reach sustainability within 20 years of implementing their sustainability plans. The DWR categorizes the priority of groundwater basins. For critically over-drafted basins, that will be 2040. For the remaining high and medium priority basins, 2042 is the deadline. The SGMA also requires local public agencies and Groundwater Sustainability Agencies (GSAs) in high- and medium-priority basins to develop and implement Groundwater Sustainability Plans (GSPs) or Alternatives to GSPs. GSPs are detailed road maps for how groundwater basins will reach long term sustainability. (DWR, n.d.)

C. Local Regulations

1. City of Victorville General Plan

The General Plan identifies goals related to water quality throughout its elements. These goals and policies and a discussion of the Project's consistency are discussed in Table 4.9-1, *General Plan Consistency Analysis*, in EIR Subsection 4.9, *Land Use and Planning*.

2. City of Victorville Municipal Code

The City of Victorville Municipal Code identifies policies related to stormwater runoff management. The specific Municipal Code policy that is relevant to the Project is as follows:

> **Chapter 10.30 - Storm Water and Urban Runoff Management and Discharge Control.** The purpose of this chapter is to ensure the health, safety and welfare of the residents of the city and to protect and enhance the water quality of receiving waters in a manner pursuant to and consistent with the CWA, the Porter-Cologne Act and the municipal NPDES permit by reducing pollutants in storm water discharges and by limiting non-storm discharges into the MS4 to the maximum extent practicable.

4.8.4 METHODOLOGY

A. Water Quality Management Plan

The WQMP was prepared to comply with the requirements of the City of Victorville and the Phase II Small MS4 General Permit for the Mojave River Watershed and the NPDES Areawide Stormwater Program requiring the preparation of a WQMP.

B. Hydrology Study

Bonadiman Civil Design Software, Version 7.0 & 7.1 was used for the 10-year & 100-year Hydrological Analysis. Drainage boundaries were derived using field topography and USGS maps. The Hydrology Study was prepared in accordance with the San Bernardino County Hydrology Manual and City of Victorville Technical References.

4.8.5 BASIS FOR DETERMINING SIGNIFICANCE

Section X of Appendix G to the CEQA Guidelines addresses typical adverse effects to hydrology and water quality, and includes the following threshold questions to evaluate the Project's impacts on hydrology and water quality:

- *Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality;*

- *Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin;*

- *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:*

  a) Result in substantial erosion or siltation on- or off-site;

  b) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;

  c) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or

  d) Impede or redirect flood flows.

- *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.*

- *Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.*

4.8.6 IMPACT ANALYSIS

Threshold a:	***Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?***

The Project Applicant would be required to comply with Section 402 of the Clean Water Act, which authorizes the National Pollution Discharge Elimination System (NPDES) permit program that covers point sources of pollution discharging to a water body. The NPDES program also requires operators of construction sites one-acre or larger to prepare a Storm Water Pollution Prevention Plan (SWPPP) and obtain authorization to discharge stormwater under an NPDES construction stormwater permit. Additionally, the Project Applicant would be required to comply with the California Porter-Cologne Water Quality Control Act (Section 13000 et seq., of the California Water Code), which requires that comprehensive water quality control plans be developed for all waters within the State of California. The Project site is located within the jurisdiction of the Lahontan Regional Water Quality Control Board.

A. Construction Impacts

Construction of the proposed Project would involve clearing, grading, paving, utility installation, building construction, and landscaping activities. Construction activities would result in the generation

of potential water quality pollutants such as silt, debris, chemicals, paints, and solvents, and other chemicals with the potential to adversely affect water quality. As such, short-term water quality impacts have the potential to occur during construction of the Project in the absence of any protective or avoidance measures.

The development projects could require the preparation and submittal of a Notice of Intent and a SWPPP to the SWRCB demonstrating compliance with the Construction General NPDES Permit. The Construction General Permit requires that non-storm water discharges from construction sites be eliminated or reduced to the maximum extent practicable, that a SWPPP be developed governing construction activities for the proposed project, and that routine inspections be performed of all storm water pollution prevention measures and control practices being used at the site, including inspections before and after storm events. As outlined in the SWPPP, each development project would be required to implement all construction BMPs to protect downstream properties and ensure compliance with the Construction General Permit. The BMPs that would be required to be implemented during construction activities to ensure that potential pollutants of concern are prevented, minimized, and/or otherwise appropriately treated prior to being discharged from the subject property.

Examples of BMPs that may be utilized during construction include, but are not limited to, sandbag barriers, geotextiles, storm drain inlet protection, sediment traps, rip rap soil stabilizers, and hydro-seeding. Additionally, pursuant to City of Victorville Municipal Code Section 10.30.210, the Project would be required to implement an erosion control plan to minimize water- and windborne erosion.

Pursuant to the City's Storm Water and Urban Runoff Management and Discharge Control Ordinance, incorporated as Municipal Code Section 10.30.200, proof of compliance with the Construction General Permit must be provided to the City Manager before the City will issue any grading, construction or similar permits applicable to such construction activity. Upon completion of the project, the Project Applicant would be required to submit a Notice of Termination to the SWRCB to indicate that construction is completed.

Mandatory compliance with the SWPPP and the erosion control plan would ensure that implementation of the Project would not result in a violation of any water quality standards or waste discharge requirements during construction activities. Therefore, short-term water quality impacts associated with temporary construction activities would be less than significant.

B. Post-Development Water Quality Impacts

Pursuant to the City of Victorville Municipal Code Section 10.30.220, the Project Applicant would be required to implement a Water Quality Management Plan (WQMP) to demonstrate compliance with the City's NPDES municipal stormwater permit, and to minimize the release of potential waterborne pollutants, including pollutants of concern for downstream receiving waters. The WQMP is a site-specific post-construction water quality management program designed to address the pollutants of concern of a development project via BMPs, implementation of which ensures the on-going protection

of the watershed basin. The Project's Preliminary WQMP is included as *Technical Appendix I2* appended to this EIR. As identified in Project's Preliminary WQMP, the proposed Project is designed to include on-site, structural source control BMPs (including underground infiltration chambers) as well as operational source controls. Compliance with the WQMP would be required as a condition of Project approval pursuant to Municipal Code Section 10.30.220, and long-term maintenance of on-site BMPs would be required to ensure their long-term effectiveness. Therefore, water quality impacts associated with long-term operational activities would be less than significant.

In addition to the WQMP, the NDPES program also requires certain land uses, including light industrial warehouse and parking lot land uses as proposed by the Project, to prepare a SWPPP for operational activities and to implement a long-term water quality sampling and monitoring program, unless an exemption has been granted. On April 1, 2014, the California State Water Resources Control Board adopted an updated new NPDES permit for stormwater discharge associated with industrial activities (referred to as the "Industrial General Permit"). The new Industrial General Permit, which is more stringent than the existing Industrial General Permit, became effective on July 1, 2015. Because the permit is dependent upon the operational activities of the buildings, and the Project's future building occupants and their operations are not known at this time, details of the SWPPP (including BMPs) or potential exemption to the SWPPP operational activities requirement cannot be determined at this time. However, based on the requirements of the NPDES Industrial General Permit, it is anticipated that the Project's mandatory compliance with all applicable regulations would further reduce potential water quality impacts during long-term operation.

Based on the foregoing analysis, the Project would not violate any water quality standards or waste discharge requirements during long-term operation. Impacts would be less than significant.

Threshold b:	***Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?***

Development of the Project would increase impervious surface coverage on the property, which would reduce the amount of water percolating down into the underground aquifer that underlies the Project site. Water captured by the proposed Project's infiltration chambers and landscaped areas would have the opportunity to percolate into the ground. With buildout of the Project, the local groundwater levels would not be substantially adversely affected. Accordingly, buildout of the Project would not interfere substantially with groundwater recharge.

In accordance with the Water Supply Assessment (WSA) prepared for the Project (*Technical Appendix L* of this EIR), groundwater is the VWD's primary source of supply and a small amount of recycled water is used at Southern California Logistics Airport (SCLA). The current and future groundwater supplies for the VWD are from the Mojave Groundwater Basin and groundwater purchases from MWA's Regional Recharge and Recovery Project (R3), when available. The Mojave River Groundwater Basin, the largest in the Region, encompasses 1,400 square miles, and has an estimated

total water storage capacity of nearly 5 million acre-feet. The Mojave River Groundwater Basin Area is essentially a closed basin which means that very little groundwater enters or exits the basin. However, within the basin, groundwater moves between the different subareas; groundwater-surface water and groundwater-atmosphere interchanges also occur. Approximately 80 percent of the basin's natural recharge is through infiltration from the Mojave River. Other sources of recharge include infiltration of storm runoff from the mountains and recharge from human activities such as irrigation return flows, wastewater discharge, and enhanced recharge with imported water. Over 90 percent of the basin groundwater recharge originates in the San Gabriel and San Bernardino Mountains. Groundwater is discharged from the basin primarily by well pumping, evaporation through soil, transpiration by plants, seepage into dry lakes where accumulated water evaporates, and seepage into the Mojave River (WSC, 2022, page 14-15).

Because the main source of recharge is through infiltration from the Mojave River (80 percent) and over 90 percent of the basin groundwater recharge originates in the San Gabriel and San Bernardino Mountains, infiltration at the Project site is not a significant contributor to groundwater recharge. The Project Applicant does not propose the use of any wells or other groundwater extraction activities on the Project site. Therefore, the Project would not directly extract groundwater resources.

Additionally, the 2020 UWMP estimated that commercial demands, which include industrial water use types, would increase by 690 AFY from 2020 to 2025. Since the completion of the 2020 UWMP, there have been several commercial and industrial projects that have been approved. With the recently approved commercial/industrial projects along with the Project's water demand, there is a remaining 77 AFY of projected demand growth. Therefore, the Project was assumed in the 2020 UWMP and there is sufficient water supplies available to serve the Project during average, single dry and five consecutive dry years throughout the planning period (WSC, 2022). Further, as discussed in the VWD's UWMP, demand during dry years was assumed to remain constant because of on-going state and local conservation programs. Groundwater supply is assumed to remain 100% available because the long-term average of the groundwater basin includes dry periods, and no single or multiple-year dry cycle affects the long-term yield of the basin. Supplies are sufficient to meet average, single-dry year, and multiple-dry years demands through year 2045 (VWD, 2021). Accordingly, implementation of the proposed Project has no potential to substantially deplete or decrease groundwater supplies and the Project's impact to groundwater supplies would be less than significant.

For the reasons stated above, the Project would neither substantially deplete groundwater supplies nor interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level. Impacts would be less than significant.

Threshold c: ***Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would: result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impeded or redirect flood flows?***

A. Erosion or Siltation On- or Off-Site

Although the Project would alter the subject property's drainage patterns, such changes would not result in substantial erosion or siltation on- or off-site. Under post-development conditions, a majority of the site would be covered with impervious surfaces and, therefore, the amount of exposed soils on the Project site would be minimized. Also, as discussed under Threshold a), the Project would construct an integrated storm drain system on-site with BMPs to minimize the amount of water-borne pollutants carried from the Project site. The BMPs proposed by the Project include underground infiltration chambers are highly effective at removing sediment from stormwater runoff flows. Therefore, stormwater runoff flows leaving the Project site would not carry substantial amounts of sediment. Once stormwater runoff leaves the Project site, it would be discharged to an underground storm drain system where a sump pump would be utilized to limit the flowrate. Because stormwater runoff from the Project site would be discharged with a relatively low flow rate within an existing drainage facility, there is no potential for the Project's stormwater runoff to result in substantial erosion as it leaves the Project site. Accordingly, implementation of the Project would not result in substantial erosion or siltation on- site or off-site, and a less-than-significant impact would occur. (DEA, 2022a)

B. Runoff and Flooding On- or Off-Site

Based on the hydrology evaluation and calculations of the off-site and on-site run-off for the Project, once the Project and storm drain facilities are constructed, the Project will be protected from flood hazard, as well as mitigate the increases in volume, time of concentration, and peak runoff caused by development. While the Project will change the hydrologic characteristics of the site by converting vacant to developed land creating an increase in o impervious, the proposed retention systems, bioswales, would ensure longer times of concentration and flows will be reduced to existing or less. The offsite run-on will be conveyed through the site in a culvert for both lines J-03 and J-01-01 and will not be treated or attenuated and will eventually become a public storm drain. (DEA, 2022a)

As a result of the development, the existing area Line J-01-01, within the Project, will not receive any on-site flows reducing the existing outlet runoff rate by approximately 37 cfs. The flows in that area will instead flow to the northeast corner of the Project in the developed state and confluence with offsite Line J-01. This is beneficial to the downstream area as there is no road or storm drain infrastructure. Although the overall decrease is 4%, and the downstream areas may not achieve any benefit from a 4% decrease when the flows are 938 cfs. the increase to the area to the northeast

mitigates the diversion through a retention system, bioswale and longer times of concentration. Therefore, downstream facilities will not be negatively impacted by the development of the site. (DEA, 2022a)

Based on the foregoing information, the Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site. Impacts would be less than significant.

C. Storm Drain Systems and Polluted Runoff

The Project's storm drain system would be sized and designed in accordance with the area's master drainage plan to ensure that off-site flows that are conveyed through the Project site and flows originating off-site are discharged from the site at a volume and rate that can be accommodated by existing and planned downstream storm drain facilities.

As discussed under Thresholds a) and b) above, the Project Applicant would be required to comply with a future SWPPP and the Project's WQMP (*Technical Appendix I2)* which identify required BMPs to be incorporated into the Project's design and operation to ensure that near-term construction activities and long-term post-development activities of the proposed Project would not result in substantial amounts of polluted runoff. Therefore, with mandatory compliance with the Project's SWPPP and WQMP, the proposed Project would not create or contribute substantial additional sources of polluted runoff, and impacts would be less than significant.

D. Flood Flows

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) No. 06071C6485J, the Project site is located within "Zone X (unshaded)," which are areas with a 0.2% chance of annual flood (FEMA, 2016). The Zone X (unshaded) designation is considered to be an area of minimal flood hazard and is not considered a special flood hazard area. Accordingly, the Project site is not expected to be inundated by flood flows during the lifetime of the Project and the Project would not impede flood flows. No impact would occur.

Threshold d: ***Would the Project in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?***

The Pacific Ocean is located approximately 70 miles southwest of the Project site (Google Earth Pro, 2022); consequently, there is no potential for the Project site to be impacted by a tsunami. Potential threats of dam inundation to the Victorville Planning Area could occur if the dams at Silverwood or Arrowhead Lakes failed and emptied into the Mojave River through Deep Creek. However, due to the distance to the nearest developed areas, and precautions built into the holding basins below Lake Silverwood and in the Deep Creek area just before the water enters the Mojave River, the probability of extreme flood is unlikely and the risk of inundation by dam failure is low. Furthermore, as stated above under Threshold c), the Project is not located in a flood hazard zone. No impact would occur.

Threshold e: ***Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?***

The Project site is located within the Mojave River Basin and Project-related construction and operational activities would be required to comply with the Mojave Integrated Regional Water Management Plan by preparing and adhering to a SWPPP and WQMP. Implementation of the Project would not conflict with or obstruct the Mojave River Watershed Water Quality Control Plan and impacts would be less than significant. Additionally, as discussed under Threshold b) above, the Project would not substantially decrease groundwater supplies nor interfere substantially with groundwater recharge and, therefore, is not expected to conflict with or obstruct a sustainable groundwater management plan. As such, the Project's construction and operation would not conflict with any sustainable groundwater management plan. Impacts would be less than significant.

4.8.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development in the Mojave River Basin.

A. Water Quality

Project construction and the construction of other projects in the cumulative study area would have the potential to contribute waterborne pollution, including erosion and siltation, to the Mojave River Watershed. Pursuant to the requirements of the State Water Resources Control Board, all construction projects that disturb 1.0 or more acres of land area are required to obtain coverage for construction activities under the State's General Construction NPDES Permit. In order to obtain coverage, an effective site-specific SWPPP is required to be developed and implemented. The SWPPP must identify potential on-site pollutants and identify an effective combination of erosion control and sediment control measures to reduce or eliminate discharge of pollutants to surface waters. In addition, the Project Applicant and all cumulative developments in the Mojave Basin would be required to comply with the Lahontan Region Basin Plan, which establishes water quality standards for ground and surface waters of the region. Compliance with these mandatory regulatory requirements, would ensure that development projects within the Mojave River watershed, including the proposed Project, would not contribute substantially to water quality impairments during construction.

Operational activities on the Project site would be required to comply with the Project's WQMP to minimize the amount of waterborne pollution, including erosion and sediment, discharged from the site. Other development projects within the watershed would similarly be required by law to prepare and implement site-specific WQMPs to ensure that runoff does not substantially contribute to water quality violations. Accordingly, operation of the Project would not contribute to cumulatively-considerable water quality effects.

B. Groundwater Supplies and Management

Although the Project would increase impervious surface coverage on the site, the Project incorporates design features that would allow surface runoff to infiltrate into the groundwater basin. Other development projects would similarly be required by applicable lead agencies to incorporate design features that facilitate percolation (e.g., through minimum landscaped/permeable area requirements, water quality/detention basins, infiltration basins). No component of the Project would obstruct with or prevent implementation of the applicable groundwater management plan and other development projects within the basin. Based on the lack of impacts to groundwater, the provision of design measures that would facilitate percolation, and compliance with applicable Lahontan Region Groundwater Basin management plans, cumulative development would not result in a considerable, adverse effect to local groundwater supplies.

C. Flooding

Construction of the Project and other development projects within the Mojave River Basin would be required to comply with federal, State, and local regulations and applicable regional and local master drainage plans in order to mitigate flood hazards both on- and off-site. Compliance with federal, State, and local regulations and applicable drainage plans would require development sites to be protected from flooding during peak storm events (i.e., 100-year storm) and also would not allow development projects to expose downstream properties to increased flooding risks during peak storm events. In addition, future development proposals within the Mojave River Basin would be required to prepare hydrologic and hydraulic calculations, subject to review and approval by the responsible City/County Engineer, to demonstrate that substantial on- and/or off-site flood hazards would not occur. As discussed under the response to Threshold "c," the Project is designed to ensure that runoff from the Project site during peak storm events would be unchanged compared to existing conditions. Because the Project and all other developments throughout the Mojave River Basin, would need to comply with federal, State, and local regulations to ensure that stormwater discharges do not substantially exceed existing volumes or exceed the volume of available conveyance infrastructure, a substantial cumulative impact related to flood hazards would not occur.

Additionally, the Project site is not located within a special flood hazard area or in an area subject to inundation. Accordingly, development on the Project site would have no potential to impede or redirect flood flows and a cumulatively-considerable impact would not occur.

4.8.8 Significance of Impacts Before Mitigation

Threshold a: Less-than-Significant Impact. The Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. Adherence to a SWPPP and WQMP is required as part of the Project's implementation to address construction- and operational-related water quality.

Threshold b: Less-than-Significant Impact. The Project would not physically impact any of the major groundwater recharge facilities. The Project would decrease groundwater supplies by introducing impervious surfaces. However, the reduction of groundwater recharge is not anticipated to have a significant effect to domestic water supplies. Further, water captured in the proposed Project's infiltration chambers and landscaped areas would have the opportunity to percolate to the ground.

Threshold c: Less-than-Significant Impact. The Project Applicant would be required to comply with applicable water quality regulatory requirements to minimize erosion and siltation. Additionally, the Project would not result in flooding on- or off-site or impede/redirect flood flows. Lastly, the Project would not create or contribute to increased flooding risks due to insufficient capacity of existing or planned stormwater drainage systems or and would not provide substantial additional sources of polluted runoff.

Threshold d: No Impact. The Project site would not be subject to inundation from tsunamis, seiches, or other hazards.

Threshold e: Less-than-Significant Impact. The Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

4.8.9 MITIGATION

Impacts would be less than significant; therefore, mitigation is not required.

4.9 LAND USE AND PLANNING

The following analysis is based on information obtained from the City of Victorville General Plan (Victorville, 2008); the City of Victorville Municipal Code (Victorville, 2022); and SCAG's *2020-2045 RTP/SCS (Connect SoCal)* (SCAG, 2020a). All references used in this Subsection are listed in EIR Section 7.0, *References*.

4.9.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments related to land use and planning were received during the public scoping period.

4.9.2 ENVIRONMENTAL SETTING

A. Project Site

The Project site consists of 53.9 acres of undeveloped land in the City of Victorville, San Bernardino County. The City of Victorville is situated north of the City of Hesperia, east of the City of Adelanto, south of the City of Barstow, and west of the City of Apple Valley. The Project site is located approximately 2.35 miles east of Interstate 15 (I-15) and approximately 2.89 miles south of State Route 18 (SR-18). At the local scale, the Project site is located immediately north of Ottawa Street, east of Hesperia Road, and south of Terra Linda Street.

B. Surrounding Land Uses

On-site and surrounding land uses were previously shown in Figure 3-4, *Existing Land Uses*, and Table 3-1, *Onsite and Adjacent Land Uses, General Plan Designations, and Zoning Classifications*, and are described below.

- *North:* Terra Linda Street is located north of the Project site. North of Terra Linda are various outdoor industrial and storage uses. The area north of the Project site is designated for "Light Industrial," "Public Institutional," and "Low Density Residential" by the City's General Plan and is zoned "M-1, C-2 and R1"

- *East:* Immediately east of the Project site is the Burlington North Santa Fe Railway. East of the Burlington North Santa Fe Railway are residential land uses. The area east of the Project site is designated for "Low Density Residential" and "High Density Residential" by the City's General Plan and is zoned "R-3 and PUD"

- *South:* Ottawa Street abuts the Project site on the south. South of Ottawa Street is are various warehouses and vacant lands. The area south the Project site is designated for "Heavy Industrial" and "Commercial" by the City's General Plan and is zoned "M-2 and C-2"

- *West:* Hesperia Road is located west of the Project site. West of Hesperia Road is open space, commercial, and residential land uses. The areas west of the Project site are designated for "Commercial," "Low Density Residential," and "High Density Residential" land uses by the City's General Plan and is zoned "C-2, R-1, and R-3"

C. General Plan Land Use Designations

The City of Victorville's prevailing planning document is its General Plan, dated September 2008 (Victorville, 2008). As depicted on Figure 2-2, the City's General Plan designates the Project site for "Heavy Industrial (HI)" land uses. The "HI" land use designation is intended to provide for industrial and manufacturing uses that are more specialized in nature and require special consideration in terms of use of the property as well as impacts on adjacent properties (Victorville, 2008, p. LU-8). The maximum building height within this land use district is 50 feet and there is no maximum lot coverage (ibid.).

D. Zoning Designation

As shown on Figure 2-3, the City of Victorville Zoning Map applies the "Heavy Industrial (M-2) District" to the entire Project site. According to the Victorville Municipal Code, the primary purpose of the "M-2" zoning district is to provide space in suitable locations for certain less restricted types of manufacturing and industrial uses (Victorville, 2013, § 16-3.11.010(b)(3)). This zone district will allow for uses from the industrial park district and light industrial zone district so long as the commission finds that those uses will not adversely affect the ability to develop other less restricted types of manufacturing and commercial uses identified in the M-2 zone district (ibid.).

4.9.3 REGULATORY FRAMEWORK

The following is a brief description of the regional and local environmental laws and related regulations related to land use and planning.

A. Regional Regulations

1. Southern California Association of Governments

The Southern California Association of Governments (SCAG) is a Joint Powers Authority (JPA) under California State law, established as an association of local government and agencies that voluntarily convene as a forum to address regional issues. Under federal law, SCAG is designated as a Metropolitan Planning Organization (MPO) and under State law as a Regional Transportation Planning Agency and a Council of Governments. The SCAG region encompasses six counties: Riverside, Los Angeles, Orange, San Bernardino, Ventura, and Imperial; and 191 cities in an area covering more than 38,000 square miles. SCAG develops long-range regional transportation plans including sustainable communities strategy and growth forecast components, regional transportation improvement programs, regional housing needs allocations and other plans for the region.

As an MPO and public agency, SCAG develops transportation and housing strategies that transcend jurisdictional boundaries that affect the quality of life for southern California as a whole. On September 3, 2020, SCAG's Regional Council adopted the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy, known as "Connect SoCal." Connect SoCal includes long-range regional transportation plans, regional transportation improvement programs, regional housing needs allocations, and other plans for the region. Connect SoCal is a long-range visioning plan that builds upon and expands land use and transportation strategies to increase mobility options and achieve a more sustainable growth pattern. Connect SoCal identifies a path toward a more mobile, sustainable, and prosperous region by making connections between transportation networks, between planning strategies and between the people whose collaboration can improve the quality of life for Southern Californians (SCAG, 2020a). Connect SoCal also provides objectives for meeting emissions reduction targets set forth by CARB; these objectives were provided in a direct response to Senate Bill 375 (SB 375) which was enacted to reduce greenhouse gas emissions from automobiles and light trucks through integrated transportation, land use, housing, and environmental planning (SCAG, 2020a).

Additionally, SCAG reviews environmental impact reports for projects having regional significance to ensure they are in line with approved regional plans. As identified in Section 15206 of the CEQA Guidelines, regionally significant industrial projects include "A proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or encompassing more than 650,000 square feet of floor area." Therefore, this Project is considered regionally significant and subject to review by SCAG.

Connect SoCal includes a Technical Appendix titled "Goods Movement" that is applicable to the Project because the Project entails development within the SCAG region that would support a variety of industrial and commercial users, and relies directly on the goods movement system (e.g., manufacturing, construction, retail trade, wholesale trade and transportation, and warehousing). The "Goods Movement" appendix offers a broad overview of goods movement in Southern California by defining what the goods movement system is, including its most critical components; highlighting its importance and connections to the economy and local industry sectors; summarizing international and domestic trade flows and their relations to the region; addressing environmental and air quality issues; articulating a regional vision and how it can be achieved; and illustrating the path to 2045 by promoting an effective set of regional strategies. (SCAG, 2020a)

B. Local Regulations

1. City of Victorville General Plan

State law requires that general plans address seven topics (referred to as "Elements") of land use, circulation (mobility), housing, open space, safety, and noise (California Government Code Section 65302). A General Plan may also include other topics of local interest, as chosen by the local jurisdiction (California government Code Section 65303). The City adopted the City of Victorville General Plan 2030 on October 21, 2008. The City's General Plan is organized into 7 chapters including the following:

- Introduction
- Land Use Element
- Circulation Element
- Housing Element
- Resource Element
- Noise Element
- Safety Element

2. City of Victorville Development Code

The City of Victorville Development Code is contained within Title 16 of the City of Victorville's Municipal Code. The Development Code is adopted to implement the Victorville General Plan and regulate development in order to protect and promote the public health, safety, prosperity and general welfare. More specifically, it is intended to achieve the following objectives: a) Guide physical development in order to enhance the character and quality of existing neighborhoods and to foster a harmonious and beneficial relationship between all land uses; b) Determine appropriate land uses and locations envisioned by the General Plan in order to protect all areas of the community from harmful land use intrusions; c) Encourage a full range of office, commercial and industrial uses in order to assure a strong local economic base; d) Ensure the provision of adequate open space for light, air circulation, visual relief from the built environment and to maximize fire safety provisions; e) Ensure that new development will not overtax the capacity of existing streets, utilities or community facilities and services; f) Reduce the risk of injury or exposure to hazards for people and property through adherence to building and fire codes. (Victorville, 2022)

4.9.4 METHODOLOGY

The Project site and surrounding areas were reviewed to determine the City's existing land use designations and zoning classifications. The City's General Plan, City Municipal Code, and SCAG's *Connect SoCal* documents were referenced to determine potential impacts of the Project regarding the topic of land use and planning.

4.9.5 BASIS FOR DETERMINING SIGNIFICANCE

Section XI of Appendix G to the CEQA Guidelines addresses typical adverse effects to related to land use and planning and includes the following threshold questions to evaluate the Project's impacts on land use and planning:

- *Physically divide an established community;*

- *Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?*

4.9.6 IMPACT ANALYSIS

Threshold a: ***Would the Project physically divide an established community?***

The proposed Project specifies a development plan for the Project site that provides for the construction and operation of an industrial building with approximately 996,164 sf of building floor area. As previously shown on Figure 3-2, *Vicinity Map*, the Project site is primarily surrounded by industrial development. Additionally, the Burlington North Santa Fe (BNSF) Railroad runs along the Project site's eastern boundary. As the Project site is surrounded by Hesperia Road to the west, BNSF Railroad to the east, existing industrial development to the south, implementation of the Project represents a logical expansion and redevelopment of industrial land uses on the Project site. Redevelopment of the site would not physically divide an established community. Additionally, the Project does not propose any infrastructure or physical barriers to mobility in the area; implementation of the Project would result in less than significant impacts associated with the physical division of an established community. Impacts would be less than significant.

