Findings of Fact and Statement of Overriding Considerations

Poplar 18 Project
SCH No. 2022080248

JANUARY 2023

Prepared for:

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1 Introduction

This statement of Findings of Fact (Findings) addresses the environmental effects associated with the proposed Poplar 18 Project (Project), as described in the Environmental Impact Report (EIR). These Findings are made pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code, Section 21000 et seq.), specifically California Public Resources Code, Sections 21081, 21081.5, and 21081.6, and the CEQA Guidelines (14 CCR 15000 et seq.), specifically Sections 15091 and 15093. The EIR examines the full range of potential effects of construction and operation of the Project and identifies standard mitigation practices that could be employed to reduce, minimize, or avoid those potential effects.

1.1 Purpose

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

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

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

Section 15093 of the CEQA Guidelines state that:

a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered "acceptable."

b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the Final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.

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

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

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

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

1.1.1 Record of Proceedings

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

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

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

1.1.2 Custodian and Location of Records

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

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2 CEQA Findings of Independent Judgement

2.1 Independent Review and Analysis

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

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

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

2.2 Impacts Determined to Be Significant and Unavoidable

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

- Greenhouse Gas Emissions
  - Generation of greenhouse gas emissions
  - Cumulative greenhouse gas impacts
- Transportation
  - Design hazards
    - Queuing analysis
  - Cumulative transportation impacts

2.2.1 Greenhouse Gas Emissions

2.2.1.1 Potentially Significant Impacts to Greenhouse Gas Emissions

Generation of Greenhouse Gas Emissions

MDAQMD follows the SCAQMD recommendation in calculating the total GHG emissions for construction activities by amortizing the emissions over the life of a project. This is done by dividing construction-period GHG emissions

by a 30-year Project life then adding that number to the annual operational phase GHG emissions. As such, Project construction emissions were amortized over a 30-year period and added to the annual operational phase GHG emissions.

Total estimated GHG emissions generated durig the construction of the project is approximately 633 MT CO_2e. Estimated Project-generated construction emissions amortized over 30 years would be approximately 21 MT CO_2e per year.

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

The Project would be required to comply with all mandates imposed by the State of California and the MDAQMD. Not all of the applicable regulatory measures would directly lead to quantifiable emissions reductions for the Project. Therefore, not all of the above regulatory measures were quantified in this analysis. In the Project Design Features, the regulatory measures that were quantified include the Renewable Portfolio Standards, Title 24 building code, the Pavley Fuel Efficiency Standards and reductions associated with PDF-GHG-1 and PDF-GHG-2.

With applicable regulatory requirements and PDFs, the Project would result in approximately 6,335 MT CO_2e per year, which would exceed the SCAQMD GHG threshold of 3,000 MT CO_2e per year. Therefore, the Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and this would represent a cumulatively potentially significant impact. Mitigation measures would be required that would reduce Project-generated construction and operational GHG emissions. Mitigation measures MM-GHG-1 through MM-GHG-4 would reduce construction and operation-related GHG emissions. However, the effectiveness of the required mitigation measures cannot be accurately quantified at this time. No other feasible mitigation is available to further reduce GHG emissions from the Project. Therefore, Project-generated GHG emissions would still exceed the applied threshold of 3,000 MT CO_2e per year and impact would be significant and unavoidable.

Cumulative GHG Impacts

GHG emissions impacts are inherently cumulative in nature. The Project would result in GHG emissions in exceedance of the SCAQMD significance threshold. Therefore, Project GHG emissions would be cumulatively considerable and significant.

2.2.1.2 Applicant Proposed Measures

Consideration was given to ways in which the mitigation measures within the EIR could be strengthened and/or improved. In particular, additional Applicant Proposed Measures (APMs) to further reduce the Project's air pollutant and greenhouse gas emissions (GHG) were considered. These APMs are aimed at reducing both construction and operational emissions. It should be noted that while the Draft EIR determined that the Project's air quality construction and operational emissions were below the applied thresholds of significance and mitigation is not required, the developer has requested that the suggested APMs nonetheless be included within the EIR and tracked within the Mitigation Monitoring and Reporting Program (MMRP). As such, APM- 1 through APM-8, as listed below, are incorporated into the EIR and would help to promote energy efficiency and sustainability.

APM-1 The Project shall implement the following measures in order to reduce operational mobile source air pollutant emissions to the extent feasible:

- Only haul trucks meeting California Air Resources Board (CARB) model year 2010 engine emission standards shall be used for the on-road transport of materials to and from the Project site.

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

- Require all generators, and all diesel-fueled off-road construction equipment greater than 75 horsepower, to be zero-emissions or equipped with CARB Tier IV-compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) or better by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. After either (1) the completion of grading or, (2) the completion of an electrical hookup at the site, whichever is first, require all generators and all diesel-fueled off-road construction equipment, to be zero-emissions or equipped with CARB Tier IV-compliant engines (as set forth in Section 2423 of Title 13 of the California Code of Regulations, and Part 89 of Title 40 of the Code of Federal Regulations) or better by including this requirement in applicable bid documents, purchase orders, and contracts with successful contractors. An exemption from these requirements may be granted by the City in the event that the applicant documents that equipment with the required tier is not reasonably available and corresponding reductions in criteria air pollutant emissions are achieved from other construction equipment.[1] Before an exemption may be considered by the City, the applicant shall be required to demonstrate that at least two construction fleet owners/operators in the San Bernadino Region were contacted and that those owners/operators confirmed Tier 4 Final or better equipment could not be located within the San Bernardino Region. To ensure that Tier 4 Final construction equipment or better would be used during the proposed Project's construction, the applicant shall include this requirement in applicable bid documents, purchase orders, and contracts. Successful contractors must demonstrate the ability to supply the compliant construction equipment for use prior to any ground-disturbing and construction activities.
- On days when the hourly average wind speed for the City of Hesperia exceeds 20 miles per hour, additional dust control measures shall be implemented, such as increased surface watering. Grading and excavation shall be prohibited when sustained wind speed exceeds 30-miles per hour.
- Use paints, architectural coatings, and industrial maintenance coatings for all interior painting that have volatile organic compound levels of less than 10 grams per liter (g/L).

[1] For example, if a Tier 4 Final piece of equipment is not reasonably available at the time of construction and a lower tier equipment is used instead (e.g., Tier 4 interim), another piece of equipment could be upgraded from a Tier 4 Final to a higher tier (i.e., Tier 5) or replaced with an alternative-fueled (not diesel-fueled) equipment to offset the emissions associated with using a piece of equipment that does not meet Tier 4 Final standards.

APM-3 Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the City of Hesperia demonstrating that the occupants of the Project site have been provided documentation that:

- Recommends the use of electric or alternatively fueled sweepers with high efficiency particulate air (HEPA) filters; and
- Recommends the use of water-based or low-VOC cleaning.

APM-4 The Project shall be designed to:

- Include the application of surface treatments (such as PURETi Coat or PlusTi) on impervious ground surfaces that lessen impervious surface-related radiative forcing.
- Include HVAC and/or HEPA air filtration systems within in all warehouse facilities.

APM-5 The Project shall provide rooftop solar array that has the capacity to provide a minimum of 2,000 AMPS (which is the maximum peak power amount of the project). However, the rooftop solar system will not be designed or constructed to exceed the annual energy consumption of the Project facilities.

APM-6 Zero-Emissions Off-Road Equipment. All outdoor cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts, and landscaping equipment) shall be zero-emission vehicles. The project shall include the necessary charging stations or other necessary infrastructure for cargo handling equipment. The building manager or their designee shall be responsible for enforcing these requirements.

APM-7 Water Conversation. To reduce water demands and associated energy use, subsequent development proposals within the Project site would be required to implement a Water Conservation Strategy and demonstrate a minimum 20% reduction in indoor and outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy). To implement this PDF, prior to the issuance of building permits for the Project, the Project applicant shall provide building plans that include the following water conservation measures:

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

APM-8 Solid Waste Reduction. In order to reduce the amount of waste disposed at landfills, the Project would implement a 75% waste diversion program. To implement this PDF, prior to the issuance of building permits for the Project, the Project applicant shall provide building plans that include the following solid waste reduction measures:

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

2.2.1.3 Mitigation Measures

MM-GHG-1 The Project shall implement the following measures in order to reduce construction equipment GHG emissions to the extent feasible:

- Provide infrastructure for zero-emission off-road construction equipment if the contractors selected to construct the Project plan to use zero-emission off-road construction equipment.
- Provide electrical hook ups to the power grid, rather than diesel-fueled generators, for contractors' electric construction tools, such as saws, drills, and compressors. In applicable bid documents and contracts with contractors selected to construct the Project, include language requiring all off-road equipment with a power rating below 19 kilowatts (e.g., plate compactors, pressure washers) used during Project construction to be electric.
- Require construction equipment to be turned off when not in use
- Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1 of the California Green Building Standards Code Part 11.

MM-GHG-2 The Project shall implement the following measures in order to reduce operational mobile source GHG emissions to the extent feasible:

- Prior to tenant occupancy, provide documentation to the City of Hesperia demonstrating that occupants/tenants of the Project site have been provided documentation that:
  - For occupants with more than 250 employees, require the establishment of a transportation demand management program to reduce employee commute vehicle emissions.
- Include contractual language in tenant lease agreements requiring that any facility operator shall:
  - Ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at California Air Resources Board-approved courses (such as the free, one-day Course #512);
  - Be required to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. The building manager or their designee shall be responsible for enforcing these requirements; and
  - Be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation.
- Legible, durable, weather-proof signs shall be placed at truck access gates, loading docks, and truck parking areas that identify applicable California Air Resources Board (CARB) anti-idling regulations. At a minimum, each sign shall include: (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and (3) telephone numbers of the building facilities manager and CARB to report violations. Prior to the issuance of an occupancy permit, the City of Hesperia shall conduct a site inspection to ensure that the signs are in place.

- Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the City of Hesperia demonstrating that occupants/tenants of the Project site have been provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment.
- In anticipation of a transition to zero emissions truck fleets during the lifetime of the Project, install at least four heavy-duty truck vehicle charging stations on site by 2030.
- Prior to certificate of occupancy, install conduit and infrastructure for Level 2 (or faster) electric vehicle (EV) charging stations on site for employees for the percentage of employee parking spaces commensurate with Title 24 requirements in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By 2030 install Level 2 (or faster) EV charging stations for 25% of the employee parking spaces required.
- Conduit shall be installed to tractor trailer parking areas in logical locations determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of EV truck charging stations at such time this technology becomes commercially available.

MM-GHG-3 The Project shall implement the following measure in order to reduce operational energy source GHG emissions to the extent feasible:

- Commit to on-site solar generation sufficient to meet at least 75% of the Project's total operational energy requirements from within the building envelope.
- Install Energy Star-rated heating, cooling, lighting, and appliances.
- Provide information on energy efficiency, energy-efficient lighting and lighting control systems, energy management, and existing energy incentive programs to future tenants of the Project.
- Structures shall be equipped with outdoor electric outlets in the front and rear of the structures to facilitate use of electrical lawn and garden equipment.
- Require no construction or operation of cold storage within the project facilities.
- Provide documentation to the City of Hesperia demonstrating that the Project could achieve Leadership in Energy and Environmental Design (LEED) certification and meet or exceed California Green Building Standards Code (CALGreen) Tier 2 standards in effect at the time of building permit application.

MM-GHG-4 The Project shall include the following language within tenant lease agreements in order to reduce operational GHG emissions to the extent feasible:

- Require tenants to use the cleanest technologies available and to provide the necessary infrastructure to support zero-emission vehicles, equipment, and appliances that would be operating on site. This requirement shall apply to equipment such as handheld landscaping equipment, office appliances, etc.
- Require future tenants to exclusively use zero-emission light and medium-duty delivery trucks and vans, when economically feasible.

- Tenants shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including the California Air Resources Board's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program, and the Statewide Truck and Bus Regulation.

2.2.1.4 Findings Per CEQA Guidelines

The City finds that the above mitigation measures are feasible, are adopted, and will reduce the proposed Project's greenhouse gas emissions impact. The Project would result in GHG emissions in exceedance of the SCAQMD significance threshold even with implementation of MM-GHG-1 through MM-GHG-4. However, the effectiveness of the required mitigation measures cannot be accurately quantified at this time. Therefore, these impacts must be considered significant and unavoidable even after implementation of all feasible mitigation measures. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR, and the identified greenhouse gas emission impacts are thereby acceptable because of specific overriding considerations (see Section 5).

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

Based on the impact analysis, the proposed project would result in significant greenhouse gas emission impacts. Implementation of MM-GHG-1 through MM-GHG-4 would reduce potential impacts from greenhouse gas emissions. However, the effectiveness of the required mitigation measures cannot be accurately quantified at this time, therefore, greenhouse gas emission project impacts would remain significant and unavoidable.

2.2.2 Transportation

2.2.2.1 Potentially Significant Impacts to Transportation

Design Hazards

Queuing Analysis

A queuing analysis was performed for US Hwy 395 from Main Street to Joshua Street to assess vehicle queues along the roadways. A queuing analysis was also performed for the southbound off-ramp at I-15 and Joshua Street to assess vehicle queues for the off ramp that may potentially result in deficient peak hour operations at the ramp-to-arterial intersections and may potentially "spill back" onto the I-15 mainline. The queuing analysis was performed for the Existing plus Project, Opening Year (2024) plus Project, and Horizon Year (2040) plus Project conditions, as summarized below.

Existing Plus Project

The following intersection turning movements are anticipated to experience periodic queuing issues during the peak hours based on the 95th percentile peak hour traffic flows for the Existing plus Project traffic conditions:

- #1: US Hwy 395/Phelan Road/Main Street northbound left; southbound left – AM and PM peak hours

- #5: US Hwy 395/Three Flags Road northbound left; northbound right – PM peak hour
- #6: US Hwy 395/Joshua Street northbound right – PM peak hour

There are no off-ramp movements that are anticipated to experience queuing issues during the weekday AM or weekday PM peak hours under Existing plus Project traffic conditions.

Opening Year (2024) Plus Project Conditions

The following intersection turning movements are anticipated to experience periodic queuing issues during the peak hours based on the 95th percentile peak hour traffic flows for the Opening Year (2024) plus Project traffic conditions:

- #1: US Hwy 395/Phelan Road/Main Street northbound left; southbound left – AM and PM peak hours
- #3: US Hwy 395/Poplar Street westbound left; westbound right – AM and PM peak hours
- #5: US Hwy 395/Three Flags Road northbound left – PM peak hour
- #5: US Hwy 395/Three Flags Road northbound right – AM and PM peak hours
- #6: US Hwy 395/Joshua Street northbound left – AM peak hour
- #6: US Hwy 395/Joshua Street northbound right – PM peak hour
- #6: US Hwy 395/Joshua Street; southbound left – AM and PM peak hours
- #7: I-15 Southbound Ramps/Joshua Street southbound left– AM and PM peak hours

Horizon Year (2040) Plus Project Conditions

The following intersection turning movements are anticipated to experience periodic queuing issues during the peak hours based on the 95th percentile peak hour traffic flows for the Horizon Year (2040) plus Project traffic conditions:

- #1: US Hwy 395/Phelan Road/Main Street northbound left; southbound left – AM and PM peak hours
- #3: US Hwy 395/Poplar Street westbound left; westbound right – AM and PM peak hours
- #3: US Hwy 395/Poplar Street southbound left – AM and PM peak hour
- #5: US Hwy 395/Three Flags Road northbound right – PM peak hour
- #6: US Hwy 395/Joshua Street northbound right– AM and PM peak hour
- #6: US Hwy 395/Joshua Street southbound left –PM peak hour
- #7: I-15 Southbound Ramps/Joshua Street southbound left– AM and PM peak hours
- #7: I-15 Southbound Ramps/Joshua Street southbound right – PM peak hour

Improvement measures required to mitigate Project's impact would include fair-share contribution to Intersections #1, #3, #5, #6, and #7. Since the City does not have jurisdiction over these facilities, these improvements cannot be assumed to be in place prior to Project's occupancy. Therefore, the Project's impact to increase in hazardous conditions (i.e., queuing) would be significant and unavoidable.

Cumulative Transportation Impacts

The Project may increase a hazardous condition due to queuing impacts at the intersections #1, #3, #5, #6, and #7 under the Horizon Year (2040) plus Project analysis scenario. Since the City does not have jurisdiction over these

facilities, these improvements cannot be assumed to be in place prior to Project's occupancy. Therefore, Project's impact to increase in hazardous conditions (e.g., queuing) would be significant and unavoidable, and thus, the Project could contribute to a cumulatively considerable impact associated with queuing and hazardous design features.

2.2.2.2 Mitigation Measures

The project does not propose any mitigation measures associated with transportation.

2.2.2.3 Findings per CEQA Guidelines

The Project may increase a hazardous condition due to queuing impacts at various intersections that the City does not have jurisdiction over, therefore, these improvements cannot be assumed to be in place prior to Project's occupancy. Therefore, the Project's impact to increase in hazardous conditions (i.e. queuing) would be significant and unavoidable. Pursuant to Section 21081(a)(3) of the California Public Resources Code, as described in the Statement of Overriding Considerations, the City has determined that specific economic, legal, social, technological, or other considerations make infeasible the alternatives identified in the EIR, and the identified transportation impacts are thereby acceptable because of specific overriding considerations (see Section 5).

2.2.2.4 Facts in Support of the Findings Related to Transportation

Some intersection impacts remain significant and unavoidable because they are outside the City's control to implement mitigation. The Project may increase a hazardous condition due to queuing impacts at the intersections #1, #3, #5, #6 and #7 under the Horizon Year (2040) plus Project analysis scenario. Since the City does not have jurisdiction over some of these facilities, these improvements cannot be assumed to be in place prior to Project's occupancy.

2.3 Impacts Determined to Be Less Than Significant with Mitigation

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

- Biological Resources
  - Candidate, sensitive, or special-status species
  - Adverse impact on riparian habitat/sensitive natural communities
  - Adverse effect on wetlands
  - Adverse impact on wildlife movement
  - Conflict with biological resources protection policies and ordinances
  - Cumulative biological impacts
- Cultural Resources
  - Historic resources

  - Archaeological resources
  - Disturbance of human remains
  - Cumulative cultural impacts
- Geology and Soils
  - Unique paleontological resource or site or unique geologic feature
- Hazards and Hazardous Materials
  - Routine transport, use, or disposal of hazardous materials
  - Release of hazardous materials and the potential for upset conditions
  - Cumulative hazards impacts
- Tribal Cultural Resources
  - Register of Historical Resources
  - California Public Resource Code, Section 5024.1
  - Cumulative tribal cultural impacts

Other impacts not addressed under special-status wildlife species are addressed in Section 2.4.4.

2.3.1 Biological Resources

2.3.1.1 Potentially Significant Impacts to Biological Resources

Candidate, Sensitive, or Special-Status Species

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

Special-Status Plant Species

Direct Impacts

No non-listed special-status plant species were observed or have high or moderate potential to occur within the BSA; therefore, the Project would have no direct or indirect impacts to non-listed special-status plant species. One listed special-status plant species was observed within the BSA: western Joshua tree.

Western Joshua Tree

Western Joshua tree, a candidate for state listing under CESA, was observed and would be directly impacted by the Project. Based on the site plan, implementation of the Project would result in direct impacts to 16 western Joshua tree individuals. All ground-disturbing activities, even areas temporarily impacted, are considered permanent impacts to western Joshua trees. Direct impacts to western Joshua trees would be significant absent mitigation.

Based on a literature review completed by CDFW, CDFW would like the western Joshua tree locations to be buffered by 186 feet to account for the impacts to the seed bank for western Joshua trees and their associated habitat. Therefore, a 186-foot buffer (or radius) was applied to each western Joshua tree location. Direct impacts to this

186-foot buffer were analyzed, and the Project would result in 10.9 acres of impacts to western Joshua trees, their seed bank, and their associated habitat.

As required by Mitigation Measure (MM) BIO-1, mitigation for direct and indirect impacts to 32 western Joshua trees would be fulfilled through conservation of western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Additionally, as required by MM-BIO-2 and in accordance with Chapter 16.24 of the Hesperia Municipal Code, the preparation of a western Joshua tree and desert native plants relocation plan is required to mitigate impacts to western Joshua trees as a result of the Project (also further discussed in Section 6.5, Impacts to Wildlife Corridors and Habitat Linkages). As such, a Joshua Tree Preservation, Protection, and Relocation Plan, and California Desert Native Plant Relocation Plan was prepared to provide detailed specifications for the Project applicant to meet the requirements of Chapter 16.24 of the Hesperia Municipal Code to protect, preserve, and mitigate impacts to western Joshua trees. Thus, mitigation for impacts to western Joshua tree would also mitigate for impacts to Joshua tree woodland. Implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands) and MM-BIO-2 (Relocation of Desert Native Plants) would reduce potential direct impacts to western Joshua trees to less than significant.

Indirect Impacts

Western Joshua Tree

Based on a letter from CDFW, any western Joshua tree within 186 feet of the direct impact footprint would be considered indirectly impacted. Thus, although these 16 western Joshua trees would be directly avoided, CDFW would consider these trees to be indirectly impacted due to loss of seedbank and associated species.

Construction-related indirect impacts may include inadvertent spillover impacts outside of the construction footprint, dust accumulation on western Joshua tree individuals, chemical spills, stormwater erosion and sedimentation, and increased wildfire risk. Potential long-term (post-construction) indirect impacts from operation and maintenance activities may include effects of herbicides, changes in water quality, increased wildfire risk, induced demand on the surrounding area, increased traffic and vehicle emissions, and accidental chemical spills. Indirect impacts to western Joshua tree individuals would be significant absent mitigation.

Implementation of MM-BIO-6 gives the Project's Designated Biologist the authority to stop work if construction is not compliant with CEQA. MM-BIO-7 requires that an experienced biologist oversee compliance with the protective measures, including limiting impacts to the Project impact footprint. MM-BIO-8 would provide construction personnel with training related to western Joshua trees that are present on and adjacent to the impact footprint. MM-BIO-9 provides for documentation that an education program is administered to applicable personnel. MM-BIO-10 requires that impacts occur within the fenced, staked, or flagged area that is clearly delineated within the Project impact footprint. The construction crew would be responsible for unauthorized impacts from construction activities to western Joshua trees that are outside the permitted Project footprint. Thus, implementation of MM-BIO-6 through MM-BIO-10 would enable the Project to avoid and minimize inadvertent spillover impacts outside of the approved impact footprint.

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

MM-BIO-11 would ensure that a prompt and effective response to any accidental chemical spills will be implemented and that repair and clean-up of any hazardous waste occurs. Thus, implementation of MM-BIO-11 would help to avoid and minimize impacts to western Joshua tree from any construction-related chemical spills.

A stormwater pollution prevention plan (SWPPP) would be prepared and implemented to prevent all construction pollutants from contacting stormwater during construction activities, with the intent of keeping sediment and any other pollutants from moving off site and into receiving waters. Best management practices (BMPs) employed on site would include erosion control, sediment control, and non-stormwater good housekeeping. Preparation and implementation of a SWPPP would help to avoid and minimize the potential effects of stormwater erosion during construction.

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

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

MM-BIO-12 would limit herbicide use to instances where hand or mechanical efforts are infeasible and would only be applied when wind speeds are less than 7 miles per hour to prevent drift into off-site western Joshua trees.

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

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

Implementation of MM-BIO-6 (Designated Biologist Authority), MM-BIO-7 (Compliance Monitoring), MM-BIO-8 (Education Program), MM-BIO-9 (Construction Monitoring Notebook), MM-BIO-10 (Delineation of Property Boundaries), MM-BIO-11 (Hazardous Waste), and MM-BIO-12 (Herbicides) would reduce potential indirect impacts to western Joshua tree to less than significant.

Special-Status Wildlife

Direct Impacts

The Project could result in significant impacts to two special-status wildlife species: burrowing owl, loggerhead shrike.

Burrowing Owl

Burrowing owl was not observed on the Project site or BSA; however, suitable habitat exists on site, and the species could occupy the Project site or BSA prior to construction.

The Project would result in the loss of 16 acres of suitable habitat for burrowing owl, including impacts to disturbed habitat, Joshua tree woodland, and non-native grassland. These potential direct impacts to burrowing owls would be significant absent mitigation under CEQA.

Pursuant to the California Fish and Game Code and MBTA, a pre-construction survey in compliance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012) would be necessary to reevaluate the locations of potential burrowing owl burrows within the Project limits so take of owls and active owl nests can be avoided. Consistent with MM-BIO-3, a pre-construction survey for burrowing owl would be conducted in areas supporting potentially suitable habitat and within 14 days prior to the start of construction activities. A Burrowing Owl Relocation Plan has been prepared to facilitate implementation of this mitigation measure, and is attached as part of Appendix I of Appendix C.

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

Implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands) and MM-BIO-3 (Pre-Construction Surveys for Burrowing Owl and Avoidance) would reduce potential direct impacts to burrowing owl to less than significant.

Loggerhead Shrike

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

In addition, the Project would result in the loss of 1.5 acres of suitable habitat for loggerhead shrike (i.e., impacts to Joshua tree woodland). These potential direct impacts to loggerhead shrike would be significant absent mitigation under CEQA.

To avoid potential direct impacts to nesting loggerhead shrike, it is recommended that vegetation removal activities be conducted outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal. This requirement is outlined in MM-BIO-4.

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

Implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands) and MM-BIO-4 (Pre-Construction Nesting Bird Surveys and Avoidance) would reduce potential direct impacts to loggerhead shrike to less than significant.

Desert Tortoise

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

Mohave Ground Squirrel

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

The visual survey concluded that the BSA provides low-quality/disturbed suitable habitat for Mohave ground squirrel. Specifically, foraging plants for Mohave ground squirrel, such as spiny hopsage and winterfat, were absent. However, other foraging plans including peach thorn (*Lycium cooperi*), western Joshua tree, fiddleneck (*Amsinckia* spp.), and red-stemmed filaree (redstem stork's bill) were observed within the BSA, along with burrows and burrow complexes that showed that soils present are suitable for burrowing. However, surrounding roadways and various forms of human presence, including trash and litter, have marginalized the habitat quality.

