November 2022 | Initial Study

PATHWAYS TO COLLEGE K-8 CHARTER SCHOOL

City of Hesperia

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PLACEWORKS

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Abbreviations and Acronyms

AAQS	ambient air quality standards
AB	Assembly Bill
ACM	asbestos-containing materials
ADT	average daily traffic
amsl	above mean sea level
AQMP	air quality management plan
AST	aboveground storage tank
BAU	business as usual
bgs	below ground surface
BMP	best management practices
CAA	Clean Air Act
CAFE	corporate average fuel economy
CalARP	California Accidental Release Prevention Program
CalEMA	California Emergency Management Agency
Cal/EPA	California Environmental Protection Agency
CAL FIRE	California Department of Forestry and Fire Protection
CALGreen	California Green Building Standards Code
Cal/OSHA	California Occupational Safety and Health Administration
CalRecycle	California Department of Resources, Recycling, and Recovery
Caltrans	California Department of Transportation
CARB	California Air Resources Board
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDE	California Department of Education
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
cfs	cubic feet per second
CGS	California Geologic Survey
CMP	congestion management program
CNDDB	California Natural Diversity Database
CNEL	community noise equivalent level

Abbreviations and Acronyms

CO	carbon monoxide
CO_2e	carbon dioxide equivalent
Corps	US Army Corps of Engineers
CSO	combined sewer overflows
CUPA	Certified Unified Program Agency
CWA	Clean Water Act
dB	decibel
dBA	A-weighted decibel
DPM	diesel particulate matter
DTSC	Department of Toxic Substances Control
EIR	environmental impact report
EPA	United States Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-to-Know Act
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FTA	Federal Transit Administration
GHG	greenhouse gases
GWP	global warming potential
HCM	Highway Capacity Manual
HQTA	high quality transit area
HVAC	heating, ventilating, and air conditioning system
IPCC	Intergovernmental Panel on Climate Change
L_{dn}	day-night noise level
L_{eq}	equivalent continuous noise level
LBP	lead-based paint
LCFS	low-carbon fuel standard
LOS	level of service
LST	localized significance thresholds
M_W	moment magnitude
MCL	maximum contaminant level
MDAB	Mojave Desert Air Basin
MDAQMD	Mojave Desert Air Quality Management District
MEP	maximum extent practicable

Abbreviations and Acronyms

mgd	million gallons per day
MMT	million metric tons
MPO	metropolitan planning organization
MT	metric ton
MWD	Metropolitan Water District of Southern California
NAHC	Native American Heritage Commission
NO_X	nitrogen oxides
NPDES	National Pollution Discharge Elimination System
O_3	ozone
OES	California Office of Emergency Services
PM	particulate matter
POTW	publicly owned treatment works
ppm	parts per million
PPV	peak particle velocity
RCRA	Resource Conservation and Recovery Act
REC	recognized environmental condition
RMP	risk management plan
RMS	root mean square
RPS	renewable portfolio standard
RWQCB	Regional Water Quality Control Board
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SIP	state implementation plan
SLM	sound level meter
SoCAB	South Coast Air Basin
SO_X	sulfur oxides
SQMP	stormwater quality management plan
SRA	source receptor area [or state responsibility area]
SUSMP	standard urban stormwater mitigation plan
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWRCB	State Water Resources Control Board

Abbreviations and Acronyms

TAC	toxic air contaminants
TNM	transportation noise model
tpd	tons per day
TRI	toxic release inventory
TTCP	traditional tribal cultural places
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	underground storage tank
UWMP	urban water management plan
V/C	volume-to-capacity ratio
VdB	velocity decibels
VHFHSZ	very high fire hazard severity zone
VMT	vehicle miles traveled
VOC	volatile organic compound
WQMP	water quality management plan
WSA	water supply assessment

1. Introduction

1.1 PROJECT OVERVIEW

The City of Hesperia is considering an application to permit construction and operation of the Pathways to College K-8 Charter School, a new charter school campus serving students from grades TK to eighth. Once completed, the school campus would house a total of up to 700 students, 60 school staff, and multiple school buildings and facilities. Other project features and elements include courtyards, hardcourts, playgrounds, and playfields; vehicular access and circulation improvements, both on- and offsite; surface parking areas and drive aisles; pedestrian access and circulation improvements; various landscape, hardscape, and lighting improvements; and infrastructure and utility improvements. The discretionary action and approval required for project implementation includes a Conditional Use Permit. The project, including all proposed facilities, supporting improvements, and associated discretionary actions comprise the project considered in this Initial Study.