Threshold b: ***Would the Project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?***

This EIR analyzes the physical environmental effects associated with all components of the Project, including Project construction and operation. Governmental approvals requested from the City of Victorville includes Site Plan (Plan 21-00031) and Tentative Parcel Map (TPM 20450).

The land use plans, policies, and regulations applicable to the Project for purposes of determining if the Project would cause a significant environmental effect due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect include the City's General Plan and SCAG's *2020-2045 RTP/SCS (Connect SoCal)*. The Project's compatibility with each of these plans, policies, and regulations is discussed below.

1. Analysis of Consistency with the City of Victorville General Plan

The applicable policies that relate to environmental topics addressed in this EIR are included in the City's General Plan, and specific General Plan policies that are related to the Project, along with a determination of consistency, are identified in Table 4.9-1, *General Plan Consistency Analysis*. During the City's review of the Project's application materials, the Victorville Planning Department reviewed the proposed development for consistency with all applicable policies of the General Plan and found that there would be no conflict with any applicable General Plan policies resulting from development of the Project site with the Project. Accordingly, the Project would have a less than significant impact with respect to a conflict with the City's General Plan.

Table 4.9-1 provides an analysis of the Project's consistency with applicable General Plan policies directly related to determining if the Project would cause a significant environmental impact due to a

conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

Table 4.9-1 General Plan Consistency Analysis

Policy	Consistency Analysis
Land Use Element	
Policy 1.1.1: Encourage development that does not conflict with or adversely affect other existing or potential developments.	The fundamental purpose and goal of the Ottawa Business Center Project is to develop a modern industrial building in the City of Victorville in close proximity to the State highway system. The Project is consistent with the General Plan land use designation and located within an industrial area with industrial uses to the south. The Project would not conflict with or adversely affect other existing or potential developments.
Policy 1.2.2: Ensure that the integrity of each land use district is maintained.	The Project proposes an industrial use in a Heavy Industrial General Plan land use and zoning designation. The Project would not require a General Plan Amendment or Zone change, and is consistent with the intent of the goal of the General Plan Land Use Map.
Policy 1.2.3: Ensure that new development is compatible with existing developments and public infrastructure.	See Response to Policy 1.2.2, above.
Policy 2.2.1: Encourage development of land uses which provide jobs for those who choose to both live and work within the Planning Area.	The Project would introduce a warehouse building which would create jobs in an area of the City which is currently undeveloped land. Accordingly, the Project would create jobs for those who choose to both live and work in the City.
Policy 4.1.1: Promote high quality development.	The proposed Project specifies a development plan for the Project site that provides for the construction and operation of a modern industrial building with approximately 996,164 sf of building floor area. The Site Plan application depicts a layout of the building and associated physical design features, and architectural design. The proposed building would be constructed of concrete tilt-up panels and low-reflective, blue glass. The proposed building's exterior color palette would be comprised of various shades of white, gray, and blue. Decorative building elements include panel reveals, parapets, mullions, canopies, and finished wood areas. Architectural elevations for the proposed project are illustrated on Figure 3-5, *Proposed Architectural Elevations*.

Policy	Consistency Analysis
Resource Element	
Policy 1.3.1: Require new development and major redevelopment projects public and private, to prepare and implement water quality management plans that incorporate a variety of structural and nonstructural best management practices to minimize, control and filter construction site runoff and various forms of developed site urban runoff, prior to discharge to receiving waters.	The Project includes a Water Quality Management Plan consistent with the requirements stipulated herein (see *Technical Appendix I2* of this EIR).
Policy 5.1.1: Determine presence/absence of and consider impacts to cultural resources in the review of public and private development and infrastructure projects.	The Project includes a Paleontological Assessment and Archeological report which establish the presence/absence of cultural resources are used for the basis of EIR Sections 4.3, *Cultural Resources*, and 4.12, *Tribal Cultural Resources*.
Policy 5.1.2: Prohibit destruction of cultural and paleontological materials that contain information of importance to our knowledge of the evolution of life forms and history of human settlement in the Planning Area, unless sufficient documentation of that information is accomplished and distributed to the appropriate scientific community. Require mitigation of any significant impacts that may be identified in project or program level cultural and paleontological assessments as a condition of project or program approval.	As described in EIR Sections 4.3, *Cultural Resources*, and 4.12, *Tribal Cultural Resources*, the Project site does not contain known cultural or paleontological materials. Nonetheless, mitigation would be put in place to prevent impacts to unknown resources which could be discovered during the Project grading in native soils.
Policy 6.1.1: Encourage planning and development activities that reduce the number and length of single occupant automobile trips.	As shown in EIR Section 4.11, *Transportation*, the Project would not result in a significant VMT impact. However, the Project would encourage the use of low-emitting, fuel-efficient and carpool/van vehicles through implementation of Mitigation Measures 4.6-1 and 4.6-2. These mitigation measures include installation of preferential parking spaces a electric vehicle charging stations. .
Policy 6.2.1: Encourage compliance with the California Air Resources Board (CARB) "Air Quality and Land Use Handbook: A Community Health Perspective," which provides guidelines for siting new sensitive land uses in proximity to air pollutant emitting sources.	The Project's Air Quality Impact Analysis was prepared in compliance with CARB.
Policy 7.2.1: Support energy conservation by requiring sustainable building design and development for new residential, commercial and industrial projects.	The proposed building would be designed using to achieve a Leadership in Energy and Environmental Design (LEED) certified building.
Safety Element	
Policy 1.2.1: Require an adequate assessment of site-specific geologic hazards and required mitigation measures prior to granting discretionary approval for a land use plan, development project or public infrastructure plan or project.	As described in EIR Section 4.5, *Geology and Soils*, a Geotechnical Engineering Report was prepared for the Project. No geological hazards were discovered during the course of the studies which would require mitigation.

Policy	Consistency Analysis
Policy 1.3.1: Restrict and/or prohibit the siting of land uses that store, use, transport, dispose of or generate significant quantities of hazardous materials and wastes, through land use element policies, zoning and subdivision regulations, and site plan review procedures.	As described in EIR Section 4.7, *Hazards and Hazardous Materials*, the final end user (tenant) is not known at this time. In the event that hazardous materials are associated with future warehouse operations, the hazardous materials would only be stored and transported to and from the building site. Federal and State Community-Right-to-Know laws allow the public access to information about the amounts and types of chemicals that may be used by the businesses that would operate at the Project site. Laws also are in place that require businesses to plan and prepare for possible chemical emergencies. Any business that operates any of the facilities at the Project site and that handles and/or stores substantial quantities of hazardous materials (as defined by § 25500 of California Health and Safety Code, Division 20, Chapter 6.95) would be required to prepare and submit a Hazards Materials Business Emergency Plan (HMBEP) in order to register the business as a hazardous materials handler. Such business is also required to comply with California's Hazardous Materials Release Response Plans and Inventory Law, which require immediate reporting to Victorville Fire Department and State Office of Emergency Services regarding any release or threatened release of a hazardous material, regardless of the amount handled by the business.
Policy 2.1.1: Ensure that new private or public development has sufficient fire protection, police and emergency medical services available. Such developments shall not strain capabilities to a level where service standards could not be met.	The City of Victorville Fire Department provides fire protection services to the Project area. There are four active fire stations currently operating within the City of Victorville; Fire Station 311 (16200 Desert Knoll Drive); Fire Station 312 (15182 El Evado Road); Fire Station 313 (13086 Amethyst Road); Fire Station 314 (17008 Silica Drive). The Project would be primarily served by Fire Station 314 which is located approximately 1.05 miles south of the Project site. Since the Project site is currently vacant, development could place additional demand on existing fire protection resources. To offset the increased demand for fire protection services, the Project would be conditioned by the City to provide fire safety and support fire suppression, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes.

Policy	Consistency Analysis
	In addition, the Project plans were routed to the Fire Department for review and comment on the impacts to providing fire protection services. The Fire Department did not indicate that the Project would result in the need for new or physically altered fire facilities in order to maintain acceptable service ratios, response times or other performance objectives. Police protection services are provided to the City of Victorville by the San Bernardino County Sheriff's Department. The closest station to the Project site is located at 14455 Civic Drive in the City of Victorville. The Project could generate additional calls for service, however, the Project would be consistent with the General Plan land use designation and buildout has been anticipated in the General Plan. According to the City General Plan EIR, Sheriff Department requests for more officers are based on service needs and officers have been added annually for the last decade based on professional judgment to meet demands. Developer impact fees are collected at the time of building permit issuance. Therefore, no significant adverse impacts to law enforcement are identified or anticipated.
Policy 2.3.1: Ensure that new development proposals (private or public) do not over-consume the City's water supplies to the extent that the minimum volume of water storage required to meet the City's peak load water supply standard could not be met.	As described in EIR Section 4.13, *Utilities and Service Systems*, Project water demand was anticipated in the VWD's 2020 UWMP and based on the existing and planned supplies, VWD can meet 100 percent of the projected water demand through 2045, even with the recurrence of a severe drought. .

2. Analysis of Consistency with the City of Victorville Zoning and Municipal Code

The City of Victorville Zoning Map applies the "Heavy Industrial (M-2) District" to the entire Project site. According to the Victorville Municipal Code, the primary purpose of the "M-2" zoning district is to provide space in suitable locations for certain less restricted types of manufacturing and industrial uses (Victorville, 2022, § 16-3.11.010(b)(3)). The Project is consistent with the permitted uses allowed in the corresponding M-2 zone. Additionally, the Project's application materials were reviewed by the City for conformance with the M-2 zone development standards, as set forth the City's Zoning Code. Accordingly, the Project would not conflict with the City's Zoning Code and would have a less than significant impact.

3. Analysis of Consistency with the SCAG Connect SoCal

SCAG's *Connect SoCal* is the applicable SCAG planning documents that apply to the Project. *Connect SoCal* identifies voluntary best practices to approach growth and infrastructure challenges in an

integrated and comprehensive way. The *Connect SoCal* goals are meant to provide guidance for considering proposed projects for municipalities throughout the SCAG jurisdictional area within the context of regional goals and policies. As shown in Table 4.9-2, SCAG Connect SoCal Goal Consistency Analysis, implementation of the Project would not result in an inconsistency with the adopted *Connect SoCal*. Accordingly, the Project would have a less than significant impact with respect to a conflict with the SCAG's *Connect SoCal*.

Table 4.9-2 SCAG Connect SoCal Goal Consistency Analysis

RTP/ SCS Goal	Goal Statement	Project Consistency Discussion
1	Encourage regional economic prosperity and global competitiveness.	**Consistent.** The Project includes development of the Project site with an industrial building that is designed to meet contemporary industry standards and operational characteristics, that can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region. The Project would assist the City to meet its economic goal for fiscal strength and stability through business investment and employment generation. Accordingly, the Project would encourage regional economic prosperity and global competitiveness.
2	Improve mobility, accessibility, reliability, and travel safety for people and goods.	**Consistent.** As discussed under Threshold c, in Section 4.11, *Transportation*, of this EIR, the Project would not result in a substantial safety hazard to motorists. Additionally, the proposed buildings would accommodate the movement of goods throughout the region, which would shorten the length of vehicular trips and increase the reliability of the movement of goods throughout the region.
3	Enhance the preservation, security, and resilience of the regional transportation system.	**Consistent.** The Project contributes to and would be consistent with planned land use and growth assumptions in the City of Victorville, as anticipated by the General Plan. The Project applicant would pay applicable development impact fees to fund traffic improvements and maintenance of roadway infrastructure in the Project area. This policy provides guidance to the City of Victorville to monitor the transportation network and to coordinate with other agencies as appropriate. The Project would not conflict with the City's transportation network or the City's coordination with other agencies.
4	Increase person and goods movement and travel choices within the transportation system.	**Consistent.** The Project involves development of an industrial building within a developing industrial area and in proximity to the State highway system, which would avoid or shorten truck-trip lengths on other roadways. In compliance with the CALGreen Code, the Project would include bicycle parking stalls.

RTP/ SCS Goal	Goal Statement	Project Consistency Discussion
5	Reduce greenhouse gas emission and improve air quality.	**Consistent.** Refer to the consistency analysis for Goal 4 above. The Project's impacts were evaluated in Section 4.1, *Air Quality*, and Section 4.6, *Greenhouse Gas Emissions*, of this EIR. While the Project's construction emissions would exceed regional thresholds for NO_x, with implementation of MM 4.1-1 the Project's construction emissions would be reduced to less than significant levels. Greenhouse gas emissions were determined to exceed SCAQMD thresholds, and result in significant unavoidable impacts. All feasible mitigation measures were considered to reduce greenhouse gas emissions. Impacts would be reduced the maximum extent feasible through the implementation of Mitigation Measures MM 4.6-1 and 4.6-2, which provide incentives for using clean engines and equipment, require installation of conduit for EV truck charging stations, preferential parking for fuel-efficient and carpool/van vehicles, and EV charging stations.
6	Support healthy and equitable communities.	**Consistent.** The Project is located in an area zoned for industrial uses. Therefore, the proposed industrial buildings are intended for the Project site, which is also surrounded by property zoned for industrial uses to the north and south, with commercial uses to the west.
7	Adapt to a changing climate and support an integrated regional development.	**Consistent.** Connect SoCal indicates that since the adoption of the previous *2016 RTP/SCS*, there have been significant drivers of change in the goods movement industry including emerging and new technologies, more complex supply chain strategies, evolving consumer demands and shifts in trade policies. The Project involves the redevelopment of a Project site with an industrial building that will accommodate a wide variety of users that would diversify the City of Victorville's economy and bring employment opportunities closer to the local workforce. Co-locating jobs near housing reduces greenhouse gas emissions caused by long commutes and contributes to integrated development patterns. Further, the Project site is located in an area designated for industrial development in the City of Victorville, which is in close proximity to key freeway infrastructure, thereby reducing travel distances.
8	Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	**Consistent.** Connect SoCal also indicates that the advancement of automation is expected to have considerable impacts throughout regional supply chains. Notably, warehouses, such as those proposed with the Project, are increasingly integrating automation to improve operational efficiencies in response to the surge in direct-to-consumer e-commerce. Additionally, continued developments and

RTP/ SCS Goal	Goal Statement	Project Consistency Discussion
		demonstrations of electric-powered and automated truck technologies will alter the goods movement environment with far-reaching impacts ranging from employment to highway safety. The Project would meet contemporary industry standards to support advancements in these and other transportation technologies.
9	Encourage development of diverse housing types in areas that are supported by multiple transportation options.	**Consistent.** The Project is in an area designated for industrial uses and would not interfere with the City's ability to encourage the development of diverse housing types that are supported by multiple transportation options in other parts of the City, as appropriate.
10	Promote conservation of natural and agricultural lands and restoration of habitats.	**Consistent.** The site is not located within an area intended for conservation of natural or agricultural lands. Implementation of the Project would not interfere with City's ability to promote the conservation of natural and agricultural lands and the restoration of habitats. Additionally, the Project site does not include any land designated for agricultural uses.

4.9.7 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the Project in conjunction with other development projects and planned development in the vicinity of the Project site that are located in the City of Victorville. As discussed under Threshold a, the Project would not physically divide an established community because the Project site is surrounded by roadways and existing industrial development. Therefore, the Project would have a less than cumulatively considerable impact with respect to a physical division of an established community.

As discussed under Threshold b, the Project would not conflict with any other aspects of the City's General Plan or any other applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating adverse environmental effects. Cumulative development would also be subject to site-specific environmental and planning reviews that would address consistency with adopted land use plan, policy, or regulation. As part of environmental review, projects would be required to provide mitigation for any inconsistencies with the General Plan and environmental policies that would result in adverse physical environmental effects. Thus, it is expected that the land uses of cumulative projects would be consistent with policies that avoid an environmental effect; therefore, cumulatively considerable impacts from cumulative projects related to policy consistency would be less than significant.

4.9.8 SIGNIFICANCE OF IMPACTS BEFORE MITIGATION

Threshold a: Less-than-Significant Impact. The Project would not physically divide an established residential community.

Threshold b: Less-than-Significant-Impact. The Project is consistent with the existing General Plan and zoning designations. The Project would not conflict with applicable environmental plans, policies, and regulations.

4.9.9 MITIGATION

Impacts are less-than-significant, and mitigation is not required.

4.10 NOISE

This Subsection addresses the environmental issue of noise, including existing noise levels in the Project area and the Project's potential to introduce new or elevated sources of noise. The analysis contained herein incorporates information contained in a technical report prepared by Urban Crossroads, Inc., titled "Ottawa Business Center Noise Impact Analysis" and dated September 22, 2022 (Urban Crossroads, 2022e). The report is included as Technical Appendix J to this EIR. Refer to Section 7.0, *References*, for a complete list of reference sources used in the analysis presented in this Subsection.

4.10.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were made during the EIR Scoping Meeting that pertain to noise.

4.10.2 ACOUSTICAL FUNDAMENTALS

A. Noise Definitions

Noise is simply defined as "unwanted sound." Sound becomes unwanted when it interferes with normal activities, when it causes actual physical harm or when it has adverse effects on health. Noise is measured on a logarithmic scale of sound pressure level known as a decibel (dB). A-weighted decibels (dBA) approximate the subjective response of the human ear to broad frequency noise source by discriminating against very low and very high frequencies of the audible spectrum. Since the range of intensities that the human ear can detect is so large, the scale frequently used to measure intensity is a scale based on multiples of 10, the logarithmic scale. The scale for measuring intensity is the decibel scale. Each interval of 10 decibels indicates a sound energy ten times greater than before, which is perceived by the human ear as being roughly twice as loud. The most common sounds vary between 40 dBA (very quiet) to 100 dBA (very loud). Normal conversation at three feet is roughly at 60 dBA, while loud jet engine noises equate to 110 dBA at approximately 1,000 feet, which can cause serious discomfort. (Urban Crossroads, 2022e)

B. Noise Descriptors

Environmental noise descriptors are generally based on averages, rather than instantaneous noise levels. The most commonly used figure is the equivalent continuous noise level (Leq). Leq represents a steady state sound level containing the same total energy as a varying signal over a given time period. Leq values are not measured directly but are calculated from sound pressure levels typically measured in dBA. Consequently, Leq can vary depending on the time of day. (Urban Crossroads, 2022e)

Peak hour or average noise levels, while useful, do not completely describe a given noise environment. Noise levels lower than peak hour levels may be disturbing if they occur during times when quiet is most desirable, namely evening and nighttime (sleeping hours). To account for this, the Community

Noise Equivalent Level (CNEL), representing a composite 24-hour noise level is utilized. The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and average over 24 hours. The time-of-day corrections require the addition of five (5) dB to sound levels in the evening from 7:00 p.m. to 10:00 p.m., and the addition of 10 dB to sound levels at night between 10:00 p.m. and 7:00 a.m. These additions are made to account for the noise sensitive time periods during the evening and nighttime hours when sound appears louder. CNEL does not represent the actual sound level heard at any particular time, but rather represents the total sound exposure. The City of Victorville relies on the 24-hour CNEL level to assess land use compatibility with transportation-related noise sources. (Urban Crossroads, 2022e)

C. Noise Propagation

When sound propagates over a distance, it changes in level and frequency content. The manner in which noise reduces with distance depends on geometric spreading, ground absorption, atmospheric effects, and shielding.

1. Geometric Spreading

Sound from a localized source (i.e., a stationary point source) propagates uniformly outward in a spherical pattern. The sound level attenuates (or decreases) at a rate of 6 dB for each doubling of distance from a point source. Highways consist of several localized noise sources on a defined path and hence can be treated as a line source, which approximates the effect of several point sources. Noise from a line source propagates outward in a cylindrical pattern, often referred to as cylindrical spreading. Sound levels attenuate at a rate of 3 dB for each doubling of distance from a line source. (Urban Crossroads, 2022e)

2. Ground Absorption Noise

To account for the ground-effect attenuation (absorption) of noise, two types of site conditions are commonly used in noise models: soft site and hard site conditions. For acoustically hard sites (i.e., sites with a reflective surface between the source and the receptor, such as a parking lot or body of water), no excess ground attenuation is assumed. For acoustically absorptive or soft sites (i.e., sites with an absorptive ground surface between the source and the receptor such as soft dirt, grass, or scattered bushes and trees), an excess ground attenuation value of 1.5 dB per doubling of distance is normally assumed. (Urban Crossroads, 2022e)

3. Atmospheric Effects

Receptors located downwind from a noise source can be exposed to increased noise levels relative to calm conditions, whereas locations upwind can have lowered noise levels. Other factors that may affect noise levels include air temperature, humidity, and turbulence. (Urban Crossroads, 2022e)

4. Shielding

A large object or barrier in the path between a noise source and a receptor can substantially attenuate noise levels at the receptor. The amount of attenuation provided by shielding depends on the size of the object and the frequency content of the noise source. Solid objects or barriers are most effective at attenuating noise levels. Effective noise barriers can reduce noise levels by 10 to 15 dBA. Noise barriers, however, do have limitations. For a noise barrier to work, it must be high enough and long enough to block the path of the noise source. (Urban Crossroads, 2022e)

D. Response to Noise

Based on scientific research and past experience, the population as a whole can be expected to exhibit the following responses to changes in noise levels: an increase of 1 dBA cannot be perceived except in carefully controlled laboratory experiments; a change of 3 dBA is considered "barely perceptible;" and a change of 5 dBA is considered "readily perceptible." (Urban Crossroads, 2022e)

E. Vibration

Vibration is the periodic oscillation of a medium or object. Sources of groundborne vibration include natural phenomena (e.g., earthquakes, volcanic eruptions, sea waves, landslides) or human-made causes (e.g., explosions, machinery, traffic, trains, construction equipment). Vibration sources may be continuous, such as factory machinery, or transient, such as explosions. As is the case with airborne sound, groundborne vibrations may be described by amplitude and frequency. Vibration is often described in units of velocity (inches per second) and decibels (dB) and is denoted as VdB.

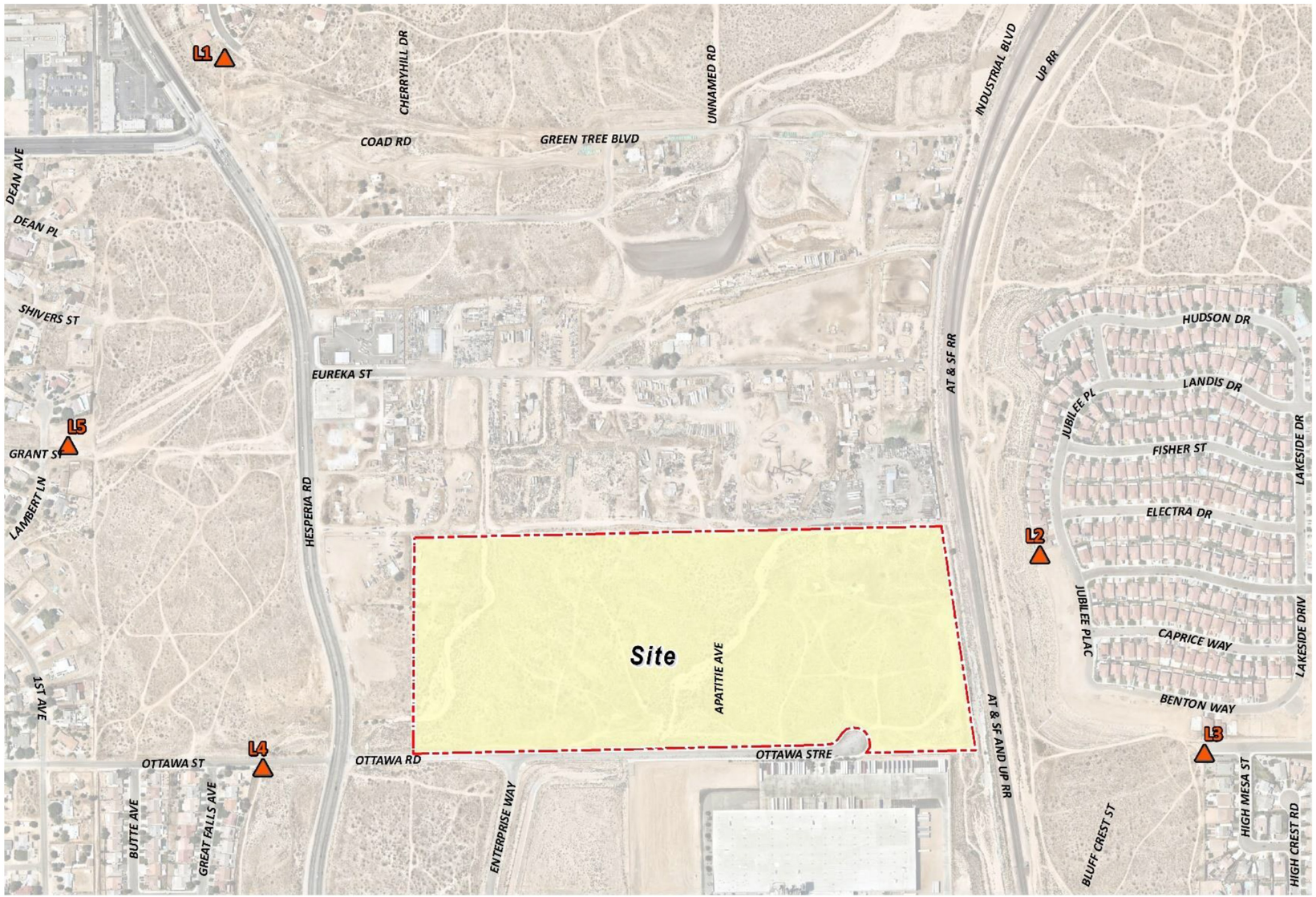
The background vibration-velocity level in residential areas is generally 50 VdB. Groundborne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. (Urban Crossroads, 2022e)

4.10.3 Existing Noise Conditions

A. Existing Study Area Ambient Noise Considerations

To determine existing baseline conditions, Urban Crossroads recorded 24-hours noise readings at five (5) locations near the Project Site on May 27, 2021. The noise measurement locations are identified in Figure 4.10-1, *Noise Measurement Locations*. Refer to Appendix J of *Technical Appendices* for the noise measurement worksheets used by Urban Crossroads to calculate the noise levels, including a summary of the hourly noise levels and the minimum and maximum observed noise levels at each measurement location.

- **Location L1** represents the noise levels located north of the Project site on Tropicana Drive near existing single-family residential home at 13758 Tropicana Drive.



LEGEND:

▲ Measurement Locations

Source(s): Urban Crossroads (02-09-2022)

Figure 4.10-1

Not to Scale

Noise Measurement Locations

- **Location L2** represents the noise levels located east of the Project site on Jubilee Place near existing single-family residential home at 13432 Jubilee Place.
- **Location L3** represents the noise levels located east of the Project site on Bluff Crest Street near existing single-family residential home at 13284 High Mesa Street.
- **Location L4** represents the noise levels located west of the Project site on Ottawa Street near existing single-family residential home at 13291 Great Falls Avenue.
- **Location L5** represents the noise levels located west of the Project site on Grant Street near existing single-family residential home at 16883 Lambert Lane.

B. Existing Groundborne Vibrations

There are no sources of perceptible groundborne vibration on the Project Site under existing conditions.

C. Existing Airport Noise

The Project site is not located within two miles of an airport or airstrip. The closest airport is the Apple Valley Airport located around 7.19 northeast of the Project site, and does expose the Project site to airport noise.

4.10.4 REGULATORY FRAMEWORK

The following is a brief description of the federal, state, and local environmental laws and related regulations related to noise.