Although low-quality/disturbed suitable Mohave ground squirrel habitat is present in the BSA, no Mohave ground squirrels were detected at the camera stations or captured during the trapping surveys. Additionally, the BSA is located within the southern portion of the mapped Mohave ground squirrel range, where Mohave ground squirrel occurrences are rare and populations densities have historically been low with the closest occurrences occurring

north of the California Aqueduct, which presents a significant barrier to Mohave ground squirrel dispersal. As such, the survey results indicate that Mohave ground squirrel does not inhabit the BSA.

Therefore, the Project would not result in any direct or indirect impacts to Mohave ground squirrel. Therefore, impacts to Mohave ground squirrel associated with the Project would be less than significant under CEQA.

American Badger and Desert Kit Fox

No desert kit fox or American badger individuals (or sign) were observed during desert tortoise or Mohave ground squirrel surveys or incidentally observed during other focused surveys conducted within the BSA. In addition, no suitable habitat exists on site. Disturbances from human presence and fragmentation from surrounding roadways, including off-highway-vehicle use and illegal waste dumping within the BSA have had a negative effect on habitat quality for these species. However, albeit unlikely, these species could eventually occupy the BSA prior to construction; therefore, potential direct impacts to American badger and desert kit fox would be significant absent mitigation.

To avoid potential direct impacts to American badger and kit fox, a pre-construction survey for American badger and desert kit fox would be conducted within 10 days prior to the start of construction to determine the presence/absence of either species. As such, in an abundance of caution and to ensure that potential impacts to these species are less than significant, the Project applicant would prepare a mitigation and monitoring plan that addresses desert kit fox and American badger if either species is determined to occur on the Project site prior to the start of construction, pursuant to MM-BIO-5 (Pre-Construction Survey for American Badger and Desert Kit Fox and Avoidance). With the incorporation of mitigation, impacts associated with desert kit fox and American badger would be less than significant under CEQA.

Nesting Migratory Birds and Raptors

Similar to most other sites containing trees, shrubs, and other vegetation, the Project site contains opportunities for birds of prey (raptors) and other avian species to nest on site. Native nesting bird species with potential to occur within the Project site are protected by California Fish and Game Code Sections 3503 and 3503.5, and by the federal MBTA (16 USC 703–711). In particular, California Fish and Game Code Section 3503 provides that it is unlawful to take, possess, or needlessly destroy the active nests or eggs of any bird in California; Section 3503.5 protects all raptors and their eggs and active nests; and the MBTA prohibits the take (including killing, capturing, selling, trading, and transport) of native migratory bird species throughout the United States. Currently, California considers any nest that is under construction or modification, or is supporting eggs, nestlings, or juveniles as "active." Therefore, impacts to nesting migratory birds and raptors would be significant absent mitigation under CEQA. To ensure compliance with the California Fish and Game Code and MBTA and to avoid potential impacts to nesting birds, it is recommended that vegetation removal activities be conducted outside the general bird nesting season (February 1 through August 31, depending on the species), and if vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey by a qualified biologist is required prior to vegetation removal. This requirement is outlined in MM-BIO-4. With the incorporation of mitigation, impacts associated with nesting birds, including raptors, would be less than significant.

Implementation of MM-BIO-4 (Pre-Construction Nesting Bird Surveys and Avoidance) would reduce potential direct impacts to nesting migratory birds and raptors to less than significant.

Indirect Impacts

Burrowing Owl

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

Post-construction (long-term) activities have the potential to result in indirect impacts to burrowing owls and their habitat. Long-term impacts that could result from development within or adjacent to burrowing owl habitat include night-time lighting and increased invasive plant species that may degrade habitat. These potential long-term indirect impacts to burrowing owls would be significant absent mitigation under CEQA.

MM-BIO-3 would require burrowing owl surveys and result in establishment of construction buffers around any burrowing owl burrows found, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, night-time lighting, and vehicle collisions. MM-BIO-13 would require night-time lighting during construction within 50 feet of habitat for special-status species to be shielded downward. Additionally, MM-BIO-6, MM-BIO-7, MM-BIO-8, and MM-BIO-9 would require that all workers complete a Worker Environmental Awareness Program (WEAP) training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM-BIO-14 would require trash and debris to be removed regularly and would require animal-resistant trash receptacles to avoid attracting urban-related, predator species. MM-BIO-11 would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from Project construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with MDAQMD's Rules 401 and 403.2, which would limit the amount of fugitive dust generated during construction.

Potential long-term indirect impacts that could result from development within or adjacent to burrowing owl habitat include nighttime lighting and increased invasive plant species that may degrade habitat. MM-BIO-13 would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM-BIO-15 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (http://www.cal-ipc.org/ip/inventory/index.php).

Implementation of MM-BIO-3 (Pre-Construction Surveys for Burrowing Owl and Avoidance), MM-BIO-6, (Designated Biologist Authority), MM-BIO-7 (Compliance Monitoring), MM-BIO-8 (Education Program), MM-BIO-9 (Construction Monitoring Notebook), MM-BIO-11 (Hazardous Waste), MM-BIO-13 (Lighting), MM-BIO-14 (Trash and Debris), and MM-BIO-15 (Invasive Plant Management) would reduce potential direct impacts to burrowing owl to less than significant.

Loggerhead Shrike

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

Post-construction (long-term) activities have the potential to result in indirect impacts to loggerhead shrike and their habitat. Long-term impacts that could result from development within or adjacent to loggerhead shrike habitat include night-time lighting and increased invasive plant species that may degrade habitat. These potential long-term indirect impacts to loggerhead shrikes would be significant absent mitigation under CEQA.

MM-BIO-4 would require nesting bird surveys and would result in establishment of construction buffers around nests, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, night-time lighting, and vehicle collisions. MM-BIO-13 would require night-time lighting during construction within 50 feet of habitat for special-status species to be shielded downward. MM-BIO-6, MM-BIO-7, MM-BIO-8, and MM-BIO-9 would require that all workers complete a WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM-BIO-11 would ensure that a prompt and effective response to any accidental chemical spills be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with MDAQMD's Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction.

Potential long-term indirect impacts that could result from development within or adjacent to loggerhead shrike habitat include nighttime lighting and increased invasive plant species that may degrade habitat. MM-BIO-13 would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM-BIO-15 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (http://www.cal-ipc.org/ip/inventory/index.php).

Implementation of MM-BIO-4 (Pre-Construction Nesting Bird Surveys and Avoidance), MM-BIO-6, (Designated Biologist Authority), MM-BIO-7 (Compliance Monitoring), MM-BIO-8 (Education Program), MM-BIO-9 (Construction Monitoring Notebook), MM-BIO-11 (Hazardous Waste), MM-BIO-13 (Lighting), and MM-BIO-15 (Invasive Plant Management) would reduce potential indirect impacts to loggerhead shrike to less than significant.

American Badger and Desert Kit Fox

Construction activities have the potential to result in short-term indirect impacts to American badger and desert kit fox, and their habitats. Those impacts could include dust, noise and vibration, trash and debris, increased human presence, vehicle collisions, chemical spills, and night-time lighting. However, albeit unlikely, these species could occupy the BSA prior to construction; these potential short-term or temporary indirect impacts to these species would be significant absent mitigation under CEQA.

MM-BIO-5 would require a pre-construction survey for American badger and desert kit fox, and if determined present, would result in establishment of an American Badger/Desert Kit Fox Mitigation and Monitoring Plan which would include avoidance and minimization measures to reduce potential impacts to either species, as well as compensatory mitigation to offset indirect impacts including noise and vibration, increased human presence, night-time lighting, and vehicle collisions. MM-BIO-13 would require night-time lighting during construction within 50 feet of habitat for special-status species to be shielded downward. MM-BIO-6, MM-BIO-7, MM-BIO-8, and MM-BIO-9 would require that all workers complete a WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM-BIO-11 would ensure that a prompt and effective response to any accidental chemical spills would be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation

measures in accordance with MDAQMD's 401 and 403.2, which would limit the amount of fugitive dust generated during construction.

Potential long-term indirect impacts that could result from development within or adjacent to the BSA include nighttime lighting and increased invasive plant species that may degrade habitat. MM-BIO-13 would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM-BIO-15 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (http://www.cal-ipc.org/ip/inventory/index.php).

Implementation of MM-BIO-5 (Pre-Construction Survey for American Badger and Desert Kit Fox and Avoidance), MM-BIO-6, (Designated Biologist Authority), MM-BIO-7 (Compliance Monitoring), MM-BIO-8 (Education Program), MM-BIO-9 (Construction Monitoring Notebook), MM-BIO-11 (Hazardous Waste), MM-BIO-13 (Lighting), and MM-BIO-15 (Invasive Plant Management)would reduce potential indirect impacts to American badger and desert kit fox to less than significant.

Nesting Migratory Birds and Raptors

Construction activities have the potential to result in indirect impacts to nesting migratory birds and raptors, and their habitats. Those impacts could include the loss of a nest through increased dust, noise and vibration, increased human presence, and night-time lighting. Potential short-term or temporary indirect impacts to these species would be significant absent mitigation under CEQA.

Post-construction (long-term) activities have the potential to result in indirect impacts to migratory birds and raptors, and their habitat. Long-term impacts that could result from development within or adjacent to suitable habitat include night-time lighting and increased invasive plant species that may degrade habitat. These potential long-term indirect impacts to migratory birds and raptors would be significant absent mitigation under CEQA.

To ensure compliance with the California Fish and Game Code and MBTA and to avoid potential indirect impacts to nesting birds, vegetation removal activities should be conducted outside the general bird nesting season (February 1 through August 31, depending on the species), and if vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey (MM-BIO-4) by a qualified biologist is required prior to vegetation removal. Indirect impacts including increased dust, noise, and vibration, increased human presence, and night-time lighting, would be offset through implementation of MM-BIO-13, which would require night-time lighting during construction within 50 feet of habitat for special-status species to be shielded downward. MM-BIO-6, MM-BIO-7, MM-BIO-8, and MM-BIO-9 would require that all workers complete a WEAP training, ongoing biological monitoring, and compliance with all biological resource mitigation requirements. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with MDAQMD's Rules 401 and 403.2, which would limit the amount of fugitive dust generated during construction.

Implementation of MM-BIO-4 (Pre-Construction Nesting Bird Surveys and Avoidance), MM-BIO-6, (Designated Biologist Authority), MM-BIO-7 (Compliance Monitoring), MM-BIO-8 (Education Program), MM-BIO-9 (Construction Monitoring Notebook), and MM-BIO-13 (Lighting) would reduce potential indirect impacts to nesting birds and raptors to less than significant.

Adverse Impacts on Riparian Habitat/Sensitive Natural Communities

Joshua tree woodland is a sensitive CDFW natural community. Western Joshua trees are also protected under CEQA as a candidate species.

Direct Impacts

A total of 22.90 acres, including 17.84 acres within the Project site and 5.06 acres within the Off-Site Improvement Areas, would be permanently impacted from the Project. Joshua tree woodland is considered a sensitive biological resource by CDFW under CEQA.

All ground-disturbing activities, even areas temporarily impacted, are considered permanent impacts to Joshua tree woodland. The Project would result in permanent impacts to 1.52 acres of Joshua tree woodland, which would be considered a significant impact under CEQA absent mitigation.

The Project would also result in permanent impacts to 21.39 acres of vegetation communities and land cover types that are not considered sensitive by CDFW, including upland mustards, rubber rabbitbrush scrub, disturbed habitat, non-native grassland, and urban/developed lands. Therefore, these direct impacts would be less than significant under CEQA.

Mitigation for direct impacts to 32 western Joshua tree individuals would also mitigate for impacts to 1.52 acres of Joshua tree woodland. As required by MM-BIO-1, mitigation for direct impacts to 32 western Joshua trees would be fulfilled through conservation of western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree would focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree would also mitigate for impacts to 1.52 acres of Joshua tree woodland.

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

Implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands) and MM-BIO-2 (Relocation of Desert Native Plants) would reduce potential direct impacts to sensitive vegetation communities (i.e., Joshua tree woodland) to less than significant.

Indirect Impacts

Construction-related indirect impacts may include inadvertent spillover impacts outside of the construction footprint, dust accumulation on Joshua tree woodland, chemical spills, stormwater erosion and sedimentation, and increased wildfire risk. Potential long-term (post-construction) indirect impacts from operation and maintenance activities may include effects of herbicides, changes in water quality, increased wildfire risk, induced demand on the surrounding area, increased traffic and vehicle emissions, and accidental chemical spills. Indirect impacts to Joshua woodland would be significant absent mitigation.

Implementation of MM-BIO-6 (Designated Biologist Authority) gives the Project's designated biologist the authority to stop work if construction is not compliant with CEQA. MM-BIO-7 (Compliance Monitoring) requires that an experienced biologist oversee compliance with the protective measures, including limiting impacts to the Project impact footprint. MM-BIO-8 (Education Program) would provide construction personnel with training related to western Joshua trees that are present on and adjacent to the impact footprint. MM-BIO-9 (Construction Monitoring Notebook) provides for documentation that an education program is administered to applicable personnel. MM-BIO-10 (Delineation of Property Boundaries) requires that impacts occur within the fenced, staked, or flagged area that is clearly delineated within the Project impact footprint. The construction crew would be responsible for unauthorized impacts from construction activities to western Joshua trees that are outside the permitted Project footprint. Thus, implementation of MM-BIO-6 through MM-BIO-10 would enable the Project to avoid and minimize inadvertent spillover impacts outside of the approved impact footprint.

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

MM-BIO-11 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills will be implemented, and that repair and clean-up of any hazardous waste occurs. Thus, implementation of MM-BIO-11 would help to avoid and minimize impacts to western Joshua tree from any construction-related chemical spills.

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

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

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

MM-BIO-12 (Herbicides) would limit herbicide use to instances where hand or mechanical efforts are infeasible, and would only be applied when wind speeds are less than 7 miles per hour to prevent drift into off-site western Joshua trees.

Implementation of low-impact-development features and BMPs would, to the maximum extent practicable, reduce the discharge of pollutants into receiving waters, including inadvertent release of pollutants (e.g., hydraulic fluids and petroleum); the improper management of hazardous materials; trash and debris; and the improper management of portable restroom facilities (e.g., regular service) in accordance with all relevant local and state

development standards. In addition, in accordance with CALGreen Code requirements (24 CCR, Part 11), Project source controls to improve water quality would be provided for outdoor material storage areas, outdoor trash storage/waste handling areas, and outdoor loading/unloading areas. Therefore, impacts to western Joshua trees due to changes in water quality would be avoided and minimized through implementation of low-impact-development features and BMPs.

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

Implementation of MM-BIO-6 (Designated Biologist Authority), MM-BIO-7 (Compliance Monitoring), MM-BIO-8 (Education Program), MM-BIO-9 (Construction Monitoring Notebook), MM-BIO-10 (Delineation of Property Boundaries), MM-BIO-11 (Hazardous Waste), and MM-BIO-12 (Herbicides) would reduce potential indirect impacts to western Joshua tree to less than significant.

Adverse Impacts on Wildlife Movement

No significant direct permanent impacts would occur on wildlife movement or use of native wildlife nursery sites associated with Project activities; however, potential long-term indirect impacts to wildlife movement would be significant absent mitigation under CEQA. The following analysis evaluates the Project's potential impacts on wildlife movement, wildlife corridors, and wildlife nursery sites.

Direct Impacts

The Project site is located in an area of encroaching development and has been regionally isolated by U.S. Highway 395 to the west and I-15 to the east. As a result, the Project site does not provide for regional wildlife movement or serve as a regional wildlife corridor. Wildlife movement may be temporarily disrupted during the construction phase of the Project, although this effect would be both localized and short-term. Nearby corridors that could support wildlife movement in the region, include the Oro Grande Wash and La Bureau of Power and Light Road immediately to the west; these would not be impacted by the Project. Further, the Project site does not contain nursery sites, such as bat colony roosting sites or colonial bird nesting areas. Therefore, impacts associated with wildlife movement, wildlife corridors, and wildlife nursery sites would result in significant direct impacts to wildlife corridors or migratory routes under CEQA.

Indirect Impacts

Some short-term indirect impacts to localized wildlife movement could occur due to construction-related noise and work in the vicinity. However, these impacts would be temporary and would not be expected to significantly disrupt wildlife movement due to ambient noise conditions and the ability for wildlife to continue to move around the construction area and upland portions of the BSA during and after construction. Work activities are not currently

proposed during the night-time. Therefore, implementation of the Project would not result in significant short-term indirect impacts to wildlife corridors or migratory routes.

Post-construction (long-term) indirect impacts from operations and maintenance activities may include night-time lighting. These potential long-term indirect impacts to wildlife movement would be significant absent mitigation under CEQA.

MM-BIO-13 would ensure all lighting during operations and within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife would be directed away from natural areas.

Implementation of MM-BIO-13 (Lighting) would reduce potential indirect impacts to wildlife movement to less than significant.

Conflict with Biological Resources Protection Policies and Ordinances

The City of Hesperia Municipal Code Chapter 16.24 regulates and protects California Desert Native Plants, including Joshua trees. The following analysis evaluates the Project's potential conflicts with such local policies and ordinances.

California Desert Native Plants

No desert native plant species, in addition to western Joshua tree, were recorded on the BSA.

Joshua Trees

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

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

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

The Project could result in potentially significant impacts to native desert plants (e.g., western Joshua trees), of which are addressed by state and local plant and tree preservation regulations, absent mitigation. Implementation of MM-BIO-1 (Conservation of Western Joshua Tree Lands) and MM-BIO-2 (Relocation of Desert Native Plants) would reduce potential impacts California desert native plants (including western Joshua tree to less than significant.

Cumulative Biological Resources Impacts

The Project would result in potentially cumulatively considerable impacts to western Joshua trees and Joshua tree woodland vegetation on the Project site. Western Joshua trees are a state candidate species for listing under CESA and are locally protected by the City of Hesperia and by the CDNPA. Joshua tree woodlands are considered a sensitive natural community by CDFW (CDFW 2020). As required by MM-BIO-1, mitigation for direct impacts to 32 western Joshua trees will be fulfilled through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Additionally, as required by MM-BIO-2 and in accordance with Chapter 16.24 of the Hesperia Municipal Code, the preparation of a Joshua tree and desert native plants relocation plan is required to mitigate impacts to western Joshua trees as a result of the Project. As such, a Joshua Tree Preservation, Protection, and Relocation Plan, and Desert Native Plant Relocation Plan was prepared.

Potential impacts to special-status wildlife species, such as burrowing owl, loggerhead shrike, American badger and desert kit fox and nesting birds and raptors would be reduced to less than significant through Project implementation of MM-BIO-3 through MM-BIO-15. Implementing these mitigation measures would reduce potential impacts to less than significant and would significantly reduce the potential for direct or indirect impacts to special-status species. Therefore, there would not be a cumulatively considerable impact on any special-status species.

Potential impacts to jurisdictional waters of the state, if necessary, would be reduced to less than significant through implementation of MM-BIO-6 (Designated Biologist Authority), MM-BIO-7 (Compliance Monitoring), MM-BIO-8 (Education Program), MM-BIO-9 (Construction Monitoring Notebook), MM-BIO-11 (Hazardous Waste), and MM-BIO-16 (Aquatic Resources Mitigation). Implementing these mitigation measures would reduce potential impacts to less than significant and would significantly reduce the potential for direct or indirect impacts to waters of the state. Therefore, there would not be a cumulatively considerable impact to waters of the state.

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

2.3.1.2 Mitigation Measures

MM-BIO-1 Conservation of Western Joshua Tree Lands. Based on a literature review completed by the California Department of Fish and Wildlife (CDFW), CDFW indicated that western Joshua tree locations shall be buffered by 186 feet to account for the take of seed bank for western Joshua trees and their associated habitat. Therefore, a 186-foot buffer (or radius) shall be applied to each western Joshua tree location. The direct impacts to this 186-foot buffer were analyzed, and the Project would result in 10.9 acres of impacts to western Joshua trees, their seed bank, and their associated habitat. Mitigation for direct impacts to 10.9 acres of western Joshua trees and their 186-foot buffer shall be fulfilled through conservation of western Joshua trees at a 2:1 habitat replacement of equal or better functions and values to those impacted by the Project, for a total of 21.8 acres. Mitigation shall be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank and lands are conserved separately, a cost estimate shall 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 shall 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 shall be established following the completion of a Project-specific Property Analysis Record (PAR) to calculate the costs of in-perpetuity land management. The PAR shall 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 shall occur without authorization from CDFW in the form of an Incidental Take Permit pursuant to California Fish and Game Code 2081. The Project applicant shall adhere to measures and conditions set forth within the Incidental Take Permit.

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

The application shall include a detailed plan for removal of all protected plants on the Project site. The Joshua Tree Preservation, Protection, and Relocation Plan and Desert Native Plant Relocation Plan shall be prepared by a qualified western Joshua tree and native desert plant expert(s). The plan shall include the following measures:

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

MM-BIO-3 Pre-Construction Surveys for Burrowing Owl and Avoidance. One pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days

after the pre-construction surveys, the Project site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the 2012 (or current version) Staff Report on Burrowing Owl Mitigation prepared by the California Department of Fish and Game [now California Department of Fish and Wildlife (CDFW).

If burrowing owls are detected, a Burrowing Owl Relocation Plan shall be implemented in consultation with the CDFW. The Burrowing Owl Relocation Plan shall identify procedures for both active and passive owl relocation. CDFW shall be consulted to approve any relocation activities and identify the appropriate method of relocation (i.e., active or passive relocation). As required by the Burrowing Owl Relocation Plan, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers shall be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation or current version. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed.

Outside of the nesting season, owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone by installing one-way doors in burrow entrances. These doors shall be placed at least 48 hours prior to ground-disturbing activities. The Project area shall be monitored daily for 1 week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat shall be provided following the guidance in the Staff Report on Burrowing Owl Mitigation (current version).

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

MM-BIO-4 Pre-Construction Nesting Bird Surveys and Avoidance. Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the survey area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act (16 USC 703–712) and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate buffer established around the nest, which shall be determined by a biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall also be conducted when construction occurs in proximately to an active nest buffer. No Project activities shall encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that nestlings have fledged and the nest is no longer active.

MM-BIO-5 Pre-Construction Survey for American Badger and Desert Kit Fox Avoidance. A pre-construction survey for American badger and desert kit fox shall be conducted on the Project site and Off-Site Improvement Area within 10 days prior to the start of construction to determine the presence/absence of either species. If either species is discovered during the survey, an American badger/desert kit fox mitigation and monitoring plan shall be developed. The mitigation and monitoring plan shall include avoidance and minimization measures to reduce potential impacts to either species, as well as compensatory mitigation to offset direct or indirect impacts. The plan shall be developed in consultation with California Department of Fish and Wildlife. At a minimum, the plan shall contain the following:

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

MM-BIO-6 Designated Biologist Authority. The Designated Biologist shall have authority to immediately stop any activity that does not comply with the biological resources mitigation measures and/or to order any reasonable measure to avoid the unauthorized take of an individual western Joshua tree.

MM-BIO-7 Compliance Monitoring. The Designated Biologist shall be on site daily when impacts occur. The Designated Biologist shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact, and that impacts are only occurring outside the permitted impact footprint. Weekly written observation and inspection records that summarize oversight activities and compliance inspections and monitoring activities required by the Incidental Take Permit shall be prepared.

MM-BIO-8 Education Program. An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before impacts occur. The WEAP shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and status of western Joshua tree, burrowing owl, and loggerhead shrike; and other biological resources mitigation measures described in the California Environmental Quality Act document. Interpretation for non-English-speaking workers shall be provided, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who will be conducting work in the Project area.

MM-BIO-9 Construction Monitoring Notebook. The Designated Biologist shall maintain a construction-monitoring notebook on site throughout the construction period, which shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel

who have successfully completed the education program. The permittee shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the California Department of Fish and Wildlife.

MM-BIO-10 Delineation of Property Boundaries. Before beginning activities that will cause impacts, the contractor shall, in consultation with the Designated Biologist, clearly delineate the boundaries with fencing, stakes, or flags, consistent with the grading plan, within which the impacts will take place. All impacts outside the fenced, staked, or flagged areas shall be avoided, and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area.

MM-BIO-11 Hazardous Waste. The Project applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.

MM-BIO-12 Herbicides. The Project applicant shall limit herbicide use for invasive plant species and shall use herbicides only if it has been determined that hand or mechanical efforts are infeasible. To prevent drift, the permittee shall apply herbicides only when wind speeds are less than 7 miles per hour. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, state, and local laws and regulations.

MM-BIO-13 Lighting. Lighting for construction activities and operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife shall be directed away from natural areas.

MM-BIO-14 Trash and Debris. The following avoidance and minimization measures shall be implemented during Project construction:

1. Fully covered trash receptacles that are animal-proof shall be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles shall be removed at least once a week from the Project site.
2. Consturction work aeras shall be kept clean of debris, such as cable, trash, and construction materials. All construction/contractor personnel shall collect all litter, vehicle fluids, and food waste from the project site on a daily basis.

MM-BIO-15 Invasive Plant Management. To reduce the spread of invasive plant species, landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (http://www.cal-ipc.org/ip/inventory/index.php). Post-construction, the Project applicant shall continually remove invasive plant species on site by hand or mechanical methods, as feasible.

MM-BIO-16 Aquatic Resources Mitigation. The Project site supports aquatic resources that are jurisdictional under the Regional Water Quality Control Board (RWQCB) and California Department of Fish and Wildlife (CDFW). Prior to construction activity, the Project applicant shall coordinate with the Lahontan RWQCB (Region 6) to ensure conformance with the requirements of Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act. Prior to activity within CDFW jurisdictional

streambeds or associated riparian habitat, the applicant shall coordinate with CDFW (Inland Deserts Region 6) relative to conformance with the Lake and Streambed Alteration permit requirements.