1.2 PURPOSE OF CEQA AND INITIAL STUDY

CEQA (California Environmental Quality Act; Public Resources Code Section 21000 et seq.) and the CEQA Guidelines (14 Cal. Code Regs. Section 15000 et seq.) require that before a lead agency makes a decision to approve a project that could have one or more adverse effects on the physical environment, the agency must inform itself about and consider the project's potential environmental impacts, inform the public about the project's potential environmental impacts and provide an opportunity to comment on environmental issues, and impose feasible measures to avoid or reduce potential harm to the physical environment.

The City of Hesperia—in its capacity as lead agency pursuant to CEQA Guidelines Section 15050—is responsible for preparing environmental documentation in accordance with CEQA to determine if approval of the discretionary actions and subsequent development associated with the proposed project would have a significant impact on the environment. As part of the project's environmental review and in its capacity as lead agency, the City authorized preparation of this Initial Study in accordance with the provisions of CEQA Guidelines Section 15063. Pursuant to Section 15063, purposes of an Initial Study are to:

- Provide the lead agency information to use as the basis for deciding whether to prepare an environmental impact report (EIR) or negative declaration.
- Enable an applicant or lead agency to modify a project, mitigating adverse impacts before an EIR is prepared, thereby enabling the project to quality for a negative declaration.
- Assist in the preparation of an EIR, if one is required.
- Facilitate environmental assessment early in the design of a project.
- Provide documentation of the factual basis for the finding in a negative declaration that a project will not have a significant effect on the environment.

- Eliminate unnecessary EIRs.
- Determine whether a previously prepared EIR could be used with the project.

As further defined by Section 15063, an Initial Study is prepared to provide the City with information to use as the basis for determining whether an EIR, Negative Declaration, or Mitigated Negative Declaration (MND) would be appropriate for providing the necessary environmental documentation and clearance for the proposed project.

In its preparation of this Initial Study, the City determined that the Initial Study would support the adoption of an MND. An MND is a written statement by the lead agency that briefly describes the reasons why a project that is not exempt from the requirements of CEQA will not have a significant effect on the environment and, therefore, does not require preparation of an EIR (CEQA Guidelines Section 15371). The CEQA Guidelines require preparation of an MND if the Initial Study prepared for a project identifies potentially significant effects, but: 1) revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed MND and Initial Study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and 2) there is no substantial evidence, in light of the whole record before the lead agency, that the project may have a significant effect on the environment. (CEQA Guidelines Section 15070[b]).

The City has considered the information in this Initial Study in its decision-making processes. Although the Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and analysis of the City.

Additionally, this Initial Study includes a Mitigation Monitoring and Reporting Program (MMRP), which was developed to provide a vehicle to monitor mitigation measures outlined in the Initial Study for the proposed project. The MMRP has been prepared in conformance with Section 21081.6 of the Public Resources Code and the City of Hesperia monitoring requirements. The MMRP will serve to document compliance with adopted/certified mitigation measures that are formulated to minimize impacts associated with the proposed project.

1.3 ENVIRONMENTAL SETTING

1.3.1 Project Location

The Project Site is in the northern part of Hesperia, which is within the Victor Valley region of San Bernardino County. Victorville is in the Mojave Desert region of the county, which consists of an assemblage of mountain ranges interspersed with long, broad valleys. Generally, Hesperia is an urban community with a broad mix of land uses, including housing, commercial, office, industrial, agriculture, and public serving uses. Hesperia is located along Interstate 15 (I-15), approximately 90 miles northeast of the City of Los Angeles and 20 miles north of the City of San Bernardino. Adjacent communities include the City of Victorville to the north, the City of Apple Valley to the east, unincorporated San Bernardino County land to the south, and the unincorporated community of Oak Hills to the west (see Figure 1, *Regional Location*).

As shown in Figures 2, *Local Vicinity*, and 3, *Aerial Photograph*, the approximately 26-acre (25.75 gross acres) undeveloped Project Site is generally situated at the northwest corner of Hercules Street and Hesperia Road in

Hesperia—it is bounded by Hercules Street (paved road) to the south, Mojave Street (dirt road) to the north, Hesperia Road (paved road) to the east, and 3rd Avenue (paved road) to the west. The Project Site is comprised of two legal parcels—Assessor Parcel Numbers 0414-212-08 and -09. The Project Site center point latitude and longitude are 34°26'05.2014" North and 117°18'02.7994" West, respectively.