A. Federal Regulations

1. Noise Control Act of 1972

The Noise Control Act of 1972 establishes a national policy to promote an environment for all Americans free from noise that jeopardizes their health and welfare. The Act also serves to (1) establish a means for effective coordination of Federal research and activities in noise control; (2) authorize the establishment of Federal noise emission standards for products distributed in commerce; and (3) provide information to the public respecting the noise emission and noise reduction characteristics of such products. (EPA, 2022c)

While primary responsibility for control of noise rests with State and local governments, Federal action is essential to deal with major noise sources in commerce, control of which require national uniformity of treatment. The Environmental Protection Agency (EPA) is directed by Congress to coordinate the programs of all Federal agencies relating to noise research and noise control. (EPA, 2022c)

2. Federal Transit Administration

The Federal Transit Administration (FTA) has published a Noise and Vibration Impact Assessment (NVIA), which provides guidance for preparing and reviewing the noise and vibration sections of environmental documents. In the interest of promoting quality and uniformity in assessments, the manual is used by project sponsors and consultants in performing noise and vibration analyses for inclusion in environmental documents. The manual sets forth the methods and procedures for determining the level of noise and vibration impact resulting from most federally-funded transit projects and for determining what can be done to mitigate such impact. (FTA, 2006, p. 1-1)

The NVIA also establishes criteria for acceptable ground-borne vibration, which are expressed in terms of root mean square (rms) velocity levels in decibels and the criteria for acceptable ground-borne noise are expressed in terms of A-weighted sound levels. As shown in Table 4.10-1, *Ground-Borne Vibration and Ground-Borne Noise Impact Criteria for General Assessment*, the FTA identifies three categories of land uses and provides Ground-Based Vibration (GBV) and Ground-Based Noise (GBN) criteria for each category of land use. (FTA, 2006, pp. 8-3 and 8-4)

Table 4.10-1 Ground-Borne Vibration and Ground-Borne Noise Impact Criteria for General Assessment

Land Use Category	GBV Impact Levels (VdB re 1 micro-inch /sec)			GBN Impact Levels (dB re 20 micro Pascals)		
	Frequent Events[1]	Occasional Events[2]	Infrequent Events[3]	Frequent Events[1]	Occasional Events[2]	Infrequent Events[3]
Category 1: Buildings where vibration would interfere with interior operations.	65 VdB[4]	65 VdB[4]	65 VdB[4]	N/A[4]	N/A[4]	N/A[4]
Category 2: Residences and buildings where people normally sleep.	72 VdB	75 VdB	80 VdB	35 dBA	38 dBA	43 dBA
Category 3: Institutional land uses with primarily daytime use.	75 VdB	78 VdB	83 VdB	40 dBA	43 dBA	48 dBA

Notes:

1. "Frequent Events" is defined as more than 70 vibration events of the same source per day. Most rapid transit projects fall into this category.
2. "Occasional Events" is defined as between 30 and 70 vibration events of the same source per day. Most commuter trunk lines have this many operations.
3. "Infrequent Events" is defined as fewer than 30 vibration events of the same kind per day. This category includes most commuter rail branch lines.
4. This criterion limit is based on levels that are acceptable for most moderately sensitive equipment such as optical microscopes. Vibration-sensitive manufacturing or research will require detailed evaluation to define the acceptable vibration levels. Ensuring lower vibration levels in a building often requires special design of the HVAC systems and stiffened floors.
5. Vibration-sensitive equipment is generally not sensitive to ground-borne noise.

Source: (FTA, 2006, Table 8-1)

3. Federal Highway Administration

The Federal Highway Administration (FHWA) is the agency responsible for administering the Federal-aid highway program in accordance with Federal statutes and regulations. The FHWA developed the noise regulations as required by the Federal-Aid Highway Act of 1970 (Public Law 91-605, 84 Stat. 1713). The regulation, 23 CFR 772 *Procedures for Abatement of Highway Traffic Noise and Construction Noise*, applies to highway construction projects where a State department of transportation has requested Federal funding for participation in the project. The regulation requires the highway agency to investigate traffic noise impacts in areas adjacent to federally-aided highways for proposed construction of a highway on a new location or the reconstruction of an existing highway to either significantly change the horizontal or vertical alignment or increase the number of through-traffic lanes. If the highway agency identifies impacts, it must consider abatement. The highway agency must incorporate all feasible and reasonable noise abatement into the project design. (FHWA, 2022)

The FHWA regulations for mitigation of highway traffic noise in the planning and design of federally aided highways are contained in Title 23 of the United States Code of Federal Regulations Part 772. The regulations require the following during the planning and design of a highway project:

- Identification of traffic noise impacts;
- Examination of potential mitigation measures;
- The incorporation of reasonable and feasible noise mitigation measures into the highway project; and
- Coordination with local officials to provide helpful information on compatible land use planning and control. (FHWA, 2022)

The regulations contain noise abatement criteria, which represent the upper limit of acceptable highway traffic noise for different types of land uses and human activities. The regulations do not require meeting the abatement criteria in every instance. Rather, they require highway agencies make every reasonable and feasible effort to provide noise mitigation when the criteria are approached or exceeded. Compliance with the noise regulations is a prerequisite for the granting of Federal-aid highway funds for construction or reconstruction of a highway. (FHWA, 2022)

4. Construction-Related Hearing Conservation

The Occupational Safety and Health Administration (OSHA) hearing conservation program is designed to protect workers with significant occupational noise exposures from hearing impairment even if they are subject to such noise exposures over their entire working lifetimes. Standard 29 CFR, Part 1910 indicates the noise levels under which a hearing conservation program is required to be provided to workers exposed to high noise levels. (OSHA, 2002) This analysis does not evaluate the noise exposure of construction workers within the Project site based on CEQA requirements, and instead, evaluates the Project-related construction noise levels at the nearby sensitive receiver locations in the Project study area. Further, periodic exposure to high noise levels in short duration, such as Project construction, is typically considered an annoyance and not impactful to human health. It would take several years of exposure to high noise levels to result in hearing impairment.

B. State Regulations

1. State of California Noise Requirements

The State of California regulates freeway noise, sets standards for sound transmission, provides occupational noise control criteria, identifies noise standards, and provides guidance for local land use compatibility. State law requires that each county and city adopt a General Plan that includes a Noise Element which is to be prepared according to guidelines adopted by the Governor's Office of Planning and Research. The purpose of the Noise Element is to limit the exposure of the community to excessive noise levels.

2. Building Standards Code

The State of California's noise insulation standards are codified in the California Code of Regulations, Title 24, Building Standards Administrative Code, Part 2, and the California Building Standards Code. These noise standards are applied to new construction in California for the purpose of controlling interior noise levels resulting from exterior noise sources. The regulations specify that acoustical studies must be prepared when noise-sensitive structures, such as residential buildings, schools, or hospitals, are developed near major transportation noise sources, and where such noise sources create an exterior noise level of 60 dBA CNEL or higher. Acoustical studies that accompany building plans for noise-sensitive land uses must demonstrate that the structure has been designed to limit interior noise in habitable rooms to acceptable noise levels. For new residential buildings, schools, and hospitals, the acceptable interior noise limit for new construction is 45 dBA CNEL. (BSC, n.d.)

3. California Noise Insulation Standards

The California Noise Insulation Standards (CCR Title 25 Section 1092) establish uniform minimum noise insulation performance standards for new hotels, motels, dormitories, apartment houses, and dwellings other than detached single-family dwellings. Specifically, Title 25 specifies that interior noise levels attributable to exterior sources shall not exceed 45 dBA Ldn/CNEL (i.e., the same levels that the EPA recommends for residential interiors) in any habitable room of a new dwelling. An acoustical study must be prepared for proposed multiple unit residential and hotel/motel structures where outdoor Ldn/CNEL is 60 dBA or greater. The study must demonstrate that the design of the building would reduce interior noise to 45 dBA Ldn/CNEL or lower. Because noise levels can increase over time in developing areas, Title 25 also specifies that dwellings are to be designed so that interior noise levels will meet this standard for at least ten years from the time of building permit application. (MLA, n.d.)

C. Local

1. City of Victorville General Plan Noise Element

The City of Victorville General Plan Noise Element is intended to limit exposure of the community to excessive noise levels. The General Plan land use compatibility standards specify the noise levels allowable for new developments impacted by transportation noise sources. The City's compatibility criteria, found in Table N-3 of the General Plan, identify the criteria for the multi-family and commercial land uses such as the Project. For the multi-family residential land use, exterior noise levels of less than 65 dBA CNEL are considered normally acceptable, conditionally acceptable with exterior noise levels between 65 to 70 dBA CNEL, and normally unacceptable with exterior noise levels above 70 dBA CNEL. For the commercial land use, exterior noise levels of less than 70 dBA CNEL are considered normally acceptable, and conditionally acceptable with exterior noise levels between 70 to 75 dBA CNEL, and normally unacceptable with exterior noise levels above 75 dBA CNEL.

4.10.5 METHODOLOGY

A. Construction Noise Analysis

For the construction noise analysis, reference noise level measurements are relied upon that Urban Crossroads collected with calibrated noise monitoring meters at construction sites in southern California. The reference noise level measurements included the types of construction equipment that would be used on the Project site performing similar types of construction activities at a similar level of activity/intensity as is expected to occur on the Project site. Table 4.10-2, *Construction Reference Noise Levels*, provides a summary of the reference noise level measurements. Because the reference noise measurements were collected at varying distances, all construction noise level measurements presented in Table 4.10-2 were normalized by Urban Crossroads to describe a common reference distance of 50 feet. (Urban Crossroads, 2022e)

Using the reference construction equipment noise levels and the CadnaA noise prediction model, calculations of the Project construction noise level impacts at the nearest sensitive receiver locations were completed. 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. Consistent with FTA guidance for general construction noise assessment, Table 4.10-2 presents the combined noise level for all equipment, assuming they operate at the same time. (Urban Crossroads, 2022e)

Table 4.10-2 Construction Reference Noise Levels

Construction Stage	Reference Construction Activity[1]	Reference Noise Level @ 50 Feet (dBA L_{eq})[1]	Combined Noise Level (dBA L_{eq})
Site Preparation	Crawler Tractors	77	79
	Hauling Trucks	71	
	Rubber Tired Dozers	71	
Grading	Graders	79	79
	Compactors	67	
	Excavators	64	
Building Construction	Tractors	72	74
	Cranes	67	
	Welders	65	
Paving	Pavers	70	74
	Paving Equipment	69	
	Rollers	69	
Architectural Coating	Cranes	67	72
	Air Compressors	67	
	Generator Sets	67	

[1] Update of Noise Database for Prediction of Noise on Construction and Open Sites by the Department for Environment, Food and Rural Affairs (DEFRA) expressed in hourly average L_{eq} based on estimated usage factors from the FHWA Roadway Construction Noise Model (RCNM).
[2] Represents the combined noise level for all equipment assuming they operate at the same time consistent with FTA Transit Noise and Vibration Impact Assessment guidance for general construction noise assessment.
Source: (Urban Crossroads, 2022e)

B. Operational Noise Analysis

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 proposed Project. This section provides a detailed description of the reference noise level measurements shown on Table 4.10-3, *Operational Reference Noise Levels*, used to estimate the Project operational noise impacts. It is important to note that the following projected noise levels assume the worst-case noise environment with the cold storage loading dock activity, roof-top air conditioning units, trash enclosure activity, parking lot vehicle movements, and truck movements all operating at the same time. These sources of noise activity will likely vary throughout the day. (Urban Crossroads, 2022e)

The reference noise level measurements presented in this section were collected using a Larson Davis LxT Type 1 precisions sound level meter (serial number 01146). The LxT sound level meter was calibrated using a Larson-Davis calibrator, Model CAL 200, was programmed in "slow" mode to record noise levels in "A" weighted form and was located at approximately five feet above the ground elevation for each measurement. The sound level meters and microphones were equipped with a

windscreen during all measurements. All noise level measurement equipment satisfies the American National Standards Institute (ANSI) standard specifications for sound level meters ANSI S1.4-2014/IEC 61672-1:2013. (Urban Crossroads, 2022e)

Table 4.10-3 Operational Reference Noise Levels

Noise Source[1]	Noise Source Height (Feet)	Min./Hour[2]		Reference Noise Level @ 50 feet (dBA L_{eq})	Sound Power Level (dBA)[3]
		Day	Night		
Cold Storage Loading Dock Activity	8'	60	60	65.7	111.5
Roof-Top Air Conditioning Units	5'	39	28	57.2	88.9
Trash Enclosure Activity	5'	10	10	57.3	89.0
Parking Lot Vehicle Movements	5'	60	60	56.1	87.8
Truck Movements	8'	60	60	59.8	93.2

[1] As measured by Urban Crossroads, Inc.
[2] Anticipated duration (minutes within the hour) of noise activity during typical hourly conditions expected at the Project site. "Day" = 7:00 a.m. to 10:00 p.m.; "Night" = 10:00 p.m. to 7:00 a.m.
[3] Sound power level represents the total amount of acoustical energy (noise level) produced by a sound source independent of distance or surroundings. Sound power levels calculated using the CadnaA noise model at the reference distance to the noise source.
Source: (Urban Crossroads, 2022e)

C. Vibration Analysis Methodology

Construction activity can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. It is expected that ground-borne vibration from Project construction activities would cause only intermittent, localized intrusion. Ground-borne vibration levels resulting from typical construction activities occurring within the Project site were estimated by data published by the Federal Transit Administration (FTA). However, while vehicular traffic is rarely perceptible, construction has the potential to result in varying degrees of temporary ground vibration, depending on the specific construction activities and equipment used. Ground vibration levels associated with various types of construction equipment are summarized on Table 4.10-4, *Vibration Source Levels for Construction Equipment*. Based on the representative vibration levels presented for various construction equipment types, it is possible to estimate the potential Project construction vibration levels using the following vibration assessment methods defined by FTA. (Urban Crossroads, 2022e)

Table 4.10-4 Vibration Source Levels for Construction Equipment

Equipment	PPV (in/sec) at 25 feet
Small bulldozer	0.003
Jackhammer	0.035
Loaded Trucks	0.076
Large bulldozer	0.089

Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual
Source: (Urban Crossroads, 2022e)

4.10.6 Basis for Determining Significance

According to Section XIII of the CEQA Guidelines, the proposed Project would result in a significant impact to noise if the Project or any Project-related component would:

- *Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;*
- *Generation of excessive ground borne vibration or ground borne noise levels;*
- *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.*

4.10.7 Impact Analysis

Threshold a: ***Would the Project generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?***

A. Construction Noise Impact Analysis

Using the reference construction equipment noise levels and the CadnaA noise prediction model, calculations of the Project construction noise level impacts at the nearest sensitive receiver locations were completed (see Table 4.10-2). 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. Consistent with FTA guidance for general construction noise assessment, Table 4.10-5, *Construction Equipment Noise Level Summary*, presents the combined noise level for all equipment, assuming they operate at the same time.

The construction noise levels are expected to range from 52.8 to 69.0 dBA L_{eq}, and the highest construction levels are expected to range from 59.8 to 69.0 dBA L_{eq} at the nearby receiver locations. The construction noise analysis presents a conservative approach with the combined noise-level-producing equipment for each stage of Project construction operating at the closest point from primary construction activity (property line) to the nearby sensitive receiver locations. This scenario is unlikely to occur during typical construction activities and likely overstates the construction noise levels which will be experienced at each receiver location. (Urban Crossroads, 2022e)

Table 4.10-5 Construction Equipment Noise Level Summary

Receiver Location[1]	Construction Noise Levels (dBA L_{eq})		
	Highest Construction Noise Levels[2]	Threshold[3]	Threshold Exceeded?[4]
R1	59.8	80	No
R2	69.0	80	No
R3	63.9	80	No
R4	65.8	80	No
R5	62.0	80	No

[1] Noise receiver locations are shown on Figure 4.10-1.
[2] Highest construction noise level calculations based on distance from the construction noise source activity to the nearest receiver locations as shown on Table 4.10-5.
[3] Construction noise level thresholds as shown on Table 4.10-2.
[4] Do the estimated Project construction noise levels exceed the construction noise level threshold?
Source: (Urban Crossroads, 2022e)

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 as shown on Table 4.10-5, *Construction Equipment Noise Level*. Therefore, the noise impacts due to Project construction noise are considered less than significant at all receiver locations. (Urban Crossroads, 2022e)

B. On-Site Operational Noise Impact Analysis

This operational noise analysis is intended to describe noise level impacts associated with the expected typical of daytime and nighttime activities at the Project site. To present the potential worst-case noise conditions, this analysis assumes the Project would be operational 24 hours per day, seven days per week. Consistent with similar warehouse and light industrial uses, the Project business operations would primarily be conducted within the enclosed buildings, except for traffic movement, parking, as well as loading and unloading of trucks at designated loading bays. The on-site Project-related noise sources are expected to include: cold storage loading dock activity, roof-top air conditioning units, trash enclosure activity, parking lot vehicle movements, and truck movements. (Urban Crossroads, 2022e)

Operational source noise levels were calculated using the reference noise levels to represent the proposed Project operations that include cold storage loading dock activity, roof-top air conditioning units, trash enclosure activity, parking lot vehicle movements, and truck movements (see Table 4.10-3). Table 4.10-6, *Daytime Project Operational Noise Levels*, shows the Project operational noise levels during the daytime hours of 7:00 a.m. to 10:00 p.m. The daytime hourly noise levels at the nearest receiver locations are expected to range from 43.9 to 51.6 dBA Leq. (Urban Crossroads, 2022e)

Table 4.10-7, *Nighttime Project Operational Noise Levels*, shows the Project operational noise levels during the nighttime hours of 10:00 p.m. to 7:00 a.m. The nighttime hourly noise levels at the nearest receiver locations are expected to range from 43.0 to 50.6 dBA Leq. The differences between the daytime and nighttime noise levels are largely related to the duration of noise activity. Appendix 10.1 of *Technical Appendix J* to this Draft EIR, includes the detailed noise model inputs including the planned 8-foot-high noise barrier as shown on Exhibit 11-A. (Urban Crossroads, 2022e)

Table 4.10-6 Daytime Project Operational Noise Levels

Noise Source	Operational Noise Levels by Receiver Location (dBA Leq)				
	R1	R2	R3	R4	R5
Cold Storage Loading Dock Activity	43.7	51.4	46.8	48.7	45.2
Roof-Top Air Conditioning Units	20.9	29.6	25.4	27.1	22.8
Trash Enclosure Activity	14.8	22.5	17.1	21.2	18.2
Parking Lot Vehicle Movements	24.0	29.3	26.7	32.7	28.1
Truck Movements	26.8	36.8	32.6	35.1	30.1
Total (All Noise Sources)	**43.9**	**51.6**	**47.0**	**49.0**	**45.4**

Source: (Urban Crossroads, 2022e)

Table 4.10-7 Nighttime Project Operational Noise Levels

Noise Source[1]	Operational Noise Levels by Receiver Location (dBA Leq)				
	R1	R2	R3	R4	R5
Cold Storage Loading Dock Activity	42.8	50.4	45.8	47.7	44.2
Roof-Top Air Conditioning Units	20.0	28.7	24.4	26.2	21.8
Trash Enclosure Activity	13.8	21.6	16.1	20.3	17.2
Parking Lot Vehicle Movements	23.0	28.4	25.7	31.8	27.2
Truck Movements	26.8	36.8	32.6	35.1	30.1
Total (All Noise Sources)	**43.0**	**50.6**	**46.1**	**48.1**	**44.5**

Source: (Urban Crossroads, 2022e)

To demonstrate compliance with local noise regulations, the Project-only operational noise levels are evaluated against exterior noise level thresholds based on the City's exterior noise level standards at nearby noise-sensitive receiver locations. Table 4.10-8, *Operational Noise Level Compliance*, shows the operational noise levels associated with Project will satisfy the City's 65 dBA Leq daytime and 55

dBA Leq nighttime exterior noise level standards at all nearest receiver locations. Therefore, the operational noise impacts are considered less than significant at the nearby noise-sensitive receiver locations.

Table 4.10-8 Operational Noise Level Compliance

Receiver Location[1]	Project Operational Noise Levels (dBA Leq)[2]		Noise Level Standards (dBA Leq)[3]		Threshold Exceeded?[4]	
	Daytime	Nighttime	Daytime	Nighttime	Daytime	Nighttime
R1	43.9	43.0	65	55	No	No
R2	51.6	50.6	65	55	No	No
R3	47.0	46.1	65	55	No	No
R4	49.0	48.1	65	55	No	No
R5	45.4	44.5	65	55	No	No

Source: (Urban Crossroads, 2022e)

C. Off-Site Operational Traffic Noise Impact Analysis

To assess the off-site transportation CNEL noise level impacts associated with development of the proposed Project, noise contours were developed based on the Traffic Analysis (*Technical Appendix J* of this Draft EIR). Noise contours were used to assess the Project's incremental 24-hour dBA CNEL traffic-related noise impacts at receiving land uses adjacent to roadways conveying Project traffic. The noise contours represent the distance to noise levels of a constant value and are measured from the center of the roadway for the 70, 65, and 60 dBA CNEL noise levels. The noise contours do not consider the effect of any existing noise barriers or topography that may attenuate ambient noise levels. In addition, because the noise contours reflect modeling of vehicular noise on area roadways, they appropriately do not reflect noise contributions from the surrounding stationary noise sources within the Project study area.

Tables 7-1 through 7-6 in *Technical Appendix J* of this Draft EIR, present a summary of the exterior traffic noise levels, without barrier attenuation, for the eight study area roadway segments. Tables 7-7 through 7-9 presents a summary shows the Project traffic noise level increases under each of the following conditions:

- Existing Without Project (2021)
- Existing With Project (E+P)
- Opening Year Cumulative (2024) Without Project (OY)
- Opening Year Cumulative (2024) With Project (OYP)
- Future Year (2034) Without Project (FY)
- Future Year (2034) With Project (FYP)

1. Existing Project Traffic Noise Level Increases

The Existing without Project exterior noise levels range from 60.2 to 74.8 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. Existing with Project conditions ranging from 60.5 to 74.9 dBA CNEL. Project off-site traffic noise level increases range from 0.0 to 1.9 dBA CNEL on the study area roadway segments. Based on the significance criteria for off-site traffic noise, the following study area roadway segment is shown to experience potentially significant off-site traffic noise level increase due to the proposed Project truck trip distribution under Existing with Project conditions.

- Existing noise-sensitive use on Nisqualli Road west of Hesperia Road (Segment #8)

2. Project Opening Year Cumulative (2024) Traffic Noise Level Increases

The Project Opening Year Cumulative (2024) without Project exterior noise levels range from 60.7 to 74.8 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. The Project Opening Year Cumulative (2024) with Project conditions will also range from 60.9 to 75.1 dBA CNEL. Project off-site traffic noise level increases range from 0.0 to 1.8 dBA CNEL. Based on the significance criteria for off-site traffic noise, the following study area roadway segment is shown to experience potentially significant off-site traffic noise level increases due to the proposed Project truck trip distribution under Opening Year Cumulative (2024) with Project conditions.

- Existing noise-sensitive use on Nisqualli Road west of Hesperia Road (Segment #8)

3. Future Year (2034) Project Traffic Noise Level Increases

The Future Year (2034) without Project exterior noise levels range from 61.4 to 75.9 dBA CNEL, without accounting for any noise attenuation features such as noise barriers or topography. The Future Year (2034) with Project conditions will also range from 61.6 to 75.9 dBA CNEL. The Project off-site traffic noise level increases range from 0.0 to 1.5 dBA CNEL. Based on the significance criteria for off-site traffic noise, the following study area roadway segment is shown to experience potentially significant off-site traffic noise level increases due to the proposed Project truck trip distribution under Future Year (2034) with Project conditions.

- Existing noise-sensitive use on Nisqualli Road west of Hesperia Road (Segment #8)

4. Summary of Operational Traffic Noise

Project off-site traffic noise level increases would result in a significant impact to an existing noise-sensitive use on Nisqualli Road west of Hesperia Road (Segment #8), under Existing Plus Project, Opening Year (2024), and Future Year (2034) conditions.

Threshold b: ***Would the Project generate excessive groundborne vibration or groundborne noise levels?***

A. Construction Analysis

Table 4.10-9, *Project Construction Vibration Levels*, presents the expected Project related vibration levels at the nearby receiver locations. At distances ranging from 380 to 2,232 feet from Project construction activities, construction vibration velocity levels are estimated to range from 0.000 to 0.002 in/sec PPV. Based on maximum acceptable continuous vibration threshold of 0.3 PPV (in/sec) for older residential buildings, the typical Project construction vibration levels will satisfy the building damage thresholds at all receiver locations. In addition, the typical construction vibration levels at the nearest sensitive receiver locations are unlikely to be sustained during the entire construction period but will occur rather only during the times that heavy construction equipment is operating adjacent to the Project site boundaries. Accordingly, impacts would be less than significant at all receiver locations.

Table 4.10-9 Project Construction Vibration Levels

Receiver[1]	Distance to Const. Activity (Feet)[2]	Typical Construction Vibration Levels PPV (in/sec)[3]					Thresholds PPV (in/sec)[4]	Thresholds Exceeded?[5]
		Small bulldozer	Jackhammer	Loaded Trucks	Large bulldozer	Highest Vibration Level		
R1	2,232'	0.000	0.000	0.000	0.000	0.000	0.3	No
R2	380'	0.000	0.001	0.001	0.002	0.002	0.3	No
R3	1,011'	0.000	0.000	0.000	0.000	0.000	0.3	No
R4	717'	0.000	0.000	0.000	0.001	0.001	0.3	No
R5	1,478'	0.000	0.000	0.000	0.000	0.000	0.3	No

[1] Receiver locations are shown on Figure 4.10-1.
[2] Distance from receiver location to Project construction boundary (Project site boundary).
[3] Based on the Vibration Source Levels of Construction Equipment.
[4] Caltrans Transportation and Construction Vibration Guidance Manual, April 2020, Tables 19, p. 38.
[5] Does the peak vibration exceed the acceptable vibration thresholds?
"PPV" = Peak Particle Velocity

B. Operational Analysis

Under long-term conditions, the operational activities of the Project would not include or require equipment, facilities, or activities that would result in perceptible ground-borne vibration. Trucks would travel to and from the Project Site on surrounding roadways; however, vibration and groundborne noise levels for heavy trucks operating at the posted speed limits on smooth, paved surfaces, as is expected on the Project Site and surrounding roadways is rarely perceptible. Accordingly, Project operation would not generate excessive groundborne vibration or groundborne noise levels and impacts would be less-than-significant.

Threshold c:	***For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project expose people residing or working in the project area to excessive noise levels?***

The Project site is not located within two miles of an airport or airstrip. The closest airport is the Apple Valley Airport located around 7.19 northeast of the Project site. As such, the Project site would not be exposed to excessive noise levels from airport operations, and therefore, impacts are considered less than significant.

4.10.8 CUMULATIVE IMPACT ANALYSIS

The cumulative impact analysis considers construction and operation of the Project in conjunction with other development projects in the vicinity of the Project Site and resulting from full General Plan buildout in the neighboring cities.

A. Construction Noise

Construction activities associated with the proposed Project, especially activities involving heavy equipment, would create intermittent periods of noise when construction equipment is in operation and cause a short-term increase in ambient noise levels. There are no known active, pending, or planned construction projects in the immediate vicinity of the Project Site that would overlap with the Project's proposed construction schedule. Accordingly, there is no potential for Project-related construction activities to contribute to cumulatively-considerable impacts to occupied sensitive receptor locations.

B. Operational Noise

The analysis presented for Threshold "a" addresses the Project's contribution of noise to existing cumulative noise sources (i.e., ambient noise) in the Project area. While Project operation would result in a less than significant direct impact during, the Project would result in potentially significant impacts for the Existing plus Project, Opening Year, and Future Year conditions on Nisqualli Road west of Hesperia Road. Under Existing plus Project, Opening Year, and Future Year conditions, the Project would result in an addition 1.5-1.9 dBA on Nisqualli Road west of Hesperia Road, in excess of the City's limit of 1.5 dBA. Accordingly, impacts would be cumulatively significant.