The Project shall mitigate to ensure no-not-loss of waters at a minimum of 1:1 with re-establishment credits (0.06 acres RWQCB/CDFW) for impacts to aquatic resources as part of an overall strategy to ensure no net loss. Mitigation shall be completed through the use of a mitigation bank (e.g., West Mojave Mitigation Bank) or other applicant-sponsored mitigation. Final mitigation ratios and credits shall be determined in consultation with the RWQCB and/or CDFW based on agency evaluation of current resource functions and values and through each agency's respective permitting process.

Should applicant-sponsored mitigation be implemented, a Habitat Mitigation and Monitoring Plan (HMMP) shall be prepared in accordance with State Water Resources Control Board guidelines and approved by the agencies in accordance with the applicable permits. The HMMP shall include a conceptual planting plan, including planting zones, grading, and irrigation, as applicable; a conceptual planting plant palette; a long-term maintenance and monitoring plan; annual reporting requirements; and proposed success criteria. Any off-site applicant-sponsored mitigation shall be conserved and managed in perpetuity.

Best management practices shall be implemented to avoid any indirect impacts on jurisdictional waters, including the following:

- Vehicles and equipment shall not be operated in ponded or flowing water except as described in permits.
- Water containing mud, silt, or other pollutants from grading or other activities shall not be allowed to enter jurisdictional waters or be placed in locations that may be subjected to high storm flows.
- Spoil sites shall not be located within 30 feet from the boundaries of jurisdictional waters or in locations that may be subject to high storm flows, where spoils might be washed back into drainages.
- Raw cement/concrete or washings thereof, asphalt, paint or other coating material, oil or other petroleum products, or any other substances that could be hazardous to vegetation or wildlife resources resulting from Project-related activities shall be prevented from contaminating the soil and/or entering avoided jurisdictional waters.
- No equipment maintenance shall be performed within 100 feet of jurisdictional waters, including wetlands and riparian areas, where petroleum products or other pollutants from the equipment may enter these areas. Fueling of equipment shall not occur on the Project site.

2.3.1.3 Findings Per CEQA Guidelines

Consistent with the CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.1.1. These feasible measures, MM-BIO-1 through MM-BIO-16, are listed in Section 2.3.1.2.

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

2.3.1.4 Facts in Support of the Findings Related to Biological Resources

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

2.3.2 Cultural Resources

2.3.2.1 Potentially Significant Impacts to Cultural Resources

Historical Resources

As defined by the CEQA Guidelines (14 CCR 15000 et seq.), a "historical resource" is considered to be a resource that is listed in or eligible for listing in the NRHP or CRHR, has been identified as significant in a historical resource survey, or is listed on a local register of historical resources. Under CEQA, a project may have a significant effect on the environment if it may cause "a substantial adverse change in the significance of an historical resource" (PRC Section 21084.1; 14 CCR 15064.5[b]). If a site is listed or eligible for listing in the CRHR, or included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of PRC Section 5024.1[q]), it is a historical resource and is presumed to be historically or culturally significant for the purposes of CEQA (PRC Section 21084.1; 14 CCR 15064.5[a]).

A cultural resources records search, review of literature and archival resources (historic maps, aerial photographs, topographic maps), and a field survey were conducted for the Project site. The CHRIS records search identified two (2) previously recorded cultural resources, including one (1) historic-period unpaved roads and one historic-period homestead site within the Project site. Although a portion of the Project site is included within a historic-period homestead property (P-36-010288/CA-SBR-010288H), a review of historical topographic maps and aerial photographs indicate that the specific area within the archaeological site where the Project is proposed was never occupied and has remained vacant and relatively undisturbed since at least 1902. Moreover, the homestead site (P-36-010288/CA-SBR-010288H) was previously evaluated and determined ineligible for listing on the CRHR, and therefore, future construction would not cause a significant impact to this resource. The other resource that overlaps the Project site, an unpaved road (P-36-004179/CA-SBR-004179H) has not been evaluated. However, the pedestrian survey determined that the mapped location of this resource within the current Project site was found to be overgrown with vegetation, and no evidence of the historic-period road remained. This suggests that either the unpaved road was ephemeral and succumbed to environmental conditions that erased any evidence of the road, or that the resource was mapped incorrectly in the original recording. Therefore, the Project would not cause a substantial adverse change in the significance of a known historical resource pursuant to Section 15064.5. However, the potential for intact cultural deposits to exist within native soils (below between surface and 30+ feet below existing ground surface) to the depths of assumed ground disturbance is unknown. In the event that unanticipated cultural resources are encountered during Project implementation, an assessment and evaluation of the resource would be conducted potentially resulting in the determination that the resource is historical in accordance with the definition outlined in Section 15064.5. As a result, the Project has a potential to impact and thus cause a substantial adverse change in the significance of a yet unknown historical resource.

Thus, mitigation is required to address impacts related to the inadvertent discovery of yet unknown historical resources, as outlined in Mitigation Measure (MM) CUL-1, MM-CUL-2, and MM-CUL-3. MM-CUL-1 requires that all project construction personnel participate in a Workers Environmental Awareness Program training for the proper

identification and treatment of inadvertent discoveries. MM-CUL-2 requires the retention of an on-call qualified archaeologist to address inadvertent discoveries. MM-CUL-3 requires construction work occurring within 100 feet of a cultural resource discovery be immediately halted until the qualified archaeologist, meeting the Secretary of Interior's Professional Qualification Standards for Archaeology, can assess and evaluate the discovery pursuant to CEQA. Additionally, MM-CUL-3 requires the inadvertent discovery clause be included on all construction plans. With implementation of MM-CUL-1, MM-CUL-2, and MM-CUL-3, significant impacts to historical resources would be reduced to less than significant with mitigation incorporated.

Archaeological Resources

A CHRIS database records search, NAHC Sacred Lands File search, background research, including a review of a geotechnical report, and an archaeological pedestrian survey were conducted as part of a Cultural Resources Assessment that was prepared for the Project. As discussed under Threshold A, the CHRIS records search identified two previously recorded cultural resources, including one historic-period unpaved road and one historic-period homestead site within the Project site. None of the identified resources would be impacted by the Project.

A review of a geotechnical report (Southern California Geotechnical Inc. 2022) prepared for the Project site determined that native younger and older alluvium soils were encountered from surface elevation to the maximum depth explored of 30+ feet below existing ground surface within all seven subsurface exploratory boring locations. A review of historical topographic maps and aerial photographs indicate that the specific area within the archaeological site where the Project is proposed was never occupied and has remained vacant and relatively undisturbed since at least 1902. An intensive-level pedestrian survey of the Project site was conducted on October 19, 2021. Ground surface visibility ranged from good to excellent (70%–100%) throughout the Project site. Disturbances observed throughout the Project site included modern debris scattered throughout the Project site, including large items such as furniture, electronics, vehicle parts, tires, and clothing. The amount of modern refuse encountered during the survey suggests that the Project site is used for illegal dumping. Portions of the Project site, especially areas adjacent to Poplar Street and Mesa Linda Street, have been subject to previous grading. Numerous informal dirt roads caused by off-road vehicle use traverse the Project site. No new cultural resources were identified within the Project site as a result of the pedestrian survey and the survey results.

Although the overall potential for archaeological resources to exist within the Project site is considered low, it is still possible that unknown intact archaeological resources could be encountered subsurface during ground-disturbing activities within native soils. Specifically, and in consideration of the findings of the geotechnical report prepared for the Project, the potential remains for intact archaeological deposits to be encountered within native younger and older alluvium identified within the Project site from surface elevation to a maximum depth of 30+ feet below existing ground surface. For this reason, the Project site should be treated as potentially sensitive for archaeological resources, and MM-CUL-1 through MM-CUL-3 are required to reduce potential impacts to unanticipated archaeological resources. MM-CUL-1 requires that all project construction personnel participate in a Workers Environmental Awareness Program training for the proper identification and treatment of inadvertent discoveries. MM-CUL-2 requires the retention of an on-call qualified archaeologist to conduct spot monitoring to respond to any inadvertent archaeological discoveries. MM-CUL-3 requires construction work occurring within 100 feet of a cultural resource discovery be immediately halted until the qualified archaeologist, meeting the Secretary of Interior's Professional Qualification Standards for Archaeology, can assess and evaluate the discovery pursuant to CEQA. Additionally, MM-CUL-3 requires the inadvertent discovery clause be included on all construction plans. With implementation of MM-CUL-1, MM-CUL-2, and MM-CUL-3, potentially significant impacts to unknown archaeological resources would be reduced to less than significant with mitigation incorporated.

Disturbance of Human Remains

A cultural resources records search, review of literature and archival resources (historic maps, aerial photographs, topographic maps), and a field survey were conducted for the Project site. The CHRIS records search results and archival document review did not identify any location within or near the Project where human burials/remains exist, including those interred outside of formal cemeteries. Neither did the pedestrian survey identify any evidence of human remains or archaeological resources that may suggest the potential presence of human burials/remains, including those interred outside of formal cemeteries. However, in the unlikely event that human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98, pursuant to MM-CUL-4. The County Coroner must be notified of the inadvertent discovery immediately. If the remains are determined to be Native American, the County Coroner will notify the NAHC, which will determine and notify an MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of notification by the NAHC. The MLD will have the opportunity to offer recommendations for the disposition of the remains. With incorporation of MM-CUL-4, impacts associated with human remains would be less than significant.

Cumulative Cultural Resources Impact

The geographic scope of the cumulative cultural resources analysis is the region surrounding the Project site. Ongoing development and growth in the broader Project area may result in a cumulatively significant impact to cultural resources due to the continuing disturbance areas, which could potentially contain significant, buried archaeological resources, paleontological resources, or TCRs. However, as discussed above, the individual, Project-level impacts associated with cultural, tribal cultural, and paleontological resources were found to be less than significant with the incorporation of mitigation measures (MM-CUL-1 through MM-CUL-10). The Project would be required by law to comply with all applicable federal, state, and local requirements related to historical, archaeological, paleontological, and tribal cultural resources. Other related cumulative projects would similarly be required to comply with all such requirements and regulations, to be consistent with the provisions set forth by CEQA and the CEQA Guidelines, and to implement all feasible mitigation measures should a significant project-related and/or cumulative impact be identified. As such, cumulative impacts would be less than significant with mitigation incorporated.

2.3.2.2 Mitigation Measures

MM-CUL-1 Workers Environmental Awareness Program (WEAP) Training. All construction personnel and monitors who are not trained archaeologists should be briefed regarding unanticipated discoveries prior to the start of construction activities. A basic presentation should be prepared and presented by a qualified archaeologist to inform all personnel working on the Project about the archaeological sensitivity of the area. The purpose of the WEAP training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker should also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the on-call archaeologist and if appropriate, tribal representative. Necessity of training attendance should be stated on all construction plans.

MM-CUL-2 On-Call Archaeological Construction Monitoring. In consideration of the general sensitivity of the Project site for cultural resources, a qualified archaeologist should be retained to conduct spot monitoring as well as on-call response in the case of an inadvertent discovery of archaeological resources. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, should oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits. The archaeologist should be responsible for maintaining monitoring logs. Following the completion of construction, the qualified archaeologist should provide an archaeological monitoring report to the lead agency and the South Central Coastal Information Center with the results of the archaeological monitoring program.

MM-CUL-3 Inadvertent Discovery of Archaeological Resources. In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 100 feet of the find should immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under the California Environmental Quality Act (CEQA; 14 CCR 15064.5(f); California PRC Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted. If the discovery is Native American in nature, consultation with and/or monitoring by a tribal representative may be necessary.

MM-CUL-4 Inadvertent Discovery of Human Remains. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the County Coroner shall be notified within 24 hours of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within two working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The MLD would then determine, in consultation with the property owner, the disposition of the human remains.

2.3.2.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.2.1. These feasible measures, MM-CUL-1 through MM-CUL-4, are listed in Section 2.3.2.2.

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

2.3.2.4 Facts in Support of the Findings Related to Cultural Resources

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

2.3.3 Geology and Soils

2.3.3.1 Potentially Significant Impacts to Geology and Soils

Unique Paleontological Resource or Site or Unique Geologic Feature

The City encompasses a wide variety of geological formations that differ in age and paleontological sensitivities. The Project site, however, is underlain by Holocene alluvial fan deposits. Holocene alluvium and alluvial fan deposits are generally considered to be too young geologically to contain significant nonrenewable paleontological resources (i.e., fossils) and are typically assigned a low paleontological sensitivity. However, Holocene alluvial deposits become older and have increased paleontological sensitivity with depth, where they become old enough to preserve and yield significant paleontological resources. Additionally, the Technical Background Report in Support of the Cultural Resource Element: City of Hesperia General Plan Update (City of Hesperia 2010) determined that the Project site has low to medium paleontological sensitivity. Holocene and Pleistocene alluvial deposits are not considered unique geological features.

Despite the low potential for paleontological resources to occur on the Project site, it is always possible that intact fossil deposits are present at subsurface levels and could be uncovered during ground-disturbing activities. As such, MM-CUL-10 would ensure that if paleontological resources are exposed during construction activities, all construction work occurring within the vicinity of the find would stop until a qualified paleontologist can evaluate the significance of the find and determine whether or not additional study is warranted. With incorporation of MM- CUL-10, impacts associated with paleontological resources would be less than significant.

2.3.3.2 Mitigation Measures

MM-CUL-10 If paleontological resources are exposed during Project construction activities, all construction work occurring within 100 feet of the find shall immediately stop until a qualified paleontologist, as outlined in the Society of Vertebrate Paleontology (2010) guidelines, can evaluate the significance of the find and determine whether or not additional study is warranted. If the discovery proves significant under the California Environmental Quality Act, discovered fossils or samples of such fossils shall be collected and identified by the qualified paleontologist. Significant specimens recovered shall be properly recorded, treated, and donated to the San Bernardino County Museum, Division of Geological Sciences, or other repository with permanent retrievable paleontological storage. A final report shall be prepared and submitted to the City of Hesperia that itemizes any fossils recovered, with maps to accurately record the original location of recovered fossils and evidence that the resources were curated by an established museum repository.

2.3.3.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.3.1. This feasible measure, MM-CUL-10, is listed in Section 2.3.3.2.

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

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

Implementation of MM-CUL-10 would reduce potentially significant impacts related to paleontological resources to a less than significant level. There would be no significant, unavoidable impacts related to geology and soils after implementation of these mitigation measures.

2.3.4 Hazards and Hazardous Materials

2.3.4.1 Potentially Significant Impacts to Hazards and Hazardous Materials

Routine Transport, Use, or Disposal of Hazardous Materials

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

While soil staining was not observed during the site reconnaissance of the Phase I ESA, the Phase I ESA notes the following:

> CCG [the environmental consultant preparing the Phase I ESA] recommends that the observed debris/wastes be removed from the subject property, and properly disposed of in accordance with all applicable local, state, and federal guidelines. If during future development activities visually impacted soils are identified, impacted soils should be excavated, removed, and properly disposed of. Confirmatory soil samples should be collected during excavation to ensure that the extent of impacted soils has been removed.

This recommendation was made in response to multiple scrap truck tires and several empty retail-sized containers of automotive fluids observed on the Project area. While no direct staining was observed, the recommendation indicates there is a potential to encounter shallow soil contamination due to the observed dumping on the Project site, especially automotive fluid containers and tires. Mitigation Measure (MM) HAZ-1 (see Section 4.7.5) requires the removal and disposal of on-site debris, including tires and automotive fluid containers, from the Project area in accordance with all applicable local, state, and federal guidelines. In the event soil staining, odors, or other evidence of contamination is identified during excavation and grading activities, or excavation and grading is completed in areas under large debris piles, a qualified environmental professional shall screen soils in the identified area prior to excavation and grading based on the nature of the potential contamination. In the event that potential contamination is encountered, the contamination shall be evaluated by a qualified environmental professional using the appropriate collection and sampling techniques as determined by the environmental professional based on the nature of the contamination. The nature and extent of contamination shall be determined and the appropriate handling, disposal, and/or treatment shall be implemented in accordance with applicable regulatory requirements.

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

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

Although the future tenants are not known yet, in the event that a future tenant's operations require them to transport, use, or dispose of quantities of hazardous materials identified by the state, pursuant to the Health and Safety Code and in accordance with SBCFD's CUPA requirements, the owner/operator must complete and submit a HMBP to the California Environmental Reporting System. An HMBP is a document containing detailed information on the inventory of hazardous materials at a facility; emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material; training for all new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material; and a site map that contains north orientation, loading areas, internal roads, adjacent streets, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material handling and storage areas, and emergency response equipment. The HMBP provides basic information necessary for use by first responders to prevent or mitigate damage to the public health and safety and the environment from a release or threatened release of hazardous materials, and to satisfy federal and state Community Right-To-Know laws. In addition, should oil storage exceed 1,320 gallons aboveground or 42,000 gallons belowground, a spill prevention, control, and countermeasure plan (SPCC Plan) would also be prepared in accordance with Title 40 of the Code of Federal Regulations (CFR), Section 112. The SPCC Plan includes a summary of oil containing equipment, inspection requirements, spill response procedures, and employee training guidelines. While not required to be submitted, the SPCC Plan is required to remain onsite and be available for inspection by

the local regulatory agency, in this case the SBCFD's CUPA. Therefore, long-term operational impacts associated with the routine transport, use, or disposal of hazardous materials would be less than significant.

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

Release of Hazardous Materials and the Potential for Upset Conditions

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

The Project contractor and construction crews would be required to comply with all applicable regulations governing the storage, handling, and disposal of hazardous materials and waste. As discussed in Section 4.8, Hydrology and Water Quality, prior to issuance of grading permits, the City of Hesperia requires the submittal, review, and approval of an erosion and sediment control plan. Implementation of an erosion and sediment control plan would ensure that construction-related BMPs are enacted to prevent, to the maximum extent practicable, construction site pollutants from leaving the site during all phases of construction. The Project would also be required to comply with the NPDES Municipal Separate Storm Sewer System (MS4) Permit, including the regulation of surface water quality. Under the NPDES MS4 Permit, the development of 1.0 acres or more of land must file a notice of intent with the State Water Resources Control Board to comply with the state NPDES General Construction Permit. Implementation of this Permit would require the development of a site-specific stormwater pollution prevention plan (SWPPP) for construction activities. The SWPPP is required to identify BMPs that protect stormwater runoff and ensure avoidance of substantial degradation of water quality. Typical BMPs that could be incorporated into the SWPPP to minimize the off-site runoff of pollutants would include the following:

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

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

Based on the Phase I ESA, no on-site historical recognized environmental conditions, controlled recognized environmental conditions, recognized environmental conditions, or business recognized environmental conditions were identified.

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

Upon completion of Project construction, routine operation of the Project facilities would likely involve use of industrial grade chemicals and commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available products. These materials would be used for the day-to-day operation of the facilities and may involve the use of hazardous materials.

As previously discussed in Threshold A, the future tenants are not known yet. In the event that a future tenant's operations require them to transport, use, or dispose of quantities of hazardous materials identified by the state, pursuant to the Health and Safety Code and in accordance with SBCFD's CUPA requirements, or store quantities of oil that trigger the SPCC Plan regulations, the owner/operator must complete and submit an HMBP to the California Environmental Reporting System and/or prepare an SPCC Plan. Completion of an HMBP and SPCC Plan would ensure that an emergency spill response and containment plan is in place in the event of hazardous spills.

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

In addition to the regulations and practices described above, the following requirements would apply to storage and handling of hazardous wastes at the Project site:

1. Hazardous materials are required to be stored in designated areas designed to prevent accidental release in accordance with state law, including the California Hazardous Waste Control Act and the California Health and Safety Code.
2. Cal/OSHA requirements prescribe safe work environments for workers working with materials that present a moderate explosion hazard, high fire, or physical hazard or health hazard.

3. Federal and state laws related to the storage of hazardous materials would be complied with to maximize containment and provide for prompt and effective clean-up in case of an accidental release.
4. Hazardous materials inventory and response planning reports would be filed with the City in accordance with Unified Program Permit requirements.

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

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

Cumulative Hazards and Hazardous Materials Impacts

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

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

Post-development, routine operation of the Project would include the use of various hazardous materials, including chemical reagents, solvents, fuels, paints, and cleaners. These materials would be used for day-to-day operations as well as building and landscaping maintenance. However, compliance with applicable regulations involving hazardous materials during operation would ensure that such materials are transported, used, stored, and disposed of in a manner that minimizes the potential for upset and accident conditions resulting in the release of hazardous materials into the environment. In addition, the owner/operator must complete and submit an HMBP to the California Environmental Reporting System and complete an SPCC Plan in the event oil storage is above thresholds outlined in 40 CFR 112. This would ensure that in the event that an emergency spill response and containment plan is in place in the event of hazardous spills or releases. As such, it is not expected that the Project would create a significant hazard to the public or the environment through routine operations or reasonably foreseeable upset and accident conditions or result in the release or exposure of hazardous materials into the environment. Therefore, cumulative hazards and hazardous materials impacts would be less than significant with mitigation incorporated.

2.3.4.2 Mitigation Measures

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

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

2.3.4.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.4.1. This feasible measure, MM-HAZ-1, is listed in Section 2.3.4.2.

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

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

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

2.3.5 Tribal Cultural Resources

2.3.5.1 Potentially Significant Impacts to Tribal Cultural Resources

Register of Historical Resources/Public Resource Code Section 5024.1

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

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

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

Cumulative Tribal Cultural Resources Impacts

The geographic scope of the cumulative tribal cultural resources analysis is the region surrounding the Project site. Ongoing development and growth in the broader Project area may result in a cumulatively significant impact to cultural resources due to the continuing disturbance areas, which could potentially contain significant, buried archaeological resources, paleontological resources, or TCRs. However, as discussed above, the individual, Project-level impacts associated with cultural, tribal cultural, and paleontological resources were found to be less than significant with the incorporation of mitigation measures (MM-CUL-1 through MM-CUL-10). The Project would be required by law to comply with all applicable federal, state, and local requirements related to historical, archaeological, paleontological, and tribal cultural resources. Other related cumulative projects would similarly be required to comply with all such requirements and regulations, to be consistent with the provisions set forth by CEQA and the CEQA Guidelines, and to implement all feasible mitigation measures should a significant project-related and/or cumulative impact be identified. As such, cumulative impacts would be less than significant with mitigation incorporated.

2.3.5.2 Mitigation Measures

MM-CUL-1 through MM-CUL-4 can be found int Section 2.3.2.2 of Cultural Resources, above.

MM-CUL-5 In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the discovery (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (Yuhaaviatam) shall be contacted, as detailed within MM-CUL-8, regarding any pre-contact and/or historic-era resources of a Native American origin and be provided information after the archaeologist makes his/her initial assessment of the nature of the discovery.

MM-CUL-6 If significant pre-contact and/or historic-era tribal cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to the Yuhaaviatam of San Manuel Nation Cultural Resources Department for review and comment, as detailed within MM-CUL-8. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

MM-CUL-7 If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the Project.

MM-CUL-8 The Yuhaaviatam of San Manuel Nation Cultural Resources Department (Yuhaaviatam) shall be notified, as detailed in MM-CUL-5, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the discovery, so as to provide tribal input with regards to significance and treatment. Should the discovery be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with the Yuhaaviatam, and all subsequent discoveries shall be subject to this Plan. This Plan shall allow for a monitor to be present representing the Yuhaaviatam for the remainder of the Project, should the Yuhaaviatam elect to place a monitor on site.

MM-CUL-9 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Department (Yuhaaviatam). The Lead Agency and/or applicant shall, in good faith, consult with the Yuhaaviatam throughout the life of the project.

2.3.5.3 Findings per CEQA Guidelines

Consistent with CEQA Guidelines Section 15126.4(a)(1), feasible measures that can minimize significant adverse impacts were developed for the potentially significant impacts described in Section 2.3.5.1. These feasible measures, MM-CUL-1 through MM-CUL-9, are listed in Section 2.3.5.2.

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

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

Through Assembly Bill 52 consultation with local tribes, additional mitigation measures addressing the potential to discover tribal cultural resources are also included to reduce potential impacts to archaeological resources. Implementation of MM-CUL-1 through MM-CUL-9 would reduce potentially significant impacts related to the register of historic resources and related to a resource determined to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1 to a less than significant level. There would be no significant, unavoidable impacts related to tribal cultural resources after implementation of these mitigation measures.

2.4 Impacts Determined to Be Less Than Significant

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

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

2.4.1 Aesthetics

Scenic Vistas

While the Project site and the surrounding area contain some areas with undisturbed natural desert landscape, existing development (including commercial uses, trucking-related uses [i.e., truck stops], lodging accommodations, big-box retail developments, and major interstate highways) precludes the area from being an area with significant scenic value that could comprise a scenic vista.

Physical improvements proposed as part of the Project would be limited to the Project site and the immediate vicinity. Given that existing scenic resources are outside of the Project's disturbance footprint and located between 5 and 10 miles away from the Project site, the Project would not result in any physical modifications to scenic resources that comprise a scenic vista.

With the exception of the San Gabriel and San Bernardino Mountains visible in the background of the site photos, scenic resources identified by the City's General Plan that comprise scenic vistas are not visible in the vicinity of the Project site. Due to the relatively flat topography of the Project area, views of the San Gabriel and San Bernardino Mountains are available to viewer groups in the vicinity of the Project site, including motorists traveling on nearby highways and roads, as well as employees and visitors of the nearby commercial and light industrial areas. These

viewers are provided intermittent background views of mountain ridgelines under optimal atmospheric conditions and when not obstructed by existing development in the area. Development of the Project's proposed building would result in minimal obstruction of the existing mountain views. The presence of existing development, major roadways, and other man-made elements (i.e., transmission lines, signage, and traffic and streetlights) already reduces the unobstructed views of the mountains in the Project vicinity.