Regional access to the Project Site is from I-15, approximately 4.5 miles to the east via Hesperia Road and Main Street. U.S. Route 395 (US 395) also provides regional access to the Project Site—the highway is approximately 6 miles east of the site. Local access to the Project Site is via Hercules Street, Hesperia Road and 3rd Avenue.

1.3.2 Existing Land Use

As shown in Figure 3, *Aerial Photograph*, the Project Site is in an urbanizing area of Hesperia. The predominate visual character of the site consists of rural desert community in a rural desert environment. The Project Site is void of any buildings, structures, or other improvements; it consists of undeveloped desert land with native vegetation (e.g., Joshua trees) and ruderal areas. The site is relatively flat with gentle slopes draining northerly and easterly to the northeasterly corner of the Project Site along Hesperia Road. The onsite elevations range from 3,147 feet above mean sea level (amsl) in the northeast to 3,165 feet amsl in the southwest.

1.3.3 Surrounding Land Use

As shown in Figure 3, the Project Site is generally bounded by Hercules Street to the south, with multifamily residential uses, a church, a telecommunications facility, and undeveloped desert land beyond; Mojave Street to the north, with a few single-family homes and mostly undeveloped desert land beyond; 3rd Avenue to the west, with single-family homes and undeveloped desert land beyond; and Hesperia Road to the east, with railroad tracks and undeveloped desert land beyond.

1.3.4 Existing General Plan and Zoning

The planning and regulatory plans that govern development and use of the Project Site are the Hesperia General Plan and Development Code (Title 16 of the Hesperia Code of Ordinance). The development and design standards and regulations in the Hesperia Development Code implement the Hesperia General Plan and constitute the zoning regulations that govern development of the Project Site. Per the Hesperia General Plan land use map and the City's zoning map, the land use and zoning designations of the Project Site are Neighborhood Commercial (NC) and Medium Density Residential (MDR). Per the City's zoning map, the Project Site also lies within the Main Street Freeway Corridor Specific Plan.

1.3.1 Environmental Resources

The Project Site consists of undeveloped desert land and is void of any buildings, structures, or improvements (see Figure 3). Onsite biological resources consist mostly of low shrubs and Joshua trees. The Project Site contains no historic buildings, housing, scenic resources, mineral resources, or water bodies. Additional information regarding environmental resources on the Project Site and its surroundings—or the lack of such resources—can be found in Section 3, *Environmental Analysis*, of this Initial Study under each respective environmental topic.

1.4 PROJECT DESCRIPTION

Following is a detailed description of the proposed project and the various discretionary actions, elements and improvements that will be required to be implemented for the proposed project.

