

DEPARTMENT OF WATER RESOURCES

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November 16, 2023

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Governor's Office of Planning & Research

Nov 17 2023

STATE CLEARINGHOUSE

SCH# 2022110097 KISS Logistics Center

Dear Mr. Leonard:

The California Department of Water Resources (DWR) Civil Engineering Branch has reviewed the City of Hesperia's (City) Draft Environmental Impact Report (DEIR) for the proposed KISS Logistics Center project and has the following comments.

Project Description

The proposed project will include development of a one-story 655,468 square foot (SF) warehouse building on a 29.61-acre site. An asphalt parking lot will surround the building and an open water quality/detention basin will run linearly along the north boundary. A new public road that provides primary and secondary access to the site along the west boundary is an offsite public improvement which is required for this project.

The project site is generally flat, and most stormwater sheet flows travel from over the site south to north to Yucca Terrace Drive. Run-on flows sheets onto the site from the south, but is limited by Phelan Road, which is approximately 300 feet south of the project site. The stormwater infrastructure would consist of an onsite private storm drain system for onsite flows that would capture and treat the 100-year, 24-hour storm. The storm water management system would consist of an above-ground hybrid infiltration/bio infiltration basin at the north end of the project. Stormwater runoff from the site would be collected via a proposed on-site storm drain system which would collect onsite stormwater using a system of catch basins and roof drains that route flows to underground pipes that will convey the stormwater to that water quality/detention basin at the north end of the project. The overflow stormwater would be pumped from an outlet at the northeast corner of the site prior then discharged beyond the project boundary where the flows would follow the existing City stormwater drainage patterns.

Comments

Inconsistent Drainage Information within Document

The DEIR's information on drainage is incomplete and inconsistent in a way that does not assist the reader in understanding the environmental impacts of the project. As a result, the descriptions and analyses in the DEIR appear to be unreliable and inadequate. The DEIR's information needs to be consistent and understandable, so the impact analyses are adequate.

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The following are examples of incomplete information and inconsistencies:

- 3.0 Project Description explains that overflow stormwater would drain into existing city stormwater drainage but does not explain what the existing city stormwater drainage is.
- 4.0 Environmental Settings explains that stormwater facilities within the Project region are managed by the San Bernardino County Flood Control District (District) but does not state whether the San Bernardino County Flood Control District has facilities that serve the project site.
- 4.0 Environmental Settings explains the project site is generally flat and sheet flows from south to north on a relatively uniform plane to Yucca Terrace Road.
- The description of the Oro Grande Wash location, a tributary to the Mojave River, is inconsistent within the document. All analyses related to the Wash need to describe its location as extending southwest to northeast of the project site.
- 5.14.7 Utilities and Service Systems Cumulative Impacts states additional overflows would be discharged to the corner of Mesa Linda Street and Sultana Street to follow the existing northerly drainage path to the Oro Grande Wash and the Project's offsite, but there is no description of how the overflows will travel from Yucca Terrace Drive to the corner of Mesa Linda Street and Sultana Street.
- 5.14.7 explains stormwater flows would be accommodated by San Bernardino County Flood Control District facilities but, as mentioned previously, the DEIR does not describe which District facilities will accommodate the flows nor how the project site stormwater flows will reach the district facilities.
- Figure 8.1 appears to show the overflow outlet near Caliente Drive. There needs to be supporting information which explains any proposed outlet near Caliente Drive.

3.0 Project Description

3.6 Surrounding General Plan and Zoning Designation

Table 3-1 describes the existing land use to the east as vacant and undeveloped followed by a multifamily residential community. The description includes Highway 395 to the east but does not include the Oro Grande Wash nor the California Aqueduct as east of the project. The portion of the Wash to the east of the project is a significant component of the local setting and needs to be included in the Surrounding Land Uses and Setting section.

In addition, according to the Hesperia Main Street and Freeway Corridor Specific Plan, (amended July 15, 2021), the Oro Grande Wash (Wash) serves as a natural storm runoff channel. The Wash has been identified as an active component of the City of Victorville stormwater runoff system, and portions of the Wash are within the coverage area of the City of Hesperia's Storm Water Management Program as well. Please identify the lands within the Wash which are part of Victorville system and Hesperia program be identified as such on relevant maps in the DEIR and supporting documents.

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4.0 Environmental Settings

4.4.9 Hydrology and Water Quality

Existing Drainage and Flood Zone

See section 5.9 Hydrology and Water quality for comments to modify the existing drainage and flood zone description that apply to this section.