The Project building is designed in such a manner that building colors and project design as a whole conform with the development standards of the Hesperia Municipal Code and the MSFCSP in order to promote the visual character and quality of the surrounding area. The Project's landscaping would also have a similar effect by providing natural elements throughout the Project site. Thus, with conformance of the development standards of the Hesperia Municipal Code and the MSFCSP, the Project would not result in a significant impact to scenic vistas and impacts would be less than significant

Scenic Resource Damage within a State Scenic Highway

There are no officially designated scenic roads or highways within City boundaries (City of Hesperia 2010b). The nearest designated state scenic highway, Route 38, is located approximately 27 miles southeast of the Project site. The nearest eligible scenic highway, Route 138, is located 7 miles to the southeast of the Project site (Caltrans 2019). Due to distance and intervening terrain, vegetation, and development, none of these officially designated or eligible scenic highways are visible from the Project site, nor is the Project site visible from the highways. Therefore, no impacts associated with scenic resources within a state scenic highway would occur

Regulations Governing Scenic Quality

California Public Resources Code Section 21071 defines an "urbanized area" as "an incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons, or (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons." The City's population as of April 1, 2020, was approximately 99,818 people (U.S. Census 2020). However, the City is bordered by the City of Victorville to the north, Town of Apple Valley to the east, unincorporated San Bernardino County land to the south, and the unincorporated community of Oak Hills to the west. The combined population of the City of Hesperia and any one of these adjacent Cities is over 100,000 persons. Thus, the Project site is considered to be within an urbanized area and the following analysis considers whether the Project would conflict with applicable zoning or other regulations governing scenic quality.

In an attempt to ensure that current and future development within the City is designed and constructed to conform to existing the visual character and quality, the City of Hesperia Development Code (Title 16 of the City's Municipal Code) includes design standards related to building size, height, floor area ratio, and setbacks, as well as landscaping, signage, and other visual considerations. These design standards help adjacent land uses to be visually consistent with one another and their surroundings and reduce the potential for conflicting visual elements. More specific to the Project site, the MSFCSP sets forth development standards for the CIBP Zone and industrial development. The design specifications for the Project will be reviewed by the City for compliance with all applicable provisions set forth by the City's Development Code and the MSFCSP. As part of the City's development review process, the Project's architectural plans are reviewed by City staff and the Planning Commission to determine whether Project design conforms to the Development Code and MSFCSP and promotes the visual character and quality of the surrounding area. The Project would be consistent with the development of standards of the CIBP Zone.

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

The building colors shall be reviewed to assure conformance with the development standards of the Hesperia Municipal Code and the MSFCSP. Buildings would include materials such as concrete, metal, aluminum entry framing, and glass, and building elevations would include vertical and horizontal elements that would break up the overall massing of the buildings and provide visual interest.

The visual setting surrounding the Project site currently consists of a mix of developed and undeveloped areas. Development in the area includes commercial uses, trucking-related uses [i.e., truck stops], lodging accommodations, big-box retail developments, public roadways and landscaping, and major interstate highways. Undeveloped areas consist of flat desert terrain with sparse vegetation. As a result, the Project site and surrounding area can be characterized as low density industrial and commercial development within a desert landscape setting. The Project would result in the development of vacant, undeveloped land with an industrial building that would feature contemporary architecture landscaping, and streetscape improvements that would assist in completing a cohesive 'gateway' corridor envisioned in the MSFCSP. The Project would also eliminate the illegal uses currently occurring on site (trespassing and illegal dumping).

In summary, the Project would not conflict with applicable zoning or other regulations governing scenic quality and the Project would be consistent with the visual character of the surrounding area. Therefore, with compliance with the City's Development Code and the MSFCSP design standards and guidelines and implementation of site specific landscaping, the Project would not conflict applicable zoning or other regulations governing scenic quality and impacts related to visual character and quality would be less than significant.

Sources of Light or Glare

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

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

Upon Project implementation, the Project could potentially result in significant adverse light and glare impacts on nighttime views due to the addition of building and parking lot lighting. However, the Project would be required to minimize light and glare impacts to sensitive land uses through the incorporation of setbacks, site planning, and other design techniques (consistent with General Plan Policy LU-3.5). Section 16.20.135 of the City's Municipal Code contains general performance standards related to light and glare such that any industrial activity shall not cause light trespass above 0.5 footcandles when measured in a residential district or lot (City of Hesperia 2020). While the Project would not be located adjacent to any residential districts or lots, the Project's lighting would be designed such that lighting is directed on-site and away from neighboring parcels. Lighting associated with streetlights would be designed consistent with City standards for safety and proper roadway illumination, consistent with other streetlights throughout the City. In addition, as part of the final engineering and site plan check phase, a photometric plan will be prepared by City planning staff prior to finalization of site plans. During this process, City staff would ensure that Project lighting would not result in glare on adjacent properties.

Further, all light fixtures would be required to be consistent with the California Green Building Standards Code for illumination. The California Green Building Standards Code sets forth minimum requirements based on Lighting Zones, as defined in Chapter 10 of the California Administrative Code. The requirements are designed to minimize light pollution in an effort to maintain dark skies and ensure new development reduces backlight, uplight, and glare (BUG) from exterior light sources (CALGreen 2019). The Project would be required to comply with the CALGreen BUG rating for Lighting Zone 3. Further, all lights would be shielded and directed downward, and the proposed lighting plan does not include blinking, flashing, or oscillating light sources.

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

Finding

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

2.4.2 Agriculture and Forestry Resources

Conversion of Agricultural Lands and Forestlands

According to the California Department of Conservation (CDOC) Important Farmland Finder the Project is designated as "grazing land" (DOC 2021). The Project site does not contain Prime Farmland, Unique Farmland, or Farmland of

Statewide Importance (collectively, "Important Farmland"). The Project would not occur within any farmland locations, and would not result in the conversion of this land to nonagricultural use. In addition, according to the CDOC's Williamson Act Parcel Map for South San Bernardino County, the project site is not located on or adjacent to any lands under a Williamson Act Contract (City of Hesperia 2010b). Furthermore, the Project site and surrounding uses are not zoned for agricultural uses, but instead for Commercial an Industrial Business Park uses (City of Hesperia 2010a). As such, implementation of the project would not conflict with existing zoning or agricultural use or land under a Williamson Act contract.

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

Cumulative Agricultural and Forestry Resource Impacts

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

Finding

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

2.4.3 Air Quality

Conflict with an Applicable Air Quality Plan

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

The Project would be required to comply with all applicable MDAQMD Rules and Regulations, including, but not limited to Rules 401 (Visibile Emissions), 402 (Nuisance), and 403 (Fugitive Dust). The Project site is located within the Main Street and Freeway Corridor Specific Plan, and the site is designated for Commercial/Industrial Business Park uses. The Commercial/Industrial Business Park designation is intended to provide for service commercial,

light industrial, light manufacturing, and industrial support uses. Therefore, the Project would be consistent with the current land use designation and General Plan.

The Project's construction and operational emissions would not exceed applicable MDAQMD regional thresholds. As such, emissions are considered less than significant, and 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.

Based on the preceding considerations, the Project would comply with all applicable all MDAQMD Rules and Regulations and would be consistent with the current land use designation and General Plan. Therefore, impacts associated with the conflicting with the MDAQMD would be less than significant.

Cumulatively Considerable Net Increase of Criteria Pollutants

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

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

Short-Term Construction Impacts

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

Criteria air pollutant emissions associated with temporary construction activity were quantified using CalEEMod. CalEEMod calculates maximum daily emissions for summer and winter periods. Daily construction emissions would not exceed the MDAQMD significance thresholds for VOC, NO_x, CO, SO_x, PM_{10}, or $PM_{2.5}$ during Project construction, and short-term construction impacts would be less than significant.

Long-Term Operational Impacts

Operation of the Project would generate VOC, NO_x, CO, SO_x, PM_{10}, and $PM_{2.5}$ emissions from mobile sources, including passenger vehicle and truck trips; area sources, including the use of consumer products, architectural coatings for repainting, and landscape maintenance equipment; energy sources, including combustion of fuels

used for space and water heating. CalEEMod uses summer and winter EMFAC emission factors in order to derive vehicle emissions associated with on-road vehicle activities, which vary by season.

Project operations would not exceed the numerical thresholds of significance for any criteria air pollutant as established by the MDAQMD. This impact would be less than significant.

Health Effects of Criteria Air Pollutants

Construction and operation of the Project would result in emissions that would not exceed the MDAQMD thresholds for criteria air pollutants.

under the heading Pollutants and Effects, health effects associated with O_3 include respiratory symptoms, worsening of lung disease leading to premature death, and damage to lung tissue (CARB 2019b). VOCs and NO_x are precursors to O_3, for which the MDAB is designated as nonattainment with respect to the NAAQS and CAAQS. The contribution of VOCs and NO_x to regional ambient O_3 concentrations is the result of complex photochemistry. The increases in O_3 concentrations in the MDAB due to O_3 precursor emissions tend to be found downwind of the source location because of the time required for the photochemical reactions to occur. Further, the potential for exacerbating excessive O_3 concentrations would also depend on the time of year that the VOC emissions would occur, because exceedances of the O_3 NAAQS and CAAQS tend to occur between April and October when solar radiation is highest. Due to the lack of quantitative methods to assess this complex photochemistry, the holistic effect of a single project's emissions of O_3 precursors is speculative. That being said, because the Project would not exceed the MDAQMD NO_x thresholds during Project operations, the Project would not contribute to significant health effects associated with O_3.

Health effects associated with NO_x and NO_2 (which is a constituent of NO_x) include lung irritation and enhanced allergic responses (CARB 2017). Construction and operation of the Project would not exceed the MDAQMD threshold for PM_{10}. As such, the Project would not contribute to exceedances of the NAAQS and CAAQS for particulate matter and obstruct the MDAB from coming into attainment for these pollutants, or result in associated health effects.

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

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

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

Another important technical nuance is that health effects from air pollutants are related to the concentration of the air pollutant that an individual is exposed to, not necessarily the individual mass quantity of emissions associated with an individual project. For example, health effects from O_3 are correlated with increases in the ambient level of O_3 in the air a person breathes (SCAQMD 2015). However, it takes a large amount of additional precursor emissions to cause a modeled increase in ambient O_3 levels over an entire region (SCAQMD 2015). The lack of link between the tonnage of precursor pollutants and the concentration of O_3 and $PM_{2.5}$ formed is important because it is not necessarily the tonnage of precursor pollutants that causes human health effects; rather, it is the concentration of resulting O_3 that causes these effects (SJVAPCD 2015). Indeed, the ambient air quality standards, which are statutorily required to be set by EPA at levels that are requisite to protect the public health, are established as concentrations of O_3 and $PM_{2.5}$ and not as tonnages of their precursor pollutants (EPA 2018b). Because the ambient air quality standards are focused on achieving a particular concentration region-wide, the tools and plans for attaining the AAQS are regional in nature. For CEQA analyses, project-generated emissions are typically estimated in pounds per day or tons per year and compared to mass daily or annual emission thresholds. While CEQA thresholds are established at levels that the air basin can accommodate without affecting the attainment date for the AAQS, even if a project exceeds established CEQA significance thresholds, this does not mean that one can easily determine the concentration of O_3 or PM that will be created at or near the Project site on a particular day or month of the year, or what specific health impacts will occur (SJVAPCD 2015).

In regard to regional concentrations and air basin attainment, the SJVAPCD emphasized that attempting to identify a change in background pollutant concentrations that can be attributed to a single project, even one as large as the entire Friant Ranch Specific Plan, is a theoretical exercise. The SJVAPCD brief noted that it "would be extremely difficult to model the impact on NAAQS attainment that the emissions from the Friant Ranch project may have" (SJVAPCD 2015). The situation is further complicated by the fact that background concentrations of regional pollutants are not uniform either temporally or geographically throughout an air basin but are constantly fluctuating based upon meteorology and other environmental factors. SJVAPCD noted that the currently available modeling tools are equipped to model the impact of

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

all emission sources in the San Joaquin Valley Air Basin on attainment (SJVAPCD 2015). The SJVAPCD brief then indicated that, "Running the photochemical grid model used for predicting O_3 attainment with the emissions solely from the Friant Ranch project (which equate to less than one-tenth of one percent of the total NO_x and VOC in the Valley) is not likely to yield valid information given the relative scale involved" (SJVAPCD 2015).

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

Nonetheless, following the Supreme Court's Friant Ranch decision, some EIRs where estimated criteria air pollutant emissions exceeded applicable air district thresholds have included a quantitative analysis of potential project-generated health effects using a combination of a regional photochemical grid model[3] and the EPA Benefits Mapping and Analysis Program (BenMAP or BenMAP–Community Edition [CE]).[4] The publicly available health impact assessments (HIAs) typically present results in terms of an increase in health incidences and/or the increase in background health incidence for various health outcomes resulting from a project's estimated increase in concentrations of O_3 and $PM_{2.5}$.[5] To date, the five publicly available HIAs reviewed have concluded that the evaluated projects' health effects associated with the estimated project-generated increase in concentrations of O_3 and $PM_{2.5}$ represent a small increase in incidences and a very small percentage of the number of background incidences, indicating that these health impacts are negligible and potentially within the models' margin of error. It is also important to note that while the results of the five available HIAs conclude that project emissions do not result in a substantial increase in health incidences, the estimated emissions and assumed toxicity is also conservatively inputted into the HIA and thus, overestimate health incidences, particularly for $PM_{2.5}$.

Running the photochemical grid model used for predicting O_3 attainment with the emissions solely from an individual project like the Friant Ranch project or the Project is not likely to yield valid information given the relative scale involved. The five examples reviewed support the SJVAPCD's brief contention that consistent, reliable, and meaningful results may not be provided by methods applied at this time. Accordingly, additional work in the industry and more importantly, air district participation, is needed to develop a more meaningful analysis to correlate project-level mass criteria air pollutant emissions and health effects for decision makers and the public. Furthermore, at the time of writing, no HIA has concluded that health effects estimated using the photochemical grid model and

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

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

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

BenMAP approach are substantial provided that the estimated project-generated incidences represent a very small percentage of the number of background incidences, potentially within the models' margin of error.

In summary, construction and operation of the Project would not result in exceedances of the MDAQMD significance thresholds and because the MDAQMD thresholds are based on levels that the MDAB can accommodate without affecting the attainment date for the AAQS and the AAQS are established to protect public health and welfare, the Project is not anticipated to result in health effects associated with NO_X, VOCs, CO, SO_x, PM_{10}, or $PM_{2.5}$. The potential health effects associated with criteria air pollutants are considered less than significant.

Expose Sensitive Receptors to Substantial Pollutant Concentrations

The potential impact of Project-generated air pollutant emissions at sensitive receptors has been considered. Sensitive receptors can include uses such as long-term health care facilities, rehabilitation centers, and retirement homes. Residences, schools, playgrounds, child-care centers, and athletic facilities can also be considered as sensitive receptors. As discussed in detail below, the Project would not expose sensitive receptors to substantial pollutant concentrations.

Local Carbon Monoxide Concentrations

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

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

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

Toxic Air Contaminant Exposure

As the Project consists of 269,555 square feet of high-cube fulfillment center use and 145,145 general light industrial land use, the potential impact of Project-generated air pollutant emissions at sensitive receptors has been evaluated.

Construction Health Risk

A construction HRA was performed to estimate the Maximum Individual Cancer Risk and the Chronic Hazard Index for residential receptors as a result of Project construction including repaving of the portion of Poplar Road adjacent to the project. Project construction activities would result in a Residential Maximum Individual Cancer Risk of 0.38 in 1 million, which is less than the significance threshold of 10 in 1 million. Project construction would result in a Residential Chronic Hazard Index of 0.0005, which is below the 1.0 significance threshold. The Project construction TAC health risk impacts would be less than significant.

Operational Health Risk

An HRA was performed to estimate the Maximum Individual Cancer Risk and Chronic Hazard Index for residential receptors associated with Project operations. The DPM emissions from operation of the Project would result in a Residential Maximum Individual Cancer Risk of 0.71 in 1 million and a Residential Chronic Hazard Index of 0.0002. These risk levels would be less than the MDAQMD significance thresholds and would result in a less than significant impact.

Valley Fever

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

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

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

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

Other Emissions

Land uses most commonly associated with odor complaints generally include agricultural uses (livestock and farming), wastewater treatment plants, food-processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities. The Project does not include uses that would be substantive sources of objectionable odors. Potential temporary and intermittent odors may result from construction equipment exhaust, the application of asphalt, and architectural coatings. Temporary and intermittent construction-source emissions are controlled through existing requirements and industry Best Management Practices addressing proper storage of and application of construction materials.

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

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

Finding

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

2.4.4 Biological Resources

Candidate, Sensitive, or Special-Status Species

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

Special-Status Wildlife Species

Desert Tortoise

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

Mohave Ground Squirrel

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

The visual survey concluded that the BSA provides low-quality/disturbed suitable habitat for Mohave ground squirrel. Specifically, foraging plants for Mohave ground squirrel, such as spiny hopsage and winterfat, were absent. However, other foraging plans including peach thorn (*Lycium cooperi*), western Joshua tree, fiddleneck (*Amsinckia* spp.), and red-stemmed filaree (redstem stork's bill) were observed within the BSA, along with burrows and burrow complexes that showed that soils present are suitable for burrowing. However, surrounding roadways and various forms of human presence, including trash and litter, have marginalized the habitat quality.

Although low-quality/disturbed suitable Mohave ground squirrel habitat is present in the BSA, no Mohave ground squirrels were detected at the camera stations or captured during the trapping surveys. Additionally, the BSA is located within the southern portion of the mapped Mohave ground squirrel range, where Mohave ground squirrel occurrences are rare and populations densities have historically been low with the closest occurrences occurring north of the California Aqueduct, which presents a significant barrier to Mohave ground squirrel dispersal. As such, the survey results indicate that Mohave ground squirrel does not inhabit the BSA.

Therefore, the Project would not result in any direct or indirect impacts to Mohave ground squirrel. Therefore, impacts to Mohave ground squirrel associated with the Project would be less than significant under CEQA.

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

The Project is located within the California Desert Conservation Area Plan (BLM 1980). The Project is also located within the Draft West Mojave Plan (BLM 2005) and the Desert Renewable Energy Conservation Plan (BLM 2016) areas. The West Mojave Plan and Desert Renewable Energy Conservation Plan are amendments to the California Desert Conservation Area Plan. The Bureau of Land Management issued a Record of Decision for the West Mojave Plan in 2006, although the West Mojave Plan has not been formally adopted. The Project will not conflict with the conservation criteria associated with the California Desert Conservation Area Plan or Desert Renewable Energy Conservation Plan. Therefore, the Project would not be in conflict with any Habitat Conservation Plans under CEQA.

Finding

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

2.4.5 Energy

Wasteful, Inefficient, or Unnecessary Consumption of Energy

Electricity

Construction Energy Usage

Temporary electric power for as-necessary lighting and electronic equipment, such as computers inside temporary construction trailers, would be provided by SCE. The electricity used for such activities would be temporary, would be substantially less than that required for Project operation, and would therefore have a negligible contribution to the Project's overall energy consumption.

Operational Energy Usage

The operational phase would require electricity for multiple purposes, including building heating and cooling, lighting, electronics, electric pumps, and EVs as described above. CalEEMod was used to estimate Project emissions from electricity uses (see the Project's Air Quality Impact Analysis for calculations). Default electricity generation rates in CalEEMod were used based on the proposed land use and climate zone.

The Project is anticipated to consume approximately 2,898,400 kilowatt-hours of electricity per year. The Project proposes conventional industrial uses reflecting contemporary energy efficient/energy conserving designs and operational programs. Uses proposed by the Project are not inherently energy intensive, and the Project electricity demands in total would be comparable to other projects of similar scale and configuration. Additionally, the Project would be required to comply with the applicable Title 24 standards which would further ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary and impacts would be less than significant.

Natural Gas

Construction Natural Gas Usage

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

Operational Natural Gas Usage

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

The Project is estimated to have a total natural gas demand of 5,234,516 kBTU per year. The Project proposes conventional industrial uses reflecting contemporary energy efficient/energy conserving designs and operational programs. Uses proposed by the Project are not inherently energy intensive, and the Project natural gas demands in total would be comparable to other projects of similar scale and configuration. Additionally, the Project is subject

to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Prior to Project approval, the applicant would ensure that the Project would meet Title 24 requirements applicable at that time, as required by state regulations through their plan review process. Thus, the natural gas consumption of the Project would not be considered inefficient or wasteful, and impacts would be less than significant.

Petroleum

Construction Petroleum Usage

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

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

In summary, construction of the Project is conservatively anticipated to consume 25,034 gallons of gasoline and 40,504 gallons of diesel. Notably, the Project would be subject to CARB's In-Use Off-Road Diesel Vehicle Regulation that applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulation (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; and (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology requirements. Project construction would represent a "single-event" petroleum demand and would not require on-going or permanent commitment of petroleum resources for this purpose. Overall, the Project would not be unusual as compared to overall local and regional demand for energy resources and would not involve characteristics that require equipment that would be less energy-efficient than at comparable construction sites in the region or state. Therefore, impacts would be less than significant.

Operational Petroleum Usage

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

Petroleum fuel consumption associated with motor vehicles traveling to and from the Project site is a function of the VMT as a result of Project operation. The annual VMT attributable to the Project is expected to be 9,236,075 VMT.

The Project would result in an estimated annual fuel demand of 558,187 gallons of fuel. Fuel would be provided by current and future commercial vendors. Trip generation and VMT generated by the Project are consistent with other industrial uses of similar scale and configuration. That is, the Project does not propose uses or operations that

would inherently result in excessive and wasteful vehicle trips and VMT, nor associated excess and wasteful vehicle energy consumption.

Enhanced fuel economies realized pursuant to federal and state regulatory actions, and related transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would likely decrease future gasoline fuel demands per VMT. Location of the Project proximate to regional and local roadway systems tends to reduce VMT within the region, acting to reduce regional vehicle energy demands. The Project would implement sidewalks, facilitating and encouraging pedestrian access. In compliance with the CALGreen Code, the Project would promote the use of bicycles as an alternative mean of transportation by providing short-term and/or long-term bicycle parking accommodations. Facilitating pedestrian and bicycle access for employees would reduce VMT and associated energy consumption. As supported by the preceding discussions, Project transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary and impacts would be less than significant.

Renewable Energy Potential

The Project shall include rooftop solar panels for each proposed warehouse to the extent feasible, with a capacity that matches the maximum allowed for distributed solar connections to the grid, other renewable energy systems including wind turbine generation, geothermal generation, energy storage and other renewable energy generation features are not considered technically or economically feasible and/or demonstrated for a similar project. Additionally, site constraints include limited land availability and incompatibility with land use for large-scale power generation facilities as well as unknown interconnection feasibility and compatibility with utility provider systems. For these reasons other onsite renewable energy systems are not considered feasible for the proposed Project.

Conflict with Plan for Renewable Energy or Energy Efficiency

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

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

Cumulative Energy Impacts

Cumulative projects that could exacerbate the Project's impacts include any projects that could result in wasteful, inefficient, or unnecessary use of energy. However, the Project would not result in wasteful, inefficient, or unnecessary use of energy during construction or operation. Construction will result in short-term and temporary energy demands. Operation of the Project would not result in a wasteful, inefficient or unnecessary use of energy

or conflict with an applicable plan. Therefore, the Project would have a less-than-significant impact with regards to cumulative energy impacts.

Finding

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

2.4.6 Geology and Soils

Expose People or Structures to Fault Rupture

The Alquist-Priolo Earthquake Zoning Act (Alquist-Priolo Act) requires the delineation of fault zones along active faults in California. The purpose of the Alquist-Priolo Act is to regulate development on or near active fault traces to reduce hazards associated with fault rapture. The Alquist-Priolo Earthquake Fault Zones are the regulatory zones that include surface traces of active faults. According to the California Department of Conservation, the Project iis not located in an Alquist-Priolo Earthquake Fault Zone (DOC 2021b). Thus, the potential for surface rupture is low on the Project site. Therefore, no impacts would occur.

Expose People or Structures to Strong Seismic Ground Shaking

Similar to other areas locatd in seismically active Southern California, the City is susceptible to strong gound shaking during an earthquake. However, the Project site is not located within an Alquist-Priolo Earthqake Fault Zone, and the site would not be affected by ground shaking more than any other area in the seismic region. Pursuant to Title 15, Buildings and Construction, of the Hesperia Municipal Code, the Project would incorporate the design recommendations included in its geotechnical report, which will be subject to review and approval by City staff prior to issuance of a grading permit. The Project's geotechnical report provides specific design recommendations to ensure the structural integrity of the Project in the event that seismic ground shaking is experienced at the Project site. These recommendations include performing remedial grading, over-excavating existing soils, and recompacting these soils with structures fill, among other technical design recommendations (SCG 2022). Additionally, the Project's structures would be designed consistent with the most recent version of the California Building Code, which includes universal standards relating to seismic load requirements. Compliance with the recommendations of the geotechnical report is mandated by Section 15.060.040 of the Hesperia Municipal Code and is subject to inspection by the City Building Official. With implementation of the recommendations of the Project's geotechnical report, impacts associated with strong seismic ground shaking would be less than significant.

Expose People or Structures to Liquefaction

Soil liquefaction is a seismically induced form of ground failure that has been a major cause of earthquake damage in Southern California. Liquefaction is a proves by which water-saturated granular soils transform from a solid to a liquid state because of a sudden shock or strain such as an earthquake. Due to existing geologically young, loose, unconsolidated sediments throughout the City, liquefaction has the potential to occur within the City. However, according to exhibit SF-1 of the City's General Plan Safety Element (City of Hesperia 2010a), the Project's geotechnical report states that based on subsurface conditions encountered at boring locations, liquefaction is not considered to be a concern for the Project site (SCG 2022). With implementation of the recommendations of the Project's geotechnical report, impacts associated with potential seismic-related ground failure, including liquefaction, would be less than significant.