C. Groundborne Vibration and Noise

During construction, the Project's peak vibration impacts would occur during the grading phase when large pieces of equipment, like bulldozers, are operating on-site. (During the non-grading phases of Project construction, when smaller pieces of equipment are used on-site, the Project's vibration would be minimal.) Vibration effects diminish rapidly from the source; therefore, the only reasonable sources of cumulative vibration in the vicinity of the Project Site could occur on properties abutting these sites. As described above, there are no known active or pending construction projects abutting the Project Site that would overlap with the Project's proposed construction schedule. Accordingly, there is no

potential for the Project to contribute to the exposure of persons to substantial temporary groundborne vibration or noise.

Under long-term conditions, the Project would not include or require equipment or activities that would result in perceptible groundborne vibration beyond the Project Site. Trucks would travel to and from the Project Site along local roadways; however, vibration levels for heavy trucks operating at the posted speed limits on paved surfaces are not perceptible beyond the roadway. The Project would not cumulatively-contribute to the exposure of persons to excessive groundborne vibration or noise levels during long-term operation.

D. Airport Noise

The Project would not involve the construction, operation, or use of any public airports or public use airports. There are no conditions associated with implementation of the Project that would contribute airport noise or exposure of additional people to unacceptable levels of airport noise. Accordingly, the Project would have no potential to cumulatively contribute to impacts associated with noise from a public airport, public use airport, or private airstrip. Accordingly, there is no potential for cumulative development to expose persons residing or working in the Project area to excessive airport-related noise levels.

4.10.9 Significance of Impacts Before Mitigation

Threshold a: Less-than-Significant Construction and On-Site Operational. However, a Significant and Cumulatively-Considerable Off-Site Traffic Noise Impact is expected at one sensitive receptor. The Project would generate a less than significant short-term construction and long-term on-site operational noise levels impact, but would exceed the standards established in the City for a cumulative operational impact. Project off-site traffic noise level increases would result in a significant impact to an existing noise-sensitive use on Nisqualli Road west of Hesperia Road (Segment #8), under Existing Plus Project, Opening Year (2024), and Future Year (2034) conditions.

Threshold b: Less-than-Significant Impact. The Project's construction and operational activities would not result in a perceptible groundborne vibration or noise.

Threshold c: Less-than-Significant Impact. The Project site is not located within two miles of an airport or airstrip. As such, the Project site would not be exposed to excessive noise levels from airport operations, and therefore, impacts are considered less than significant.

4.10.10 Mitigation Measures

Both rubberized asphalt and off-site noise barriers were considered as potential noise mitigation measures to reduce the potentially significant off-site traffic noise level increases. However, neither form of mitigation would eliminate the off-site traffic noise level increases at the adjacent land uses to

the impacted roadway segments. Therefore, the Project-related off-site traffic noise level increases at adjacent noise-sensitive land are considered a significant and unavoidable impact.

A. Rubberized Asphalt

Due to the potential noise attenuation benefits, rubberized asphalt is considered as a mitigation measure for the off-site Project-related traffic noise level increases. To reduce traffic noise levels at the noise source, Caltrans research has shown that rubberized asphalt can provide noise attenuation of approximately 4 dBA for automobile traffic noise levels. Changing the pavement type of a roadway has been shown to reduce the amount of tire/pavement noise produced at the source under both near-term and long-term conditions. Traffic noise is generated primarily by the interaction of the tires and pavement, the engine, and exhaust systems. For automobile noise, as much as 75 to 90-percent of traffic noise is generated by the interaction of the tires and pavement, especially when traveling at higher and constant speeds. According to research conducted by Caltrans and the Canadian Ministry of Transportation and Highways a 4 dBA reduction in tire/pavement noise is attainable using rubberized asphalt under typical operating conditions.

The effectiveness of reducing traffic noise levels is higher on roadways with low percentages of heavy trucks, since the heavy truck engine and exhaust noise is not affected by rubberized alternative pavement due to the truck engine and exhaust stack height above the pavement itself. Per Caltrans guidance a truck stack height is modeled using a height of 11.5 feet above the road. With the primary off-site traffic noise source consisting of heavy trucks with a stack height of 11.5 feet off the ground, the tire/pavement noise reduction benefits associated rubberized asphalt will be primarily limited to automobiles.

While the off-site Project-related traffic noise level increases would theoretically be reduced with the 4 dBA reduction provided by rubberized asphalt, the reduction would not provide reliable benefits for the noise levels generated by heavy truck traffic. This is, as previously stated, due to the noise source height difference between automobiles and trucks. While rubberized asphalt will provide some noise reduction, this 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 to less than significant levels. Since the use of rubberized asphalt would not lower the off-site traffic noise levels below a level of significance, rubberized asphalt is not proposed as mitigation for the Project and the off-site Project-related traffic noise level increases at adjacent land uses would remain significant.

B. Off-Site Noise Barriers

Since existing and future noise-sensitive receiving land uses are located adjacent to the impacted roadway segment in the Project study area, off-site noise barriers were considered in this analysis as a potential traffic noise mitigation measure to reduce the impacts. Off-site noise barriers are estimated to provide a readily perceptible 5 dBA reduction which, according to the FHWA, is simple to attain when blocking the line-of-sight from the noise source to the receiver. As previously discussed, Caltrans guidance in the Highway Design Manual, Section 1102.3, indicates that for design purposes,

the noise barrier should intercept the line of sight from the exhaust stack of a truck to the receptor, and an 11.5-foot-high truck stack height is assumed to represent the truck engine and exhaust noise source. Therefore, any exterior 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.

In addition, according to FHWA guidance, outdoor living areas are generally limited to outdoor living areas of frequent human use (e.g., backyards of single-family homes). Therefore, front and side yards of residential homes adjacent to off-site roadway segments do not represent noise sensitive areas of frequent human use that require exterior noise mitigation. 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, and therefore, noise barriers are not proposed as mitigation for the Project.

4.10.11 Significance of Impacts After Mitigation

Threshold a: Significant and Unavoidable Cumulative Impact. Both rubberized asphalt and off-site noise barriers were considered as potential noise mitigation measures to reduce the potentially significant off-site traffic noise level increases, but neither mitigation measure would feasibly or tangibly reduce the off-site traffic noise levels. Therefore, the Project-related off-site traffic noise level increases at adjacent noise-sensitive land are considered a significant and unavoidable impact. It should be noted that this conclusion is conservative insofar as the statutory scheme underlying CEQA is concerned with impacts on the broader environment as opposed to individuals. Thus, under CEQA, the identified impact to a single receptor would likely not be deemed to be an impact in the first instance. Nevertheless, in an effort to be conservative, the EIR concludes a significant and unavoidable impact.

4.11 TRANSPORTATION

This Subsection is based, primarily, on a vehicle miles traveled report prepared by Urban Crossroads, titled "Ottawa Business Center Vehicle Miles Traveled (VMT) Analysis" dated June 17, 2021 (Urban Crossroads, 2021); and traffic analysis prepared by Urban Crossroads titled "Ottawa Business Center Traffic Analysis" dated September 22, 2022 (Urban Crossroads, 2022f). These reports are included in this EIR as *Technical Appendix K1* and *Technical Appendix K2* respectively.

This Subsection assesses transportation impacts resulting from implementation of the Project. In accordance with Senate Bill (SB) 743, further discussed under Subsection 4.12.3 below, the California Natural Resources Agency (CNRA) adopted changes to the CEQA Guidelines in December 2018, which identify that starting on July 1, 2020, vehicle miles traveled (VMT) is the appropriate metric to evaluate a project's transportation impacts. As of December 2018, when the revised CEQA Guidelines were adopted, automobile delay, as measured by "level of service" (LOS) and other similar metrics, no longer constitutes a significant environmental effect under CEQA. Lead agencies in California are required to use VMT to evaluate project-related transportation impacts.

4.11.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were made during the EIR Scoping Meeting that pertain to transportation.

4.11.2 ENVIRONMENTAL SETTING

The Project site is currently vacant and does not generate any vehicle trips. The existing roadway system, truck routes, transit service, and pedestrian facilities are described below.

A. Existing Roadway System

The Project site is located immediately north of Ottawa Street, east of Hesperia Road, and south of Terra Linda Street. Existing traffic on nearby roadways consist of both passenger vehicles and trucks passing through the area and accessing nearby land uses. The primary regional vehicular travel route serving the Project area is Interstate 15 (I-15), located approximately 2.2 miles west of the Project site. The Project site is located approximately 2.9 roadway miles from the Green Tree Boulevard on/off-ramp to I-15. (Google Earth, 2022)

B. Existing Truck Routes

The City of Victorville has designated truck routes. In the vicinity of the Project site, Hesperia Road and Nisqualli Road are designated truck routes. Trucks would be permitted to travel either north on Hesperia Road towards D Street or south towards Bear Valley Road to access the I-15 freeway. (Urban Crossroads, 2022f, Exhibit 3-5)

C. Existing Transit Services

The Project area is currently served by Victor Valley Transit Authority (VVTA) with bus service along Hesperia Road and Nisqualli Road. VVTA Route 50 could potentially serve the Project if extended to the north on Hesperia Road. Route 50 currently runs along Hesperia Road south of Nisqualli Road and on Nisqualli Road to the west of Hesperia Road. VVA Route 51 runs along Hesperia Road north of Yates Road. 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.

D. Bicycle and Pedestrian Facilities

There are no pedestrian facilities in close proximity to the Project site and limited pedestrian facilities along Nisqualli Road. Field observations indicated nominal pedestrian and bicycle activity near the Project vicinity.

4.11.3 Regulatory Framework

A. Senate Bill 743 and VMT-Based Analysis

Senate Bill 743, which was codified in Public Resources Code (PRC) Section 21099, required changes to the CEQA Guidelines regarding the analysis of transportation impacts. Pursuant to PRC Section 21099, the criteria for determining the significance of transportation impacts must "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." To that end, in developing the criteria, the Office of Planning and Research (OPR) proposed, and the CNRA certified and adopted changes to the CEQA Guidelines in December 2018, which entailed changes to the thresholds of significance for the evaluation of impacts to transportation.

B. SCAG Regional Transportation Plan/Sustainable Communities Strategy

As further discussed in Section 4.9, *Land Use and Planning*, of this EIR, the Southern California Association of Governments (SCAG) is a regional agency established pursuant to California Government Code Section 6500, also referred to as the Joint Powers Authority law. SCAG is designated as a Council of Governments (COG), a Regional Transportation Planning Agency (RTPA), and a Metropolitan Planning Organization (MPO). The Project site is within SCAG's regional authority. On September 3, 2020 SCAG's Regional Council approved and fully adopted Connect SoCal (2020-2045 RTP/SCS) and the addendum to the Connect SoCal Program Environmental Impact Report. Connect SoCal is a long-range visioning plan that builds upon and expands land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern. It charts a path toward a more mobile, sustainable and prosperous region by making connections between transportation networks, between planning strategies and between the people whose collaboration can improve the quality of life for Southern

Californians. Connect SoCal also recognizes the opportunities and challenges that come with goods movement, and includes a focus on its rapidly changing nature. (SCAG, 2020)

In April 2018 SCAG published Industrial Warehousing in the SCAG Region. According to the document, the SCAG region is a vibrant hub for international and domestic trade because of its large transportation base and extensive multimodal transportation system. The SCAG region's freight transportation system includes warehouses and distribution centers; the Ports of Los Angeles, Long Beach, and Hueneme; airports; rail intermodal terminals; rail lines, and local streets, state highways and interstates. Together the system enables the movement of goods from source to market, facilitating uninterrupted global commerce. The region is home to approximately 34,000 warehouses with 1.17 billion square feet of warehouse building space, and undeveloped land that could accommodate an additional 338 million square feet of new warehouse building space. These regions attract robust logistics activities, and are a major reason why the region is a critical mode in the global supply chain. (SCAG, 2018)

C. City of Victorville Development Impact Fee Program

The County of San Bernardino adopted the latest update to their DIF program in September 2014. Fees from new residential, commercial, and industrial development are collected to fund Measure "I" compliant regional facilities as well as local facilities. Under the County's DIF program, the County may grant to developers a credit against specific components of fees when those developers construct certain facilities and landscaped medians identified in the list of improvements funded by the DIF program.

After the County's DIF fees are collected, they are placed in a separate restricted use account pursuant to the requirements of Government Code sections 66000 et seq. The timing to use the DIF fees is established through periodic capital improvement programs which are overseen by the County's Public Works Department. Periodic traffic counts, review of traffic accidents, and a review of traffic trends throughout the County are also periodically performed by County staff and consultants. The County uses this data to determine the timing of the improvements listed in its facilities list. The County also uses this data to ensure that the improvements listed on the facilities list are constructed before the LOS falls below the LOS performance standards adopted by the County. In this way, the improvements are constructed before the LOS falls below the County's LOS performance thresholds. The County's DIF program establishes a timeline to fund, design, and build the improvements.

D. Measure "I" Funds

In 2004, the voters of San Bernardino County approved the 30-year extension of Measure "I", a one-half of one percent sales tax on retail transactions, through the year 2040, for transportation projects including, but not limited to, infrastructure improvements, commuter rail, public transit, and other identified improvements. The Measure "I" extension requires that a regional traffic impact fee be created to ensure development is paying its fair share. A regional Nexus study was prepared by SBCTA and concluded that each jurisdiction should include a regional fee component in their local

programs to meet the Measure "I" requirement. The regional component assigns specific facilities and cost sharing formulas to each jurisdiction and was most recently updated in September 2017. Revenues collected through these programs are used in tandem with Measure "I" funds to deliver projects identified in the Nexus Study.

While Measure "I" is a self-executing sales tax administered by SBCTA, it bears discussion here because the funds raised through Measure "I" have funded in the past, and will continue to fund, new transportation facilities in San Bernardino County, including within the City of Victorville.

E. Fair Share Contribution

Project improvements may include a combination of fee payments to established programs, construction of specific improvements, payment of a fair share contribution toward future improvements or a combination of these approaches. Improvements constructed by development may be eligible for a fee credit or reimbursement through the program where appropriate (to be determined at the City's discretion). When off-site improvements are identified with a minor share of responsibility assigned to proposed development, the approving jurisdiction may elect to collect a fair share contribution or require the development to construct improvements.

4.11.4 Methodology

CEQA Guidelines Section 15064.3(b) establishes criteria for evaluating a project's transportation impacts based on project type and using automobile VMT as the metric. As identified in Section 15064.3(b)(4) of the CEQA Guidelines, a lead agency has the discretion to choose the most appropriate methodology to evaluate a project's VMT. The Governor's Office of Planning and Research (OPR) released a Technical Advisory on Evaluating Transportation Impacts in CEQA (OPR, 2018). Based on OPR's Technical Advisory, the City of Victorville adopted VMT Analysis Guidelines on June 2020, which documents the City's VMT analysis methodology and approved impact thresholds.

4.11.5 Basis for Determining Significance

According to Section XVII of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to transportation and traffic if the Project or any Project-related component would:

a. Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities;

b. Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b);

c. Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment);

d. Result in inadequate emergency access.

4.11.6 IMPACT ANALYSIS

Threshold a:	***Would the Project conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?***

A. SCAG 2020-2045 RTP/SCS

The fundamental goals of SCAG's *2020-2045 RTP/SCS* are to make the SCAG region a better place to live, work, and play for all residents regardless of race, ethnicity, or income class. Section 4.9, *Land Use and Planning*, of this EIR, addresses the Project's consistency with the *2020-2045 RTP/SCS*. As demonstrated through that analysis, implementation of the Project would be consistent with the goals and policies of SCAG's regional planning program, including the following goals related to vehicular and non-vehicular circulation: (SCAG, 2020a, p. 9)

- Improve mobility, accessibility, reliability and travel safety for people and goods
- Enhance the preservation, security, and resilience of the regional transportation system
- Increase person and goods movement and travel choices within the transportation system
- Adapt to a changing climate and support integrated regional development pattern and transportation network
- Leverage new transportation technologies and data-driven solutions that result in more efficient travel
- Encourage development of diverse housing types in areas that are supported by multiple transportation options.

B. City of Victorville General Plan Circulation Element

Provided in Table 4.11-1, *Victorville General Plan Circulation Consistency Analysis*, is a discussion of the Project's consistency with the objectives of the City of Victorville's General Plan Circulation Element.

Table 4.11-1 Victorville General Plan Circulation Consistency Analysis

General Plan Policy	Consistency Analysis
Goal #1: Good Mobility *– Provide a safe, efficient transportation system that enhances mobility for local residents and business, and facilitates regional travel for automobiles and trucks.*	
Objective 1.1: Provide sufficient traffic capacity at intersections throughout the roadway network, to achieve level of service performance standards.	The development of the proposed Project is not anticipated to require the construction of any off-site improvements, however, there are improvement needs

General Plan Policy	Consistency Analysis
Policy 1.1.1: Maintain LOS "D" or better at intersections (as defined in the most current version of the Highway Capacity Manual), except in certain high activity areas designated by the Planning Commission, where a LOS E is acceptable Policy 1.1.2: If a development project would worsen an intersection peak hour LOS to E or worse, it is considered a significant impact that must be mitigated. If a development project would worsen an already efficient intersection by two percent or more, it is considered a significant impact that must be mitigated. Policy 1.1.3: Require new development and redevelopment projects to bear responsibility for traffic system improvements necessary to mitigate the project's significant impacts at affected intersections, concurrently with construction of such projects. Policy 1.1.4: Complete deficiency plans to mitigate near-deficient and deficient intersections to an acceptable level of service or to prevent degrading to a worse level of service	identified at off-site intersections for future traffic analysis scenarios where the Project would contribute traffic (as measured by 50 or more peak hour trips). As such, the Project Applicant's responsibility for the Project's contributions towards off-site intersection deficiencies is fulfilled through payment of fair share or participation in the pre-existing fee programs that would be assigned to construction of the identified recommended improvements. The Project Applicant would be required to pay requisite fair share contributions and fee payments consistent with the City's requirements. (Urban Crossroads, 2022f) Furthermore, although not significant under CEQA, a Traffic Analysis examining the Project's LOS was prepared and is attached as *Technical Appendix K2* of this Draft EIR. The Project would not result in impacts to study area intersections.
Objective 1.2: Achieve and maintain mobility goals set forth in countywide CMP, on local CMP segments. Policy 1.2.1: Support and cooperate with all aspects of the countywide CMP for maintaining levels of service for CMP segments located in the planning area.	The Project's study area as established in the Project's Transportation Analysis studied eight intersections based on consultation with City of Victorville staff. None of the intersections that require improvements qualify as CMP intersections. (Urban Crossroads, 2022f)
Objective 1.3: Complete the planned highway improvements. Policy 1.3.1: Participate with Caltrans and SANBAG on the environmental documents for the realignment of Highway 395 through the Planning Area Policy 1.3.2: Complete the project approval and environmental document for the High Desert Corridor Project Policy 1.3.3: Prioritize General Plan improvements for new interchanges, interchange modifications, new road constructions, and road widenings	The Project would not inhibit the City's ability to complete any of the planned highway improvements described in the City's General Plan or otherwise.
Objective 1.4: Maintain smooth traffic flow, reduce and minimize traffic conflicts. Policy 1.4.1: Restrict residential driveway access to arterial roadways to locations where a finding can be made that such access will not result in a significant	The Project would not introduce residential driveway access, nor would it create substantial levels of congestion within residential neighborhoods. As described above, the City of Victorville has designated truck routes. In the vicinity of the Project site, Hesperia

General Plan Policy	Consistency Analysis
safety problem, will not conflict with traffic movements, and will not result in a congestion impact. Policy 1.4.2: Minimize through traffic in residential neighborhoods through a variety of land use controls, traffic control devices, signs, traffic calming techniques, etc. Policy 1.4.3: Support and participate in regional efforts to improve/expand freight movement via trucks and train services, without increasing conflicts with passenger car traffic and without increasing congestion on the highway and arterial roadway networks. Policy 1.4.4: Continue to enforce truck route restrictions throughout the Planning Area.	Road is a designated truck route. Trucks would be permitted to travel either north on Hesperia Road towards D Street or south towards Bear Valley Road to access the I-15 freeway. (Urban Crossroads, 2022f, Exhibit 3-5)
Objective 1.5: Ensure adequate planning and programming of roadway improvements. Policy 1.5.1: Review and prioritize Transportation Systems Management (TSM) measures and incorporate into Capital Improvement Programming (CIP) as appropriate.	
***Goal #2: Efficient Multi-Modal Transportation Network** – Meet diverse transportation needs of existing and future residents and business in the planning area through convenient, safe, multi-modal means.*	
Objective 2.2: Expand public transit in conjunction with population growth. Policy 2.2.1: Require new development and redevelopment projects (public and private), to incorporate needed public transit facilities as identified by the Victor Valley Transit Authority (VVTA).	As stated above, the study area is currently served by Victor Valley Transit Authority (VVTA) with bus service along Hesperia Road and Nisqualli Road. VVTA Route 50 could potentially serve the Project if extended to the north on Hesperia Road. Route 50 currently runs along Hesperia Road south of Nisqualli Road and on Nisqualli Road to the west of Hesperia Road. VVTA Route 51 runs along Hesperia Road north of Yates Road. 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. (Urban Crossroads, 2022f)
***Goal #3: Adequate Infrastructure** – Develop and maintain infrastructure that supports the transportation and circulation needs of the community in a cost-effective and environmentally sensitive manner.*	
Objective 3.1: Meet multiple infrastructure needs within common public rights-of-way. Policy 3.1.1: Planning and design of new roadways and expansion/completion of existing roadways shall include consideration of water, sewer, storm drainage,	The Project would utilize existing roadways, and would not create a need for planning and design of new roadways.

General Plan Policy	Consistency Analysis
communications, and energy facilities that can be co-located within the road right of way.	
Objective 3.2: Design infrastructure that minimizes impacts to the environment. Policy 3.2.1: Minimize or prohibit the use of landscape materials that require regular watering in the design of landscaping for public streets. Policy 3.2.2: Include in the design specifications for public and private streets structural and non-structural techniques to filter storm water runoff prior to conveyance to storm drain inlets.	The Project's impacts to stormwater runoff are discussed in EIR Section 4.8, *Hydrology and Water Quality*. As described therein, the Project has been designed to control and filter stormwater runoff prior to conveyance to storm drain inlets.
Objective 3.3: Provide adequate infrastructure improvements in conjunction with new development and redevelopment projects Policy 3.3.1: Require private and public development projects to be responsible for constructing road improvements along all frontages abutting a public street right of way, in accordance with the design specifications for that roadway. Such road frontage improvements shall be constructed concurrently with and completed prior to opening of the project.	The Project would make the necessary improvements needed to accommodate site access. These improvements include: (Urban Crossroads, 2022f, Exhibit 3-5) • Project Driveway 1 & Ottawa Street - Install driveway stop control on the southbound approach (Project driveway) and aprons per City standard for industrial driveways. • Hesperia Road & Ottawa Street - Install a traffic signal with a permitted plus protected turn type for the southbound left turn lane, stripe a northbound left turn lane with a minimum of 100-feet of storage, stripe a southbound left turn lane with a minimum of 200-feet of storage, and stripe a westbound left turn lane with a minimum of 200-feet storage. • Ottawa Street - Ottawa Street is an east-west street located along the Project's southern boundary. The Project would construct the ultimate half-section of Ottawa Street as an Arterial (84-foot right-of-way) along the Project's frontage between the western Project boundary and the eastern terminus of the roadway consistent with City standards.

Threshold b: ***Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?***

The City Guidelines indicate that projects that result in a net increase of 1,285 daily vehicle trips or less may be presumed to have a less than significant impact based on their negligible impact on citywide VMT and resulting greenhouse gas emissions. Trips generated by the Project's proposed land

uses have been estimated based on trip generation rates collected by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition, 2017. Project is anticipated to generate 2,124 two-way trips per day with 119 AM peak hour trips and 154 PM peak hour trips (actual vehicles). Therefore, the Project exceeds the 1,285 vehicle trips per day threshold, and the Daily Trip screening criteria is not met.

The City Guidelines identify that warehousing land use less than 829,000 sf or other local serving essential services (e.g., local parks, day care centers, public schools, affordable housing, etc.) are presumed to have a less than significant impact absent substantial evidence to the contrary. The Project, as designed includes a warehouse building exceeding the City's adopted threshold. Therefore, the Land Use screening criteria is not met.

As noted in the Technical Advisory, "residential and office projects that locate in areas with low VMT and that incorporate similar features (density, mix of uses, and transit accessibility) will tend to exhibit similarly low VMT." The City of Victorville utilizes the San Bernardino County Transportation Authority (SBCTA) VMT Screening Tool (Screening Tool). The Screening Tool allows users to input an assessor's parcel number (APN) to determine if a project's location meets one or more of the screening thresholds for land use projects. The Screening Tool uses the sub-regional San Bernardino Transportation Analysis Model (SBTAM) to measure VMT performance within individual traffic analysis zones (TAZ's) within the region. The Project's physical location, based on parcel number, is input into the Screening Tool to determine project generated VMT. The parcel containing the proposed Project was selected and the Screening Tool was run for Production/Attraction (PA) VMT per service population (SP) (i.e., population and employment) measure of VMT. The City Guidelines indicate that projects with VMT per SP less than the City's future year General Plan buildout VMT per SP are considered to have a less than significant impact. SBCTA has published VMT per SP values for the City of Victorville. Based on the Screening Tool results, the future year General Plan buildout VMT per SP is 25.04. The TAZ in which the Project resides, is estimated to generate 66.4 VMT per SP. Therefore, the Project resides within a TAZ that generates VMT per SP exceeding the City's General Plan buildout VMT per SP threshold. Therefore, the Low VMT Area screening criteria is not met.

Since the Project does not meet any of the above screening criteria, a Project level VMT analysis was prepared to determine the Project impacts on VMT.

City Guidelines state that SBTAM is a useful tool to calculate VMT as it considers interaction between different land uses based on socio-economic data such as population, employment and other factors. It was also the tool used to establish the City's impact threshold, so is the appropriate tool to conduct the analysis to ensure an apples-to-apples comparison of project generated VMT to the adopted threshold. Project generated VMT has been calculated using the most current version of SBTAM. Adjustments in socio-economic data (SED) (i.e., population, households, and employment) have been made to the Project's TAZ to reflect the Project's proposed land uses (i.e., warehousing uses). Table 4.11-2, *SED Estimates*, summarizes the population and employment estimates for the Project. Project SED presented in Table 4.11-2are based on total proposed warehousing quantity of 996,520 SF using an

employment rate of 1,195 SF per employee. Adjustments to the number of employees to the Project's TAZ were made to the base year model and the model was run inclusive of the Project's employment.

Table 4.11-2 SED Estimates

Land Use	Quantity	Conversion Factors	Estimated SED
Warehousing	996,520 sf	1,195 sf per employee	835 Employees

Source: (Urban Crossroads, 2021 , Table 1)

Project generated VMT was calculated using the production/attraction (PA) trip matrix. The VMT value was then normalized by dividing by the Project's service population (i.e., number of employees). Table 4.11-3, *Project VMT per Service Population*, presents the key inputs for the calculation of project generated VMT per service population. The City of Victorville has selected an impact threshold based on VMT per service population being less than the City's VMT General Plan buildout per service population.

Table 4.11-3 Project VMT per Service Population

	Baseline
Project Generated VMT	20,514
Service Population	834
VMT per Service Population	24.60

Source: (Urban Crossroads, 2021 , Table 2)

Table 4.11-4, *Project Generated VMT per SP Comparison*, presents a comparison between Project generated VMT per service population to the City's impact threshold. As shown, the Project is anticipated to generate VMT 1.76% below the City General Plan buildout VMT per SP. As such, the Project does not exceed the threshold and is presumed to have a less than significant impact.

Table 4.11-4 Project Generated VMT per SP Comparison

	Baseline
City GP Buildout VMT per SP	25.04
Project VMT per SP	24.60
Percent Change	-1.76%
Potentially Significant?	No

Source: (Urban Crossroads, 2021 , Table 3)

Threshold c: ***Would the Project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?***

The type of traffic generated by the Project (i.e., passenger cars and trucks) would be compatible with the type of existing traffic on Project area roadways, as the surrounding area to the north and east are either developed or planned to be developed with industrial land uses. In addition, all proposed

improvements within the public right-of-way would be installed in conformance with City design standards. The City of Victorville Public Works Department reviewed the Project's application materials and determined that no hazardous transportation design features would be introduced by the Project. Accordingly, the proposed Project would not create or substantially increase safety hazards due to a design feature or incompatible use. Impacts would be less than significant.