5.0 Environmental Impact Analysis

5.9 Hydrology and Water Quality

5.9.3 Environmental Setting

Existing Drainage

The DEIR explains that stormwater facilities within the Project region are managed by the San Bernardino County Flood Control District but does not state whether the San Bernardino County Flood Control District has facilities that serve the project site. The project description explains that overflow stormwater would drain into existing city stormwater drainage but does not explain what the existing city stormwater drainage is. The EIR needs to provide more information about the existing stormwater facilities and drainage system that serve the project site, because from the information provided, it is likely that the drainage system for the site are unmanaged sheet flows from south to north to Yucca Terrace Drive and add any drainage the un-named wash #1 may provide. The area drainage system description includes Yucca Terrace Drive but does not explain the complete drainage system. In addition, Yucca Terrace Drive is approximately 930 feet north of the Project site, so the project stormwater discharge must flow through an adjacent property to reach Yucca Terrace Drive. Considering another project, Commerce Center II, appears to include a structure which will be located between the project and Yucca Terrace Drive, an assumption that stormwater would sheet flow over that property to Yucca Terrace Drive may not be feasible. The DEIR needs to update the description of the existing drainage to include any changes in the northerly sheet flows due to the building located to the north of the project site.

The DEIR notes that some run-on flow sheets onto the Project site from the south but is limited by the Phelan Road approximately 300 feet away that acts a barrier to any flow further south. (4.0-14) There is no existing public storm drain infrastructure along Phelan Road or within the vicinity of the Project site. The description of Oro Grande Wash, a tributary to the Mojave River, describes the Wash's location as directly southeast of the project site. The Wash is also directly east of the project site, and that location of the Wash is significant, because it is likely project stormwater drainage discharges to the Wash at that location. The Existing Drainage and Flood Zone description in the Environmental Settings section needs to include this additional information so the

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environmental setting for existing drainage is more comprehensive and accurate.

5.9.6 Environmental Impacts

A project may have a significant effect if it substantially alters the existing drainage pattern of the site or area in a manner which would: result in substantial erosion or siltation on- or off-site; result in flooding on- or off-site; or exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

Erosion or Siltation

The existing drainage pattern DWR is concerned that the project's discharge would create increased surface runoff into the Wash towards DWR's Box Culvert MP394.5 which allows Oro Grande Wash flows and drainage to cross the CA Aqueduct to the east side of the Aqueduct where the flows continue to the Mojave River. Any additional stormwater flows from Yucca Terrace Drive which meet with stormwater flows from Cataba Road at Oro Grande Wash may result in offsite erosion and scour which could deposit material and create siltation within CA Aqueduct right of way

The DEIR does not provide evidence that the new directional flows from the project's overflow outlet would not create erosion, siltation, or deposit at any point from the outlet site to the SWP milepost 394.5. In order to analyze adequately these potential impacts, the EIR must provide information as to the path current and future stormwater flows from the project location to the Oro Grande Wash, update any impact analyses and explain how the flows along Yucca Terrace Drive would eventually discharge to the Oro Grande Wash east of the project.

On or Offsite Flooding

The EIR finds a less than significant impact for impacts from project operations. This conclusion is based in part due to the flow design where onsite flows greater than the onsite stormwater infrastructure capacity of 100-year, 24-hour storms will be pumped from an outlet at the northeast corner of the property into existing off-site stormwater drainage, then east along Yucca Terrace Drive where the flows will eventually discharge to the Oro Grande Wash east of the project and in part on the conclusion that the post-project drainage characteristics would be maintained similar to the pre-Project condition.

The Project would include implementation of best management practices designed to fully capture and infiltrate the Project's DCV (that this proposed system would address the San Bernardino County Phase II Small MS4 General Permit for the Mojave River Watershed requirements and design capture volume (DCV) (85th percentile, 24-hour storm). In addition, the City of Hesperia Engineering Department requested that the applicant provide capture of the 100-year, 24-hour storm, which exceeds existing San Bernardino County requirements.

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The DEIR concludes there would be less than significant impacts to upstream or downstream properties because the proposed drainage would only slightly increase peak flow rates for a 100-year storm conditions of 59.10 cubic feet per second (cfs) to 91.66 cfs as determined, in part, by the Preliminary Hydrology Report (Appendix I), Exhibit I calls out DEV Q100 91.66 CFS for developed condition for 100-year design storm on the northeast corner of the Project Site. The geographic reach of properties that may be impacted for the study included in the preliminary hydrology report is unclear.

The study needs to confirm that the Node no. 7 showing 91.66 cfs is the overflow from the project site that will be released from the project stormwater outlet towards Yucca Terrace Drive. The study needs to explain whether the project stormwater flows could continue across Highway 395 in an easterly direction into the Oro Grande Wash when the design storm event is exceeded. The Oro Grande Wash flows transverse the California Aqueduct at two DWR cross drainage structures: box Culvert MP394.5 and Overchute MP394.0 from west to east side of CA Aqueduct. The impact analysis needs to explain the quantity of the overflow (cfs) which may reach these DWR cross drainage structure when the project detention design storm capacity is exceeded. (See attached DWR as-builts for these cross-drainage structures.)