Expose People or Structures to Landslides

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

Soil Erosion or Loss of Topsoil

The Project would involve earthwork and other construction activities that would disturb surface soils and temporarily leave exposed soil on the ground's surface. Common causes of soil erosion from construction sites include stormwater, wind, and soil being tracked off site by vehicles. To help curb erosion, Project construction activities must comply with all applicable federal, state, and local regulations for erosion control. The Project would be required to comply with standard regulations, including South Coast Air Quality Management District Rules 402 and 403, which would reduce construction erosion impacts. Rule 402 requires that dust suppression techniques be implemented to prevent dust and soil erosion from creating a nuisance off site (SCAQMD 1976). Rule 403 requires that fugitive dust be controlled with best available control measures so that it does not remain visible in the atmosphere beyond the property line of the emissions source (SCAQMD 2005).

Since Project construction activities would disturb one (1) or more acres, the Project must adhere to the provisions of the National Pollutant Discharge Elimination System Construction General Permit. Construction activities subject to this permit include clearing, grading, and ground disturbances such as stockpiling and excavating. The Construction General Permit requires implementation of a stormwater pollution prevention plan, which would include construction features for the Project (i.e., best management practices) designed to prevent erosion and protect the quality of stormwater runoff. Sediment-control best management practices may include stabilized construction entrances, straw wattles on earthen embankments, sediment filters on existing inlets, or the equivalent. Therefore, impacts would be less than significant.

Once developed, the Project site would include an industrial/warehouse building, paved surfaces, and other on-site improvements that would stabilize and help maintain on-site soils. The remaining portions of the Project site containing pervious surfaces would primarily consist of landscape areas. These landscape areas would include a mix of trees, shrubs, plants, and groundcover that would help retain on-site soils while preventing wind and water erosion from occurring. Therefore, operational impacts related to soil erosion would be less than significant.

Unstable Geologic Unit or Soil

The potential for the Project to result in or be affected by landslides and liquefaction is low, and these issues are not anticipated at the Project site. Project activities may occur on geologically unstable soils such as those susceptible to lateral spreading, subsidence, or collapse. However, the Project would be designed consistent with the specific design recommendations of the Project's geotechnical report, which provides recommendations to perform remedial grading, over-excavate existing soils, and recompact these soils with structures fill, among other technical design recommendations (SCG 2022). Implementation of these recommendations would address these potentially hazardous conditions and ensure structural integrity in the vent that seismic-related isues are experienced at the Project site. Compliance with the recommendations of the geotechnical report is mandated by Section 15.060.040 of the Hesperia Municipal Code, and compliance is subject to inspection by the City Building

Official. With implementation of the recommendations of the Project's geotechnical report, impacts would be less than significant.

Expansive Soil

Expansive soils are characterized by their potential shrink/swell behavior. Shrink/swell is the change in volume (expansion or contraction) that occurs in certain fine-grained clay sediments from the cycle of wetting and drying. Clay minerals are known to expand with changes in moisture content. The higher the percentage of expansive minerals present in near-surface soils, the higher the potential for substantial expansion.

According the City General Plan, the City's soils are mostly comprised of water-laid sand, silt, and gravel (City of Hesperia 2010a). The U.S. Department of Agriculture's Web Soil Survey does not identify the Project site or surrounding area as containing cay soils, which are typically expansive. The Project site is documented from 0 to 6 inches as loamy fine sand and from 6 to 60 inches deep as sandy loam and coarse sandy loam, which does not exhibit significant shrink/swell behavior (USDA 2021). Therefore, impacts would be less than significant.

Soils Incapable of Supporting Septic Tanks

The Project would connect directly to the City's municipal sewer lines. The Project would not require septic tanks or any alternative wastewater disposal systems. Therefore, no impacts would occur.

Cumulative Geological Resource or Soil Impact

Potential cumulative impacts on geology and soils result from projects that combine to create geologic hazards, including unstable geologic conditions, or substantially contribute to erosion. Most geology and soil hazards associated with development would be site-specific and can be mitigated on a project-by-project basis. Such hazards include exposure of people or structures to rupture of an earthquake fault, strong seismic ground shaking, liquefaction, landslides, unstable geologic units, and expansive soils. Individual project mitigation for these hazards would ensure that there are no residual cumulative impacts. Proper engineering design, use of standard construction practices, adherence to erosion control standards, implementation of BMPs required by the SWPPP, and implementation of the recommendations found in their respective geotechnical reports would ensure that the potential for cumulatively considerable geological impacts would be less than significant. Since geologic hazards are site-specific and not necessarily cumulative, the proposed project would not have a cumulatively considerable impact. Also, as noted above, in 2015, the California Supreme Court held that CEQA generally does not require a lead agency to consider the impacts of the existing environment on the future residents or users of the project unless such projects exacerbate existing conditions, further limiting the likelihood that environmental impacts on related projects would occur.

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

Finding

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

2.4.7 Greenhouse Gas Emissions

Conflict with an Applicable Plan, Policy, or Regulation

As previously stated, pursuant to 15604.4 of the CEQA Guidelines, a lead agency may rely on qualitative analysis or performance-based standards to determine the significance of impacts from GHG emissions. As such, the Project's consistency with SB 32 (2017 Scoping Plan) and the City's CAP, is discussed below. It should be noted that the Project's consistency with the 2017 Scoping Plan also satisfies consistency with AB 32 since the 2017 Scoping Plan is based on the overall targets established by AB 32. Consistency with the 2008 Scoping Plan is not necessary, since the target year for the 2008 Scoping Plan was 2020, and the Project's buildout year is 2024. As such, the 2008 Scoping Plan does not apply and consistency with the 2017 Scoping Plan is relevant.

2017 Scoping Plan Consistency

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

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

Consistency with the CAP

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

The Project's emissions without accounting for regulatory requirements and PDFs would be 7,727 MT CO_2e per year. After implementation, Project GHG emissions would be reduced to 6,335 MT CO_2e per year. This yields a reduction of approximately 18%, which meets the City's CAP target of a 12% reduction.

The Project demonstrates consistency with the CARB's Scoping Plan and would not conflict with other regulations regarding reductions to GHG emissions including AB 32, Title 24 an SB 32. Additionally, the Project would meet the emission reduction target outlined in the City's CAP. Furthermore, mitigation measures would be required that would reduce Project-generated construction and operational GHG emissions. MM-GHG-1 through MM-GHG-4 would further reduce operation-related GHG emissions.

Potential to Conflict with SCAG's RTP/SCS

The SCAG 2020–2045 RTP/SCS is a regional growth management strategy that targets per capita GHG reduction from passenger vehicles and light trucks in the Southern California Region pursuant to SB 375. In addition to demonstrating the Region's ability to attain the GHG emission-reduction targets set forth by CARB, the 2020–2045

RTP/SCS outlines a series of actions and strategies for integrating the transportation network with an overall land use pattern that responds to projected growth, housing needs, changing demographics, and transportation demands. Thus, successful implementation of the 2020–2045 RTP/SCS would result in more complete communities with a variety of transportation and housing choices, while reducing automobile use.

The following strategies are intended to be supportive of implementing the 2020–2045 RTP/SCS and reducing GHGs: focus growth near destinations and mobility options; promote diverse housing choices; leverage technology innovations; support implementation of sustainability policies; and promote a green region (SCAG 2020). The strategies that pertain to residential development and SCAG's support of local jurisdiction sustainability efforts would not apply to the Project. The Project's compliance with the remaining applicable strategies is presented below.

- **Focus Growth Near Destinations and Mobility Options.** The Project's compliance with this strategy of the 2020-2045 RTP/SCS is supported because the Project would introduce new jobs proximate to existing housing which would reducing vehicle miles traveled. As discussed in Section 3.3, Project Objectives, the Project would be located in area with a low job to housing ratio. The Project's proximity to existing freeways also helps to reduce vehicle miles traveled and local truck traffic congestion.
- **Leverage Technology Innovations.** One of the technology innovations identified in the 2020–2045 RTP/SCS that would apply to the Project is the promotion and support of low emission technologies for transportation, such as alternative fueled vehicles to reduce per capita GHG emissions. For this particular project, based on the maximum square footage of building space permitted by the Project, on-site modeled operational equipment includes a total of 50 electric-powered forklifts (forklifts and pallet jacks) and 2 electric-powered yard tractors.
- **Promote a Green Region.** The third appliable strategy within the 2020-2045 RTP/SCS for individual developments such as the Project, involves promoting a green region through efforts such as supporting local policies for renewable energy production and promoting more resource efficient developments (e.g., reducing energy consumption) to reduce GHG emissions. A key means that the Project would use to support this strategy is by including rooftop solar and energy star appliances into the Project design as a part of MM-GHG-2.

Based on the analysis above, the Project would be consistent with the SCAG 2020–2045 RTP/SCS.

Finding

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

2.4.8 Hazards and Hazardous Materials

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

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

Cortese List

The Hazardous Waste and Substances Sites List (Cortese List) is a planning document providing information about the location of hazardous materials release sites. California Government Code Section 65962.5 requires the California Environmental Protection Agency to develop, at least annually, an updated Cortese List. The Department of Toxic Substances Control is responsible for a portion of the information contained in the Cortese List. Other state and local government agencies are required to provide additional hazardous materials release information for the Cortese List (CalEPA 2021). A review of Cortese online data resources does not identify hazardous materials or waste sites on the Project site or immediately surrounding area (DTSC 2021; RWQCB 2021). Therefore, no impacts would occur.

Near an Airport or within an Airport Land Use Plan

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

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

According to the City's Mitigation Plan, the Project would be required to comply with the City's Emergency Operations Plan (City of Hesperia 2017). The City Emergency Operations Plan provides a framework for coordinated response and recovery activities during an emergency (City of Hesperia 2017). In addition, the City's General Plan designates all freeways and arterial roads as emergency evacuation routes. Typically, roadway facilities designated by the City's General Plan Safety Element as major, primary, or secondary highways, as well as other streets with regional access are assumed to serve as evacuation routes in the event of a regional emergency. As roadways capable of supporting high traffic volumes and providing regional access to other highways, freeways, and neighboring jurisdictions, both Main Street and U.S. Highway 395 are expected to serve as emergency evacuation routes in the event of an emergency. The Project does not propose any changes to the geometry of these roadways to the extent that these roadways' ability to serve as emergency evacuation routes would be compromised. As a result, the Project would not significantly affect emergency response or evacuation activities. Therefore, impacts associated with emergency response and evacuation routes would be less than significant.

Finding

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

2.4.9 Hydrology and Water Quality

Violate Water Quality Standards or Waste Discharge Requirements

Short-Term Construction Impacts

Construction activities associated with the Project site would involve ground disturbing activities and the use of various hazardous construction materials (e.g., fuels, oils, paint, and solvents), that are commonly used in building construction or for the purpose of heavy equipment maintenance. Earthwork activities can expose soils to the effects of wind and water erosion resulting off-site transport of sediments that could potentially adversely affect water quality of receiving waters. Inadvertent release of hazardous materials or wastes could also adversely affect water quality if not handled appropriately.

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

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

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

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

Long-Term Operational Impacts

As previously discussed, the Project site currently consists of undeveloped land. Implementation of the Project would result in the construction of two industrial/warehouse buildings (totaling 414,700 square feet) and associated improvements. Construction of the Project would introduce new impervious surfaces that could contribute pollutants to stormwater runoff in the long term from vehicle use in uncovered parking areas (through small fuel and/or fluid leaks), uncovered refuse storage/management areas, landscape/open space areas (if pesticides/herbicides and fertilizers are improperly applied), and general litter/debris (e.g., generated during facility loading/unloading activities). During storm events, the first few hours of moderate to heavy rainfall could wash a majority of pollutants from the paved areas where, without proper stormwater controls and BMPs, those pollutants could enter the municipal storm drain system before eventually being discharged into the Oro Grande Wash and eventually the Mojave River. Between periods of rainfall, surface pollutants tend to accumulate, and runoff from the first significant storm of the year ("first flush") would likely have the largest concentration of pollutants.

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

Project design, construction, and operation would be completed in accordance with the NPDES MS4 permit and the Mojave River WQMP Guidance, with the goal of reducing the number of pollutants in stormwater and urban runoff. A Project-specific Preliminary WQMP for the proposed Project determined that the infiltration/detention basins would be sufficient to address on-site stormwater water quality-related issues consistent with permit requirements.

Post-construction, the Project area would be designed to collect stormwater runoff by nearby catch basins and convey it to the two proposed above ground and one underground detention basins via a storm drain system. Prior to entering the detention basins, runoff would be pretreated via filter inserts placed in the catch basins and then again further downstream by a baffle box. Runoff will then be released into the above ground basin where it will collect and infiltrate into the soil. Further downstream within the storm drain system, the runoff will be further pretreated via a CDS hydrodynamic separator unit prior to entering the underground CMP system. After pretreatment, runoff will be routed to the designated infiltration/detention BMP. Runoff in Drainage Area A will be routed to the above ground basin to the northwest where it will collect and infiltrate into the soil. Runoff from Drainage Areas B and C will be routed to underground corrugated metal pipe (CMP) infiltration/detention system, which will also connect to an aboveground basin

to outlet excess flows. The basins are sized and designed to prevent flooding from a 100-year storm while also accommodating the required retention volume for water quality purposes.

In accordance with the San Bernardino County Hydrology Manual, the detention basin system would be designed to treat water quality for a 2-year, 24-hour storm event, and sized to accommodate the volumes and flow rates of a 100-year, 24-hour storm event. Two aboveground stormwater detention basins would be located northwest and northeast corners of the Project site, with the underground corrugated metal pipe retention/infiltration system located just west of the aboveground basin on the northeast corner of the site. The stormwater drainage system basins would be sized and designed to prevent flooding from a 100-year storm while also accommodating the required retention volume for water quality purposes. The basins would be designed to capture the entire volume generated from a 100-year storm, meaning no runoff would be discharged off site.

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

With respect to groundwater quality, stormwater to be collected and treated in retention basins would be able to meet retention time requirements for water quality purposes in accordance with San Bernardino County requirements. All pervious areas that would remain at the Project site would be below adjacent impervious areas to maximize natural infiltration as well as allowing for infiltration with the proposed underground retention basins. Therefore, with adherence to NPDES MS4 permit and San Bernardino County Hydrology Manual standards, long-term operational impacts associated with water quality standards and waste discharge requirements would be less than significant.

Deplete Groundwater Supplies or Interfere with Groundwater Recharge

Groundwater Recharge

The Project site is underlain by the Upper Mojave River Valley Groundwater Basin. Currently, the Project site is undeveloped and pervious which allows for groundwater recharge. The development of the Project site would result in a substantial increase in impermeable surfaces, which could impede groundwater recharge. However, the Project would incorporate LID features, including infiltration/retention systems designed to retain at least 95% of the difference of volume produced between post- and pre-developed conditions of on-site stormwater runoff during a 10-year, 24-hour storm event. Detained stormwater would infiltrate through the bottom of the infiltration basins and into the underlying soils. In addition, the infiltration basins would be sized to exceed 95% of the difference in stormwater of the existing and proposed conditions such that there would be no substantial change in on-site infiltration rates. As shown in Table 4.8-2, the total system storage volume well exceeds the 10-year 24-hour storm event. Because the Project would meet and exceed infiltration requirements, stormwater would continue to be able to infiltrate soils and recharge the underlying Upper Mojave River Valley Groundwater Basin. Therefore, impacts associated with groundwater recharge would be less than significant.

Groundwater Supply

In the 2015 UWMP, Hesperia Water District estimated that it would source approximately 88.0% of its water supply from groundwater, 5.5% from purchased water, and 6.5% from recycled water (Hesperia Water District 2016). Regarding the portion of the District's water supply that originates as groundwater, the District receives water from sixteen active wells within the City, the entirety of which is located within Alto Subarea sub basin of the Mojave River Groundwater Basin. The Mojave River Ground Water Basin is an adjudicated basin and thus has a managed groundwater extraction rate (Hesperia Water District 2016). The Mojave Water Agency serves as the entity responsible for managing the use, replenishment, and protection of the groundwater basin. The Mojave Water Agency and other retail water purveyors, including Hesperia Water District, use imported State Water Project water to replenish the Upper Mojave Water Basin as part of the Regional Recharge and Recovery Project (also referred to as the "R3" project). This practice further assists regional water providers in sustainable management of the Mojave Groundwater Basin.

According to the 2020 UWMP for the Hesperia Water District, the total projected water supplies available to the District during normal, single-dry, and multiple-dry water years until 2045 (Hesperia Water District 2021). This assessment includes projections for growth within the District's service area consistent with the General Plan projections. In addition, as long-term water supply is a significant concern in California, Hesperia Water District has planned projects to meet future water demands for its service area. For example, to improve water efficiency and conserve vital potable water resources, such as groundwater, Hesperia Water District, in cooperation with Victor Valley Water Reclamation Agency plans to expand the local water recycling facility's treatment capacity as well as plans to build an additional water recycling facility. The City of Hesperia also plans to construct multiple recharge basins in cooperation with Mojave Water Agency to deliver and recharge State Water Project water into underlying groundwater basins within the Hesperia Water District's service area (Hesperia Water District 2021). These activities would act to further ensure continued sustainable management of the basin within Hesperia Water District's service area. These projects, when coupled with regional groundwater management plans and the regulatory bindings of the groundwater basin, would ensure that the service area as a whole attains sustainable groundwater management. In addition, as also concluded in the WSA that was prepared for the proposed Project, the City of Hesperia has reliable water supplies to meet its retail customer demands in normal, single dry year, and multiple (5) consecutive dry years and is projected to continue to enhance reliability through the numerous current and planned projects in the Mojave Basin. As a result, the Project would not substantially decrease groundwater supplies and would not impede sustainable groundwater management of the basin. Therefore, impacts associated with groundwater supplies would be less than significant.

Alter Existing Drainage Pattern

Erosion or Siltation

As previously discussed, the Project site currently consists of undeveloped land. The Project would result in the construction of new paved surfaces, warehouse buildings, and landscape areas. Once developed, the Project site would include buildings, paved surfaces, and other on-site improvements that would stabilize and help retain on-site soils. The remaining portions of the Project site containing pervious surfaces would primarily consist of landscape areas. These landscape areas would include a mix of trees, shrubs, plants, and groundcover that would help retain on-site soils while preventing wind and water erosion from occurring. Moreover, the Project's new engineered stormwater drainage system would feature structural BMPs such as retention facilities to treat and manage on-site storm water flows. The stormwater drainage system basins would be sized and designed to prevent

flooding from a 100-year storm while also accommodating the required retention volume for water quality purposes. The basins would be designed to capture the entire volume generated from a 100-year storm, meaning no runoff would be discharged off site.

Surface Runoff

Construction of the proposed Project would alter the existing drainage patterns through the introduction of new impervious surfaces. However, as discussed above, the Project would maintain adequate stormwater conveyance through compliance with existing drainage control standards. As previously discussed, the Project site would be designed to convey runoff as sheet flows away from buildings, and allow on-site infiltration through the remaining landscaped pervious areas as well as the subsurface infiltration retention basins. The proposed drainage system would be designed in accordance with the 2013 Phase II Small MS4 Permit, which requires all new development projects covered by this Order to incorporate LID BMPs to the maximum extent practicable and includes limitations on peak storm flows that can be discharged from the site.

include analysis of existing hydraulic conditions during peak storm events and proposed condition hydrologic analysis to determine whether the post-construction runoff would have any impact on receiving waterways (i.e., Oro Grande Wash, Mojave River). In accordance with the San Bernardino County Hydrology Manual, the rational method and unit hydrograph were used to calculate the 2-year, 10-year, 25-year, and 100-year, 24-hour storm peak discharges for the existing and Project conditions.[6]

The stormwater drainage system basins would be sized and designed to prevent flooding from a 100-year storm. The basins would be designed to capture the entire volume generated from a 10-year storm, meaning no runoff would be discharged off site.

In addition, for the 100-year peak runoff flow rates, the pre-development condition has a rate of 27.89 cubic feet per second and in the post-development condition that rate would be reduced to 17.87. Therefore, the proposed drainage system has been sized and designed in accordance with the San Bernardino County Hydrology Manual, which requires the Project site to meet volume retention and flow attenuation rates in the post-developed condition to prevent adverse effects downstream of the project site. Once the required volume is retained, the flow rates from excess stormwater runoff would be attenuated by the weir structures within the above ground basins and discharged into the public right of way. Basin 1 would discharge onto Mesa Linda Street and Basin 2 would discharge onto Lassen Road. To comply with hydromodification requirements, the flow rates being discharged would not exceed more than five percent of the pre-development conditions for a 10-year storm as required in the San Bernardino County Hydrology Manual. In addition, for flood protection purposes, the flow rates for a 100-year storm would exceed no more than the predevelopment conditions for a 25-year storm. The results demonstrate that the proposed above ground retention basins for this project would comply with the flood protection requirements of the City of Hesperia and County of San Bernardino.

Therefore, because the Project improvements would be designed to meet and exceed the stormwater requirements set forth in the San Bernardino County Hydrology Manual, the Project would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site. Therefore, impacts associated with flooding on or off site would be less than significant.

6 Note that the peak storm flows for the 25-year event are not calculated for the post-development condition as it does not factor into meeting the drainage control requirements.

Stormwater System Capacity

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

Impede or Redirect Flood Flows

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

Flood Hazard, Tsunami, or Seiche Zones

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

In addition, the Fedreal Emergency Management Agency Flood Map Service Center identifies the Project as Zone X, which is classified as an area of minimal flood hazards, outside of the Special Flood Hazard Area and higher than the elevation of the 0.2%-annual-chance flood (FEMA 2021). As such, the Project would not risk release of pollutants due to inundation. Therefore, impacts associated with seiche, tsunami, or flooding would be less than significant.

Conflict with Water Quality Control Plan or Sustainable Groundwater Management Plan

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

With respect to groundwater management, SGMA empowers local agencies to form GSAs to manage basins sustainably, and requires those GSAs to adopt Groundwater Sustainability Plans for crucial groundwater basins in California. No GSA has been established for the Upper Mojave River Valley Groundwater Basin, because it is not considered a medium or high priority basin. However, the basin is adjudicated, regulating the amount of

groundwater extracted, reducing the potential for over-extraction. Further, the Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge and would not conflict with or obstruct a water quality control plan or sustainable groundwater management plan. Therefore, impacts associated with water quality control plans and sustainable groundwater management plans would be less than significant.

Cumulative Hydrology and Water Quality Impacts

Water Quality

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

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

The County and cities located within San Bernardino County are co-permittees under the San Bernardino County Municipal NPDES stormwater permit. The NPDES permit sets limits on pollutants being discharged into waterways and requires that the project designer and/or contractor of all new development projects that fall under specific project categories develop a WQMP that includes LID design requirements related to water quality. The LID design requirements would address long-term effects on water quality within the San Bernardino County watersheds and ensure that BMPs and LID designs minimize potential water quality concerns to the maximum extent practicable. Therefore, impacts associated with water quality standards and polluted runoff in the watersheds would be minimized, and the Project's contribution to cumulative impacts would be less than significant.

Water Supply

The development of the Project would increase water demand compared to existing conditions. The Project would be served by Hesperia Water District for which the 2020 UWMP estimated an annual water demand in 2025 of 15,250 acre-feet and 16,290 acre-feet by 2030. The UWMP states that Hesperia Water District and other water agencies in Southern California have planned provisions for regional water for the growing population, including drought scenarios for its service area. This plan includes a new water demand forecast prepared for the major categories of demand and uses regional population, demographic projections, the dry climate, historical water use to develop these forecasts. As such, the Project would not be expected to result in increased water usage causing the need for new entitlements, resources, and/or treatment facilities that are not already being planned to accommodate regional growth forecasts.

In addition, the 2020 UWMP and the WSA that was prepared for the proposed Project concluded that the total projected water supplies available to Hesperia Water District during normal, single-dry, and multiple-dry water years until 2045 will be sufficient to meet the projected water demands of the projected growth in the service area. These projections consider land use, water development programs and projects, and water conservation. For example, Hesperia Water District, in coordination with the VVWRA, plans on expanding the Hesperia Subregional Water Recycling Facility water treatment capacity from 1.0 million gallons per day (mgd) to 2.0 mgd by 2030 as well as build a second water recycling facility within the City that would be able to treat 2.6 mgd of wastewater by 2040. Additionally, the City plans to construct multiple recharge basins in cooperation with Mojave Water Agency to deliver and recharge State Water Project water into underlying groundwater basins within the Hesperia Water District's service area. Collectively, these additional programs would enable water supply to exceed water demand now and into the future. Therefore, due to water planning efforts and water conservation standards, impacts would be less than significant, and the Project's contribution to cumulative impacts would not be cumulatively considerable.

Stormwater Drainage

The geographic context for the analysis of cumulative impacts related to storm drainage is the Mojave River Watershed, which is moderately urbanized with impervious surfaces. Cumulative development within the County could potentially increase the number of impervious surfaces that could cause or contribute to storm drain system capacity exceedance or alter the existing stormwater flow rates that result in adverse effects downstream on a water quality or quantity basis. New development within the watershed would be subject to the environmental review process that would analyze potential impacts associated with stormwater runoff to the storm drain system. New development would be subject to the completion of drainage analyses to ensure that excessive on- or off-site flooding and runoff would not occur as was done for the proposed Project. The post-development condition of the Project would reduce peak storm flow rates and therefore could not contribute to a significant cumulative effect. Therefore, since all cumulative projects are required to adhere to these same existing regulatory drainage control measures, the potential cumulative impact would be less than significant.

Finding

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

2.4.10 Land Use

Division of an Existing Community

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

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

Conflict with Land Use Plans

The Project would not result in 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, as further discussed below.

City of Hesperia Land Use Plans, Policies, and Regulations

General Plan

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

Main Street and Freeway Corridor Specific Plan

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

The Project site is zoned and designated by the Specific Plan as CIBP (City of Hesperia 2021a). The Project site would be developed in accordance with the provisions set forth in this land use designation. The Specific Plan lists CIBP as one of two industrial zones. The CIBP zone is meant to create consolidated areas for employment-creating uses in a business park setting. The zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, to minimize environmental impacts such as noise, vibration, air pollution, glare, or waste disposal. The CIBP zone falls within three land use districts, Main Street/I-15 District, U.S. Highway 395/I-15 District, and Industrial District. The Main Street/I-15 and U.S. Highway 395/I-15 Districts provide enhanced vehicular, truck, and rail accessibility by taking advantage of their location along the I-15 corridor with its connection to U.S. Highway 395, and its linkage to the Southern California Logistics Airport. The Project site falls within the Main Street/I-15 District. The Main Street/I-15 District takes advantage of regional freeway accessibility and visibility through high-quality development and streetscape enhancements.