Threshold d: ***Would the Project result in inadequate emergency access?***

The City of Victorville reviewed the Project's design and confirmed that the Project would provide adequate access to-and-from the Project site for emergency vehicles and also that development of the Project would not interfere with the circulation of emergency vehicles along public streets that abut the site. The City also will require the Project Applicant to provide adequate paved access to-and-from the site as a condition of Project approval. Lastly, the City will review all future Project construction drawings to ensure that adequate emergency access is maintained along abutting public streets during construction activities. Based on the proposed Project design and with required adherence to City requirements for emergency vehicle access, no impact would occur.

4.11.7 Cumulative Impact Analysis

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development within the City.

The analysis under Threshold a) discloses the Project's potential to conflict with General Plan objectives and policies related to the transportation network, including LOS standards, on a cumulative basis.

As disclosed under the analysis of Threshold b) the Project would not exceed the City's net VMT per employee. 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. Since the Project was found to have a less than significant impact at the project level, it is considered to be less than significant cumulative impact as well.

The Project would not contribute to a significant cumulative impact under the topics discussed under Thresholds c) and d) because the Project would not cause or exacerbate existing transportation design safety concerns or adversely affect emergency access.

4.11.8 Significance of Impacts Before Mitigation

Threshold a: Less-than-Significant Impact. The Project is consistent with the applicable adopted plans and policies.

Threshold b: Less-than-Significant Impact. The Project would not result in a significant VMT impact.

Threshold c: Less-than-Significant Impact. No significant transportation safety hazards would be introduced as a result of the proposed Project.

Threshold d: Less-than-Significant Impact. Adequate emergency access would be provided to the Project site during construction and long-term operation. The Project would not result in inadequate emergency access to the site or surrounding properties.

4.12 TRIBAL CULTURAL RESOURCES

The analysis in this Subsection is based on "A Phase I Cultural Resources Assessment For the Ottowa Business Center Project," dated July 13, 2021 and prepared by Brian F. Smith and associates, Inc. (hereinafter, "BFSA") (BFSA, 2021). The cultural resources assessment report is included as *Technical Appendix D* to this EIR.

Confidential information has been redacted from *Technical Appendix D* for the purposes of public review. In addition, much of the written and oral communication between Native American tribes, the City of Victorville, and BFSA is considered confidential in respect to places that may have traditional tribal cultural significance (Government Code Section 65352.4), and although relied upon in part to inform the preparation of this EIR Subsection, those communications are treated as confidential and are not available for public review. Under existing law, the environmental documents must not include information about the location of archeological sites or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act (California Code Regulations Section 15120(d)).

4.12.1 NOP/SCOPING COMMENTS AND TRIBAL OUTREACH

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were made during the EIR Scoping Meeting and no comments were received during the NOP public comment period that pertain to tribal cultural resources.

As part of the AB 52 consultation process required by State law, the City of Victorville sent notification of the Project to Native American tribes with possible traditional or cultural affiliation to the Project area. On September 29, 2021, the City sent notified and invited consultation with the following Native American tribes: San Manuel Band of Mission Indians, Twenty-Nine Palms Band of Mission Indians, Morongo Band of Mission Indians, and Cabazon Band of Mission Indians. During the course of the tribal consultation process, no Native American tribe responded to the City's invitation for consultation, nor provided the City with substantial evidence indicating that tribal cultural resources, as defined in Public Resources Code section 21074, are present on the Project site or have been found previously on the Project site.

4.12.2 ENVIRONMENTAL SETTING

A. Cultural Setting

The Project's area of APE straddle the traditional territory of multiple Native American groups including the Serrano and the Vanyume. Although there may be considered a range of cultural variation among these groups, they all have language derived from a base Uto-Aztecan language stock. In the same instance, although they may have held differing worldviews and maintained variations in their social structures, how they exploited the natural resources of their territories remained similar.

Although the Mojave Desert is an area believed to have had limited prehistoric subsistence resources, it has historically supported a long and occasionally dense population. Evidence of villages and camps, burials, quarries, rock features, and bedrock mortars has been documented at archaeological sites across the desert, some of which contain evidence of a lengthy prehistoric time span. Although early archaeological remains are not found frequently, when they are, they are generally located along the margins of former pluvial lakes or in areas of dune deflation. In contrast, artifacts on the desert floor may be sparse, widely scattered, and mixed with the desert pavements. For the region, archaeologists have reached a broad consensus regarding the general cultural chronology. The identified sequence includes the Paleo Indian Period, the Pinto Period, the Gypsum Period, the Saratoga Springs Period, and the Ethnohistoric Period.

- Paleo Indian Period (12,000 to 7,000 Years Before the Present [YBP]). The earliest documented evidence of human occupation in the Mojave Desert comes from the Paleo Indian Period, a cultural expression referred to as the Western Pluvial Lakes Tradition (WPLT). One of the most well-known expressions of the WPLT is the Lake Mojave Complex, which is thought to have covered a vast area including parts of the southwestern Great Basin and the Mojave Desert, maybe reaching as far south as the San Diego Area. Artifacts indicative of the Lake Mojave Complex include foliated points and knives, Lake Mojave points, Silver Lake points, and flaked-stone crescents. Similar artifacts have been subsequently recorded along the shoreline of many other pluvial lakes in the Mojave Desert *(BFSA, 2021, p. 2.0-6)*.

- Pinto Period (7,000 to 4,000 YBP). The Pinto Period dates to the end of the Pleistocene, when the severe and dramatic environmental change from pluvial to arid conditions began. Pinto Period sites are found mostly near ephemeral lakes and now dry streams and springs, suggesting a wetter climate than the present. Projectiles points associated with the Pinto Period are characterized as larger atlatl dart points, as opposed to arrowhead points, which were introduced later. Pinto Period artifacts have been interpreted as indications of temporary or seasonal occupations by small groups of people *(BFSA, 2021, p. 2.0-6)*.

- Gypsum Period (4,000 to 1,500 YBP). The presence of Humboldt Concave Base, Gypsum Cave, Elko Eared, or Elko corner-notched points are believed to be indicative of the Gypsum Period. The Gypsum Period reflects a more intensive desert occupation. Indications of trade with coastal populations are evidenced by the shell beads in the archaeological record. An increase in milling stones and manos have been found in association with this period, which indicates an increased use of hard seed. The major language groups that emerged from this division are Numic, spoken by the Kawaiisu and Piute; Takic, spoken by the Kitanemuk, Serrano, Gabrieliño, and other southern California Shoshonean speakers; Hopic, spoken in the southwest; and Tubatulabalic, spoken by the Tubatulabal in the southern Sierra Nevada Mountains. A shift in settlement patterns toward more sedentary lifestyle occurred during this period, characterized by the emergence of large permanent or semi-permanent village sites and associated cemeteries *(BFSA, 2021, p. 2.0-6)*.

- Saratoga Springs Period (1,500 to 800 YBP). The Saratoga Springs Period is characterized by a transition from larger dart points to smaller arrow points. The period saw an increase in trade with Arizona and other areas of the Southwest. Evidence in the archaeological record shows that Brown and Buff wares (pottery styles) characteristic of Arizona made their way to the California desert by A.D. 900. It is also believed that the Anasazi mined turquoise in the eastern California desert about this time *(BFSA, 2021, p. 2.0-7)*.

- Ethnohistoric Period (800 YBP to the Time of European Contact). During the Ethnohistoric Period, the Vanyume and potentially the Serrano occupied the Project site. The territory of the Vanyume was covered by small and relatively sparse populations focused primarily along the Mojave River, north of the Serrano and southeast of the Kawaiisu. It is believed that the southwestern extent of their territory went as far as Cajon Pass and portions of Hesperia. In contrast to the Serrano, the Vanyume maintained friendly social relations with the Mohave and Chemehuevi to the east and northeast. As with the majority of California native populations, Vanyume populations were decimated around the 1820s by placement in Spanish missions and asistencias. It is believed that by 1900, the Vanyume had become extinct. However, given the settlement patterns reported for the Vanyume, it is more probable that the population was dispersed rather than completely wiped out. The Serrano and Vanyume were primarily hunters and gatherers. Individual family dwellings were likely circular, domed structures. Food acquisition and processing required the manufacture of additional items such as knives, stone or bone scrapers, pottery trays and bowls, bone or horn spoons, and stirrers. Mortars, made of either stone or wood, and metates were also manufactured *(BFSA, 2021, pp. 2.0-7,8)*.

4.12.3 REGULATORY FRAMEWORK

A. Federal Regulations

1. American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) requires each executive branch agency with statutory or administrative responsibility for the management of Federal lands shall, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies also are required to maintain the confidentiality of sacred sites. Each executive branch agency with statutory or administrative responsibility for the management of Federal lands are required to implement procedures to ensure reasonable notice is provided of proposed actions or land management policies that may restrict future access to or ceremonial use of, or adversely affect the physical integrity of, sacred sites. (NOAA, n.d.)

2. Native American Graves Protection and Repatriation Act (NAGPRA)

The Native American Graves Protection and Repatriation Act (NAGPRA; Public Law 101-601; 25 U.S.C. 3001-3013) describes the rights of Native American lineal descendants, Indian tribes, and

Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony, referred to collectively in the statute as cultural items, with which they can show a relationship of lineal descent or cultural affiliation. (NPS, 2022c)

One major purpose of this statute is to require that federal agencies and museums receiving Federal funds inventory holdings of Native American human remains and funerary objects and provide written summaries of other cultural items. The agencies and museums must consult with Indian Tribes and Native Hawaiian organizations to attempt to reach agreements on the repatriation or other disposition of these remains and objects. Once lineal descent or cultural affiliation has been established, and in some cases the right of possession also has been demonstrated, lineal descendants, affiliated Indian Tribes, or affiliated Native Hawaiian organizations normally make the final determination about the disposition of cultural items. Disposition may take many forms from reburial to long term curation, according to the wishes of the lineal descendent(s) or culturally affiliated Tribe(s). (NPS, 2022c)

The second major purpose of the statute is to provide greater protection for Native American burial sites and more careful control over the removal of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony on Federal and tribal lands. NAGPRA requires that Indian tribes or Native Hawaiian organizations be consulted whenever archaeological investigations encounter, or are expected to encounter, Native American cultural items or when such items are unexpectedly discovered on Federal or tribal lands. Excavation or removal of any such items also must be done under procedures required by the Archaeological Resources Protection Act. This NAGPRA requirement is likely to encourage the in-situ preservation of archaeological sites, or at least the portions of them that contain burials or other kinds of cultural items. (NPS, 2022c)

Other provisions of NAGPRA: (1) stipulate that illegal trafficking in human remains and cultural items may result in criminal penalties; (2) authorizes the Secretary of the Interior to administer a grants program to assist museums and Indian Tribes in complying with certain requirements of the statute; (3) requires the Secretary of the Interior to establish a Review Committee to provide advice and assistance in carrying out key provisions of the statute; authorizes the Secretary of the Interior to penalize museums that fail to comply with the statute; and, (5) directs the Secretary to develop regulations in consultation with this Review Committee. (NPS, 2022c)

3. Federal Antiquities Act

The Antiquities Act is the first law to establish that archaeological sites on public lands are important public resources. It obligates federal agencies that manage the public lands to preserve for present and future generations the historic, scientific, commemorative, and cultural values of the archaeological and historic sites and structures on these lands. It also authorizes the President to protect landmarks, structures, and objects of historic or scientific interest by designating them as National Monuments. (NPS, 2022d)

B. State Regulations

1. California Administrative Code, Title 14, Section 4308

Section 4308, *Archaeological Features*, of Title 14 of the California Administrative Code provides that: "No person shall remove, injure, disfigure, deface, or destroy any object of archaeological, or historical interest or value." (NPS, n.d.)

2. California Code of Regulations Title 14, Section 1427

California Code of Regulations Title 14, Section 1427 provides that: "No person shall collect or remove any object or thing of archaeological or historical interest or value, nor shall any person injure, disfigure, deface or destroy the physical site, location or context in which the object or thing of archaeological or historical interest or value is found." (NAHC, n.d.)

3. Assembly Bill 52 (AB 52)

California Assembly Bill 52 (AB 52) (2014) Chapter 532 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21802.3, 21083.09, 21084.2 and 21084.3 to the California Public Resources Code, relating to Native Americans. AB 52 was approved on September 25, 2014. By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process. (OPR, 2017)

The Public Resources Code now establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment." (Pub. Resources Code, § 21084.2.) To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, § 21080.3.1.) (OPR, 2017)

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code § 20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources. These rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015. (OPR, 2017)
§ 21074 of the Public Resources Code defines "tribal cultural resources." In brief, in order to be considered a "tribal cultural resource," a resource must be either:

(1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or

(2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource. (OPR, 2017)

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources. In applying those criteria, a lead agency must consider the value of the resource to the tribe. (OPR, 2017)

4. State Health and Safety Code

California Health and Safety Code (HSC) § 7050.5(b) requires that excavation and disturbance activities must cease "In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery…" until the coroner can determine regarding the circumstances, manner, and cause of any death. The coroner is then required to make recommendations concerning the treatment and disposition of the human remains. Further, this section of the code makes it a misdemeanor to intentionally disturb, mutilate or remove interred human remains. § 7051 specifies that the removal of human remains from "internment or a place of storage while awaiting internment" with the intent to sell them or to dissect them with "malice or wantonness" is a public offense punishable by imprisonment in a state prison. Lastly, HSC §§ 8010-8011 establish the California Native American Graves Protection and Repatriation Act consistent with the federal law addressing the same. The Act stresses that "all California Indian human remains and cultural items are to be treated with dignity and respect." It encourages voluntary disclosure and return of remains and cultural items by publicly funded agencies and museums in California. It also outlines the need for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims. (CA Legislative Information, n.d.)

5. California Register of Historical Resources

The California Register of Historic Resources is the State version of the National Register of Historic Resources program (see also Section 4.3, *Cultural Resources*). It was enacted in 1992 and became official January 1, 1993. The California Register was established to serve as an authoritative guide to the state's significant historical and archaeological resources. Resources that may be eligible for listing include buildings, sites, structures, objects, and historic districts. According to subsection (c) of Public Resources Code Section 5024.1, a resource may be listed as a historical resource in the California Register if it meets any of the four National Register criteria.

4.12.4 METHODOLOGY

A. Archaeological Records Search

A record search conducted by the South Central Coastal Information Center (SCCIC) at California State University, Fullerton (CSU Fullerton) was reviewed for an area of one mile surrounding the

Project site in order to determine the presence of any previously recorded sites. Land patent records, held by the Bureau of Land Management (BLM) and accessible through the BLM General Land Office (GLO) website, were also reviewed for pertinent Project information. In addition, the BFSA research library was consulted for any relevant historical information.

B. Native American Consultation

The analysis of nearby site components and artifacts did not indicate Native American religious, ritual, or other special activities at the Project site. In addition, BFSA requested a review of the Sacred Land File (SLF) by the Native American Heritage Commission (NAHC) to determine if any recorded Native American sacred sites or locations of religious or ceremonial importance are present within one mile of the Project site.

4.12.5 Basis for Determining Significance

According to Section XVIII of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to tribal resources if the Project or any Project-related component would:

- *Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:*

  a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

  b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.12.6 IMPACT ANALYSIS

Threshold a:	***Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?***

The Project site is currently vacant and undeveloped and has been subject to grading in areas where previous structures were located, in the northeast and the northwest corners of the Project site. Various dirt roads and two large, seasonal, northeast-to-southeast-trending drainages bisect the Project site. No sites, features, places, or landscapes were identified that are either listed or eligible for listing in the California Register of Historic Places. To be eligible for the Register, (Pub. Res. Code SS5024.1, Title 14 CCR, § 4852), a resource must include the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

As described in Section 4.3, *Cultural Resources*, of this Draft EIR, no historic resources, as defined by CEQA Guidelines Section 15064.5, are present on the Project Site. However, there is a potential for the Project area to contain unidentified subsurface resources. Thus, there is a potential that historical resources may be uncovered during on- or off-site grading or ground-disturbing activities, which could result in adverse changes to previously-undiscovered historical resources.

As part of the mandatory AB 52 consultation process required by State law, the City sent notification to the Native American tribes with possible traditional or cultural affiliation to the area that previously requested consultation pursuant to AB 52 requirements. As stated previously, the City sent notification

letters of the proposed Project to the following Tribes: the San Manuel Band of Mission Indians; the Twenty-Nine Palms Band of Mission Indians; the Morongo Band of Mission Indians; and the Cabazon Band of Mission Indians. During the course of the tribal consultation process, no Native American tribe responded to the City's invitation for consultation, nor provided the City with substantial evidence indicating that tribal cultural resources, as defined in Public Resources Code § 21074, are present on the Project site or have been found previously on the Project site.

Because the Project site has not been identified as a location that is known to contain significant tribal cultural resources and due to the previously disturbed condition of the Project site, it can be reasonably assured that implementation of the Project would not affect tribal cultural resources. However, there is a remote potential that resources could be encountered during ground-disturbing construction activities that occur in native soil. Accordingly, there is a potential for significant impacts to occur if significant resources are discovered during the Project's construction process.

4.12.7 Cumulative Impact Analysis

This cumulative impact analysis considers development of the proposed Project in conjunction with other development projects and planned development in the vicinity of the Project site.

Although other development projects in the traditional use area for City of Victorville and San Bernardino County may impact significant tribal cultural resources; impacts are generally site-specific due resulting from ground disturbing activities. Furthermore, with implementation of Mitigation Measures MM 4.3-1 and 4.3-2, Project impacts to tribal cultural resources would be less than significant. There is no potential for the proposed Project to contribute towards a significant cumulative impact to the significance of a tribal resource or a collection of resources pursuant to California Code or Regulations § 15064.5. Other projects will also be required to comply with SB 52.

4.12.8 Significance of Impacts Before Mitigation

Threshold a: Significant Direct and Cumulatively-Considerable Impact. The Project Site does not contain any recorded, significant tribal cultural resource sites; therefore, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or a local register of historical resources. Nonetheless, Project construction activities have the potential to unearth and adversely impact tribal cultural resources that may be buried in native soils at the Project Site.

4.12.9 City Regulations, Design Requirements, and Mitigation

Applicable City Regulations and Design Requirements

- In the event that human remains are uncovered during Project construction activities, the Project construction contractor shall comply with applicable provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.

- Unless otherwise required by law, the site of any reburial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code Section 6254 (r), parties, and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254 (r).

Mitigation

Mitigation Measures MM 4.3-1 and MM 4.3-2 apply.

4.12.10 SIGNIFICANCE OF IMPACTS AFTER MITIGATION

Threshold a: Less-than-Significant with Mitigation Incorporated. Implementation of Mitigation Measures MM 4.3-1 and MM 4.3-2 would ensure that any archaeological sites or resources identified on site or within the Project's off-site improvement areas during ground-disturbing activities are appropriately treated as directed by the Archaeological Monitor, City of Victorville, and Native American Monitor. Implementation of the required mitigation would reduce the Project's potential impacts to subsurface archaeological sites or resources to below a level of significance.

4.13 UTILITIES AND SERVICE SYSTEMS

The following analysis is based on information obtained from the Water Supply Assessment for EWTR21-00135 (PLAN21-00031–Ottawa Business Center), dated May 2022 and prepared by Water Systems Consulting, Inc. (hereinafter, "WSC") (WSC, 2022) (*Technical Appendix L to this EIR*); 2020 Urban Water Management Plan for the Victorville Water District (VWD, 2021); the City's General Plan; and the Project application materials.

4.13.1 NOP/SCOPING COMMENTS

A Notice of Preparation (NOP) for the Project was released for public review on December 10, 2021, and an EIR Scoping Meeting was held on January 12, 2022. No comments were made during the EIR Scoping Meeting that pertain to utilities and service systems.

4.13.2 ENVIRONMENTAL SETTING

A. Water Service

The Project site is located in the service area of the Victorville Water District (VWD). The VWD provides water services to approximately 36,700 customer connections, serving a population of approximately 127,700 within its 85 square mile service area, which is located in the High Desert area of western San Bernardino County, California. VWD would be the purveyor of water to the Project site. (VWD, 2021).

VWD currently pumps potable water supplies from groundwater in the Mojave Groundwater Basin and purchases water from MWA's Regional Recharge Recovery Project, when available. The Mojave River Groundwater Basin, the largest in the region, encompasses 1,400 square miles and has an estimated total water storage capacity of nearly 5 million acre-feet. The Mojave River Groundwater Basin Area is essentially a closed basin, which means that little groundwater enters or exits the basin. Within the basin, however, groundwater moves between the different subareas; groundwater-surface water and groundwater-atmosphere interchanges also occur. For the purposes of the UWMP, it is assumed that VWD will meet all current and future demands through groundwater, therefore, purchased water is not included in future supply projections.

B. Wastewater Services

The wastewater that is generated within the service boundary of VWD is collected through a gravity sewer system owned and operated by the City of Victorville. A portion of the collection system conveys wastewater to the Industrial Wastewater Treatment Plant (IWTP) that is owned and operated by VWD. A portion of the collection system discharges to a regional interceptor, which conveys the wastewater flows to a regional wastewater treatment plant (WWTP) owned and operated by the Victor Valley Wastewater Regional Authority (VVWRA). VWD began operation of the IWTP, a domestic and industrial wastewater treatment plant at the Southern California Logistics Airport (SCLA) with a design capacity of 2.5 million gallons per day (mgd). VVWRA is a Joint Powers Authority consisting

of the Town of Apple Valley, City of Hesperia, City of Victorville, and County Service Areas of Oro Grande (Number 42) and Spring Valley Lake (Number 64). The regional plant has a current capacity of 14 mgd and is located approximately 7 miles north of the City, between SCLA and the Mojave River.

C. Stormwater

Under existing conditions, the Project site is undeveloped and contains four separate drainage areas that follow the lands natural undulations.

D. Solid Waste

Solid waste disposal and recycling services for the proposed Project site would be provided by the City of Victorville Solid Waste Division. Non-hazardous solid waste generated in the City is currently deposited in the Victorville Landfill, which is currently operated by the County of San Bernardino. This landfill is located at 17080 Stoddard Wells Road in the northeastern quadrant of the City. The Victorville Landfill property area is approximately 491 acres in total, with an approximately 80-acre parcel currently in use for landfill operations. The Victorville Landfill has a permitted disposal capacity of 3,000 tons per day with a remaining capacity of 79,400,000 cubic yards (CalRecycle, 2021).

E. Electricity

Southern California Edison (SCE) provides electricity services to a large majority of southern and central California, including the Project site. SCE serves 180 cities across 50,000 square miles of service area. Existing overhead power lines occur along Etiwanda Avenue and Iberia Street that are aligned in a north-south direction offsite to the east.

F. Natural Gas

The Project site is located in the natural gas service area of Southwest Gas, which maintains local underground service lines in the City of Victorville.

4.13.3 REGULATORY FRAMEWORK

The following is a brief description of the federal, state, and local environmental laws and related regulations related to utilities and service systems.

A. Federal Regulations

1. Applicable Water Supply Regulations

- ❑ Clean Water Act

The Clean Water Act (CWA) establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters. The basis of the CWA was enacted in 1948 and was called the Federal Water Pollution Control Act, but the Act was

substantially reorganized and expanded in 1972. "Clean Water Act" became the Act's common name with amendments in 1972. Under the CWA, the Environmental Protection Agency (EPA) has implemented pollution control programs such as setting wastewater standards for industry, and also has set water quality standards for all contaminants in surface waters. The CWA made it unlawful to discharge any pollutant from a point source into navigable waters, unless a permit was obtained. EPA's National Pollutant Discharge Elimination System (NPDES) permit program controls discharges. Point sources are discrete conveyances such as pipes or man- made ditches. Individual homes that are connected to a municipal system, use a septic system, or do not have a surface discharge do not need an NPDES permit; however, industrial, municipal, and other facilities must obtain permits if their discharges go directly to surface waters. (EPA, 2022d)

❑ Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) was established to protect the quality of drinking water in the U.S. This law focuses on all waters actually or potentially designed for drinking use, whether from above ground or underground sources. The Act authorizes EPA to establish minimum standards to protect tap water and requires all owners or operators of public water systems to comply with these primary (health-related) standards. The 1996 amendments to SDWA require that EPA consider a detailed risk and cost assessment, and best available peer-reviewed science, when developing these standards. State governments, which can be approved to implement these rules for EPA, also encourage attainment of secondary standards (nuisance-related). Under the Act, EPA also establishes minimum standards for state programs to protect underground sources of drinking water from endangerment by underground injection of fluids. (EPA, 2022e)

B. State Regulations

1. Applicable Water Supply Regulations

❑ Water Conservation in Landscaping Act

The Water Conservation in Landscaping Act was established to ensure adequate water supplies are available for future uses. To promote the conservation and efficient use of water, the Act requires local agencies to adopt a water efficient landscape ordinance. When such an ordinance had not been adopted, a finding as to why (based on the climatic, geologic, or topographical conditions) such an ordinance is not necessary, must be adopted. In the absence of such an ordinance or findings, the policies and requirements contained in the "model" ordinance drafted by the State of California shall apply within the affected jurisdiction. (CA Legislative Info, n.d.)

❑ Water Recycling in Landscaping Act

In 2000, Senate Bill 2095 (Water Recycling in Landscaping Act) was approved by Governor Davis requiring any local public or private entity that produces recycled water and determines that within 10 years it will provide recycled water within the boundaries of a local agency, to notify the local agency of that fact. In turn, local agencies are required to adopt and enforce within 180 days a specified recycled water ordinance, unless the local agency adopted a recycled water ordinance or other

regulation requiring the use of recycled water in its jurisdiction prior to January 1, 2001. (CA Legislative Info, n.d.)

❑ Urban Water Management Planning Act

The Urban Water Management Planning Act (UWMP Act) was proposed and adopted to ensure that water planning is conducted at the local level, as the State of California recognized that two water agencies in the same region could have very different impacts from a drought. The UWMP Act requires water agencies to develop Urban Water Management Plans (UWMPs) over a 20-year planning horizon, and further required UWMPs to be updated every five years. UWMPs are exempt from compliance with CEQA. (DWR, 2016, p. 1-2)

The UWMPs provide a framework for long term water planning and inform the public of a supplier's plans for long-term resource planning that ensures adequate water supplies for existing and future demands. This part of the California Water Code (CWC) requires urban water suppliers to report, describe, and evaluate:

- Water deliveries and uses;
- Water supply sources;
- Efficient water uses;
- Demand management measures; and
- Water shortage contingency planning. (DWR, 2016, p. 1-3)

❑ Government Code § 66473.7(b)(2) (Senate Bill 221)

Under Senate Bill (SB) 221, approval by a city or county of certain residential subdivisions requires an affirmative written verification of sufficient water supply. SB 221 is intended as a 'fail safe' mechanism to ensure that collaboration on finding the needed water supplies to serve a new large subdivision occurs before construction begins. SB 221 requires the legislative body of a city or county or the advisory agency, to the extent that it is authorized by local ordinance to approve, conditionally approve, or disapprove a tentative map, must include as a condition in any tentative map that includes a subdivision a requirement that a sufficient water supply shall be available. Proof of the availability of a sufficient water supply must be requested by the subdivision applicant or local agency, at the discretion of the local agency, and id based on written verification from the applicable public water system within 90 days of a request. SB 221 does not apply to any residential project proposed for a site that is within an urbanized area and has been previously developed for urban uses, or where the immediate contiguous properties surrounding the residential project site are, or previously have been, developed for urban uses, or housing projects that are exclusively for very low and low-income households. (DWR, 2003; CA Legislative Info, n.d.)

❑ California Senate Bill 610

The California Water Code (Water Code) §§ 10910 through 10915 were amended by the enactment of SB 610 in 2002. SB 610 requires an assessment of whether available water supplies are sufficient to serve the demand generated by a proposed project, as well as the reasonably foreseeable cumulative demand in the region over the next 20 years under average normal year, single dry year, and multiple dry year conditions. Under SB 610, water assessments must be furnished to local governments for inclusion in any environmental documentation for certain projects (as defined in Water Code 10912 [a]) subject to CEQA. (DWR, 2003; CA Legislative Info, n.d.) For the purposes of SB 610, a "project" includes a proposed industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.. (DWR, 2003; CA Legislative Info, n.d.)