5.9.7 Cumulative impacts

An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, that is when the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The cumulative impacts section explains that the Project would implement a stormwater system that would capture, treat, and infiltrate the 100-year, 24-hour storm and the project would not result in additional stormwater runoff that would exceed capacity of existing stormwater facilities. The DEIR explains that additional overflows would be discharged to the corner of Mesa Linda Street and Sultana Street to follow the existing northerly drainage path to the Oro Grande Wash. There is no discussion related to the corner of Mesa Linda Street and Sultana in the DEIR prior to this cumulative impacts discussion. Mesa Linda Street and Sultana Street intersection is approximately 1 mile southeast of the proposed project site whereas the normal drainage patterns in this area are draining towards northeast. We request that this location be identified on a map with an explanation of the connection between the project stormwater flows from Yucca Terrace Drive to the Mesa Lina Street and Sultana Street discharge location to the Oro Grande Wash.

The DEIR concludes that the cumulative impacts related to drainage would be less than significant based on the conclusions that project would not generate runoff that could combine with additional runoff from cumulative projects that could cumulatively combine to impact erosion, siltation, flooding, and water quality. However, there are projects in the area which may result in cumulative impacts related to drainage The projects in the

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area include, but are not limited to, Commerce Center II to the west and north of the project and U.S. Cold Storage to the north of the project. The DEIR does not provide sufficient information and analyses to support the conclusion that these projects' cumulative impacts to hydrology and water quality are less than significant. Please note that historically existing drainage patterns in this area drain towards the north and northeast. However, the Commerce Center II project will block project overflows from reaching Yucca Terrace Drive, and with the Commerce Center II and US Cold Storage Facility to the north/northeast the only path remaining for overflow to drain from KISS Logistics Center Project is towards east to Oro Grande Wash and eventually into CA Aqueduct Box Culvert at milepost 394.5. It is very important to analyze the cumulative impacts of these projects' overflow runoff considering the normal drainage patterns in this area will change once these proposed projects are constructed.

The DEIR asserts the geographic reach for stormwater drainage cumulative impacts analysis is the geographic area served by the existing stormwater infrastructure for the Project area, from capture of runoff through final discharge points. Since there is no indication in the DEIR that there is built stormwater infrastructure in the project area, the existing stormwater discharge system appears to be the sheet flows that flow to Yucca Terrace Drive, which is likely to flow to Oro Grande Wash. Considering each of these projects' stormwater plans include capturing the 100 year 24 hour storm onto their property as the design storm level, and once the design storm is exceeded, the excess overflow would drain following the normal drainage patterns, it is highly likely that "normal drainage patterns" include directing flows to Yucca Terrace Drive to discharge to the Oro Grande Wash and towards CA Aqueduct, creating cumulative erosion and siltation impacts at the Oro Grande Wash and the CA Aqueduct. Since the Yucca Terrace flows join Cataba Road flows before entering the Oro Grande Wash, the erosion and siltation caused by the Cataba Road stormwater flows contribute to these cumulative impacts

An adequate analysis of these cumulative impacts from past, current, and future projects' stormwater runoff erosion impacts may conclude that the cumulative impacts are severe and likely to occur. The potential cumulative impacts of these projects' overflow draining from Yucca Terrace Drive into the Oro Grande Wash, creating erosion at the Wash and then siltation at the box culvert MP394.5 within CA Aqueduct right of way need to be analyzed. The culvert at MP394.5 is the only cross drainage structure draining the entire wash from west to east of CA Aqueduct, so the cumulative impact analysis should include modelling of runoff from existing projects, these projects and proposed projects upstream of the confluence of the Yucca Terrace Drive and Cataba Road runoff at Oro Grande Wash which creates erosion as the flows enters the Oro Grande Wash.

The current cumulative erosion and siltation impacts within the California Aqueduct right of way may be mitigated by retention basins with energy dissipators where Oro Grande Wash intersects Aqueduct west of the aqueduct's right of way boundary. This would likely minimize to less than significant the cumulative erosion impacts and prevent siltation filling up the Box Culvert conveying Oro Grande Wash. Siltation deposition at

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the Box Culvert due to these projects could lead to failure of the culvert, and failure of this culvert could lead to major damage to CA Aqueduct.

Considering the DEIR does not provide an analysis which concludes that there is less than significant erosion impact to DWR right of way, the applicant may need to acquire an encroachment permit per CA Code of Regulations Section 605.

For questions about encroachment permits, please contact Delia Grijalva, Delia.Grijalva@water.ca.gov or at (916) 657-4400. For all other questions, please contact me at Nancy.Finch@water.ca.gov.

Thank you for addressing our concerns.

Sincerely,

A handwritten signature in cursive script that reads "nancy finch".

Nancy Finch
Senior Attorney

enclosure