Among permitted uses in the CIBP zone, warehousing and wholesale distribution cetners are permitted at 200,000 square feet or less. Warehouses and wholesale distribution centers over 200,000 square feet are conditionally permitted. The Specific Plan states that the maximum gross floor area ratio in CIBP zones is 0.35 (City of Hesperia 2021a). Additionally, maximum building height within the zone is 60 feet at the setback line, thereafter height may be increased at a rate of 1-foot in height for every additionally 3-foot increase in front yard setback, up to a maximum building height of 150 feet (City of Hesperia 2021a).

The Project would include construction of a total of 414,700 square feet of warehousing use, which would require a Conditional Use Permit. As part of the Project approvals, the Project Applicant is requesting approval of a Conditional Use Permit. Assuming that the City's decisions makers approve the Conditional Use Permit, the Project would be an allowable use within the CIBP zone. Additionally, the project plans would be reviewed by City staff to ensure consistency with all applicable development standards and regulations.

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

Regional Transportation Plan/Sustainable Communities Strategy

The 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) (also known as the Connect SoCal Plan) was adopted on September 3, 2020, and present the land use and transportation vision for the region through the year 2045, providing a long-term investment framework for addressing the region's challenges (SCAG 2020). The RTP/SCS explicitly lays out goals related to housing, transportation, equity and resilience in order to adequately reflect the increasing importance of these topics in the region, and where possible the goals have been developed to link to potential performance measures and targets. The RTP/SCS development process involved working closely with local governments throughout the region to collect and compile data on land use and growth trends. The core vision of the RTP/SCS is to build upon and expanded land use and transportation strategies established over several planning cycles to increase mobility options and achieve a more sustainable growth pattern.

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

Cumulative Land Use and Planning Impacts

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

Finding

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

2.4.11 Mineral Resources

Mineral Resources and Recovery Sites

According to the Conservation Element in the City's General Plan, mineral resources such as sand, gravel, and stone have been identified within the City (City of Hesperia 2010a). Additionally, several aggregate resources such as gravelly alluvium and sandy alluvium are known to exist within the City. These resources are primarily located within wash areas and active stream channels. Although the City has known mineral resources, none are identified as being of value to the region or the residents of the state (City of Hesperia 2010b). The Project would be located within an area that is not zoned for mineral resource extraction operations, and this, such activities cannot currently occur on the Project site. Therefore, impacts would be less than significant.

Cumulative Mineral Resource Impacts

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

cumulative projects resulting in a significant impact to mineral resources. Therefore, impacts to mineral resources would not be cumulatively considerable.

Finding

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

2.4.12 Noise

Short-Term Construction Impacts

activities would take place during permitted hours (between 7:00 a.m. and 7:00 p.m. on weekdays and Saturdays), and would not occur on Sundays or federal holidays as specified in the City of Hesperia Municipal Code. Construction of the Project would generate noise that could expose nearby receptors to elevated noise levels that may disrupt communication and routine activities. The magnitude of the impact would depend on the type of construction activity, equipment, duration of the construction, distance between the noise source and receiver, and intervening structures. The following discussion addresses the noise levels estimated to result from construction of the Project at nearby sensitive receptors (i.e., residences).

Construction – Equipment Inventory

Consistent with the Project's air quality/greenhouse gas analyses, the California Emissions Estimator Model (CalEEMod) was used to identify the construction equipment anticipated for development of the Project. Based on this information, CalEEMod identified the anticipated equipment for each phase of Project construction.

Construction Noise – Project Site Assessment

With the construction equipment noise sources identified, a noise analysis was performed using the Federal Highway Administration's Roadway Construction Noise Model (RCNM) (FHWA 2008). Input variables for RCNM consist of the receiver/land use types, the equipment type (e.g., backhoe, grader, scraper), the number of equipment pieces, the duty cycle for each piece of equipment (i.e., percentage of time the equipment typically works in a given time period), and the distance from the noise-sensitive receiver to the construction zone. The RCNM has default duty cycle values for the various pieces of equipment, which were derived from an extensive study of typical construction activity patterns. Those default duty cycle values were utilized for this analysis.

Sensitive receptors in the vicinity of the Project site include residential uses to the north, and two motels (i.e., transient residential uses) located to the north-northwest. These sensitive receptors represent the nearest residential land uses with the potential to be impacted by construction and operation of the Project. Non-sensitive land uses (commercial and industrial) exist in proximity to the Project site, and construction noise levels at these receptors were also estimated for informational purposes. Project construction would take place both near and far from existing land uses. For example, construction would take place as near as approximately 3,500 feet from residential land uses north of the Project boundary, but (because of the Project's size) construction work for Building 1 would also take place as far as 4,000 feet from the same residential uses. Most construction activities associated with the Project would occur at an average distance of approximately 3,700 feet from the residential

uses to the north, which represents activities both near and far, as is typical for construction projects. Similarly, the construction noise estimates for the other modeled receptors in the Project vicinity were calculated for both the nearest construction activity/receiver distances and for typical construction activity/receiver distances.

The noise levels from construction are predicted to range from approximately 37 dBA $L_{eq\ 8\text{-}hr}$ (during the architectural coating phase) to 51 dBA $L_{eq\ 8\text{-}hr}$ (during the grading phase) at the nearest noise-sensitive receivers (single family residences approximately 3, 500 feet from the nearest construction work). Typical construction noise levels would be lower. Construction noise levels at the other noise-sensitive receivers would be slightly lower as well. These noise levels would be less than measured ambient noise levels in the area and would be lower than the 80 dBA $L_{eq\ 8\text{-}hr}$ FTA construction noise standard. Therefore, noise from Project site construction would be less than significant. No noise mitigation is necessary.

At the nearest existing land use (commercial uses to the southwest of the Project site), noise levels would range from approximately 58 dBA $L_{eq\ 8\text{-}hr}$ (during the architectural coating phase) to 71 dBA $L_{eq\ 8\text{-}hr}$ (during the grading phase) when construction occurs at and near the Project boundary. More typically, construction noise levels would be lower, ranging from approximately 49 dBA $L_{eq\ 8\text{-}hr}$ (during the architectural coating phase) to 63 dBA $L_{eq\ 8\text{-}hr}$ (during the grading phase) at the nearest existing land use.

Construction Noise – Off-Site Street and Utilities Assessment

the Project would include off-site street and utilities construction activities. Similar to the noise assessment for on-site construction work as summarized above, the resulting noise from off-site construction activities was assessed using the RCNM. The nearest noise-sensitive receivers to the off-site construction activities (and thus the receivers the most affected) would be the residences north of Main Street, during utilities installation within the Main Street alignment, specifically the residences adjacent to measurement location ST1. Noise levels at other locations would be lower because they would be further from the construction work. Utilities installation would occur during the building construction phase. The building construction scenario includes several pieces of equipment, but only a few pieces would be necessary for the utilities installation. Equipment that is anticipated to be used for utility installation includes a backhoe, a forklift, a generator, a crane, and a welder. Because of the linear nature of the work, the amount of time that construction work would occur adjacent to any one noise-sensitive receiver would generally be relatively short (typically, one to two days for open-trench pipeline installation). The worst-case noise level from utilities installation is estimated to be approximately 68 dBA $L_{eq\ 8\text{-}hr}$ at the nearest noise-sensitive receivers (single-family residences approximately 130 feet from the nearest construction work). The wall would reduce the noise level from construction noise by a minimum of 5 decibels[7]; thus, received construction noise at the nearest residences would be approximately 63 dBA $L_{eq\ 8\text{-}hr}$ or less.

Typically, utilities installation would take place further away (an average distance of approximately 2,000 feet from the residences to the north) and thus construction noise levels would be substantially lower at approximately 46 dBA $L_{eq\ 8\text{-}hr}$. These noise levels would be lower than the 80 dBA $L_{eq\ 8\text{-}hr}$ FTA construction noise standard. Also, other off-site Project components (such as roadway construction) would be considerably further from noise-sensitive receivers.

[7] Based upon the fundamentals of sound and noise barrier mechanics, a solid barrier that just barely breaks the direct path between source and receiver will achieve a noise reduction of approximately 5 decibels (Caltrans 2013). The existing 6-foot high residential property line barriers at the residential uses to the north are anticipated to break the line of sight between the residences and the off-site construction work.

Therefore, noise impacts from off-site construction activities would be less than significant. No noise mitigation is necessary.

Construction Noise – Project-Related Construction Vehicles (On-Road)

during construction the highest average daily number of one-way worker trips would be 328 (i.e., 164 round trips), occurring during the building construction phase. The highest average daily number of vendor one-way trips would be 128 (64 round trips), also occurring during building construction; and there would be no haul truck trips. Project-related trucks would be restricted to the City-authorized truck routes, and (like the project sites) would be relatively far from residential or other noise-sensitive areas. It is anticipated that most of the construction-related trips in the Project vicinity would occur on U.S. Highway 395. Based upon Table 3.15-4 of the Hesperia General Plan Update's Draft EIR transportation section (City of Hesperia 2010), U.S. Highway 395 has an average daily traffic volume of 19,446. The incremental increase in local traffic from the project would be approximately 2%. Based upon the fundamentals of acoustics, a doubling (a 100% increase) would be needed to result in a 3 dB increase in noise levels, which is the level corresponding to an audible change to the typical human listener (Caltrans 2013). The resultant traffic noise increase would be much less than 1 dB, and thus would not result in an audible change on an hourly or daily basis.

Therefore, noise related to project-related construction vehicles on local roadways would not result in new significant impacts. No additional mitigation measures are required.

Long-Term Operational Impacts

Traffic Noise

The Project has the potential to result in significant noise impacts from Project-related traffic at nearby noise-sensitive land uses. Based on information consistent with the assumptions in the EIR's transportation analysis, the Project would generate 1,281 daily trips. During the AM peak-hour, implementation of the Project would result in a total of 84 passenger vehicles and 24 trucks. During the PM peak-hour, implementation of the Project would result in a total of 74 passenger vehicles and 21 trucks. All truck trips would access and exit the Project site to the west, via Poplar Street to U.S. Highway 395, where the majority of the truck trips would enter and leave the Project area from and to the south via U.S. Highway 395 and the I-15 on- and off-ramps. No trucks would utilize Main Street, north of the Project site, or other local streets not designated as truck routes.

Potential noise effects from vehicular traffic were assessed using the Federal Highway Administration's Traffic Noise Model Version 2.5 (FHWA 2004). Information used in the model included the Existing, Existing plus Project, Year 2040, and Year 2040 plus Project traffic volumes. Noise levels were modeled at representative noise-sensitive receivers (i.e., the nearest residences and transient residences (i.e., motels) located to the north of the Project site) as well as at adjacent commercial and industrial uses for informational purposes. The receivers were modeled to be 5 feet above the local ground elevation.

The information provided from this modeling, along with the results from ambient noise survey measurements, was compared to the noise impact significance criteria to assess whether Project-related traffic noise would cause a significant impact and, if so, where these impacts would occur.

the Project would increase the traffic noise levels along the nearby arterial roadways by 0 to 2 dB (when rounded to whole numbers). A change (either an increase or a decrease) of 2 dB or less is not a readily audible change in the context of community noise (i.e., outside of a controlled test environment). Furthermore, the Project would not

cause noise levels to exceed applicable City noise standards. The Project is not anticipated to result in significant traffic noise increases or cause an exceedance of applicable traffic noise standards. Therefore, impacts associated with off-site traffic noise would be less than significant.

On-Site Operational Noise

The implementation of the Project would result in changes to existing noise levels on the Project site by developing new stationary sources of noise, including introduction of outdoor HVAC equipment, and vehicle parking lot and truck loading dock activities. These sources may affect noise-sensitive vicinity land uses off the Project site. The following analysis evaluates noise from exterior mechanical equipment and activities associated with vehicle parking lots and truck loading docks. The analysis is based on in-house spreadsheets, which incorporate standard industry calculations for the sum of noise from multiple sources, outdoor attenuation with distance from the noise source(s), and attenuation from barrier placement between source(s) and receiver(s).

Outdoor Mechanical Equipment

The proposed warehouse space overall would not be served by heating or air conditioning equipment. However, the floor plan includes an office space at each corner of the building. Office space within the building would total approximately 20,000 square feet. Based on information provided by the Project Applicant, it is anticipated that the office space would be equipped with single-packaged rooftop HVAC units with air-handling capacity of 20 to 60 nominal tons. For the analysis of noise from HVAC equipment operation, a Carrier WeatherMaker A HVAC unit was used as a reference.

Noise level data provided by the manufacturer was used to determine the noise levels which would be generated by the HVAC equipment. The Carrier WeatherMaker A package HVAC unit has a sound level rating of 77 dBA at 10 feet (Carrier Corporation 2020). Based on the warehouse/office roof design provided, there would be a 6-foot-high parapet extending along the perimeter of the office roof.

The combined noise levels from the HVAC equipment at the Project property lines, the nearest adjacent land uses, and the nearest residential uses were calculated. The maximum hourly noise level (assuming the equipment would run continuously) for the HVAC equipment operating at each examined location would range from approximately 26 dBA L_{eq} at the residential uses to the north to 43 dBA L_{eq} at the Project's western, and eastern property boundaries. These levels are less than the City's Municipal Code noise standards and are well below the measured ambient noise levels in the Project area. The results of the mechanical equipment operations noise analysis indicate that the Project would comply with the City of Hesperia Municipal Code noise ordinance. Mechanical equipment operation would result in noise at the Project site property boundaries/nearest noise-sensitive receiver boundaries that are less than the applicable noise standards and are thus less than significant.

Parking Lot Activity

A comprehensive study of noise levels associated with surface parking lots was published in the Journal of Environmental Engineering and Landscape Management (Baltrënas et al. 2004). The study found that average noise levels during the peak period of use of the parking lot (generally in the morning with arrival of commuters, and in the evening with the departure of commuters), was 47 dBA at 1 meter (3.28 feet) from the outside boundary of the parking lot. The parking area would function as a point source for noise, which means that noise would attenuate at a rate of 6 dB with each doubling of distance. The nearest employee parking lot to the noise-sensitive receivers (residences to the north) is proposed to be situated on the east and west sides of the building, approximately 3,650 feet from the residential property boundary. At a distance of 3,650 feet, parking lot noise levels would be approximately zero (0) dBA and would not be audible.

Trick Loading Dock / Truck Yard Activity

The parking lot study (Baltrënas et al. 2004) also examined noise levels associated with cargo truck delivery activity. The study concluded that average noise levels from truck loading/unloading areas was 96 dBA at 1 meter (3.28 feet) from the boundary of the truck activity area. Truck loading docks would be located not closer than 3,600 feet from the nearest noise-sensitive receivers (residences to the north). Using the outdoor attenuation rate of 6 dBA with each doubling of distance, truck loading activity at residences to the north would produce noise levels of approximately 35 dBA L_{eq}. Thus, the loading dock noise at the nearest residences would be well below the City of Hesperia's residential exposure limits of 60 dBA L_{eq} daytime (7:00 a.m. to 10:00 p.m.) and 55 dBA L_{eq} nighttime (10:00 p.m. to 7:00 a.m.).

In summary, the Project would have operational noise levels less than the applicable noise standards. Consequently, operational noise impacts would be less than significant.

Excessive Groundbourne Vibration or Groundbourne Noise Levels

During operation, no major sources of groundborne vibration are anticipated. Construction activities that might expose persons to excessive groundborne vibration or groundborne noise could cause a potentially significant impact. Groundborne vibration information related to construction activities (including demolition) has been collected by Caltrans (Caltrans 2020). Information from Caltrans indicates that continuous vibrations with a PPV of approximately 0.1 ips begin to annoy people. The heavier pieces of construction equipment, such as bulldozers, would have PPVs of approximately 0.089 ips or less at a distance of 25 feet (FTA 2018). Groundborne vibration is typically attenuated over short distances. At the distance from the nearest vibration-sensitive receivers (residences located to the north) to where construction activity would be occurring on the Project site (approximately 3,500 feet), and with the anticipated construction equipment, the PPV vibration level would be approximately 0.0001 ips. At the closest sensitive receptors, vibration levels would be well below the vibration threshold of potential annoyance of 0.1 ips; therefore, impacts associated with vibration-generated annoyance would be less than significant.

The major concern with regards to construction vibration is related to building damage, which typically occurs at vibration levels of 0.5 ips or greater for buildings of reinforced-concrete, steel, or timber construction. As discussed above, the highest anticipated vibration levels at vibration-sensitive uses from with on-site Project construction would be approximately 0.0001 ips, which would be well below the threshold of 0.5 ips for building damage. Therefore, impacts associated with vibration-produced damage would be less than significant.

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

The Project site is not located within the vicinity of a private airstrip. Additionally, the closest public airport to the Project site is the Hesperia Airport, which is located approximately 5 miles southeast of the Project site. According to the San Bernardino County Airport Land Use Commission, the Project is not located within the airport land use plan for this or other nearby airports (San Bernardino ALUC 1991). Therefore, no impacts associated with airport and aircraft noise would occur.

Finding

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

2.4.13 Population and Housing

Inducement Population Growth

The Project would require temporary construction workforce and a permanent operational workforce, both of which could potentially induce population growth in the Project area. The temporary workforce would be needed to construct the warehouse building and associated improvements. The number of construction workers needed during any given period would largely depend on the specific stage of construction, but would likely ragne from a dozen to several dozen workers on a daily basis. These short-term positions are anticipated to be filled primarily by construction workers who reside in the Project site's vicinity; therefore, construction of the Project would not generate a permanent increase in population within the Project area.

Because the future tenants are not known yet, the number of jobs that he Project would generate cannot be precisely determined. Thus, for purposes of analyses, employment estimates were calculated using average employment density factors reported by Southern California Association of Governments. Southern California Association of Governments reports that for every 2,111 square feet of warehouse space in San Bernardino County, the median number of jobs supported is one (SCAG 2001). The Project would include 414,700 square feet of industrial/warehouse space, exlucing associated governments. As such, the estimated number of employees required for operation would be approximately 196.

According to the City' General Plan, as of January 2009, the population of the City was approximately 88,184 residents. Upon build-out, the City anticipates to grow to more than 243,000 residents (City of Hesperia 2010a). As such, the Project-related increase of approximately 196 employees would represent a nominal percentage of the City's projected future population upon General Plan build-out.[8]

In addition, data provided by the California Employment Development Department in August 2021 found that the unemployment rate for San Bernardino County is at 7.6%, which is approximately the same as the state average 7.5% (EDD 2021). As such, the Project's temporary and permanent employment requirements could likely be met by the City's existing labor force without people needing to relocate into the Project region, and the Project would not stimulate population growth or a population concentration above what is assumed in local and regional land use plans. Therefore, impacts would be less than significant.

Displacement of Existing Housing and People

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

Cumulative Population and Housing Impacts

Cumulative impacts to population and housing would result from a combination of projects that induce population growth. Individually, the project would result in minimal population growth in the City; however, this growth projection is consistent with SCAG's growth projections for the City and the growth projections established in the City's General Plan. The Project's new employees would represent a relatively small percentage of new employment projections in the City,

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

and it is anticipated that future employees would not relocate into the area to work at the Project. The Project would not involve development of infrastructure or roadways that would indirectly lead to population growth. In conclusion, the cumulative growth induced by the Project combined with other approved and proposed projects is unlikely to result in substantial population growth beyond that which the City and region has planned. In combination with the Project, cumulative impacts to population growth or housing availability would not be considerable.

Finding

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

2.4.14 Public Services

New or Physically Altered Government Facilities

Fire

Fire protection and emergency response services for the Project site are provided by the San Bernardino County Fire Department (SBCFD). SBCFD operates three fire stations within the City, with Fire Station 305 (8331 Caliente Road) located approximately 1.9 miles south of the Project site, Fire Station 304 (15660 Eucalyptus Street) located approximately 5.7 miles northeast, and Fire Station 302 (17288 Olive Street) located approximately 6.9 miles east (SBCFD 2021).

According to the City's General Plan Safety Element, the average response time within the City is approximately 7 minutes, 16 seconds (City of Hesperia 2010a). If needed, fire stations from adjacent cities, such as Victorville and Apple Valley may respond to emergency calls in Hesperia. Based on the proximity of the Project site to the existing SBCFD facilities, the average response times in the Project area, the ability for nearby cities to respond to emergency calls, and the fact that the Project site is already located within SBCFD's service area, the Project could be adequately served by the SBCFD without the construction of new, or the expansion of existing, facilities.

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

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

Police

Police protection and emergency response services for the Project site are provided by the San Bernardino County Sheriff's Department (SBCSD). The sheriff operates one station within the City, Hesperia Police Department (15840 Smoke Tree Street), and is located approximately 5 miles east of the Project site. Hesperia Police Department is comprised of approximately 58 law enforcement personnel, including 1 captain, 1 lieutenant, 7 sergeants, 5 detectives, and 44 deputy sheriffs (City of Hesperia 2021b).

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

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

Schools

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

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

Parks

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

Other Public Facilities

Given the industrial nature of the Project and the lack of population growth that would result from the Project, it is unlikely that the Project would increase the use of libraries and other public facilities. Therefore, no impacts would occur.

Cumulative Public Service Impacts

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

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

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

Finding

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

2.4.15 Recreation

Existing, Expanded, and New Recreation Facilities

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

Cumulative Recreational Impacts

Cumulative impacts to recreation would result from a combination of projects that induce a substantial and detrimental increased use of parks and recreational facilities. Individually, the Project would result in a slight population growth in the City; however, as previously discussed, this growth projection is consistent with SCAG's growth projections for the City and the growth projections established in the City's General Plan, and would not result in substantial physical deterioration of existing facilities. Related residential projects would have the most

obvious growth-inducing impacts, and would also be subject to the City's Parkland Facilities DIF for residential units, as allowed by the Quimby Act (California Government Code Section 66477), which is used for park and recreational facility improvements. These contributions would aid the City in creating or improving recreational facilities. The cumulative growth induced by these projects would be within the growth projections for the City. The cumulative growth induced by the project combined with other approved and proposed projects is unlikely to result in substantial impacts to recreational facilities or require the construction or expansion of recreational facilities beyond what the City and region are already planning for. In combination with related projects, cumulative impacts to recreation would not be considerable.

Finding

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

2.4.16 Transportation

Conflict with Circulation System Plan, Ordinance, or Policy

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

Regional Transportation Plan/Sustainable Communities Strategy

As previously discussed, the Project would be consistent with the 2020–2045 RTP/SCS.

City of Hesperia General Plan Circulation Element and Main Street and Freeway Corridor Specific Plan

The Project would be consistent with the applicable goals and policies of the General Plan Circulation Element and the MSFCSP. The Project would not hinder the City's ability to develop a safe, efficient, convenient, and attractive transportation system throughout the community. The Project would include on and off-site roadway improvements to serve internal circulation needs, as well as to mitigate impacts of increased traffic on the existing road system. The Project would also participate in the City's development impact fee program. The Project is also located in an area that would not encourage traffic to utilize local residential street for access or parking needs. Consistent with the Main Street/I-15 and US Hwy 395/I-15 Districts, the Project location takes advantage of the location along the I-15 corridor with its connection to US Hwy 395.

Transit, Bicycle, and Pedestrian Facilities

The Project would not conflict with any plans or policies regarding existing or proposed bicycle and pedestrian facilities in the study area and would be consistent with the City of Hesperia General Plan Non-Motorized Transportation Plan. Currently, there are no sidewalks along the Project frontage and the intersections adjacent to the Project site do not currently have pedestrian crosswalks. As such, it is recommended that the Project applicant work in conjunction with the City to improve pedestrian facilities and connectivity along the Project frontage by constructing sidewalks and pedestrian crossings at intersections adjacent to the Project site.

VVTA Routes 25, 64, and 68 are the closest transit service routes to the Project and the closest bus stop is approximately ¼ mile to the northwest of the Project site at Cataba Road and Main Street. The VVTA Routes could potentially serve the Project in the future. Transit service is reviewed and updated by VVTA periodically to address ridership, budget, and community demand needs. Changes in land use can affect these periodic adjustments which may lead to either enhanced or reduced service where appropriate. As such, it is recommended that the Project applicant work in conjunction with VVTA to potentially provide bus service to the site.

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

Conflict with CEQA Guidelines Section 15064.3 (b)

CEQA Guidelines Section 15064.3(b) focuses on VMT for determining the significance of transportation impacts. As shown in the following analysis, the Project is estimated to generate VMT per service population below the county regional average for this metric. The Project would be consistent with CEQA Guidelines Section 15064.3(b); therefore, impacts would be less than significant.

VMT Screening

The City TIA Guidelines (City of Hesperia 2020) provide details on appropriate screening thresholds that can be used to identify when a proposed land use project is anticipated to result in a less-than-significant impact without conducting a more detailed analysis. A land use project need only to meet one of the below screening thresholds to result in a less-than- significant impact.

- **TPA Screening:** Consistent with guidance identified in the Technical Advisory and City's Guidelines, projects located within a Transit Priority Area (TPA) (e.g., within ½ mile of an existing "major transit stop" or an existing stop along a "high-quality transit corridor") may be presumed to have a less than significant impact absent substantial evidence to the contrary. Based on the Screening Tool results, the Project site is not located within ½ mile of an existing major transit stop, or along a high-quality transit corridor.
- **Low VMT Area Screening:** As noted in the Technical Advisory and the City's Guidelines, 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 Screening Tool uses the sub-regional SBTAM to measure VMT performance within individual TAZs within the region. The Project's physical location based on parcel number was input into the Screening Tool to determine the TAZ's VMT as compared to the County average. A parcel within the Project site was selected and the Screening Tool was run for VMT per service population (e.g., population and employment) measure of VMT. Based on the Screening Tool results, the VMT per service population for the project TAZ is 95.1, and the County of San Bernardino VMT per service population is 33.2.9 Therefore, the TAZ would be 186.4% above the County's threshold, which would not meet the required baseline screening criteria established in the City's guidelines. The Project would not qualify as residing in a low VMT area.