1.4.1 Proposed Land Use

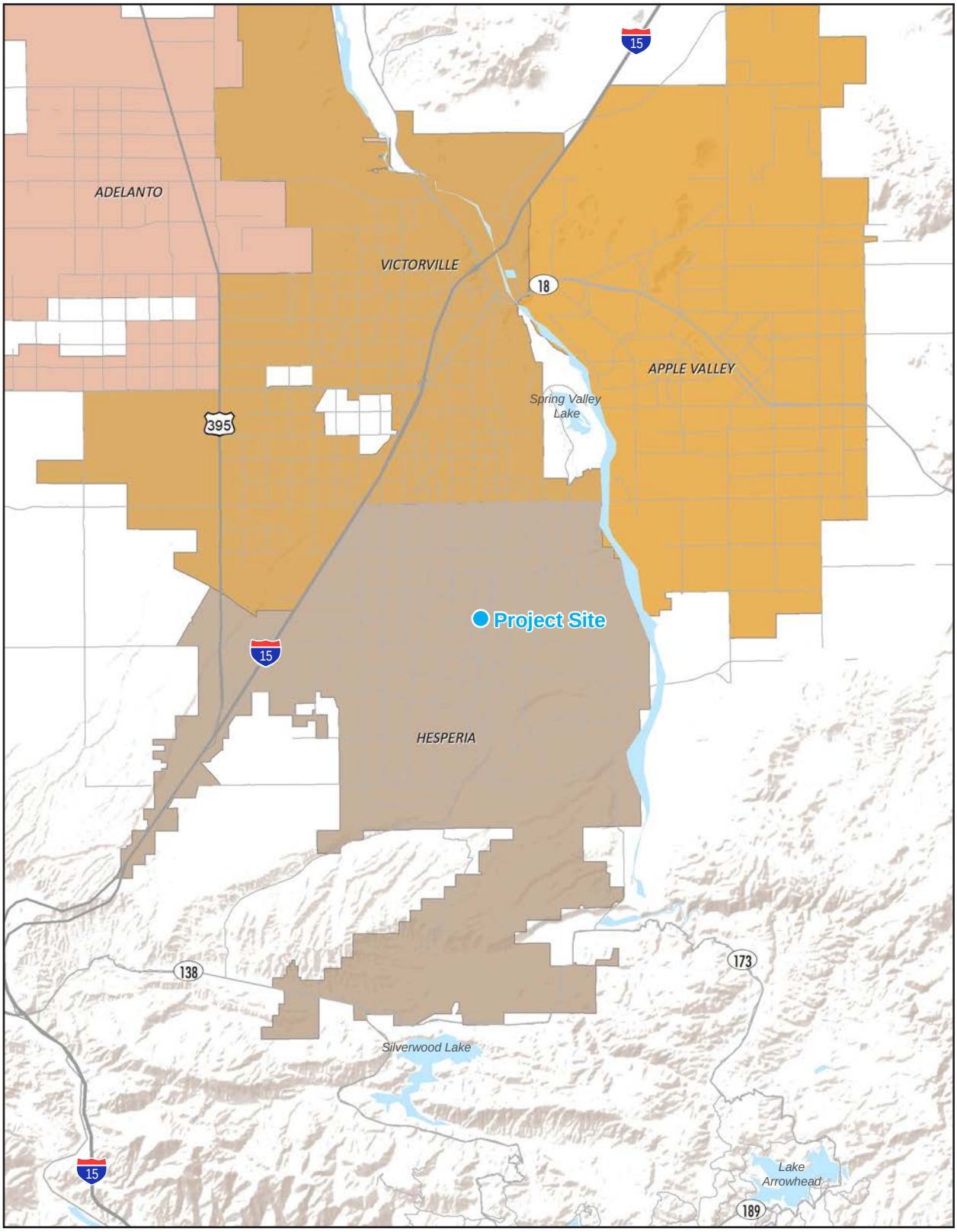
The project applicant (Pathways to College) is proposing construction and operation of the Pathways to College K-8 Charter School (Project), a new charter school campus serving students from TK to eighth. Once completed, the school campus will house a total of up to 700 students, 60 school staff, and multiple school buildings and facilities.

As shown in Figure 4, *Conceptual Site Plan*, the new school campus would encompass the majority of the northern half of the approximately 26-acre Project Site (25.75 gross acres; 21,51 net acres after dedication of 4.24 acres of right-of-way to the City for street improvements that would be implemented by the project applicant along Mojave Street and 3rd Avenue). Specifically, the new campus would occupy approximately 10.03 acres of the Project Site. Additionally, a shallow infiltration basin (descried further in Section 14.6.3, *Drainage System*) required to serve the Project's drainage needs would be developed in an area of the Project Site that encompasses approximately 1.79 acres, just east of and abutting the school campus (see Figure 4). Combined, the school campus area and the area set aside for the infiltration basin would disturb approximately 11.82 acres (disturbed area) of the overall 26-acre Project Site. The remainder of the Project Site would remain undeveloped desert land.

The Project would be designed as a contemporary TK to eighth charter school. The site design follows the natural contours of the undeveloped Project Site and its surroundings. The site layout provides a buffer between the proposed buildings and the surroundings residences; it also creates a protected area separate from the surrounding streets and parking lots for the children's sport courts and gathering and recreation areas. The Project's design places emphasis on maintaining a relationship with surrounding residences while also generating a distinct school identity.

As illustrated in Figure 4, the main school building would be placed in the northwestern end of the Project Site with frontage onto 3rd Avenue and Mojave Street. Entrance to the building would be from the northern end of the building, which faces Mojave Street. The main building is a one story (approximately 20 feet in height) concrete tilt-up building and comprises 21,400 square-feet of floor space featuring the TK and Kindergarten classrooms, a multipurpose room, school library, school kitchen, science room, janitorial and storage rooms, teacher lounges and workspaces, restrooms, administrative and health offices, and reception area. The portion of the building that would be occupied by the multipurpose room would be the tallest element of the building (approximately 30 feet), as it would feature a high ceiling for the proposed indoor basketball court. Aside from basketball games, the multipurpose room would host other sporting and special events, such as volleyball games, assemblies, and graduation ceremonies.