Because the Project proposes an industrial building more than 650,000 sf, a water supply assessment was required and is included in *Technical Appendix L*.

❑ CA. Water Code § 10610 et seq. (Senate Bill 901)

Signed into law on October 16, 1995, Senate Bill (SB) 901 required every urban water supplier to identify as part of its urban water management plan, the existing and planned sources of water available to the supplier over a prescribed 5-year period. The code requires the water service purveyor to assess the projected water demand associated with a proposed project under environmental review. Later provisions of SB 901 required compliance in the event that the proposed Project involved the adoption of a specific plan, amendment to, or revision of the land use element of a general plan or specific plan that would result in a net increase in the state population density. Upon completion of the water assessment, cities and counties may agree or disagree with the conclusions of the water service purveyors, but cannot approve projects in the face of documented water shortfalls without first making certain findings. (CA Legislative Info, n.d.)

❑ Executive Order B-29-15

Executive Order (EO) B-29-15 ordered the State Water Resources Control Board (SWRCB) to impose restrictions to achieve a 25-percent reduction in potable urban water usage through February 28, 2016; directed the California Department of Water Resources (DWR) to lead a statewide initiative, in partnership with local agencies, to collectively replace 50 million square feet of lawns and ornamental turf with drought tolerant landscapes; and directed the California Energy Commission to implement a statewide appliance rebate program to provide monetary incentives for the replacement of inefficient household devices. (SWRCB, 2020)

❑ Executive Order B-37-16

Signed on May 9, 2016, EO B-37-16 established a new water use efficiency framework for California. The order bolstered the state's drought resilience and preparedness by establishing longer-term water conservation measures that include permanent monthly water use reporting, new urban water use

targets, reducing system leaks and eliminating clearly wasteful practices, strengthening urban drought contingency plans, and improving agricultural water management and drought plans. (SWRCB, 2020)

❑ Executive Order B-40-17

Signed on April 7, 2017, EO B-40-17 ended the drought state of emergency in all California counties except Fresno, Kings, Tulare, and Tuolumne, where emergency drinking water projects will continue to help address diminished groundwater supplies. It maintains water reporting requirements and prohibitions on wasteful practices. The order was built on actions taken in Executive Order B-37-16, which remains in effect. In a related action, state agencies, including the Department of Water Resources (DWR), released a plan to continue making water conservation a way of life. (SWRCB, 2020)

❑ Sustainable Groundwater Management Act (SGMA)

The Sustainable Groundwater Management Act (SGMA) established a new structure for managing California's groundwater resources at a local level by local agencies. SGMA required, by June 30, 2017, the formation of locally-controlled groundwater sustainability agencies (GSAs) in the State's high- and medium-priority groundwater basins and subbasins (basins). A GSA is responsible for developing and implementing a groundwater sustainability plan (GSP) to meet the sustainability goal of the basin to ensure that it is operated within its sustainable yield, without causing undesirable results. The GSP Emergency Regulations for evaluating GSPs, the implementation of GSPs, and coordination agreements were adopted by DWR and approved by the California Water Commission on May 18, 2016. (DWR, n.d.)

2. Applicable Solid Waste Regulations

❑ California Solid Waste Integrated Waste Management Act (AB 939, 1989)

The Integrated Waste Management Act (IWMA) established an integrated waste management hierarchy to guide the California Integrated Waste Management Board (CIWMB) and local agencies in implementation, in order of priority: (1) source reduction, (2) recycling and composting, and (3) environmentally safe transformation and land disposal (it should be noted that the CIWMB no longer exists, and its duties have been assumed by CalRecycle). As part of the IWMA, the CIWMB was given a purpose to mandate the reduction of disposed waste. (CalRecycle, 2018a) The IWMA also required:

- the establishment of a task force to coordinate the development of city Source Reduction and Recycling Elements (SRREs) and a countywide siting element. (CalRecycle, 2018a)

- each city, by July 1, 1991, to prepare, adopt and submit a SRRE to the county which includes the following components: waste characterization; source reduction; recycling; composting; solid waste facility capacity; education and public information; funding; special waste (asbestos, sewage sludge, etc.); and household hazardous waste. (CalRecycle, 2018a)

- each county, by January 1, 1991, to prepare a SRRE for its unincorporated area, with the same components described above, and a countywide siting element, specifying areas for transformation or disposal sites to provide capacity for solid waste generated in the jurisdiction which cannot be reduced or recycled for a 15-year period.

- each county to prepare, adopt, and submit to the Board an Integrated Waste Management Plan (IWMP), which includes all of the elements described above. (CalRecycle, 2018a)

- each city or county plan to include an implementation schedule which shows: diversion of 25 percent of all solid waste from landfill or transformation facilities by January 1, 1995 through source reduction, recycling, and composting activities; and, diversion of 50 percent of all solid waste by January 1, 2000 through source reduction, recycling, and composting activities. (CalRecycle, 2018a)

- the CIWMB to review the implementation of each SRRE at least once every two years. (CalRecycle, 2018a)

- The IWMA required the CIWMB, in conjunction with an inspection conducted by a Lead Enforcement Agency (LEA), to conduct at least one inspection per year of each solid waste facility in the state. (CalRecycle, 2018a)

Additionally, the IWMA established a comprehensive statewide system of permitting, inspections, enforcement, and maintenance for solid waste facilities. (CalRecycle, 2018a)

❑ Waste Reuse and Recycling Act (AB 1327)

The Waste Reuse and Recycling Act (WRRA) required the CIWMB to approve a model ordinance for adoption by any local government for the transfer, receipt, storage, and loading of recyclable materials in development projects by March 1, 1993. The WRRA also required local agencies to adopt a local ordinance by September 1, 1993 or allow the model ordinance to take effect. The WRRA requires all development projects that are commercial, industrial, institutional, or marina in nature and where solid waste is collected and loaded, to provide an adequate area for collecting and loading recyclable materials over the lifetime of the project. The area is required to be provided before building permits are issued. (CalRecycle, 2018b)

❑ Mandatory Commercial Recycling Program (AB 341)

Assembly Bill (AB) 341 (Chapter 476, Statutes of 2011 [Chesbro, AB 341]) directed CalRecycle to develop and adopt regulations for mandatory commercial recycling. CalRecycle initiated formal rulemaking with a 45-day comment period beginning Oct. 28, 2011. The final regulation was approved by the Office of Administrative Law on May 7, 2012. AB-341 was designed to help meet California's recycling goal of 75% by the year 2020. AB 341 requires all commercial businesses and public entities that generate 4 cubic yards or more of waste per week to have a recycling program in place. In addition,

multi-family apartments with five or more units are also required to form a recycling program. (CalRecycle, 2020)

- ❑ 2016 California Green Building Standards Code (CAL Green; Part 11 of Title 24, California Code of Regulations)

California Code of Regulations, Title 24, Part 11 is referred to as the California Green Building Standards Code (CALGreen Code). CALGreen became effective January 1, 2017, and is applicable to the planning, design, operation, construction, use, and occupancy of every newly constructed building or structure throughout the State of California (including residential structures and elementary schools). The purpose of the CALGreen Code is to "improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a positive environmental impact and encouraging sustainable construction practices in the following categories: (1) Planning and design; (2) Energy efficiency; (3) Water efficiency and conservation; (4) Material conservation and resource efficiency; and (5) Environmental air quality." The CALGreen Code is not intended to substitute or be identified as meeting the certification requirements of any green building program that is not established and adopted by the California Building Standards Commission (CBSC). Section 5.408.3 of the CALGreen Code requires that 100 percent of trees, stumps, rocks, and associated vegetation and soils resulting from land clearing shall be reused or recycled. For a phased project, such material may be stockpiled on-site until the storage site is developed. Unless otherwise noted in the regulation, all newly constructed buildings in California are subject of the requirements of the CALGreen Code. (CEC, 2018)

3. Applicable Energy Conservation Regulations

- ❑ California Energy Efficiency Standards for Residential and Nonresidential Buildings (24 CA. Code Regs. 6)

The Building Energy Efficiency Standards were first adopted in 1976 and have been updated periodically since then as directed by statute. In 1975 the Department of Housing and Community Development adopted rudimentary energy conservation standards under their State Housing Law authority that were a precursor to the first generation of the Standards. However, the Warren-Alquist Act was passed one year earlier with explicit direction to the Energy Commission (formally titled the State Energy Resources Conservation and Development Commission) to adopt and implement the Standards. The Energy Commission's statute created separate authority and specific direction regarding what the Standards are to address, what criteria are to be met in developing the Standards, and what implementation tools, aids, and technical assistance are to be provided. (CEC, 2018)

The Standards contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. Public Resources Code Sections 25402 subdivisions (a)-(b) and 25402.1 emphasize the importance of building design and construction flexibility by requiring the Energy Commission to establish performance standards, in the form of an "energy budget" in terms of the energy consumption per square foot of floor space. For this reason, the Standards include both a prescriptive option, allowing

builders to comply by using methods known to be efficient, and a performance option, allowing builders complete freedom in their designs provided the building achieves the same overall efficiency as an equivalent building using the prescriptive option. Reference Appendices are adopted along with the Standards that contain data and other information that helps builders comply with the Standards. (CEC, 2018)

The 2019 update to the Building Energy Efficiency Standards focuses on several key areas to improve the energy efficiency of newly constructed buildings and additions and alterations to existing buildings. The most significant efficiency improvements to the residential Standards include the introduction of photovoltaic into the prescriptive package, improvements for attics, walls, water heating, and lighting. The most significant efficiency improvements to the nonresidential Standards include alignment with the ASHRAE 90.1 2017 national standards. The 2019 Standards also include changes made throughout all of its sections to improve the clarity, consistency, and readability of the regulatory language. (CEC, 2018)

Public Resources Code Section 25402.1 also requires the Energy Commission to support the performance standards with compliance tools for builders and building designers. The Alternative Calculation Method (ACM) Approval Manual adopted by regulation as an appendix of the Standards establishes requirements for input, output, and calculational uniformity in the computer programs used to demonstrate compliance with the Standards. From this, the Energy Commission develops and makes publicly available free, public domain building modeling software in order to enable compliance based on modeling of building efficiency and performance. The ACM Approval Manual also includes provisions for private firms seeking to develop compliance software for approval by the Energy Commission, which further encourages flexibility and innovation. (CEC, 2018)

- ❑ California Solar Rights and Solar Shade Control Acts

The Solar Rights Act sets parameters for establishing solar easements, prohibits ordinances and private covenants which restrict solar systems, and requires communities to consider passive solar and natural heating and cooling opportunities in new construction. This Act is applicable to all California cities and counties. California's solar access laws appear in the state's Civil, Government, Health and Safety, and Public Resources Codes. California Pub Res Code § 25980 sets forth the Solar Shade Control Act, which encourages the use of trees and other natural shading except in cases where the shading may interfere with the use of active and passive solar systems. (EPIC, 2014; EPIC, 2010)

- ❑ Alternative Fuels Plan

On September 24, 2009, the California Air Resources Board (CARB) adopted amendments to the "Pavley" regulations that reduce greenhouse gas (GHG) emissions in new passenger vehicles from 2009 through 2016. These amendments are part of California's commitment toward a nation-wide program to reduce new passenger vehicle GHGs from 2012 through 2016. CARB's September amendments will cement California's enforcement of the Pavley rule starting in 2009 while providing

vehicle manufacturers with new compliance flexibility. The amendments will also prepare California to harmonize its rules with the federal rules for passenger vehicles. (CARB, n.d.)

The U.S. EPA granted California the authority to implement GHG emission reduction standards for new passenger cars, pickup trucks, and sport utility vehicles On June 30, 2009. The first California request to implement GHG standards for passenger vehicles, known as a waiver request, was made in December 2005, and was denied by the U.S. EPA in March 2008. That decision was based on a finding that California's request to reduce GHG emissions from passenger vehicles did not meet the Clean Air Act requirement of showing that the waiver was needed to meet "compelling and extraordinary conditions." (CARB, n.d.)

The ARB's Board originally approved regulations to reduce GHGs from passenger vehicles in September 2004, with the regulations to take effect in 2009. These regulations were authorized by the 2002 legislation Assembly Bill 1493 (Pavley). (CARB, n.d.)

The regulations had been threatened by automaker lawsuits and were stalled by the U.S. EPA's delay in reviewing and then initially denying California's waiver request. The parties involved entered a May 19, 2009 agreement to resolve these issues. With the granting of the waiver on June 30, 2009, it is expected that the Pavley regulations will reduce GHG emissions from California passenger vehicles by about 22 percent in 2012 and about 30 percent in 2016, all while improving fuel efficiency and reducing motorists' costs. (CARB, n.d.)

The CARB has adopted a new approach to passenger vehicles – cars and light trucks – by combining the control of smog-causing pollutants and greenhouse gas emissions into a single coordinated package of standards. The new approach also includes efforts to support and accelerate the numbers of plug-in hybrids and zero-emission vehicles in California. (CARB, n.d.)

4.13.4 Basis for Determining Significance

According to Section XIX of Appendix G to the CEQA Guidelines, the proposed Project would result in a significant impact to utilities and service systems if the Project or any Project-related component would:

- *Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects;*

- *Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years;*

- *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments;*

- *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;*

- *Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.*

4.13.5 IMPACT ANALYSIS

Threshold a:	***Would the Project require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?***

No existing water or wastewater lines would be relocated or upsized as part of the Project. The Project would include the installation of water and wastewater lines within the Project site, connecting to existing facilities within Hesperia Road, Ottawa Street, and the BNSF Railway. Installation of water and wastewater lines on the Project Site is considered an inherent component of the Project's construction process, and no significant impacts have been identified throughout this EIR specifically related to installation of the water and sewer lines.

Water service to the Project site would be provided by VWD. Water service would connect to the existing 12-inch diameter waterline in Ottawa Street in two locations at the southeast and southwest corners of the Project site. The Project will connect to the existing 15-inch diameter sewer line at the northeastern corner of the Project site. The 15-inch diameter sewer line runs along the eastern border of the Project site along a 20 foot easement in favor of the City of Victorville that is present along the Project site's entire eastern boundary.

The Project would include the installation of an integrated, on-site system of underground storm drain pipes, and an underground pipe retention/infiltration system. The integrated storm water system is designed to capture on-site stormwater runoff flows, convey the runoff across the site, and treat the runoff to minimize the amount of water-borne pollutants transported from the Project site. Under Project conditions, most of storm run-off generated by the Project will be accepted into proposed catch basins and conveyed to an on-site detention system. The proposed storm drain system that would accept the Project's runoff has adequate capacity to handle Project site flows. Accordingly, with implementation of the Project's retention systems, bioswales, and longer times of concentration, flows will be reduced to existing or less.

The Project also would require the installation of natural gas lines that connect the Project to the existing natural gas lines within Ottawa Street. The Project would involve utility connections to provide electric power and telecommunications services to the Project site. Installation of dry utilities on the Project Site is considered an inherent component of the Project's construction process, and no significant impacts have been identified throughout this EIR specifically related to their installation.

In summary, the installation of the utility and service system infrastructure improvements proposed by the Project Applicant would result in physical environmental impacts on the Project site inherent in the Project's construction process; however, these impacts have already been included in the analyses of construction-related effects presented throughout this EIR. In instances where the Project's construction phase would result in specific, significant impacts, feasible mitigation measures are provided. The construction of infrastructure necessary to serve the Project would not result in any significant physical effects on the environment that are not already identified and disclosed elsewhere in this this EIR. Accordingly, impacts would be less than significant and additional mitigation measures beyond those identified throughout other subsections of this EIR would not be required.

Threshold b: ***Would the Project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?***

VWD is responsible for supplying potable water to the Project site. A Water Supply Assessment (WSA) was prepared and approved for the Project on May 2022 by VWD's Board of Directors, pursuant to California Water Code Sections 10910 through 10914 (see *Technical Appendix L*). The Project's estimated water demand was calculated by applying the industrial water demand factor from the City of Victorville's 2021 Water Master Plan to the development's projected acreage. This factor was developed based on the average usage for all commercial and industrial developments in the District and is expected to be conservative for a warehouse use type. Based on an industrial water demand factor of 1,000 gallons per day (gpd) per acre, the total demand for the 52-acre Project site would be 52,000 gpd (58 acre-feet of water per year [AFY]). The 2020 UWMP estimated that commercial demands, which include industrial water use types, would increase by 690 AFY from 2020 to 2025. Since the completion of the 2020 UWMP, there have been several commercial and industrial projects that have been approved. With the recently approved commercial/industrial projects along with the Project's water demand, there is a remaining 77 AFY of projected demand growth. Therefore, there is sufficient water supplies available to serve the Project during average, single dry and five consecutive dry years throughout the planning period. (WSC, 2022)

As discussed in the VWD's UWMP, demand during dry years was assumed to remain constant because of on-going state and local conservation programs. Groundwater supply is assumed to remain 100% available because the long-term average of the groundwater basin includes dry periods, and no single or multiple-year dry cycle affects the long-term yield of the basin. Supplies are sufficient to meet average, single-dry year, and multiple-dry years demands through year 2045 (VWD, 2021). Accordingly, implementation of the Project would result in a less than significant impact.

Threshold c:	***Would the Project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?***

VWD is responsible for supplying wastewater services to the Project site. Wastewater flows are received by two wastewater agencies; the VWD and the VVWRA. The VWD wastewater treatment facility has a maximum capacity of 2.5 million gallons per day (MGD) and the VWRA has a current capacity of 14 MGD per day (VWD, 2021). For the purposes of this Project, it is conservatively assumed that indoor water usage accounts for 60% of water usage. Therefore, the amount of wastewater that would be generated by the Project is conservatively assumed to be 31,200 gpd, which is 100% percent of indoor water use. The amount of wastewater that would be generated by the Project is much less than one percent of total remaining daily treatment capacity. Therefore, sufficient wastewater treatment capacity available to serve the Project's projected demand in addition to the provider's existing commitments. Implementation of the Project would result in a less than significant impact.

Threshold d:	***Would the Project 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?***

As stated previously, solid waste from the City is transported to the Victorville Landfill, which is currently operated by the County of San Bernardino. The Victorville Landfill has a permitted disposal capacity of 3,000 tons per day with a remaining capacity of 79,400,000 cubic yards (CalRecycle, 2021).

1. Construction Related Impacts

Waste generated during the construction phase of the Project would primarily consist of discarded materials from the construction of streets, common areas, infrastructure installation, and other project-related construction activities. The California Green Building Standards Code ("CAL Green'), requires all newly constructed buildings to prepare a Waste Management Plan and divert construction waste through recycling and source reduction methods. Mandatory compliance with CAL Green solid waste requirements will ensure that construction waste impacts are less than significant.

The Project site would be served by the Victorville Landfill. According to the Cal Recycle Facility/Site Summary Details website accessed on November 11, 2021, Victorville Landfill is well below their maximum permitted daily disposal volume and demolition and construction waste generated by the Project is not anticipated to cause these landfills to exceed their maximum permitted daily disposal volume. Furthermore, none of these regional landfill facilities are expected to reach their total maximum permitted disposal capacities during the Project's construction period. As such, these regional landfill facilities would have sufficient daily capacity to accept construction solid waste generated by the commercial facility.

2. Operational Related Impacts

Based on a generation rate of 1.42 pounds per 100 sf per day, the Project would generate approximately 14,145.5 pounds of solid waste per day (7.07 ton per day). (CalRecycle, 2017) As previously stated, the Victorville Landfill has a permitted disposal capacity of 3,000 tons per day. The Project's estimated solid waste generation represents less than 0.3%of the landfill's capacity and would not contribute significantly to the daily landfill capacity. Accordingly, impacts would be less than significant.

Threshold e: ***Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?***

The California Integrated Waste Management Act (Assembly Bill (AB) 939), signed into law in 1989, established an integrated waste management system that focused on source reduction, recycling, composting, and land disposal of waste. In addition, the bill established a 50% waste reduction requirement for cities and counties by the year 2000, along with a process to ensure environmentally safe disposal of waste that could not be diverted.

The proposed Project would be required to coordinate with City of Victorville, the waste hauler, to develop collection of recyclable material for the Project on a common schedule as set forth in applicable local, regional, and state programs. Recyclable materials that could be recycled by the Project include paper products, glass, aluminum, and plastic. Additionally, the Project would be required comply with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Act of 1991) and other applicable local, state, and federal solid waste disposal standards. This would ensure that the solid waste stream to regional landfills are reduced in accordance with existing regulations. Accordingly, impacts would be less than significant.

4.13.6 CUMULATIVE IMPACT ANALYSIS

This cumulative impact analysis considers development of the Project site in conjunction with General Plan buildout within the service area for the respective utility providers or the service area for specific facilities (e.g., wastewater treatment facilities).

As with the Project, individual cumulative development projects would require the construction of necessary infrastructure (water and wastewater lines, storm drain facilities, dry utilities, and others) to serve the projects. Each individual development project is subject to review for utility capacity to avoid unanticipated interruption of service or inadequate supplies. Coordination with the utility providers would allow for the provision of utility services to the Project and other developments. The Project and cumulative development is subject to connection and service fees to offset increased demand and assist in facility expansion and service (at the time of need). The infrastructure needed for the Project would be limited to the identified construction impact area, and no new or expanded off-site infrastructure is required for the Project. The environmental impacts associated with the construction of these facilities are addressed throughout this EIR and would be less than significant.

Therefore, the Project would not have a cumulatively considerable contribution to a significant cumulative impact associated with construction of utility infrastructure.

The cumulative area considered for water supply is the service area of the VWD. The 2020 UWMP was adopted by the VWD on June 15, 2021, which details VWD's current and future water supply. The document found that, based on the existing and planned supplies, the VWD can meet 100 percent of the projected water demand through 2045, even with the recurrence of a severe drought. The UWMP predicts that VWD's water demand (potable and non-potable water) for the year 2045 is anticipated to be approximately 32,699 acre-feet with a supply of 32,699 acre-feet. Because the demand for water services can be met through 2045, including the recurrence of a severe drought, cumulative impacts to water services would be less than significant (VWD, 2021).

AB 341 mandates the reduction of solid waste disposal in landfills (PRC Section 42649). The solid waste generated by construction and operation of the Project would represent nominal portion of daily disposal capacities at existing landfill facilities. The existing landfill facilities have sufficient daily capacity to handle solid waste during the Project's construction and operation and would not directly result in the need for expanded solid waste disposal facilities. With Victorville Landfill's planned capacity through 2047 and projected growth rates contained in the City's General Plan EIR, sufficient landfill capacity would exist to accommodate future disposal needs through General Plan buildout. Further, the Project would adhere to applicable local and State regulations during both construction and long-term operation to reduce solid waste generation. Other cumulative development would be required to comply with such regulations. Therefore, development according to the City's General Plan would not create demands for solid waste services that would exceed the capabilities of the County's waste management system. Consequently, cumulative impacts associated with solid waste within the City would be considered less than significant.

4.13.7 Significance of Impacts Before Mitigation

Threshold a: Less than Significant Impact. The installation of the utility and service system infrastructure improvements proposed by the Project Applicant would result in physical environmental impacts on the Project site inherent in the Project's construction process; however, these impacts have already been included in the analyses of construction-related effects presented throughout this EIR. In instances where the Project's construction phase would result in specific, significant impacts, feasible mitigation measures are provided. The construction of infrastructure necessary to serve the Project would not result in any significant physical effects on the environment that are not already identified and disclosed elsewhere in this this EIR. impacts would be less than significant.

Threshold b: Less than Significant Impact. Groundwater supply is assumed to remain 100% available because the long- term average of the groundwater basin includes dry periods, and no single or multiple-year dry cycle affects the long-term yield of the basin. Supplies are sufficient to meet average, single-dry year, and multiple-dry years demands through year 2045. Implementation of the Project would result in a less than significant impact.

Threshold c: Less than Significant Impact. The amount of wastewater that would be generated by the Project is much less than one percent of total remaining daily treatment capacity. Therefore, sufficient wastewater treatment capacity available to serve the Project's projected demand in addition to the provider's existing commitments. Implementation of the Project would result in a less than significant impact.

Threshold d: Less than Significant Impact. As adequate daily surplus capacity exists at the receiving landfill, development of the proposed Project would not significantly affect current operations or the expected lifetime of the landfill serving the Project area. Therefore, the proposed project would not cause a significant impact related to solid waste disposal.

Threshold e: Less than Significant Impact. The Project would be required comply with the City of Victorville's waste hauler and with applicable elements of AB 1327, Chapter 18 (California Solid Waste Reuse and Recycling Act of 1991) and other applicable local, state, and federal solid waste disposal standards. This would ensure that the solid waste stream to regional landfills are reduced in accordance with existing regulations. Accordingly, impacts would be less than significant.

5.0 OTHER CEQA CONSIDERATIONS

The CEQA Guidelines require that an EIR disclose the significant environmental effects of a project that cannot be avoided if the proposed project is implemented (CEQA Guidelines § 15126[b]). As thoroughly described in Subsections 4.1 through 4.13 of this EIR, the Project would result in a significant and unavoidable direct and cumulatively-considerable impact related to the topics of a cumulatively-considerable impact related to greenhouse gas emissions and noise. All other Project-related impacts (direct, indirect, and/or cumulatively-considerable), to the environment would either be less than significant or be reduced to below a level of significance due to mandatory compliance with applicable laws and regulations, and implementation of feasible mitigation measures that have a proportional nexus to the Project's impacts.

5.1 SIGNIFICANT EFFECTS WHICH CANNOT BE AVOIDED IF THE PROPOSED PROJECT IS IMPLEMENTED

Table 5-1, *Significant Environmental Effects Which Cannot Be Avoided*, describes the significant and unavoidable impacts that would occur should the Project be implemented and after the application of regulatory requirements and the application of feasible mitigation measures (MMs). Refer to the list of MMs applied to the Project in Subsections 4.1 through 4.13 of this EIR, and further documented in the Project's Mitigation Monitoring Reporting Program (MMRP; *Technical Appendix M* to this EIR).

Table 5-1 Significant Environmental Effects Which Cannot Be Avoided

Topic	Type of Impact	Details of Impact
Greenhouse Gas Emissions, Subsection 4.6	Direct and Cumulatively Considerable Greenhouse Gas Emissions Impact	Project operational-source GHG emissions would exceed the applicable Mojave Desert AQMD numeric threshold and are therefore considered significant and unavoidable. Neither the Project Applicant nor the Lead Agency (City of Victorville) can substantively or materially affect reductions in Project mobile-source emissions beyond the regulatory requirements. As such, although mitigation measures MMs 4.6-1 through 4.6-3 are required to reduce impacts to the maximum extent feasible, Project operational-source GHG emissions exceedances of applicable Mojave Desert AQMD numeric thresholds would remain significant and unavoidable.
Noise, Subsection 4.10	Cumulatively Considerable Noise Impact	Under Existing plus Project, Opening Year, and Future Year conditions, the Project would result in an addition 1.5-1.9 dBA on Nisqualli Road west of Hesperia Road (Segment #8), in excess of the City's limit of

Topic	Type of Impact	Details of Impact
		1.5 dBA. Both rubberized asphalt and off-site noise barriers were considered as potential noise mitigation measures to reduce the potentially significant off-site traffic noise level increases, but neither mitigation measure would feasibly or tangibly reduce the off-site traffic noise levels.

5.2 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

The State CEQA Guidelines require EIRs to address any significant irreversible environmental changes that would be involved with the proposed action should it be implemented (CEQA Guidelines § 15126.2[c]). An environmental change would fall into this category if: a) the project would involve a large commitment of non-renewable resources; b) the primary and secondary impacts of the project would generally commit future generations to similar uses; c) the project involves uses in which irreversible damage could result from any potential environmental accidents; or d) the proposed consumption of resources is not justified (e.g., the project results in the wasteful use of energy).

Determining whether the Project may result in significant irreversible environmental changes requires a determination of whether key non-renewable resources would be degraded or destroyed in such a way that there would be little possibility of restoring them.