[9] The City's TIA guidelines state the current County of San Bernardino VMT threshold is 32.7 VMT/Service Population. However, the screening tool identifies the County baseline as 33.2 VMT/Service Population.

- **Project-Type Screening:** The City's Guidelines states that projects that are consistent with the current SCS or general plan, and that generate fewer than 110 daily vehicle trips be presumed to have a less-than-significant impact on VMT. The Project would generate 1,281 daily vehicle trips (1,634 passenger car equivalents) and would not be eligible to screen out based on project type screening.

As outlined above, the Project does not meet the screening criteria identified in the City's guidelines. Therefore, the Project's potential impact on VMT was evaluated and is summarized below.

VMT Analysis Approach

Project VMT has been calculated using the most current version of SBTAM. The OPR Technical Advisory (2018) provides technical assistance and recommendations for the analysis of VMT. The methodology recommendations for the VMT analysis include a discussion on vehicle types. An excerpt from the OPR Technical Advisory regarding vehicle types is below:

> **Vehicle Types.** Proposed Section 15064.3, subdivision (a), states, "For the purposes of this section, 'vehicle miles traveled' refers to the amount and distance of automobile travel attributable to a project." Here, the term "automobile" refers to on-road passenger vehicles, specifically cars and light trucks. Heavy-duty truck VMT could be included for modeling convenience and ease of calculation (for example, where models or data provide combined auto and heavy truck VMT). For an apples-to-apples comparison, vehicle types considered should be consistent across project assessment, significance thresholds, and mitigation.

Per Section 21099 of the Public Resource Code, the selection of the VMT criteria for determining the significance of transportation impacts was intended to promote reductions of GHG emissions; to develop multimodal transportation networks; and to diversify land uses. As mentioned in the OPR's Technical Advisory, there are various legislative mandates and state policies that establish quantitative GHG emission reduction targets. Pursuant to Senate Bill 375, the CARB GHG emissions reduction targets for MPOs call for reductions in GHG emissions only from cars and light trucks. Therefore, a custom model run using the SBTAM was conducted to estimate VMT from automobiles (i.e., cars and light trucks) only, and the Project's VMT and the threshold VMT were extracted only for automobile VMT. This allows for an apples-to-apples comparison of VMT generated by vehicle types across project assessment, significance thresholds, and mitigation (if any). While the abovementioned OPR Technical Advisory allows for heavy-duty truck VMT to be included in modeling, it is important to note that this allowance was provided for modeling convenience and ease of calculation; however, in keeping with the intent of Section 21099 of the California Public Resources Code and Section 15064.3, subdivision (a) of the CEQA Guidelines (which specify that automobile VMT is the primary metric that should be evaluated), the extra step of removing heavy truck VMT from SBTAM was undertaken to provide for a project-level analysis that most appropriately meets the intent of SB 743. Additionally, as noted during an informational question-and-answer session conducted by OPR to provide information and guidance on conducting project-level VMT analysis (OPR 2020), it is automobile VMT (i.e., cars and light-duty trucks) that needs to be quantified for all land uses, including warehouses. Therefore, a custom model run using the SBTAM was conducted to estimate VMT from automobiles (i.e., cars and light trucks) only, and the Project's VMT and the threshold VMT were extracted only for automobile VMT.

Per standard travel demand modeling procedure, two model runs were conducted to estimate Project's VMT. The first model run included the existing land uses for the area with no changes. While the base year VMT is available from the SBCTA Screening Tool (i.e., 33.2 VMT per service population as described in the screening discussion), the

first model run was conducted to set the thresholds and to present an apples-to-apples comparison of only automobile VMT. The model run included both the baseline conditions (2016) and cumulative conditions (2040). The second model run was conducted with socio-economic data from the proposed Project and provided the Project generated VMT per service population. Roadway (or link-level boundary) VMT was also calculated for all vehicles to estimate Project's effect on VMT.

VMT Per Service Population

The Project generated VMT is defined as the VMT attributed to automobile trips to and from the Project. Based on the City thresholds, if a project-generated VMT per service population exceeds the baseline County of San Bernardino average VMT per service population, the project has a significant impact under CEQA.

the County average automobile VMT is 28.9 VMT per service population under baseline (Year 2016) conditions. The Project generated VMT is 25.6 VMT per service population under baseline (Year 2016) conditions, which is below the baseline threshold. Under the cumulative (Year 2040) conditions, the County average automobile VMT is 30.1 VMT per service population. The Project generated VMT is 25.7 VMT service population under cumulative conditions, which is also below the cumulative baseline threshold. Therefore, based on the City's thresholds, the Project generated VMT would have a less than significant impact.

Project Effect on VMT

The Project effect on VMT evaluates the change in roadway (or link-level boundary) VMT within the County streets due to the proposed Project. Based on the City thresholds, if the link-level boundary VMT per service population increases Countywide under the plus Project condition compared to the no Project condition, the Project would have a significant impact per Project effect on VMT criteria.

With the proposed Project, the VMT per service population within the County (19.9 VMT per service population) will stay the same under the baseline conditions. Under the cumulative conditions, with the proposed Project, the VMT per service population within the County will decrease from 24.0 VMT per service population to 23.9 VMT per service population. Because the Project would not increase the roadway (or link-level boundary) VMT per service population in either the baseline or cumulative conditions, the Project's effect on VM would be less than significant.

VMT Per Service Population (with Heavy Trucks)

While not required by CEQA, a model run using the SBTAM was also conducted to estimate VMT from both automobiles and trucks. The County average VMT (including automobiles and heavy trucks) is 30.6 VMT per service population under baseline (Year 2016) conditions. The Project generated VMT is 37.0 VMT per service population under baseline (Year 2016) conditions, which exceeds the baseline threshold. Under the cumulative (Year 2040) conditions, the County average VMT (including automobiles and heavy trucks) is 32.1 VMT per service population. The Project generated VMT is 36.6 VMT service population under cumulative conditions, which also exceeds the cumulative baseline threshold.

VMT Impact Determination

As determined from the VMT analysis summarized above, under the baseline conditions, the Project generated OD VMT for automobiles is 25.6 VMT per service population, which is less than the baseline threshold of 28.9 VMT per service population (established for automobiles only VMT from the Project specific model run). Under cumulative

conditions, the Project generated OD VMT for automobiles is 25.7 VMT per service population, which is also less than the cumulative threshold of 30.1 VMT per service population. The roadway (or link level boundary) VMT within the County of San Bernardino is 19.9 VMT per service population without Project conditions which will stay the same under Project conditions. Therefore, based on City's thresholds, the Project generated VMT and the Project's effect on VMT would have a less than significant impact. The Project would not conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Inadequate Emergency Access

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

Finding

The City finds that, based upon substantial evidence in the record, the proposed project would have a less than significant impact on transportation as it relates to conflicts with a circulation system plan, ordinance, or policy, conflicts with CEQA Guidelines section 15064.3 (b), and inadequate emergency access. Therefore, no mitigation is required.

2.4.17 Utilities and Service Systems

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

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

Water Facilities

The Project would involve the construction of water distribution infrastructure (i.e., pipes, valves, meters, etc.) to provide domestic water, firewater, and irrigation to the Project site. There are existing water lines within Poplar Street and Mesa Linda Street. The proposed Project would require a new water line into one of these existing water mains.

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

Water Treatment Facilities

While the Project would result in an incremental increase in demand for water treatment capacity, the Project's water demand would not result in or require new or expanded water treatment facilities beyond those facilities that are already planned as part of Hesperia Water District's 2020 UWMP. As such, implementation of the Project would not result in the need to expand water treatment facilities. Therefore, impacts associated with water treatment facilities would be less than significant.

Wastewater Conveyance Facilities

As previously discussed, within the immediate vicinity of the Project site, existing sewer lines include a gravity line starting east of Highway 395 in line with Sultana Street (to the north of the Project site) and another also going from east to west along Poplar Street. The relocation and construction of the proposed sewer improvements has the potential to cause environmental effects associated with buildout of the Project as a whole. However, the proposed sewer improvements have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within this Draft EIR. There are no unique impacts associated with the installation of sewer infrastructure to serve the Project that have not been discussed and accounted for in this document. Therefore, impacts associated with wastewater conveyance facilities would be less than significant.

Wastewater Treatment Facilities

Upon build-out of the Project, the Project's wastewater would be conveyed to the Hesperia Subregional Water Recycling Facility and to the VVWRA RWWTP, which has a treatment capacity of 18.0 mgd and currently produces an average flow of 12.5 mgd, or approximately 70% of its total capacity. According to the wastewater generation rates used in the Project's air quality, greenhouse gas emissions, and energy analyses, the Project would generate approximately 0.2102 mgd of wastewater. Projected wastewater from the Project would represent approximately 3.8% of the remaining capacity of the treatment facility. Given the remaining capacity of the VVWRA RWWTP, the VVWRA RWWTP would be able to adequately accommodate the Project's contribution of wastewater. As such, no improvements to any of the City's or VVWRA's facilities would be required to ensure sewer service to the Project site. Therefore, impacts associated with new wastewater treatment facilities would be less than significant.

Stormwater Drainage Facilities

The Project site and a majority of the surrounding area are characterized as a rural, undeveloped, vacant land comprised of pervious surfaces. Ground surface cover within the Project site is moderately vegetated with native grasses, shrubs, and trees. The predominance of pervious surfaces currently allows for the percolation of water into the underlying soils. Developed land typically has a much lower rate of percolation, increasing the amount of runoff reaching the storm drain infrastructure. However, as discussed in Section 4.8, stormwater infiltration would be used as an LID feature as part of the Project.

The Project-specific preliminary drainage report includes analysis of existing and proposed hydrologic conditions to determine whether the post-construction runoff would have any impact on the receiving storm drain system. An analysis was completed for the 2-year, 10-year, 25-year, and 100-year, 24-hour storm event, in accordance with the San Bernardino County Hydrology Manual, to calculate the existing and Project conditions. The proposed stormwater drainage system basins would be sized and designed to prevent flooding from a 100-year storm while also

accommodating the required retention volume for water quality purposes. The basins would be designed to capture the entire volume generated from a 10-year 24-hour storm, meaning no runoff would be discharged off site.

The Project-specific Preliminary WQMP indicates that stormwater runoff from the Project site would be conveyed to two on-site aboveground infiltration/retention basins and one underground corrugated metal pipe detention systems, which would be designed to capture and infiltrate more than the difference between the existing drainage and propose drainage conditions.

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

Electric Power, Natural Gas, and Telecommunications

Development of the Project would increase demands for electricity and natural gas and would increase requirements for telecommunication technology infrastructure. Upgrades would be required with respect to electric power, natural gas, and telecommunication facilities (i.e., cable television services), based on the change in land use (i.e., greater intensification). These utilities would be part of a dry utility package that would be installed on site and in the adjacent public roadways to provide service to the Project. Upgrades would be confined to the connections to the Project site and not any off-site centralized facilities. The existing infrastructure is located directly adjacent to the Project site within the public streets. Connection to these existing utilities would require limited construction, which would be temporary and limited to trenching, to the depth of the underground lines. Project construction would occur in accordance with all applicable regulatory requirements. These upgrades and connections have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within this Draft EIR.

Electricity would be provided to the Project site by SCE. SCE conducts ongoing monitoring and electrical project development to ensures that it can provide adequate electrical service to the Project area. SoCalGas's Projections out to 2035 continue to show available capacity that is well above the existing and future anticipated natural gas demand in the area serviced by SoCalGas (California Gas and Electric Utilities 2022). There are a number of private telecommunications service providers that provide connections to their communication systems on an as-needed basis and maintain existing infrastructure in the vicinity of the Project site. Project demand for electricity, natural gas and telecommunications would be adequately served by existing infrastructure and capacity. Therefore, impacts associated with electric, natural gas, and telecommunication lateral connections would be less than significant.

Sufficient Water Supplies

Implementation of the Project would result in the construction of two industrial/warehouse buildings and associated improvements areas on an approximately 17.87-acre site. Based on estimates that were used to calculate energy usage for the operation of the Project, the total water demand for the Project was estimated at 79.3 million gallons per year or 217,260 gallons per day, which is the equivalent of 243 acre-feet per year (AFY). As there is currently no existing water demand for the Project site, the net increase in water demand would be equivalent to the Project's proposed water demand of 243 AFY.

The 2021 Hesperia Water District UWMP has planned for growth within its service area over the next 20 years. Hesperia Water District has made an allowance for future demand estimates. Future demand services are based on historical growth rates in the service area. According to Table 7-2 in the Hesperia Water District 2021 UWMP, Hesperia Water District projects a water demand increase of 3,170 AFY from 2025 (15,250 AFY) to 2045 (18,420 AFY). The net water demand of the proposed Project development would be accounted for within this growth, as the Project is consistent with the underlying City land use designations for the Project site.

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

Adequate Capacity for Wastewater Treatment

As previously discussed, upon build-out of the Project, the Project's wastewater would be conveyed to the Hesperia Subregional Water Recycling Facility and to the VVWRA RWWTP, which has a treatment capacity of 18.0 mgd and currently produces an average flow of 12.5 mgd, or approximately 70% of its total capacity. According to the wastewater generation rates used in the Project's air quality, greenhouse gas emissions, and energy analyses, the Project would generate approximately 0.2102 mgd of wastewater. Projected wastewater from the Project would represent approximately 3.8% of the remaining capacity of the treatment facility. Given the remaining capacity of the VVWRA RWWTP, the VVWRA RWWTP would be able to adequately accommodate the Project's contribution of wastewater. Furthermore, as previously discussed, to accommodate an increase in population growth throughout the region, the Hesperia Water District, in cooperation with the VVWRA, plans to expand the water recycling facility to treat 2.0 mgd of wastewater by 2030 as well as build a second water recycling facility within the City that would be able to treat 2.6 mgd of wastewater by 2040.

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

Generation of Solid Waste

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

Short-Term Construction Impacts

Construction of the Project would result in the generation of solid waste such as scrap lumber, concrete, residual wastes, packing materials, plastics, and soils. Per the CALGreen Code, at least 65% of construction and demolition waste must be diverted from landfills. The City also has construction and demolition debris diversion requirements; however, the CALGreen standards require an equivalent level of diversion (65% diversion). Any hazardous wastes that are generated during construction activities would be managed and disposed of in compliance with all applicable federal, state, and local laws. The remaining 35% of construction material that is not required to be recycled would either be disposed of or voluntarily recycled at a solid waste facility with available capacity. As previously described, there are two existing landfills within San Bernardino County that accept inert waste, the Victorville Sanitary Landfill and the Chino Valley Rock Landfill. However, as waste from the City is already transported to the Victorville Sanitary Landfill, it would continue to be transported there. As of 2020, this landfill had an expected remaining capacity of 93,400,000 cubic yards and will remain open for another 27 years.

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

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

Long-Term Operational Impacts

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

As previously discussed, the City has a franchise agreement with Advance Disposal, which designates them as the City's exclusive waste hauler. Advance Disposal owns and operates the Advance Disposal Co & Recycling Center, which recycles 75% or more of the municipal's waste prior to being transferred to the Victorville Sanitary Landfill. This landfill has a maximum daily permitted throughput of 3,000 tons per day. Assuming solid waste is collected weekly, the net solid waste that is anticipated to be produced by the Project would equate to approximately 0.087% of the available capacity of the Victorville Landfill through its estimated closure date.

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

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

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

Solid Waste Statutes and Regulations

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

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

Cumulative Utilities and Service Systems Impact

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

Water Supply

The development of the Project would increase land-use intensities in the area, resulting in increased water usage. The Project would be served by Hesperia Water District. As such, the development of the Project would increase the amount of water used in the Hesperia Water District's service area. Hesperia Water District 2021 UWMP estimates the annual water demand for 2025 is projected to be 15,250 acre-feet. This equates to approximately 4.97 billion gallons a year of water or 13.6 mgd. Hesperia Water District UWMP states that Hesperia Water District and other water agencies in Southern California have planned provisions for regional water for the growing population, including drought scenarios for its service area. This plan includes a new water demand forecast prepared for the major categories of demand and uses regional population, demographic projections, the dry climate, historical water use to develop these forecasts. As such, the Project would not be expected to result in increased water usage causing the need for new entitlements, resources, and/or treatment facilities that are not already being planned to accommodate regional growth forecasts.

In addition, the 2021 UWMP and the WSA prepared for the proposed Project concluded that water demand and supply projections for Hesperia Water District, including the Project, demonstrate that projected supplies exceed demand through the year 2045. These projections consider land use, water development programs and projects, and water conservation. For example, Hesperia Water District, in coordination with the VVWRA, plans on expanding the Hesperia Subregional Water Recycling Facility water treatment capacity from 1.0 mgd to 2.0 mgd by 2030 as well as building a second water recycling facility within the City that would be able to treat 2.6 mgd of wastewater by 2040. The City additionally plans to construct multiple recharge basins in cooperation with Mojave Water Agency to deliver and recharge State Water Project water into underlying groundwater basins within the Hesperia Water District's service area. Collectively, these additional programs would enable water supply to exceed water demand for the Hesperia Water District now and into the future.

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

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

Wastewater

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

Solid Waste

Development of the Project would increase land-use intensities in the area, resulting in increased solid waste generation in the service area for the Victorville Sanitary Landfill. However, per CALGreen, 65% of construction and debris waste must be diverted from landfills. Once operational, AB 939 mandates that cities divert from landfills, at a minimum, 50% of the total solid waste generated to recycling facilities. According to Advance Disposal, the exclusive waste hauler of the City of Hesperia, the City currently recycles 75% or more of debris generated within the municipality. In addition, to reduce on-site solid waste generation, the Project would be required to implement waste reduction, diversion, and recycling during both construction and operation. Therefore, through compliance with state and local solid waste diversion requirements, Project impacts would not be cumulatively considerable.

Electric Power, Natural Gas, and Telecommunication

Development of the Project would add to demands for energy and would increase requirements for telecommunication technology infrastructure. As stated in Section 4.11.1, the CAISO plans and coordinates grid enhancements to ensure that electrical power is provided to California consumers. To this end, transmission owners (investor-owned utilities such as SCE) file annual transmission expansion/modification plans to accommodate the state's growing electrical needs. The CAISO reviews and either approves or denies the proposed additions. In addition, and perhaps most importantly, the CAISO works with other areas in the western United States electrical grid to ensure that adequate power supplies are available to the state. In this manner, continuing reliable and affordable electrical power is assured to existing and new consumers throughout the state. Typically, upgrades to

utility networks fall under the jurisdiction of the California Public Utilities Commission and would be subject to environmental review as electrical projects are proposed. As a result of this process which involves ongoing monitoring and electrical project development, SCE ensures that it can provide adequate electrical service to the Project area.

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

Finding

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

2.4.18 Wildfire

Impair an Adopted Emergency Response Plan

The Project site is not located in SRA lands or lands classified as Very High FHSZ. However, SRA lands classified as Moderate and High FHSZs are located immediately south and west of the Project site, respectively. As further discussed in Section 4.10, Transportation, access to the Project site would be provided by four driveways. These driveways have been designed such that adequate emergency access would be provided and in accordance with emergency apparatus access requirements. These driveways are listed below.

- Driveway A via Lassen Road north – 45-foot-wide, full-access (passenger cars/trucks) driveway with stop sign
- Driveway B via Mesa Linda Street north – 45-foot-wide, full-access (passenger cars/trucks) driveway with stop sign
- Driveway C via Lassen Road south – 30-foot-wide, full-access (passenger cars only) driveway with stop sign
- Driveway D via Mesa Linda Street south – 30-foot-wide, full-access (passenger cars only) driveway with stop sign

The City of Hesperia Emergency Preparedness Program serves as a resource for residents and businesses to plan for emergencies. Further, the City's Hazard Mitigation Plan includes resources and information to assist City residents, public and private sector organizations, and others interested in participating in planning for natural hazards (City of Hesperia 2017). The Hazard Mitigation Plan identifies wildfire as one of the natural hazards faced by the City and establishes the goal to "reduce the risk of death, injury, property damage and economic loss due to vegetation and structure fires." As they relate to the Project, the mitigation objectives and actions outlined in the Hazard Mitigation Plan would require that the Project be designed and constructed in accordance with the most recent CBC and CFC (and local amendments), and regular fire safety inspections would ensure that the Project is in compliance with fire inspection standards, and provides adequate fire protection and weed abatement to reduce

the potential for vegetation fires (City of Hesperia 2017). The Project would comply with all City and state requirements related to fire safety, and the Project would comply with all requirements outlined in the Hazard Mitigation Plan.

In the event of a wildfire, the City, in cooperation with the SBCFD, would use the City's public notification systems and provide evacuation instructions. Exhibit SF-4 of the City's General Plan identifies potential shelters and emergency evacuation routes within the City. There are two potential evacuation routes nearest to the Project site: Interstate (I) 15, Highway 395, and Phelan Road/Main Street. I-15 is located east of the Project site and serves as a major transportation corridor providing a direct connection to other major interstates and highways. Highway 395 is located west of the Project site and serves as a secondary north–south highway leading north off I-15. Phelan Road/Main Street is a major east-to-west arterial road north of the Project site (City of Hesperia 2010). The Project would not impede access to I-15, Highway 395, and Phelan Road/Main Street or otherwise impact the functionality of the road to operate as a potential evacuation route. The Project would construct four access driveways into the Project site from Mesa Linda Street, and Lassen Road, as well as frontage improvements along Mesa Linda Street, Poplar Street, and Lassen Road Street that would improve operations on surrounding roads.

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

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

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

Short-Term Construction Impacts

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

Long-Term Operational Impacts

Slope

the Project site, and the surrounding area are relatively flat. The Project site elevation ranges from 3,600 feet amsl to 3,630 feet amsl, with a slope gradient of less than 2% downward towards the northeast. Upon Project implementation, the portions of the site that would be developed would be graded to a flat, level surface. The Project site and surrounding area do not contain slopes typical of exacerbating wildfire risk, and once developed, the Project would not result in steep slopes typical of exacerbating wildfire risk.

Prevailing Winds

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

Other Factors

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

Vegetation

The vegetation cover on site and in the surrounding area consists of Joshua tree woodland. Vegetation in the Project area is generally spaced out, and consistent with the Mojave Desert Bioregion, limiting the amount of surface fuel loads available to burn, which inhibits fire spread (City of Hesperia 2010b). Further, the Project would convert vacant land with moderate vegetation cover into development consisting of a large warehouse building, paved surface parking, and maintained landscape areas. landscaping for the Project is proposed for the parking areas, portions of the building, and the site frontages. Landscaping would consist of a mixture of trees, shrubs, and groundcover, which would be implemented according to Chapter 16.20 of the City's Municipal Code, and would consist of vegetation found in the surrounding desert environment. Highly flammable vegetation would not be used in Project landscaping.

Building Materials and Setbacks

The Project building would be required to comply with the City's Municipal Code, which adopts the 2019 CFC and includes provisions for fire safety and fire-resistive construction. Further, compliance with required setbacks would allow for space between Project building and off-site vegetation. Studies indicate that given certain assumptions (e.g., 10 meters of low-fuel landscape, no open windows), wildfire is unlikely to spread to buildings unless the fuel and heat requirements of the building are sufficient for ignition and continued combustion (Alexander et al. 1998; Cohen 1995). Construction materials and methods can prevent or minimize ignitions. According to previous

research, post-fire assessments conducted in San Diego County indicate that updated building codes have shown success in preventing structural loss (IBHS 2008). The distance between a wildfire that is consuming wildland fuel and a building is the primary factor for structure ignition (not including burning embers) (Cohen 2000). Low-ignitability buildings provide the option of reducing the wildland fire threat to structures without extensive wildland fuel reduction. The Project would be required to comply with construction methods outlined in the City's Municipal Code, the CFC, and the CBC, which specify requirements for materials and construction methods for fire safety. The proposed building materials for Project structures include concrete, metal, aluminum entrance front framing, glass, and other fire-resistant materials. If structures have sufficiently low ignitability, such as the Project's structure, buildings can survive exposure to wildfire without major fire destruction.

Proposed Activities

Project activities would introduce new potential sources of ignition to the Project site. Tenants for the Project have not been identified; however, operations would likely include storage of materials within the warehouse building, ingressing and egressing of trucks within designated truck courts/loading areas, loading and unloading of trucks/trailers, internal and external movement of materials around the Project site via forklifts, pallet jacks, and similar equipment and passenger vehicles accessing the site. Given that the proposed use would not exacerbate fire risk, and given that vegetation on site would consist of fire-resistant and irrigated landscaping, the likelihood of a fire starting on site and spreading to off-site areas would be minimal.

Summary

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

Exacerbate Fire Risk from Installation or Maintenance of Associated Infrastructure

The Project involves the development of an undeveloped site with an industrial/warehouse building, surface parking, and loading areas. The Project would include installation and maintenance of associated infrastructure including driveways and surface parking, and connections to service utilities (e.g., water, wastewater, sanitary sewer, stormwater drainage, electric power, natural gas, and telecommunications services). The majority of the associated infrastructure and utility connections would occur on site or adjacent to the site and would not result in off-site environmental impacts or exacerbate wildfire risk. However, the Project would also include limited off-site improvements and utility connections. In particular, the Project would include installation of new and upsizing of existing domestic water lines and sewer lines in the Project vicinity (collectively, the Off-Site Sewer Alignment and the Off-Site Water Alignment are referred to as the Off-Site Utilities Alignments). The Project would also include off-site frontage and pedestrian improvements along Mesa Linda Street, Poplar Street, and Lassen Road.

Given that the Project includes connecting utilities from their current locations to the Project site and the new off-site improvements that would require ground disturbance and the use of heavy machinery associated with trenching, the installation of these utility service lines could potentially result in temporary or ongoing impacts to the environment and could exacerbate wildfire risk by introducing new potential sources of ignition, such as the use of heavy machinery, welding, or other hot work. However, as previously discussed, vegetation would be removed from the site before the start of construction, and the site would be graded to a flat, level surface, which would reduce the likelihood of fire ignition during installation and connection of utilities.

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

Expose People or Structures to Significant Risks

The Project site is located within the Mojave River Watershed. The Mojave River is the primary geologic or hydrologic feature in the watershed and is primarily fed by precipitation and snowmelt in the San Bernardino Mountains. The Mojave River is located approximately 9 miles east of the Project site. The Project site is not within areas mapped as susceptible to subsidence, landslides, or liquefaction as shown in Exhibit SF-2 of the City's General Plan (City of Hesperia 2010). The Project site is located in Zone X, an area of minimal flood hazard (FEMA n.d.). This area is higher in elevation than the 0.2% annual chance of flood (i.e., 500-year flood). Further, the Project site and surrounding area consist of relatively flat land that is not typically susceptible to landslides or downslope or downstream flooding. Although internal drainage patterns would be somewhat altered as a result of Project development, the Project would maintain adequate stormwater conveyance and would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off-site. Further, according to available wildfire history wildfires have not burned onto or adjacent to the Project site, precluding the risk of post-fire slope instability. Therefore, due to the proposed grading of the site, the relatively flat surrounding lands, and the fact that the site would be developed and paved, the likelihood for downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes would be minimal, and impacts would be less than significant.

Cumulative Wildfire Impacts

The cumulative context considered for wildfire impacts is San Bernardino County, and more specifically, the Mojave River watershed, which encompasses 4,500 square miles. CAL FIRE has mapped areas of fire hazards in the state based on fuels, terrain, weather, and other relevant factors. As described above, the Project site is located in a moderate FHSZ but is adjacent to SRA lands designated as Moderate and High FHSZs. The Project, combined with other projects in the region, would increase the population and/or activities and potential ignition sources in the area, which may increase the potential of a wildfire and increase the number of people and structures exposed to the risk of loss, injury, or death from wildfires. Individual projects located within the County would be required to comply with applicable fire and building codes, which have been increasingly strengthened as a result of severe

wildfires that have occurred in the last two decades. The fire and building codes include fire prevention and protection features that reduce the likelihood of a fire igniting in a specific project and spreading to off-site vegetated areas. Further, any related projects located in fire hazard areas would be required to comply with vegetation clearance requirements, as outlined in the applicable fire and building codes. These codes also protect projects from wildfires that may occur in the area through the implementation of brush management and fuel management zones, ensuring adequate water supply, preparation of fire protection plans, and other measures.

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

Finding

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

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3 Findings on Project Alternatives

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

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

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

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

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

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

Alternate Land Uses

According to the City's General Plan and the Main Street and Freeway Corridor Specific Plan (MSFCSP), the land use and zoning designations for the Project site is Commercial/Industrial Business Park (CIBP). The Alternative land uses for the Project site, including residential, commercial/retail, and mixed-use, were considered and rejected because these land uses are not consistent with the CIBP zoning designation.

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

deviate from industrial-based activities, including residential, standalone retail, and residential mixed-use, are not identified in the MSFCSP as being suitable within the CIBP zone (City of Hesperia 2021).

In addition, given the proximity of other existing industrial uses in both the immediate and broader Project area, most uses other than industrial, manufacturing, heavier commercial, and similar activities would likely not be compatible with the neighboring industrial and truck-related uses; thus, the Project site would be an undesirable location for residential, standalone retail, and residential mixed-use land uses.

Alternate Sites

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

Development of the Project in an alternate location would have similar impacts as would occur with implementation of the Project at its proposed location. Thus, moving the Project to an alternative site—assuming that another 17.87-acre property exists within the City and is available—would merely displace environmental impacts instead of avoiding or minimizing them.

Further, if the alternate site were to be located farther from major regional transportation routes (e.g., I-15, U.S. Highway 395, and other local truck routes), operational impacts associated with traffic congestion, truck noise, and tailpipe air contaminant emissions would likely be greater than those associated with the Project and disclosed in this EIR, as the vehicles would need to travel farther on local roads to reach regional highway systems.

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

3.2 Alternatives Selected for Further Analysis

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

The evaluation below provides a relative comparison between the Project and each of the three Project alternatives. The analysis considers the issue areas evaluated in Chapter 4, Environment Analysis, and Chapter 5, Effects Found Not to Be Significant, of this EIR. In many cases, the Project and a Project alternative may share the same level of significance

(i.e., both scenarios would result in a less-than-significant impact). However, although they might share the same level of significance under CEQA, the actual degree of impact may be slightly different for each scenario, and this relative difference is the basis for a conclusion of greater or lesser impacts compared to the Project.

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

3.2.1 Alternative 1: No Project/No Development Alternative

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

Description

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

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

Finding

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

Rationale

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

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

In addition, based on site reconnaissance performed for the Phase I Environmental Site Assessment, during construction there is a potential to encounter shallow soil contamination due to the observed dumping on the Project site, especially automotive fluid containers and tires. Under the Project scenario, implementation of Mitigation Measure (MM) HAZ-1 requires the removal and disposal of on-site tires and oil containers (e.g., retail motor oil containers and commercial oil drums) from the Project area in accordance with all applicable local, state, and federal guidelines. Further, for excavation and grading activities that occur in areas with the potential for residual contamination, MM-HAZ-1 requires that a qualified environmental professional screen soils in the identified area prior to excavation and grading based on the nature of the potential contamination. In the event that potential contamination is encountered, the contamination shall be evaluated by a qualified environmental professional using the appropriate collection and sampling techniques as determined by the environmental professional based on the nature of the contamination, and the nature and extent of contamination shall be determined and the appropriate handling, disposal, and/or treatment shall be implemented in accordance with applicable regulatory requirements.

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

3.2.2 Alternative 2: No Project/Other Development Project Alternative

Description

Under Alternative 2, the Project site would be redeveloped with other land uses, consistent with the Project site's existing CIBP zoning designation. As described above, Project site has a land use and zoning designation of CIBP. Therefore, the Alternative 2 scenario involves a land use allowed under the CIBP designation.

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

It is assumed that Alternative 2 would involve development of a land use that would be permissible either by right or by a Conditional Use Permit, including the land uses listed above. It is also assumed that those uses would share

a similar development intensity, floor-area-ratio, and site coverage as the Project. Land uses that are expressly not allowed in the CIBP zone—specifically residential—would not be considered under Alternative 2.

Moreover, given the Project site's proximity to major regional transportation routes (e.g., I-15, U.S. Highway 395, and other local truck routes), and because of the continued demand for new industrial/warehouse operations in the Project region, it is assumed that the Project constructed under Alternative 2 would consist of warehouse, distribution, logistics, or other similar type industrial (or industrial-supporting) land use of a size similar to the Project. Such an alternative could take the form of a similar square footage of industrial space, but warehouse space could be split up into many smaller buildings instead of one larger building.

Finding

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

Rationale

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

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

As such, other land uses that are allowed on the Project site (either by right or by Conditional Use Permit) could potentially result in greater peak hour or daily trip generation compared with the Project, even if the development footprint is similar or identical. Thus, there would be a potential for increased impacts associated with traffic congestion, tailpipe air and GHG emissions, and traffic noise under Alternative 2.

3.2.3 Alternative 3: Reduced Development Intensity Alternative

Description

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

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 15%, equating to an industrial/ warehouse project consisting of approximately 352,495 square feet, compared to the Project's 414,700 square feet. Since the building footprint would be reduced by 62,205 square feet (approximately 1.4 acres), this extra space on the Project site would remain vacant. All other on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 3.

Finding

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

Rationale

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

Aesthetics

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 15%, equating to the 62,205 square feet (approximately 1.4 acres) of extra space on the Project site that would likely be developed with a similar landscape concept to that surrounding the industrial buildings. A reduction in building square footage would reduce the scale and massing of the buildings. Additionally, the increase in landscaped area would soften the visual impact of the buildings. Nonetheless, Alternative 3 would still involve the development of approximately 352,495 square feet of industrial space, which would still be the primary visual feature on the Project site. For these reasons, aesthetics impacts would be similar but lessened under Alternative 3.

Air Quality

Under Alternative 3, the extent of construction activities would be reduced compared to the Project. Thus, construction-related air quality emissions would be lessened. As with the Project, Alternative 3 would not exceed the numerical thresholds of significance established by the Mojave Desert Air Quality Management District (MDAQMD); this is the same outcome that would occur under the Project.

Alternative 3 would generate fewer vehicle trips per day due to the reduction in the amount of building space. Accordingly, air pollutant emissions associated with long-term operation of Alternative 3 would be lessened compared to the Project and like the proposed Project, mitigation would not be required.

Long-term operation of Alternative 3 would also have less than significant impacts due to emissions of volatile organic compounds (VOCs), oxides of nitrogen (NO_x), and coarse particulate matter (PM_{10}) and would not violate

the MDAQMD regional air quality standards. Because Alternative 3 would generate fewer average daily vehicle trips than would occur under the Project, impacts due to a conflict with the regional air quality standard and the level of contribution to an existing air quality violation would be minimized, but still at a less-than-significant level. As such, Alternative 3 would reduce the Project's impact due to operational air contaminant emissions; however, impacts would still remain at a less-than-significant level and no mitigation would be required.

As with the Project, impacts to nearby sensitive receptors would remain less than significant under Alternative 3. Similar to the Project, emissions under Alternative 3 would be below the MDAQMD thresholds of significance. However, these impacts to sensitive receptors would be slightly reduced under Alternative 3 due to the reduction in daily vehicular trips compared to the Project. Therefore, air quality impacts would be lessened under Alternative 3, and similar to the proposed Project, no mitigation would be required.

Biological Resources

Under Alternative 3, the Project would be constructed and operated as planned on the entire Project site, although the development intensity would be reduced. Compared to the Project, Alternative 3 would develop less of the Project site, resulting in a smaller overall building footprint by approximately 62,205 square feet. However, in accordance with the City's development standards, these areas would not be allowed to be completely unimproved, but instead would be required to be landscaped. As such, any vacant land and potential suitable habitat in these areas would still be disturbed as a result of landscaping activities, reducing any benefits from a biological resources perspective. Therefore, biological resources impacts would be similar under Alternative 3.

Cultural, Tribal Cultural, and Paleontological Resources

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

Energy

The level of construction activities would be reduced under Alternative 3 compared to the Project because the Project's building footprint would be reduced by 15%. Thus, construction-related energy usage would be lessened. Alternative 3 would also generate fewer vehicle trips per day due and would have a less building space than the Project as proposed, result in less on-site and mobile energy consumption. Accordingly, energy usage associated with long-term operation of Alternative 3 would be lessened compared to the Project. Therefore, energy impacts would be reduced under Alternative 3.

Greenhouse Gas Emissions

Similar to air quality, the extent of construction activities would be reduced under Alternative 3 compared to the Project. Thus, construction-related GHG emissions would be lessened. Alternative 3 would also generate fewer vehicle trips per day due to the 15% reduction in the amount of building space. Accordingly, GHG emissions

associated with long-term operation of Alternative 3 would be lessened compared to the Project. As discussed in Section 7.1, the Project would result in significant and unavoidable impacts with regard to generating GHG emissions. Implementation of mitigation measures under the Project and Alternative 3 would reduce potential operation-related GHG emissions. However, the effectiveness of the mitigation measures and the associated emission reductions cannot be accurately quantified at this time and GHG emissions impacts are inherently cumulative in nature. Therefore, while GHG emissions impacts would be reduced under Alternative 3 due to decreased construction and operational footprint, they would still remain significant and unavoidable.

Hazards and Hazardous Materials

Under Alternative 3, the Project would be constructed and operated as planned on the site, with the exception that the building footprint would be reduced by 15%. Incorporation of MM-HAZ-1 would still be required under Alternative 3, which mandates, among other requirements, the removal and disposal of on-site tires and oil containers from the Project area in accordance with all applicable guidelines, and that a qualified environmental professional shall screen soils in the identified area prior to excavation and grading based on the nature of the potential contamination. As such, under Alternative 3, the cleanup activities required pursuit to MM-HAZ-1 would be initiated, and the Project would still help to remediate the Project site through compliance with MM-HAZ-1. Therefore, hazards and hazardous materials impacts would be similar under Alternative 3.

Hydrology and Water Quality

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

Noise

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

Under long-term operational conditions, noise generated by Alternative 3 would primarily be associated outdoor mechanical equipment, and on-site truck loading, idling, maneuvering, and parking. Alternative 3 would have reduced operational capacity Project, and, as such, would contribute to less on-site operational noise than the Project. However, the increase in operational noise associated with Alternative 3 would still be noticeable to residences impacted by the Project. Therefore, noise impacts would be similar under Alternative 3.

Transportation and Traffic

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

With regard to the Project's significant and unavoidable queueing and hazards impacts, many of the intersections that are anticipated to experience queueing issues under the Horizon Year (2040) conditions would experience these issues regardless of implementation of the Project. As such, even with the reduction in building-square footage and corresponding reduction in trip generation, these intersections would continue to experience these issues. Improvement measures would still be required for Alternative 3; however, because some of the affected intersections are outside the City's jurisdiction, these improvements cannot be assumed to be in place prior to occupancy, and these impacts are considered significant and unavoidable. As such, transportation impacts with regard to queueing and hazards impacts would be similar under Alternative 3.

Utilities and Service Systems

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

Conclusion

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

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

All the mitigation measures required for the Project would be necessary for Alternative 3, although no new measures would be required. Additionally, Alternative 3 would meet all Project objectives, albeit to a lesser extent as proposed

under the Project because of the approximately 15% reduction in the Project's size. In particular, because of its reduced size, Alternative 3 would produce fewer jobs (Objective 1), would generate less tax revenue (Objective 1), and would not create as much revenue- and employment-generating land use as the Project (Objectives 1 and 3.

3.2.4 Environmentally Superior Alternative

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

Each of the three Project alternatives considered herein would lessen at least one environmental impact relative to the Project. As previously addressed, if the No Project/No Development Alternative is the environmentally superior alternative, the EIR analysis shall evaluate another environmentally superior alternative among the remaining alternatives.

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

4 General CEQA Findings

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

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

4.1 Findings Regarding Recirculation

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

> New information added to an EIR is not "significant" unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement. "Significant new information" requiring recirculation includes, for example, a disclosure showing that:
>
> 1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
> 2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
> 3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it;
> 4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

In addition, CEQA Guidelines Section 15088.5(b) provides that "recirculation is not required where the new information added to the EIR merely clarifies and amplifies or makes insignificant modifications in an adequate EIR." Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA's public/agency comment and response process and CEQA's post-

Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is "intended to be an exception rather than the general rule." *(Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)

As such, the City makes the following Findings:

1. None of the public comments submitted to the City regarding the Draft EIR present any significant new information that would require the Draft EIR to be recirculated for public review.
2. No new or modified mitigation measures are proposed that would have the potential to create new significant environmental impacts.
3. The Draft EIR adequately analyzed project alternatives and there are no feasible project alternatives or mitigation measures considerably different from others previously analyzed that would clearly lessen the significant environmental impacts of the project.
4. The Draft EIR was not fundamentally and basically inadequate and conclusory in nature and did not preclude meaningful public review and comment.

In this legal context, the City finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR's findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR's revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the proposed project would not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in Section 15088.5 of the CEQA Guidelines.

4.2 Legal Effects of Findings

To the extent that these Findings conclude that the proposed mitigation measures outlined in herein are feasible and have not been modified, superseded, or withdrawn, the City hereby commits to implementing these measures. These Findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City approves the proposed project

The mitigation measures that are referenced herein and adopted concurrently with these Findings will be effectuated through the process of construction and implementation of the proposed project.

5 Statement of Overriding Considerations

Pursuant to PRC Section 21081(b) and CEQA Guidelines Sections 15093(a) and (b), the decision-making agency (City of Hesperia) is required to balance, as applicable, the economic, legal, social, technological, or other benefits of a project against its unavoidable environmental risks when determining whether to approve a project. If the specific economic, legal, social, technological, or other benefits of a project outweigh the unavoidable adverse environmental effects, those effects may be considered "acceptable" (14 CCR 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (14 CCR 15093[b]).

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs. See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656. In accordance with the requirements of CEQA and the CEQA Guidelines, the County finds that the mitigation measures identified in the Final EIR and the MMRP, when implemented, will avoid or substantially lessen virtually all of the significant effects identified in the Final EIR for the Poplar 18 Project. However, certain significant impacts of the proposed project are unavoidable even after incorporation of all feasible mitigation measures. These significant unavoidable impacts are to greenhouse gas emissions and transportation. The Final EIR provides detailed information regarding these impacts (see also, Findings, Section 2.2, Impacts Determined to be Significant and Unavoidable).

The City finds that all feasible mitigation measures identified in the Final EIR that are within the purview of the City would be implemented with the proposed Project, and that those mitigation measures that may be within another agency's discretion have been, or can and should be, adopted by that other agency. As identified below, the City further finds that the remaining significant unavoidable effects are outweighed and are found to be acceptable due to the following specific overriding economic, legal, social, technological, or other benefits, based upon the facts set forth above, the Final EIR, and the record.

Purpose and Need

The High Desert/Victor Valley region has long been identified as an area having a low jobs–housing ratio (i.e., an area that has more potential workers living in a community than there are jobs for them),[10] resulting in high numbers of residents commuting out of the region for work. The City of Hesperia has estimated that approximately 73% of workers residing in Hesperia commute out of the area to the Inland Empire cities and the broader Los Angeles region (City of Hesperia 2016). Although these conditions can be attributed to a number of factors, the most notable variable in the jobs-to-housing ratio is the lack of jobs growth in the region. From 2010 to 2015, the region's job growth rate was 7.0% compared to a population growth rate of 25.5%. A low jobs-to-housing ratio can result in adverse environmental and economic effects on local communities. Long-distance commutes result in increased

[10] A jobs–housing ratio is a commonly used economic metric used to determine whether or not a community or region provides a sufficient number of jobs for its residents. The metric is calculated by finding the relationship between where people work ("jobs") and where they live ("housing"). As of 2016, the City had a jobs/housing ratio of 0.44, well off of regional targets ranging from 1.25–1.50 (City of Hesperia 2016).

traffic and air quality and greenhouse gas emissions, and out-of-region commuters often take a share of their purchasing power with them when they make purchases away from home.

Recognizing these trends, community leaders and officials have long sought to stimulate economic development within the High Desert region and provide residents with local employment opportunities. One strategy that community leaders and planners have used is to attract development of warehousing and distribution centers, which can provide hundreds of jobs per million square feet of development. Conventional and e-commerce retailers are continuing to embrace the strategy of creating and staffing large regional fulfillment centers, with the goal of quickly responding to online consumers. Because of its available land and infrastructure for large logistics facilities, many companies are locating their regional operations to the High Desert area.

As such, the Project would help meet the needs of the growing logistics sector while producing new jobs in a region that is typically viewed as housing rich and jobs poor.

Overriding Benefits Resulting from the Project

The City finds that the Project would have the economic, legal, social, technological, or other overriding benefits, including region-wide or statewide environmental benefits, listed below. Each of the benefits cited below constitutes a separate and independent basis that justifies approval of the Project and outweighs the unavoidable adverse environmental effects of approving the Project and thus makes the adverse environmental effects acceptable. Therefore, even in the absence of one or more of the reasons set forth below, the City has determined that each remaining reason, or any combinations of reasons, is a sufficient basis for approving the Project, notwithstanding any significant and unavoidable impacts that may occur.

1. **Balanced Land Use Benefits:** The proposed Project would result in the development of a currently vacant site with a project that is consistent with the City's General Plan Land Use Designation and zoning code. The proposed Project would use the locational characteristics (specifically, the project's proximity to I-15 and U.S. Highway 395) to provide needed flexible industrial space to businesses wishing to invest in the City, as well as to provide approximately 2,000-2,400 permanent jobs both directly and indirectly in the region. Moreover, the Project area is one with other proposed and approved warehouse and logistics uses that have similar land use and zoning designations to the Project site. These facilities take advantage of the area's proximity to regional transportation corridors, facilitating the regional and national goods movement industry. Development of the proposed Project in this area and in a location that is designated and zoned for industrial uses would result in the development of a vacant site with uses that are similar to the surrounding existing uses, thereby assisting the City in creating a cohesive, high-quality business-park environment, as envisioned by the City's General Plan.

   Additionally, the Project would assist the City in the concentrating non-residential uses away from residential uses in the City. These two land uses can often be incompatible due to the operational characteristics of non-residential uses, which by their nature, can result in traffic congestion, air emissions, and industrial light and noise. In summary, development of the proposed industrial use within an area designated for industrial uses would assist the City in maximizing the utility of an industrially-designated vacant parcel to result in City- and region-wide economic benefits associated with job creation and the provision of needed services to local businesses; in concentrating non-residential uses away from residential areas; and in fulfilling the City's vision for a developed, high-quality business park environment for those wishing to invest in the City.

2. **Meet Market Demands for Industrial Space:** The Project would provide much-needed flexible industrial space to fulfill the needs of the growing industrial sector in an area that faces a shortage of such space. At the close of Q4 in 2022, vacancy rates within the Inland Empire industrial market were as low as 1.0% (C&W 2022). The greater Southern California region is expected to continue to see strong demand for industrial facilities driven by the needs of retail and e-commerce users for facilities with modern amenities to maximize distribution efficiency, as well by as the scarcity of available facilities and land to develop such facilities in the more expensive and constrained Los Angeles, Orange County, San Bernardino, and Riverside area industrial markets. The limited availability of industrial facilities can result in negative effects such as stock-outs, trade bottlenecks, and delays in the time it takes for good to reach consumers.

   The Project would result in the development of one industrial/warehouse building totaling 414,700 square feet would include associated improvements, such as loading docks, tractor-trailer stalls, passenger vehicle parking spaces, stormwater detention basins, and landscape area. The delivery of this facility would provide industrial users with much-needed flexible industrial space at a time when market demands for such space are at historic highs. The delivery of the Project would also result in the benefit of supporting the goods movement industry in decreasing lead times for delivery of consumer products and increasing the local supply of goods for regional consumers.

3. **Benefits of Employment Opportunities to Reduce Jobs: Housing Imbalance:** The Project is anticipated support a number of temporary construction jobs and approximately 2,000-2,400 permanent jobs once constructed. As stated above, the High Desert/Victor Valley region has long been identified as an area having a low jobs-housing ratio, and an estimated 73% of workers residing in Hesperia commute out of the area to the Inland Empire cities and the broader Los Angeles region (City of Hesperia 2016). The trade, transportation, and utilities sector has been one of the leading drivers in decreasing the region's unemployment rate by supplying up to 19,000 jobs between November 2021 through November 2022 (C&W 2022). Between November 2021 and December 2021, the transportation and warehousing sector recorded a job gain of 3,500 (EDD 2022). The Project would support these trends by providing approximately 650 jobs in an area that is typically seen as having a low jobs-housing ratio. In summary, the Project would provide approximately 650 permanent jobs that are well suited to the City's workforce, which would stimulate economic growth, lower the regional unemployment rate, and reduce regional vehicle miles traveled.

4. **Economic and Fiscal Benefits:** The Project encourages economic growth and diversity within the City by providing flexible industrial facilities for businesses wishing to invest in the City. The Project would increase annual property tax revenues as improvements increase the assessable value of the Project site and would also generate additional revenues through the collection of certain other taxes, licenses, and fees associated with business operation. The Project applicant's expenditures associated with constructing the Project would also supplement the City's General Fund as sales tax revenues are collected during the sales of construction materials. The Project would support temporary construction jobs and approximately 650 permanent jobs once constructed. The generation of these jobs would result in indirect economic benefits as wages associated with these jobs translate to regional economic growth by way of local spending, as well as indirect fiscal benefits when wages are spent on goods and services, which generates sales tax revenues for the General Fund.

5. **Public Infrastructure Benefits:** The Project would add and/or improve public infrastructure within the Project area. The Project includes street improvements along the frontage of the Project on Mesa Linda Street, Lassen Street, and Poplar Street. Additional traffic improvements include additional on- and off-site improvements that the Project will incorporate into site design, construct prior to Project implementation, or pay its fair share cost to fund future implementation of the required improvement.

The provision of these roadways and utility infrastructure would provide a benefit to the City by facilitating access within the Project area and increasing the reliability of current utility systems.

6. **Benefits of Sustainable Design:** The Project would stimulate regional economic growth while also incorporating a number of applicant proposed measures (APMs) and mitigation measures to promote environmental sustainability and reduce greenhouse gas emissions that contribute to climate change (see Section 2.2.1, Greenhouse Gas Emissions, and Section 2.2.2, Transportation, of the EIR). The Project's warehouse building has been designed to comply with Title 24 CalGreen requirements in order to conserve resources, including energy and water. The building would be outfitted with electric vehicles chargers, electrical conduit to facilitate future electrical truck charging capabilities, and the Project would implement a Transportation Demand Management (TDM) plan to facilitate increased opportunities for carpooling, bicycling and pedestrian travel for employees. The Project would also assist the City in concentrating industrial facilities in a non-residential area that is designated for such uses. The Project would also assist in the preservation of western Joshua tree woodland, a candidate species of special concern, through the permanent preservation of off-site lands containing western Joshua tree woodland. The preservation of these lands would also provide additional benefits by ensuring that wildlands are preserved for other desert native species.

Conclusion

In light of the foregoing, and the information contained within the Final EIR and other portions of the project record, the City concludes that implementation of the proposed Poplar 18 Project will result in the development of a beneficial project as outlined above. The City also finds that the benefits identified above outweigh and make acceptable the significant, unavoidable environmental impacts associated with the proposed Project and, accordingly, adopts this Statement of Overriding Considerations.

6 Conclusion

The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the MMRP, will eliminate or reduce to a less-than-significant level most of the adverse environmental impacts of the project. The significant and unavoidable impacts of the project would be rendered acceptable by the specific economic and social benefits identified in Section 5, Statement of Overriding Considerations.

Taken together, the Final EIR, the mitigation measures, and the MMRP provide an adequate basis for approval of the proposed project.

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