Natural resources, in the form of construction materials and energy resources, would be used in the construction of the Project. The consumption of these natural resources would represent an irreversible change to the environment. However, the development of the Project site as proposed would have no measurable adverse effect on the availability of such resources, including resources that may be nonrenewable (e.g., fossil fuels). Additionally, the Project is required by law to comply with the California Building Standards Code (CALGreen), which would minimize the Project's demand for energy, including energy produced from non-renewable sources. A more detailed discussion of energy consumption is provided in EIR Subsection 4.4, *Energy*.

Implementation of the Project would commit the Project site to industrial warehouse uses. As demonstrated in the analysis presented throughout EIR Section 4.0, *Environmental Analysis*, construction and long-term operation of the Project would be compatible with the existing and planned land uses that surround the Project site and would not result in significant physical environmental effects to nearby properties. Although the Project would cause unavoidable impacts to the environment associated with greenhouse gas emissions and noise, these effects would not commit surrounding properties to land uses other than those that are present under existing conditions or planned by the City of Victorville General Plan. For this reason, the Project would not result in a significant, irreversible change to nearby, off-site properties.

EIR Subsection 4.7, *Hazards and Hazardous Materials*, provides an analysis of the Project's potential to transport or handle hazardous materials which, if released into the environment, could result in irreversible damage to the environment. As concluded in the analysis, compliance with federal, State, and local regulations related to hazardous materials would be required of all contractors working on the property during the Project's construction and of all users that occupy the Project's buildings. As such, construction and long-term operation of the Project would not have the potential to cause significant irreversible damage to the environment, including damage that may result from upset or accident conditions.

Because no significant natural resources occur within the Project site, the Project would not reduce the availability of any natural resources associated with long-term operational activities. Also, as discussed under Subsection 4.4, *Energy*, the Project would not result in a wasteful consumption of energy. Accordingly, the Project would not result in a significant, irreversible change to the environment related to energy use.

5.3 GROWTH INDUCING IMPACTS

CEQA requires a discussion of the ways in which the Project could be growth-inducing. The State CEQA Guidelines identify a project as growth-inducing if it would foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment (CEQA Guidelines § 15126.2[d]). New employees and new residential populations represent direct forms of growth. These direct forms of growth have a secondary effect of expanding the size of local markets and inducing additional economic activity in the area, placing additional demands on public services and infrastructure systems, and in the generation of a variety of environmental impacts, which are addressed in the other sections of this EIR.

A project could indirectly induce growth at the local level by increasing the demand for additional goods, and services associated with an increase in population or employment and thus reducing or removing the barriers to growth. This typically occurs in suburban or rural environs where population growth results in increased demand for service and commodity markets responding to the new population of residents or employees. Economic growth would likely take place because of the Project's operation as a warehouse/distribution/warehouse facility and all other legally permitted uses. The Project's construction-related and operational-related employees would purchase goods and services in the region, but any secondary increase in employment associated with meeting these goods and services needs is expected to be marginal, accommodated by existing goods and service providers, and highly unlikely to result in any new physical impacts to the environment based on the amount of available warehouse/distribution facilities available in areas near the Project site, including the cities of Apple Valley, Hesperia, and Adelanto. In addition, the Project would create jobs that likely would serve the housing units either already built or planned for development within San Bernardino County and/or the City of Victorville. Accordingly, the on-site employment generation would not induce substantial growth in the area because it is anticipated that the Project's future employees would already be living in the Victorville/San Bernardino County area.

As previously stated, the General Plan land use designation for the site is Heavy Industrial (HI). Lands to the immediate north of the Project site are designated for "Light Industrial" land uses and developed with vehicle and equipment storage or junk yard and a small aggregate mining facility; area east of the Project site is designated for "Low Density Residential" and consist of the Burlington North Santa Fe (BNSF) Railway with residential uses further east; area south the Project site is designated for "Heavy Industrial" and "Commercial" land uses and developed with various warehouses and vacant lands; and areas immediately west of the Project site for "Commercial" land uses, with areas to the west of Hesperia Road designated for "Commercial" and "Low Density Residential" land uses and largely undeveloped land with an existing residential home that accommodates vehicle storage, beyond which is Hesperia Road. As the Project vicinity is predominantly built-out, the development of the Project is unlikely to affect the existing uses within the surrounding properties. The Project is limited to the Project site's boundaries and does not include any components that would indirectly affect existing or planned uses on neighboring properties. Accordingly, the Project would not induce growth in the Project area.

Furthermore, the Project's potential influence on other nearby properties to redevelop at greater intensities and/or different uses than the City's General Plan and Development Code allow is speculative beyond the rule of reason; however, it should be noted that implementation of the Project would not result in the approval of logistics uses on any other property outside of the Project site. CEQA does not require the analysis of speculative effects (State CEQA Guidelines § 151454). If any other property owner were to propose redevelopment of a property in the Project vicinity or in any part of the City, the redevelopment project would require evaluation under CEQA based on its own merits, including an analysis of direct and cumulatively considerable effects.

Under CEQA, growth inducement is not considered necessarily detrimental, beneficial, or of little significance to the environment. Typically, the growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in pertinent master plans, land use plans, or in projections made by regional planning agencies such as Southern California Association of Governments (SCAG). Significant growth impacts also could occur if a project provides infrastructure or service capacity to accommodate growth beyond the levels currently permitted by local or regional plans and policies. In general, growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services, or if it can be demonstrated that the potential growth significantly affects the environment in some other way. The Project is consistent with the existing General Plan land use designation and Zoning classification for the Project site. Further, implementation of the Project would not require the expansion of water and sewer infrastructure, as the Project would connect to existing water and sewer lines in the immediate vicinity. The Project would make two connections to the existing water line beneath Ottawa Street located east of the western proposed driveway and south of the eastern proposed driveway and make a single connection to the sewer main located beneath the BNSF right-of-way near the Project site's northeastern corner.

The operation and maintenance of the Project would generate approximately 834 jobs[1], but any potential growth-inducing impact of the employment of persons at the Project site was accounted for in the City's General Plan, as the Project would develop the Project site in compliance with the City's General Plan land use designation. Accordingly, the Project would not directly promote growth either at the Project site or at the adjacent and surrounding properties that were not accounted for in the City's General Plan.

In conclusion, it is unlikely, speculative, and not reasonably foreseeable that the Project would induce growth in the form of additional economic activity or employment that would result in measurable impacts on the physical environment.

5.4 IMPACTS CONSIDERED LESS THAN SIGNIFICANT

Section 15128 of the State CEQA Guidelines states that "an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR." Based on review of the Project and supporting technical studies, it was determined that the following environmental topical issues would result in no impact or less than significant impacts: Aesthetics, Agricultural Resources, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire.

5.4.1 AESTHETICS

Threshold a: ***Would the Project have a substantial adverse effect on a scenic vista?***

The City of Victorville 2030 General Plan does not identify any designated scenic vistas within the City of Victorville (City of Victorville, 2008). The viewshed experience from the public areas in the vicinity of the Project site predominantly reflects the industrial and warehouse uses of the surrounding properties. Although the Project site is currently undeveloped, views from the public areas are naturally obstructed by the existing terrain on the Project site. Furthermore, due to the extent of existing urbanization and the lack of scenic vistas in the Project area, no impact would occur.

Threshold b: ***Would the Project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?***

According to the California Department of Transportation (Caltrans) State list of eligible and officially designated State Scenic Highways, the Project site is not within or adjacent to a designated or eligible State scenic highway (Caltrans, 2022). The nearest officially designated State scenic highway is SR-38, located approximately 30 miles southeast of the Project site. Therefore, no impacts to scenic resources within a State scenic highway are identified or anticipated.

[1] Based on Table 2-B of SCAG's Employment Density Report with an employment rate of 1,195 s.f. per employee

Threshold c: ***Would the Project in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?***

The Project is in an urbanized area with industrial uses to the north and south, residential uses to the east, and commercial and residential uses to the west. As shown in the aerial photographs, the entirety of the Project site is undeveloped with and vegetated with native and non-native plants. According to CEQA Guidelines Section 15387, urban areas mean a central city or group of contiguous cities with a population of 50,000 or more, together with adjacent densely populated areas having a population density of at least 1,000 persons per square mile. According to the 2010 Census Urbanized Area Reference Map, the Project is located within an urbanized area (US Census, 2012).

As such, the Project's potential to conflict with applicable zoning and other regulations governing scenic quality is analyzed. Specifically, regulations governing scenic quality are established through the City's Municipal Code and General Plan, as discussed below. The purpose of Title 16, Development Code, of the City of Victorville Municipal Code, is to "implement the Victorville General Plan and regulate development in order to protect and promote the public health, safety, prosperity and general welfare." (City of Victorville, 2022).

The Project site is zoned as Heavy Industrial (M-2) and is therefore subject to the development standards stipulated in Table 11-1 of Sec. 16-3.11.020 of the City's Municipal Code. The proposed land use is consistent with the M-2 zoning designation which is intended to provide space in suitable locations for certain less restricted types of manufacturing and industrial uses. Table 5-2 addresses the Projects consistency with applicable development standards outlined in the Municipal Code.

Table 5-2 Zoning Development Standards Consistency Analysis

Applicable Development Standard	Project Consistency
Maximum Lot Coverage: 60%	**Consistent.** The proposed Project would have a lot coverage of 44.05%.
Minimum Net Lot Area: 10,000 sf	**Consistent.** The proposed Project would have a lot area of 996,194 sf.
Minimum Lot Width: 75 ft	**Consistent.** The proposed Project site lot width would exceed 75 ft.
Front Yard Setback: 10 ft	**Consistent.** The proposed Project would include an approximately 34.2 ft setback from the outdoor trailer parking area and a 185 ft setback from the building.
Street Side and Rear Setback: 10 ft	**Consistent.** The proposed Project would include a street side setback in excess of 50 ft, and a 40 ft setback from the rear property line to the outdoor trailer parking area and a 185 ft rear setback to the proposed building.
Maximum Building Height: 50 ft	**Consistent.** The proposed building would have a maximum height of 48 ft.

As discussed above, the City has established development standards and landscape requirements in the Municipal Code to protect the visual and scenic quality of the City. As demonstrated through the analysis presented above, the Project would not conflict with applicable development standards in the City's Municipal Code established for the M-2 zone. Therefore, no impact would occur.

Threshold d:	***Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?***

Under existing conditions, the Project site is wholly vacant and undeveloped and surrounded by a variety of industrial and commercial uses and vacant land. Street lights are located along the industrial development on Ottawa Street

The Project would introduce new light sources to the Project site as necessary for security, safety, and wayfinding. However, the lighting would be consistent with lighting onsite and in the general area. Consistent with Section 16-3.11.060(e) of the City's Municipal Code, which establishes general lighting standards, light fixtures would be designed to be architecturally compatible with the main theme of the building, would be of appropriate height relative to the scale of the building, would illuminate building entrances, and would provide for illumination for security and safety of on-site areas. Further, lighting levels would not be needlessly intense or induce glare, would be shielded form adjacent properties, would not utilize exposed bulbs, and would avoid unnecessary lighting.

Glare is caused by light reflections from pavement, vehicles, and building materials such as reflective glass and polished surfaces. During daylight hours, the amount of glare depends on intensity and direction of sunlight. Glare can create hazards to motorists and can be a nuisance for pedestrians and other viewers. Proposed exterior building materials primarily include concrete, painted metal, and tempered glass. These non-reflective building materials would not result in potential glare impacts within the Project site or surrounding areas, and notably at the street level.

Implementation of the Project would not result in a significant source of light or glare that would adversely affect daytime or nighttime views. Accordingly, impacts would be less than significant.

5.4.2 AGRICULTURAL RESOURCES

Threshold a:	***Would the Project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to nonagricultural use?***

According to mapping information available from the California Department of Conservation (CDC) Farmland Mapping and Monitoring Program (FMMP), the Project site is designated as Grazing Land and does not contain any Prime Farmland, Unique Farmland, or Farmland (CDC, 2016). The nearest area of any FMMP significance is a relatively small area of Prime Farmland located within the Mojave Narrows Regional Park approximately 1.5 miles to the northeast. Given the Project would not convert

Prime Farmland, Unique Farmland, or Farmland, as shown on maps prepared pursuant to the FMMP, to non-agricultural use, no impact would result.

Threshold b:	***Would the Project conflict with existing zoning for agricultural use, or a Williamson Act contract?***

The Project site is currently zoned as Heavy Industrial (M-2). The Project's implementation will not require a zone change and will not result in a loss of land zoned for agriculture. There are no farming activities occurring at the site. The Project site is not located within any agricultural preserves, nor is the Project site subject to any Williamson Act Contracts (Victorville, 2008) (CDC, 2016). As a result, the Project will not result in conflict with existing agricultural zoning or Williamson Act contracts. The Project would cause no impact.

Threshold c:	***Would the Project conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production?***

Under existing conditions, the Project site is located within the City of Victorville, has a zoning designation of M-2, and does not contain forest land. The Project does not propose an amendment to the zoning plan, and would utilize the land in a manner which is consistent with the M-2 zone designation. Accordingly, no impact would occur.

Threshold d:	***Would the Project conflict result in the loss of forest land or conversion of forest land to non-forest use?***

The Project site and surrounding areas do not consist of forest land. Therefore, the Project would not result in the loss of forest land or result in the conversion of forest land to non-forest use. Accordingly, no impact would occur and no further analysis of this topic is required.

Threshold e:	***Would the Project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?***

The Project would not result in changes in the environment which, due to their location and nature, could result in conversion of forest land to non-forest use. Accordingly, no impact would occur and no further analysis of this topic is required.

5.4.3 MINERAL RESOURCES

Threshold a:	***Would the Project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?***

The Project does not conflict with California Legislature's 1975 Surface Mining and Reclamation Act (SMARA), which provides guidelines of the classification and designation of mineral lands. Figure RE-1, Victorville Planning Area Mineral Land Classification Map, in the City's General Plan shows

the Project site designated as MRZ-3a. MRZ-3a is defined as areas containing known mineral occurrences of undetermined mineral resource significance. Further exploration work within these areas could result in the reclassification of specific localities into MRZ-2A or MRZ-2b categories. (Victorville, 2008). The California Department of Conservation does not show oil, gas, or geothermal fields underlying the Project site; and no oil or gas wells are recorded on or near the site in the Division of Oil, Gas, and Geothermal Resources (DOGGR) Well Finder (DOC, 2019). No mines, wells, or other resource extraction activity occurs on the Project site or is known to have ever occurred on the Project site. Accordingly, no impacts would occur.

Threshold b:	***Would the Project result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?***

As discussed above, no known valuable mineral resources exist on or near the Project site, and no mineral resource extraction activities occur on the site. Thus, the proposed Project would not result in the loss of availability of locally-important mineral resources. Accordingly, no impacts would occur.

5.4.4 POPULATION AND HOUSING

Threshold a:	***Would the Project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?***

The Project would not directly result in population growth because it does not propose any residential dwelling units. Typically, growth would be considered a significant impact pursuant to CEQA if it directly or indirectly affects the ability of agencies to provide needed public services and requires the expansion or new construction of public facilities and utilities. The current Zoning Classification for the Project site is Heavy Industrial (M-2). Based on Table 2-B of SCAG's Employment Density Report with an employment rate of 1,195 s.f. per employee, the Project would generate approximately 834 employees. According to the California Employment Development Department (EDD), as of August 2022, the City of Victorville has a labor force of 49,600 persons and of that labor force, 3,200 are unemployed (unemployment rate of 6.4 percent) (EDD, 2022). According to Southern California Association of Governments' (SCAG) 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy, the City of Victorville is anticipated to employ a total of 61,200 persons by 2045 (SCAG, 2020b). The Project is consistent with the City's General Plan land use designations and SCAG's 2045 employment projections for the City. Project-generated jobs are well within the employment projections for the City. Operation of the Project would not induce substantial unplanned population growth in the Project area, either directly or indirectly and would not exceed regional or local growth projections. Therefore, no impacts would occur.

Threshold b:	***Would the Project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?***

The Project site contains does not contain any residential units. Therefore, implementation of the Project would not displace a substantial number of existing housing, nor would it necessitate the construction of replacement housing elsewhere. No impact would occur.

5.4.5 PUBLIC SERVICES

Threshold a:	***Would the Project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: 1) Fire protection?; 2) Police protection?; 3) Schools?; 4) Parks?; or 5) Other public facilities?***

Under existing conditions, the Project site is vacant and undeveloped, and therefore requires minimal public services. The Project would result in the development of one 996,164 s.f. warehouse building.

A. Fire Protection

The Victorville Fire Department provides fire protection services to the Project area. There are four active fire stations currently operating within the City of Victorville; Fire Station 311 (16200 Desert Knoll Drive); Fire Station 312 (15182 El Evado Road); Fire Station 313 (13086 Amethyst Road); Fire Station 314 (17008 Silica Drive). The Project would be primarily served by Fire Station 314 which is located approximately 1.05 miles south of the Project site.

Development of the Project would impact fire protection services by placing an additional demand on existing fire protection resources due to the increase in employees. To offset the increased demand for fire protection services, the Project would be conditioned by the City to provide a minimum of fire safety and support fire suppression activities, including compliance with State and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access routes.

In addition, the Project plans were routed to the Victorville Fire Department for review and comment on the impacts to providing fire protection services. The Victorville Fire Department did not indicate that the Project would result in the need for new or physically altered fire facilities in order to maintain acceptable service ratios, response times or other performance objectives.

Furthermore, the Project would be required to comply with the provisions of the Municipal Code Title 8 which adopts the 2019 California Fire Code (CFC) as amended therein. The Project would be required to comply with codes, ordinances, and standard conditions within the CFC regarding fire prevention and suppression measures relating to water improvement plans, fire hydrants, automatic

fire extinguishing systems, fire access, access gates, combustible construction, water availability, and fire sprinkler systems.

Furthermore, the Project would be required to comply with the provisions of Municipal Code Chapter 16-5.01.080 which requires payment of the Development Impact Fee to assist the City in providing for fire protection services. Payment of the Development Impact Fee would ensure that the Project provides fair share funds for the provision of additional public services, including fire protection services, which may be applied to fire facilities and/or equipment, to offset the incremental increase in the demand for fire protection services that would be created by the Project. Based on the above analysis, impacts related to fire protection are less than significant.

B. Police Protection

The Victorville Police Department provides community policing to the Project area via the Victorville Police Station located at 14200 Amargosa Road. The Project would increase the demand for police protection services due to the increase in employees. The Project would be required to comply with the provisions of Municipal Code Chapter 16-5.01.080 which requires payment of the Development Impact Fee to assist the City in providing for public services, including police protection services. Payment of the Development Impact Fee would ensure that the Project provides its fair share of funds for additional police protection services, which may be applied to police facilities and/or equipment, to offset the incremental increase in the demand that would be created by the Project.

The Project incorporates safety features such as setbacks from the street and well-lit exterior spaces with visual exposure. The Project would not require the construction of a new police station or physical alteration of existing police protection facilities to maintain an adequate level of police protection service. Therefore, no physical impacts associated with the provision of fire protection services would occur. Based on the above analysis impacts related to police protection are less than significant.

C. Schools

The Project does not propose any housing and would not directly create additional students to be served by the Victor Valley Union High School and Victor Elementary School District. Due to the nature of the proposed Project and its non-residential uses within the Heavy Industrial land use and Heavy Industrial zoning district, the proposed Project would not generate new residents or students. Based on the above analysis impacts related to schools are less than significant.

D. Parks

The City's Department of Parks and Recreation operates and manages parks and park programs for the City of Victorville. As indicated above, due to the nature of the proposed Project, its proximity to nearby parks, and its non-residential uses within the Heavy Industrial land use and Heavy Industrial zoning district, the proposed Project would not generate new residents and no impacts to associated parks are anticipated.

E. Other Public Facilities

No new government services would be needed to implement the Project or service the Project.

5.4.6 RECREATION

Threshold a:	***Does the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?***

The Project would not cause a substantial physical deterioration of any park facilities or would accelerate the physical deterioration of any park facilities because the Project does not propose residential dwelling units which would increase the population that would use parks. The payment of Development Impact Fees will reduce any indirect Project impacts related to recreational facilities.

Threshold b:	***Does the Project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?***

As noted in the response above, the Project does not propose any recreational facilities or require the construction or expansion of recreational facilities which might have an adverse effect on the environment. In addition, no offsite parks or recreational improvements are proposed or required as part of the Project.

5.4.7 WILDFIRE

If located in or near state responsibility areas or lands classified as very high fire severity zones, would the project:

Threshold a:	***Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?***
Threshold b:	***Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?***
Threshold c:	***Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?***
Threshold d:	***Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?***

The State Responsibility Area (SRA) is the land where the State of California is financially responsible for the preservation and suppression of wildfires. The SRA does not include lands within city

boundaries or in federal ownership; therefore, the Project site does not have the potential to be in an SRA. According to CalFire's Fire Hazard Severity Zone Map, the Project site is not listed in or near a state responsibility area or land classified as very high fire hazard severity zone (CalFire, 2022). Therefore, no impacts associated to wildfire are anticipated.

6.0 ALTERNATIVES

6.1 INTRODUCTION

CEQA Guidelines §15126.6(a) describes the scope of analysis that is required when evaluating alternatives to proposed projects, as follows:

> *An EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. An EIR is not required to consider alternatives which are infeasible. The lead agency is responsible for selection of a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason.*

As discussed in Draft EIR Section 4.0, *Environmental Analysis*, the Project would result in significant adverse environmental effects associated with greenhouse gas (GHG) emissions and noise that cannot be mitigated to below levels of significance after the implementation of feasible mitigation measures. The Project's significant and unavoidable impacts are summarized below in Subsection 6.1.2.

6.1.1 PROJECT OBJECTIVES

The underlying purpose and goal of the Ottawa Business Center Project is to develop a modern industrial warehouse building in the City of Victorville in close proximity to the State highway system in order to increase employment opportunities and improve the City's economic competitiveness. This underlying purpose aligns with various aspects of the Southern California Association of Governments' (SCAG) *2020-2045* Regional Transportation Plan/Sustainable Communities Strategy *(RTP/SCS)* primarily related to accommodating goods movement industries and balancing job and housing opportunities in local areas to reduce long commutes from home to work. The SCAG identifies the Inland Empire as a housing rich area and coastal communities as job rich areas and is striving in their policies to achieve more equal balances locally. The Project would achieve its underlying purpose and goal through the following objectives.

A. To efficiently develop a vacant and underutilized property with industrial uses to help meet the substantial and unmet regional demands for goods movement facilities consistent with Southern California Association of Governments' Connect SoCal (2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (SCAG, 2020a).

B. To expand economic development, facilitate job creation, and increase the tax base for the City of Victorville by establishing new industrial development adjacent to established and planned industrial areas.

C. To attract new businesses to the City of Victorville and thereby provide a more equal jobs-housing balance in the Inland Empire area that will reduce the need for members of the local workforce to commute outside the area for employment.

D. To make efficient use of a property in the City of Victorville by maximizing its buildout potential for employment-generating uses.

E. To develop Class A speculative industrial buildings in the City of Victorville that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.

F. To develop industrial buildings in close proximity to the I-15 and SR-18 Freeways that can be used as part of the southern California goods movement network.

G. To develop a use that has architectural design and operational characteristics that are compatible with other existing and planned developments in the local area.

H. To develop a vacant property that has access to available infrastructure, including roads and utilities.

6.1.2 SUMMARY OF THE PROPOSED PROJECT'S SIGNIFICANT IMPACTS

As discussed in Draft EIR Section 4.0, *Environmental Analysis*, the proposed Project would result in significant adverse environmental effects that cannot be mitigated to below levels of significance after the implementation of Project design features, mandatory regulatory requirements, and feasible mitigation measures. The unavoidable significant impacts are as follows:

GHG Emissions Generation, Significant Direct and Cumulatively Considerable Impact: The Project will result in approximately 13,041.59 MT CO_2e/yr and would exceed the Mojave Desert Air Quality Management District (MDAQMD) threshold of 3,000 MT CO_2e per year and would result in a cumulatively-considerable impact to the environment. Neither the Project Applicant nor the Lead Agency (City of Victorville) can substantively or materially affect reductions in Project mobile-source emissions beyond the regulatory requirements. As such, although mitigation measures MMs 4.6-1 through 4.6-3 are required to reduce impacts to the maximum extent feasible, Project operational-source GHG emissions exceedances of applicable Mojave Desert AQMD numeric thresholds would remain significant and unavoidable.

Noise, Cumulatively Considerable Noise Impact: Under Existing plus Project, Opening Year, and Future Year conditions, the Project would result in an addition 1.5-1.9 dBA on Nisqualli Road west of

Hesperia Road, in excess of the City's limit of 1.5 dBA. Both rubberized asphalt and off-site noise barriers were considered as potential noise mitigation measures to reduce the potentially significant off-site traffic noise level increases, but neither mitigation measure would feasibly or tangibly reduce the off-site traffic noise levels. No feasible mitigation measures exist that would reduce the Project's off-site traffic noise levels that are less than significant.

6.2 ALTERNATIVES UNDER CONSIDERATION

CEQA Guidelines §15126.6(e) requires that an alternative be included that describes what would reasonably be expected to occur on the property in the foreseeable future if the proposed Project were not approved, based on current plans and consistent with available infrastructure and community services (i.e., "no project" alternative). For development projects that include a revision to an existing land use plan, the "no project" alternative is considered to be the continuation of the existing land use plan into the future. For projects other than a land use plan (for example, a development project on an identifiable property such as the proposed Project evaluated herein), the "no project" alternative is considered to be a circumstance under which the proposed Project does not proceed (CEQA Guidelines § 15126.6(e)(3)(A-B). For the alternatives' analysis in this Draft EIR, the "No Project/No Development Alternative" was considered and the "No Project/Existing General Plan and Zoning Alternative" was rejected for the reasons described in Section 6.3.2.

6.2.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

The No Project/No Development Alternative considers no development on the Project site beyond what occurs on the site under existing conditions (as described in EIR Section 3.0). As such, the approximately 53.9-acre Project site would continue to remain vacant and undeveloped. Under this Alternative, no improvements would be made to the Project site and none of the Project's internal parking, utility, and other infrastructure improvements would occur. This alternative was selected by the City to compare the environmental effects of the Project with an alternative that would leave the Project site undeveloped in its existing condition.

6.2.2 REDUCED INTENSITY ALTERNATIVE

The Reduced Intensity Alternative would consider the development of the Project site with a 20 percent reduction in building square footage, in order to reduce vehicle and truck trips and significant impacts associated with GHG and noise. Under this alternative, a total of 796,955 s.f. of industrial uses would be constructed, resulting in a reduction of 199,239 s.f. from the proposed building. Although the proposed building would be reduced, the development impact area would generally remain the same as the Project. This alternative would generate approximately 667 employees using an employment generation rate of 1 employee per 1,195 square feet for Light Industrial uses. Access to the site would be similar to the Project with a proportional reduction in the number of parking spaces.

6.3 ALTERNATIVES CONSIDERED AND REJECTED

An EIR is required to identify any alternatives that were considered by the City but were rejected as infeasible. Factors described by CEQA Guidelines § 15126.6 in determining whether to exclude alternatives from detailed consideration in the EIR include: a) failure to meet most of the basic project objectives, b) infeasibility, or c) inability to avoid significant environmental impacts. With respect to the feasibility of potential alternatives to the proposed Project, CEQA Guidelines § 15126.6(f)(1) notes:

> *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 alternatives to be evaluated in this EIR, a number of possible alternatives were initially considered and, for a variety of reasons, rejected. Alternatives were rejected because either: 1) they could not accomplish the basic objectives of the Project, 2) they would not have resulted in a reduction of significant adverse environmental impacts, or 3) they were considered infeasible to construct or operate. A summary of the alternatives that were considered but rejected are described below.

6.3.1 ALTERNATIVE SITES

The City considered but rejected an alternative that would develop the Project on an alternative site. In making the decision to include or exclude analysis of an alternative 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"* (CEQA Guidelines §15126.6[f][2)].

To meet the Project objectives and implement Ottawa Business Center Project, an Alternative Site for consideration in this analysis would include other sites designated as Heavy Industrial where the City anticipates future industrial development. For this alternative, any development within these areas would need to be consistent with the Project, the Project objectives, and development anticipated in the area, as presented in City of Victorville General Plan and zoning. There are 1,228 acres of land with in the City designated as Heavy Industrial land use, located within the northeast, southeast, and central portions of the City; which are intended for industrial and manufacturing uses that are more specialized in nature and require special consideration in terms of use of the property as well as impacts on adjacent properties.

The Project proposes to develop an approximately 53.9-acre site within the City with one industrial building totaling 996,194 s.f. Due to the size of the Project, significant and unavoidable GHG emissions impacts would not be avoided or substantially reduced by placing the Project in another location. Additionally, significant unavoidable impacts of the Project are related to its operational aspects and are not site specific, therefore, relocation of the Project would not substantially reduce these impacts.

Regarding the feasibility of finding another potential vacant location for the Project, land located north and south of the Project site is currently vacant. However, because these lands are located closer to sensitive land uses, these locations could potentially have greater Project impacts. Similarly, there are no existing, sites for sale that are a similar size as the Project site within close proximity to the key freeway infrastructure and that could reasonably be controlled by the Project Applicant for the purpose of developing the Project. Furthermore, the Project Applicant does not hold ownership control over any other parcels of similar sized land in or near the Project site that could be used as an alternative location for the proposed Project. Therefore, because an alternative location is not available that would avoid or substantially lessen the significant environmental effects of the Project, and because the Project Applicant does not have ownership control over, and cannot reasonably obtain ownership control over, any other parcels of land in the jurisdiction of the City that could accommodate the Project, an alternative location alternative is not feasible. Accordingly, this alternative is not further considered in the Draft EIR.

6.3.2 No Project/Existing General Plan and Zoning Alternative

The No Project/Existing General Plan and Zoning Alternative would consider the development of the Project site with a use that conforms to the existing land use and zoning standards for the Project site, specifically the Heavy Industrial land use and Heavy Industrial zone. However, the existing use of the Project site already conforms with the existing General Plan and zoning standards. Therefore, this alternative was rejected from further consideration in the Draft EIR since it would not be substantially different from the proposed Project and would not substantially reduce environmental effects.

6.3.3 Jurisdictional Area Impact Reduction/Avoidance Alternative

A Jurisdictional Area Impact Reduction/Avoidance Alternative would involve development of only the areas of the Project site that do not contain jurisdictional biological resources. As discussed in Section 4.2, *Biological Resources*, of this EIR, the Project would impact jurisdictional waters. The Project would result in impacts to 0.94 acre of potential Corps and Regional Board non-wetland waters, including 0.87 acre onsite and 0.07 acre offsite, as well as impacts to 1.63 acres of potential California Department of Fish and Wildlife (CDFW) jurisdiction (of which 0.02 acre consists of riparian vegetation), including 1.51 acres onsite and 0.12 acre offsite.

The Project site contains three distinct drainage features designated as Drainages A, B, and C, depicted on Figure 4.2-3, *Corps/Regional Board Jurisdictional Delineation Map*, and Figure 4.2-4, *CDFW Jurisdictional Delineation Map*. As shown, Drainage A runs across the Project site from the

southwestern corner to the northwestern portion of the site; Drainage B runs across the site from the middle of the Project site on the southern end to the northeastern corner of the site; and Drainage C runs across the southeastern corner of the Project site. In order to avoid impacts to jurisdictional waters, the Project building would need to significantly reduced. There is no feasible option to place building within the Project site that would fully avoid impacts to jurisdictional waters since the Drainages A and B run across the majority of the site. Therefore, impacts to jurisdictional areas associated with the Project cannot be avoided.

Moreover, an alternative can be eliminated from detailed consideration in an EIR based on failure to meet most of the basic project objectives and the inability to avoid significant environmental impacts. The Jurisdictional Area Impact Reduction/Avoidance Alternative would not support the Project's main objectives, including the following: efficiently develop the Project site with industrial uses consistent with the City's General Plan and Zoning to help meet the substantial and unmet regional demands for goods movement; and make efficient use of a property in the City of Victorville by maximizing its buildout potential for employment-generating uses. Additionally, the Project's impacts to biological resources are less than significant with implementation of mitigation measures; therefore, this alternative would not avoid a significant Project impact. Accordingly, this alternative is not further considered in the Draft EIR.

6.4 ANALYSIS OF ALTERNATIVES

The City has identified the following alternatives as a range of reasonable alternatives to the Project in accordance with CEQA Guidelines §15126.6. These alternatives are described in more detail and evaluated for their level of environmental effects, compared to the Project's environmental effects.

The following discussion compares the impacts of each alternative considered by the City with the impacts of the Project, as detailed in Section 4.0, *Environmental Analysis*, of this EIR. Because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code Section 21002.1), CEQA Guidelines §15126.6(d) requires that the discussion of alternatives focus on alternatives which are capable of avoiding or substantially lessening the significant effects of the Project. Therefore, the analysis provided herein focuses on a comparison of the Project's significant impacts to the level of impact that would occur under each evaluated alternative. The Project's significant and unavoidable impacts fall under the topics of GHG emissions and noise. Although the Project's less-than-significant impacts also are compared to the alternatives evaluated herein, the emphasis of the comparative discussion in this analysis relates to the significant impacts of the Project as required by CEQA. A conclusion is provided for each significant impact of the Project as to whether the alternative results in one of the following: (1) reduction or elimination of the Project's impact, (2) a greater impact than would occur under the Project, (3) the same impact as the proposed Project, or (4) a new impact in addition to the Project's impacts.

Table 6-1, *Comparison of Alternatives to the Project*, at the end of this Section compares the significant impacts of the Project with the level of impact that would be caused by the alternatives evaluated herein

and identifies the ability of each alternative to meet the fundamental purpose and basic objectives of the Project, listed above under 6.1.1, *Project Objectives*.

6.4.1 NO PROJECT/NO DEVELOPMENT ALTERNATIVE

The No Project/No Development Alternative considers no development on the Project site beyond what occurs on the site under existing conditions (as described in EIR Section 3.0). As such, the approximately 53.9-acre Project site would continue to consist of undeveloped land. Under this alternative, no improvements would be made to the Project site and none of the Project's internal parking, utility, and other infrastructure improvements would occur. This alternative was selected by the City to compare the environmental effects of the proposed Project with an alternative that would leave the Project site undeveloped in its general existing conditions.

A. Air Quality

The No Project/No Development Alternative would avoid the introduction of new potential sources of short-term (construction) and long-term (operational) air pollutant emissions that would occur during the implementation of the Project. Accordingly, all of the Project's short- and long-term air quality impacts would be avoided under this alternative because no construction and operational activities would occur at the Project site. No impacts associated with air quality would occur under this alternative.

Although selection of the No Project/No Development Alternative would avoid the implementation of the Project, it would not necessarily prevent the Project or another project of its nature from being developed in another location in response to the demand for this use in the region. As such, it is possible that selection of the No Project/No Development Alternative would merely displace the Project's air pollutant emissions and significant and unavoidable air quality impacts to another location in the Mojave Desert Air Basin (MDAB) resulting in the same or greater environmental effects to air quality.

B. Biological Resources

The No Project/No Development Alternative would leave the property in its existing condition. Under this alternative, impacts would be less than the Project because the property would not be disturbed compared to the permanent disturbance that would occur as the result of the Project's proposed development. Accordingly, although the Project would result in less than significant impacts associated with biological resources, the No Project/No Development Alternative would eliminate the Project's potential impacts to Jurisdictional waters and special-status wildlife and plant species, including burrowing owl, Joshua trees, and nesting migratory birds, and no mitigation would be required.

C. Cultural Resources

No known historic resources, archaeological resources, cultural resources, or human remains were identified as occurring within the Project site under existing conditions. Based upon cultural resources

studies performed for the Project site, there does not appear to be any potential to encounter archaeological deposits within the Project site. Given the presence of previously-identified archaeological resources within the Project vicinity, there is a potential for the Project site or off-site improvement areas to contain unidentified surface or subsurface archaeological resources. The No Project/No Development Alternative would avoid impacts associated with unearthing previously undiscovered archaeological resources during the Project's grading operations; therefore, this alternative has no potential to impact archaeological resources that may exist in undisturbed soils beneath the ground surface. Accordingly, although the Project would result in less than significant impacts associated with cultural resources, this alternative would have no impact related to cultural resources.

D. Energy

Under the No Project/No Development Alternative, the Project site would remain vacant and undeveloped; therefore, the site would not require any additional near-term or long-term energy resources. Accordingly, although the Project would result in less than significant impacts associated with energy, the No Project/No Development Alternative would have no impact related to energy use.

E. Geology and Soils

The No Project/No Development Alternative would result in no grading of the property; therefore, no impacts to geology or soils would occur. No known paleontological resources were identified as occurring within the Project site under existing conditions. However, the Pleistocene alluvium of the ancestral Mojave River can be considered to have a high potential to yield paleontological resources. The No Project/No Development Alternative would avoid potential impacts associated with unearthing previously undiscovered paleontological resources during the Project's grading operations; therefore, this alternative has no potential to impact subsurface resources that may exist in undisturbed soils beneath the ground surface. Accordingly, this alternative would eliminate the Project's potential paleontological resource impacts and no mitigation would be required.

F. Greenhouse Gas Emissions

Under the No Project/No Development Alternative, no development would occur on the Project Site; therefore, there would be no potential sources of near-term or long-term GHG emissions. Selection of this alternative would eliminate all of the Project's near- and long-term effects associated with GHG emissions and no impacts associated with GHG emissions would occur under this alternative therefore, this alternative would eliminate the Project's significant and unavoidable GHG emissions impacts.

Although selection of the No Project/No Development Alternative would prevent the Project site from new development, it would not necessarily prevent the Project or another project of its nature from being developed in another location in response to the demand for an industrial use within the region. As such, it is possible that selection of the No Project/No Development Alternative would merely displace the Project's GHG emissions to another location in the MDAB resulting in the same or greater environmental effects related to GHG emissions.

G. Hazards and Hazardous Materials

Because no development would occur under the No Project/No Development Alternative, no impacts related to hazards or hazardous materials would occur. Project impacts were determined to be less than significant related to hazards and hazardous materials, including those associated with the routine transportation, storage, and use of common household chemicals during the operation of the Project. Similarly, this alternative would have no hazardous materials impacts and no mitigation would be required.

H. Hydrology and Water Quality

The No Project/No Development Alternative would result in no grading or development of the property; therefore, no impacts to hydrology or water quality would occur. However, no drainage improvements or water quality features would be installed and runoff would continue to flow south across the site to the drain channel as it does under existing conditions. Additionally, development of the Project would increase impervious surface coverage on the Project site, which would, in turn, reduce the amount of water percolating down into the groundwater sub-basin that underlies the Project site. However, since no water quality features would be constructed to treat runoff under this alternative, water quality impacts, including erosion and sedimentation, would be greater under this alternative. Accordingly, this alternative would result in greater impacts associated with hydrology and water quality when compared to the Project.

I. Land Use and Planning

The No Project/No Development Alternative would not result in any new development that would indirectly result in environmental impacts due to a conflict with an existing land use plan. However, this alternative would not help to implement the land uses assumed in the General Plan and would not help to meet substantial and unmet regional demands for this type of building space consistent with Southern California Association of Governments' (SCAG's) Connect SoCal. Therefore, implementation of this alternative would result in less than significant impacts related to land use and planning and similar impacts as the Project.

J. Noise

Because no development would occur on the Project site under this alternative, no new sources of stationary noise and no new traffic trips would be generated; therefore, the No Project/No Development Alternative would not contribute to the less than significant incremental increase in area-wide noise levels that would occur under the Project. Selection of this alternative would eliminate all of the Project's significant and unavoidable near- and long-term effects associated with noise and no impacts associated with noise generation would occur under this alternative.

K. Transportation

Under the No Project/No Development Alternative, no new development would occur on the Project site and no traffic would be generated at the Project site. Therefore, this alternative would have no

impacts related to vehicle miles traveled or access. Although the Project would have less than significant impacts, implementation of this alternative would result in no impacts associated with transportation.

L. Tribal Cultural Resources

There is potential that resources could be encountered during ground-disturbing construction activities in native soils. The No Project/No Development Alternative would leave the Project site in its existing condition; no additional grading or disturbance of native soil would occur. As such, this alternative would not result in impacts to undiscovered tribal cultural resources. Accordingly, implementation of this alternative would have no impacts related to tribal cultural resources.

M. Utilities and Service Systems

The Project site does not generate any need for utilities under the existing condition, including domestic water, wastewater treatment, or solid waste disposal; therefore, the implementation of this alternative would avoid the increases in the demand for utility services that would be generated by the Project. Although the Project would have less than significant impacts, implementation of this alternative would result in no impacts associated with utilities and service systems.

N. Conclusion

1. Avoid or Substantially Lessen the Significant Impacts of the Project

The No Project/No Development Alternative would result in no physical environmental impacts to the Project site. All significant and unavoidable impacts of the Project would be eliminated or lessened by the selection of the No Project/No Development Alternative. However, this alternative would not receive benefit from the stormwater drainage and water quality filtration features that would be constructed by the Project. Impacts related to land use and planning would be similar to the proposed Project.

2. Attainment of Project Objectives

The No Project/No Development Alternative would fail to meet all of the Project's objectives, as described in Subsection 6.1.1.

6.4.2 REDUCED INTENSITY ALTERNATIVE

The Reduced Intensity Alternative would consider the development of the Project site with a 20 percent reduction in building square footage, in order to reduce vehicle and truck trips and significant impacts associated with GHG and noise. Under this alternative, a total of 796,955 s.f. of industrial uses would be constructed, resulting in a reduction of 199,239 s.f. from the proposed building. Although the proposed building would be reduced, the development impact area would generally remain the same as the Project. This alternative would generate approximately 667 employees using an employment

generation rate of 1 employee per 1,195 square feet for Light Industrial uses. Access to the site would be similar to the Project with a proportional reduction in the number of parking spaces.

A. Air Quality

The Reduced Intensity Alternative would have a reduced amount of building square footage. Therefore, implementation of the Reduced Intensity Alternative would result in the less impacts from construction and operational-related air quality that would occur from implementation of the Project. Additionally, the Reduced Intensity Alternative would reduce the number of vehicle trips and associated VMT by 20 percent, which is calculated based on square footage. Under the Project, the Project would generate a maximum of 164.48 pounds per day of NO_x during construction before mitigation. Under the Reduced Intensity Alternative, the volume of NO_X emissions would be proportionally reduced to approximately 131.58 per day of NO_x. The MDAQMD threshold for NOx is 137. Therefore, this alternative would eliminate the need for mitigation during construction and impacts would be less than significant. Impacts to air quality from the Reduced Intensity Alternative would be reduced to those associated with the Project.

B. Biological Resources

The Reduced Intensity Alternative would continue to cover the same impact area as the Project site. Impacts to Jurisdictional waters and special-status wildlife and plant species, including burrowing owl, Joshua trees, and nesting migratory birds would continue to occur and mitigation measures would be implemented to reduce impacts to such resources to a less than significant level. Therefore, impacts would be similar compared to the Project.

C. Cultural Resources

The Reduced Intensity Alternative would have the same impact area and no known historic resources, archaeological resources, cultural resources, or human remains were identified as occurring within the Project site under existing conditions. Given the presence of previously-identified archaeological resources within the Project vicinity, there is a potential for the Project site or off-site improvement areas to contain unidentified surface or subsurface archaeological resources. Like the Project, mitigation measures would be required to reduce potential impacts to less than significant. Therefore, impacts to cultural resources from the Reduced Intensity Alternative would be similar to those associated with the Project.

D. Energy

Under the Reduced Intensity Alternative, the total building square footage would be reduced and building energy demand would also be reduced by approximately 20 percent due to a proportional decrease in building energy consumption and fuel from the reduction in vehicle trips. Additionally, the reduction in vehicle trips associated with this alternative would reduce fuel consumption. Construction and operational activities associated with this alternative would have reduced energy demand compared to the Project. Impacts would remain less than significant.

E. Geology and Soils

Grading and development of the Project site would still occur under the Reduced Intensity Alternative, and therefore, impacts to geology and soils would be similar to those that would be generated from the Project. This alternative would result in a similar potential to impact undiscovered paleontological resources during grading, as the Project. However, like the Project, mitigation measures would be required to reduce potential impacts to less than significant. Therefore, impacts to paleontological resources from the Reduced Intensity Alternative would be similar to those associated with the Project.

F. Greenhouse Gas Emissions

As previously discussed, Project-related GHG emissions would exceed the applicable MDAQMD significance threshold for GHG emissions and would result in a cumulatively-considerable impact. No feasible mitigation measures exist that would reduce the Project's GHG emissions to levels that are less than significant.

The Reduced Intensity Alternative would have a reduced amount of building square footage. Therefore, implementation of the Reduced Intensity Alternative would result in fewer impacts from construction-related GHG emissions that would occur from implementation of the Project. Additionally, the Reduced Intensity Alternative would also decrease vehicle trips by 20 percent, which is calculated based on square footage. The Project would result in a net increase of 13,041.59 $MTCO_2e$ per year, which would be proportionally reduced by approximately 20 percent to 10,433.27 $MTCO_2e$ per year under the Reduced Intensity Alternative. This alternative would still result in significant and unavoidable GHG impacts, since it would exceed the threshold of 3,000 $MTCO_2e$ per year. Therefore, GHG emissions impacts would remain significant and unavoidable, but reduced compared to the Project.

G. Hazards and Hazardous Materials

The Reduced Intensity Alternative would develop the Project site for the same uses, and therefore the same type of hazardous materials typically used for construction and operation of the Project would be used under the Reduced Intensity Alternative. Similarly, the use and storage of hazardous materials would be regulated by the same federal, state, and local laws and permitting requirements as would occur with the Project. There were no identified contaminated soils on the Project site, therefore construction activities would not involve the transport of contaminated soils, similar to the Project. Similar to the Project, this alternative would result in less than significant impacts related to hazards and hazardous materials.

H. Hydrology and Water Quality

The Reduced Intensity Alternative would reduce the total building square footage; however, the area of impervious surfaces would be similar compared to the Project. Therefore, this alternative would result in similar runoff and potential for impacts to drainage, erosion, and water quality. Like the Project, this alternative would introduce new sources of water pollutants from construction and

operation activities. Additionally, this alternative would be required to include storm drain facility improvements, source control, site design, and treatment control BMPs. Therefore, the Reduced Intensity Alternative would result in similar impacts to hydrology and water quality as the Project and would be less than significant.

I. Land Use and Planning

The Reduced Intensity Alternative would not require a General Plan amendment and zone change to implement the development, similar to the Project. This Alternative would have the same type of consistency with the SCAG's Connect SoCal policies, the City's General Plan and Municipal Code. Therefore, the Reduced Intensity Alternative would result in a less than significant impact related to land use and planning and similar compared to the Project.

J. Noise

Construction and operation noise impacts would be reduced under the Reduced Intensity Alternative because this alternative would decrease the building size by 199,239 s.f. Although construction of this alternative would generate the same peak noise volumes and similar type and volume of construction noise as the Project, the length of time of construction and the associated noise would be marginally shorter. Operational noise would also be reduced under this alternative as traffic-generated and stationary noise sources would decrease in relation to the reduction in industrial warehousing square footage. However, noise impacts from the Reduced Intensity Alternative would be remain significant and unavoidable but reduced compared to the Project.

K. Transportation

Construction and operation-related vehicle truck trips would be reduced under the Reduced Intensity Alternative and would decrease by approximately 20 percent. Trip generation is based on land uses and its associated square footage. This would result in a corresponding decrease in overall VMT and proportional decrease in employees. Therefore, the resulting VMT per employee would be similar to the Project since it is based on Project generated VMT divided by number of employees. As a result, the Reduced Intensity Alternative would have similar impacts as the Project and impacts would be less than significant.

L. Tribal Cultural Resources

The Reduced Intensity Alternative would result in a similar potential to adversely affect any tribal cultural resources on the Project site as the Project. However, like the Project, mitigation measures would be required to reduce potential impacts to less than significant. Therefore, impacts that could occur by the Reduced Intensity Alternative would be similar to those associated with the Project.

M. Utilities and Service Systems

The Reduced Intensity Alternative would reduce the total building square footage by 199,239 s.f., This would reduce the number of employees on the Project site and the demand for utilities and service

systems. The water and wastewater generation rates are based on the number of employees and square footage. Therefore, the demand for regional water supplies and generation of wastewater would be approximately 20 percent less than the Project. Thus, the impacts related to water supplies and wastewater would be less than the less than significant impacts that would occur from implementation of the proposed Project. Similarly, solid waste generation would be less than the Project and require less landfill capacity. Therefore, impacts to utilities and service system would be less under this alternative than the less than significant impacts that would occur from implementation of the Project.

N. Conclusion

1. Avoid or Substantially Lessen the Significant Impacts of the Project

The Reduced Intensity Alternative would result in reduced impacts related to air quality, energy, greenhouse gas emissions, noise, and utilities and service systems due to the reduction in square footage and associated vehicular trips. However, significant and unavoidable impacts related to greenhouse gas emissions and noise would continue to occur from implementation of this alternative. Impacts related to biological resources, cultural resources, geology and soils, hazardous and hazardous materials, hydrology and water quality, land use and planning, transportation, and tribal cultural resources would be similar to the Project.

2. Attainment of Project Objectives

The Reduced Intensity Alternative would only partially meet most of the Project's objectives, as described in Subsection 6.1.1. This alternative would only partially meet Objective A, to efficiently develop a vacant and underutilized property with industrial uses to help meet the substantial and unmet regional demands for goods movement facilities, due to a reduces building footprint. This alternative would also only partially meet Objectives B and C, to expand economic development and facilitate job creation in the City by establishing new industrial development adjacent to or near already-established industrial uses and to attract new businesses to the City and thereby provide a more equal jobs-housing balance in the Inland Empire area that will reduce the need for members of the local workforce to commute outside the area for employment, due to the reduction of employees compared to the Project. Additionally, this alternative would not meet Objective D, to make efficient use of a property in Victorville by maximizing its buildout potential for employment-generating uses, because the reduction of square footage would not maximize the buildout potential of the Project site.

6.5 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires the identification of an environmentally superior alternative. CEQA Guidelines Section 15126.6(e)(2) states that, if the No Project Alternative is the environmentally superior alternative, then the EIR shall also identify an environmentally superior alternative among the other alternatives.

The No Project/No Development Alternative has the least impact to the environment because it would not involve any construction activities or warehouse operations. There would be no impacts associated

with a cumulatively considerable increase of GHG emissions during operation and off-site traffic noise. These impacts are considered significant and unavoidable for the Project. While this alternative would avoid the significant effects of the Project, it would not receive any benefits from the stormwater drainage and water quality filtration features that would be constructed by the Project. Additionally, none of the Project objectives would be met.

Since the No Project/No Development Alternative was the environmentally superior alternative, another alternative was selected as environmentally superior, pursuant to CEQA Guidelines Section 15126.6(e)(2). The Reduced Intensity Alternative is environmentally superior to the Project. As shown in Table 6-1, *Comparison of Alternatives to the Project*, the Reduced Intensity Alternative would have less impacts under five of the environmental topical areas. The reduction in impacts is due to the fact that the use would have reduced vehicular trips, which would result in a reduction in operational-related impacts, including air quality, GHG emissions, energy, and noise impacts. However, this alternative would not eliminate the Project's significant unavoidable impacts related to GHG emissions and noise. Additionally, the Reduced Intensity Alternative would not meet one of the Project objectives and would only partially meet most of the Project's objectives.

Table 6-1 Comparison of Alternatives to the Project

Impact Area	Project	No Project/ No Development	Reduced Intensity
Air Quality			
Construction	LTS/M	No Impact (less)	LTS (less)
Operation	LTS	No Impact (less)	LTS (less)
Biological Resources	LTS/M	No Impact (less)	LTS/M (similar)
Cultural Resources	LTS/M	No Impact (less)	LTS/M (similar)
Energy	LTS	No Impact (less)	LTS (less)
Geology and Soils	LTS/M	No Impact (less)	LTS/M (similar)
GHG Emissions	SU	No Impact (less)*	SU (less)
Hazards and Hazardous Materials	LTS	No Impact (less)	LTS (similar)
Hydrology and Water Quality	LTS	No Impact (greater)	LTS (similar)
Land Use and Planning	LTS	LTS (similar)	LTS (similar)
Noise			
Construction	LTS	No Impact (less)	LTS (less)
On-site Operations	LTS	No Impact (less)	LTS (less)
Off-site Traffic-Related	SU	No Impact (less)*	SU (less)
Transportation	LTS	No Impact (less)	LTS (similar)
Tribal Cultural Resources	LTS/M	No Impact (less)	LTS/M (similar)
Utilities and Service Systems	LTS	No Impact (less)	LTS (less)

LTS = Less than Significant; LTS/M = Less than Significant with Mitigation; SU = Significant and Unavoidable
* = Eliminates SU impact.

Table 6-1 Comparison of Alternatives to the Project (Cont.)

Project Objectives	No Project/ No Development	Reduced Intensity
A. To efficiently develop a vacant and underutilized property with industrial uses to help meet the substantial and unmet regional demands for goods movement facilities consistent with Southern California Association of Governments' Connect SoCal (2020–2045 Regional Transportation Plan/Sustainable Communities Strategy (SCAG, 2020).	Not met	Partially Met
B. To expand economic development, facilitate job creation, and increase the tax base for the City of Victorville by establishing new industrial development adjacent to established and planned industrial areas.	Not met	Partially Met
C. To attract new businesses to the City of Victorville and thereby provide a more equal jobs-housing balance in the Inland Empire area that will reduce the need for members of the local workforce to commute outside the area for employment.	Not met	Partially Met
D. To make efficient use of a property in the City of Victorville by maximizing its buildout potential for employment-generating uses.	Not met	Not Met
E. To develop Class A speculative industrial buildings in the City of Victorville that are designed to meet contemporary industry standards, can accommodate a wide variety of users, and are economically competitive with similar industrial buildings in the local area and region.	Not met	Met
F. To develop industrial buildings in close proximity to the I-15 and SR-18 freeways that can be used as part of the southern California goods movement network.	Not met	Met
G. To develop a use that has architectural design and operational characteristics that are compatible with other existing and planned developments in the local area.	Not met	Met
H. To develop a vacant property that has access to available infrastructure, including roads and utilities.	Not Met	Met

7.0 REFERENCES

7.1 PERSONS CONTRIBUTING TO EIR PREPARATION

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7.2 DOCUMENTS APPENDED TO THIS EIR

The following reports, studies, and supporting documentation were used in preparing the Ottawa Business Center Project EIR and are bound separately as Technical Appendices. A copy of the Technical Appendices is available for review at the City of Victorville Planning Department located at 14343 Civic Dr, Victorville, CA 92392.

A: Notice of Preparation (NOP) and NOP Comment Letters
B1: Air Quality Impact Analysis
B2: Mobile Source Health Risk Assessment
C1: Biological Technical Report
C2: Jurisdictional Delineation
D: Phase I Cultural Resources Assessment
E: Energy Impact Analysis
F1: Geotechnical Engineering Report
F2: Paleontological Assessment
G: Greenhouse Gas Analysis
H: Phase I Environmental Site Assessment
I1: Preliminary Hydrology Study
I2: Water Quality Management Plan
J: Noise Impact Analysis
K1: Vehicle Miles Traveled (VMT) Analysis
K2: Traffic Analysis
L: Water Supply Assessment
M: Mitigation Monitoring and Reporting Program

7.3 DOCUMENTS INCORPORATED BY REFERENCE

The following reports, studies, and supporting documentation were used in the preparation of this EIR and are incorporated by reference within this EIR. A copy of the following reports, studies, and supporting documentation is a matter of public record and is available to the public at the location listed below.

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7.5 PERSONS CONSULTED/WRITTEN OR VERBAL COMMUNICATION

7.5.1 TRIBAL CONSULTATION

San Manuel Band of Mission Indians
Lee Clauss, Director of Cultural Resources

Twenty-Nine Palms Band of Mission Indians
Darrel Mike, Chairman
Anthony Madrigal, Jr., Tribal Grants Administrator/Tribal Historic Preservation Officer

Morongo Band of Mission Indians
Robert Martin, Chairman
Raymond Huaute, Tribal Historic Preservation Officer

Cabazon Band of Mission Indians
Doug Todd Welmas, Chairman

Jacquelyn Barnum, Director of Planning and Development