Figure 1 - Regional Location



Note: Unincorporated county areas are shown in white.

0 3
Scale (Miles)

Source: ESRI, 2022

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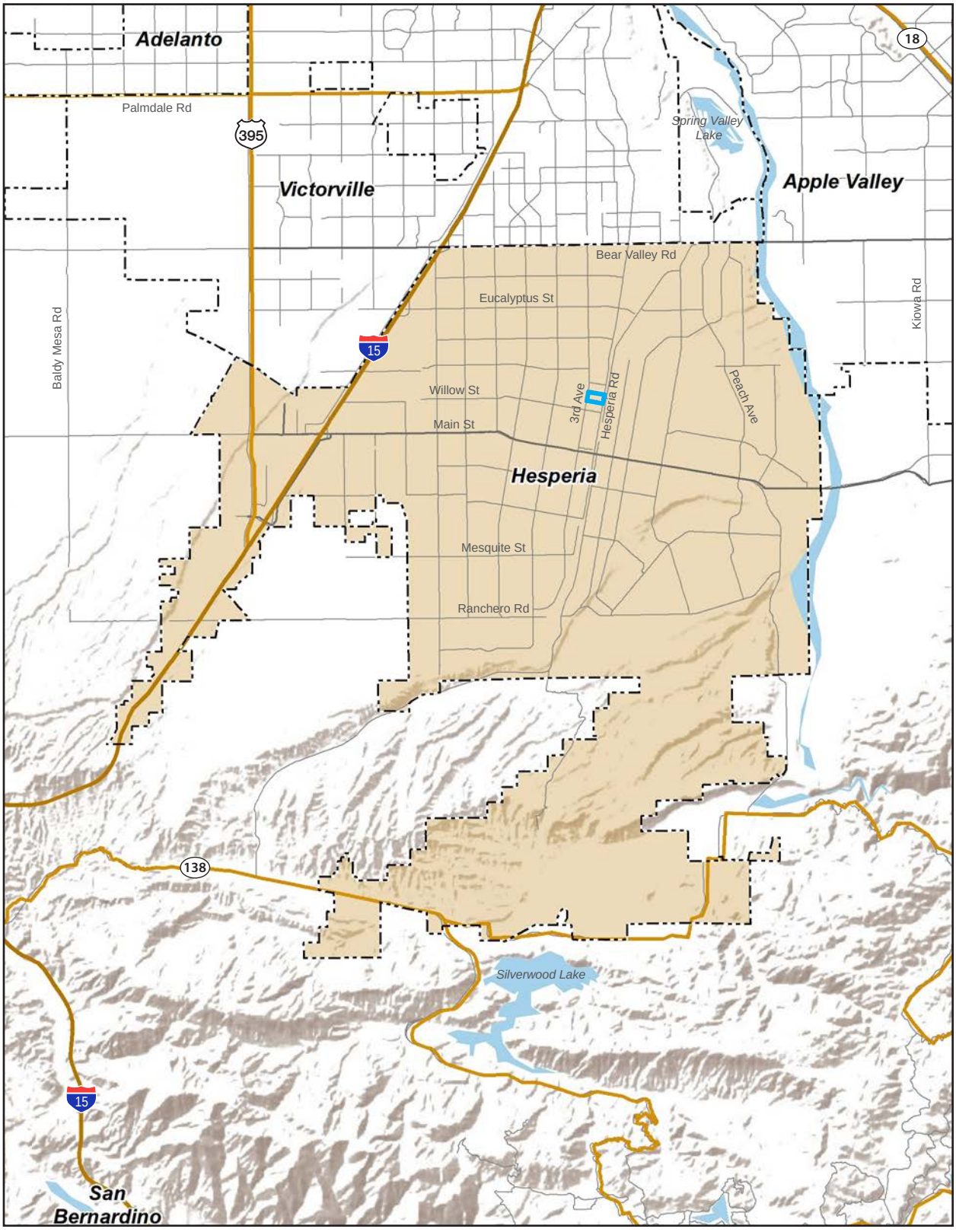
Figure 2 - Local Vicinity



Source: ESRI, 2022

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Figure 3 - Aerial Photograph

Source: Nearmap, 2022

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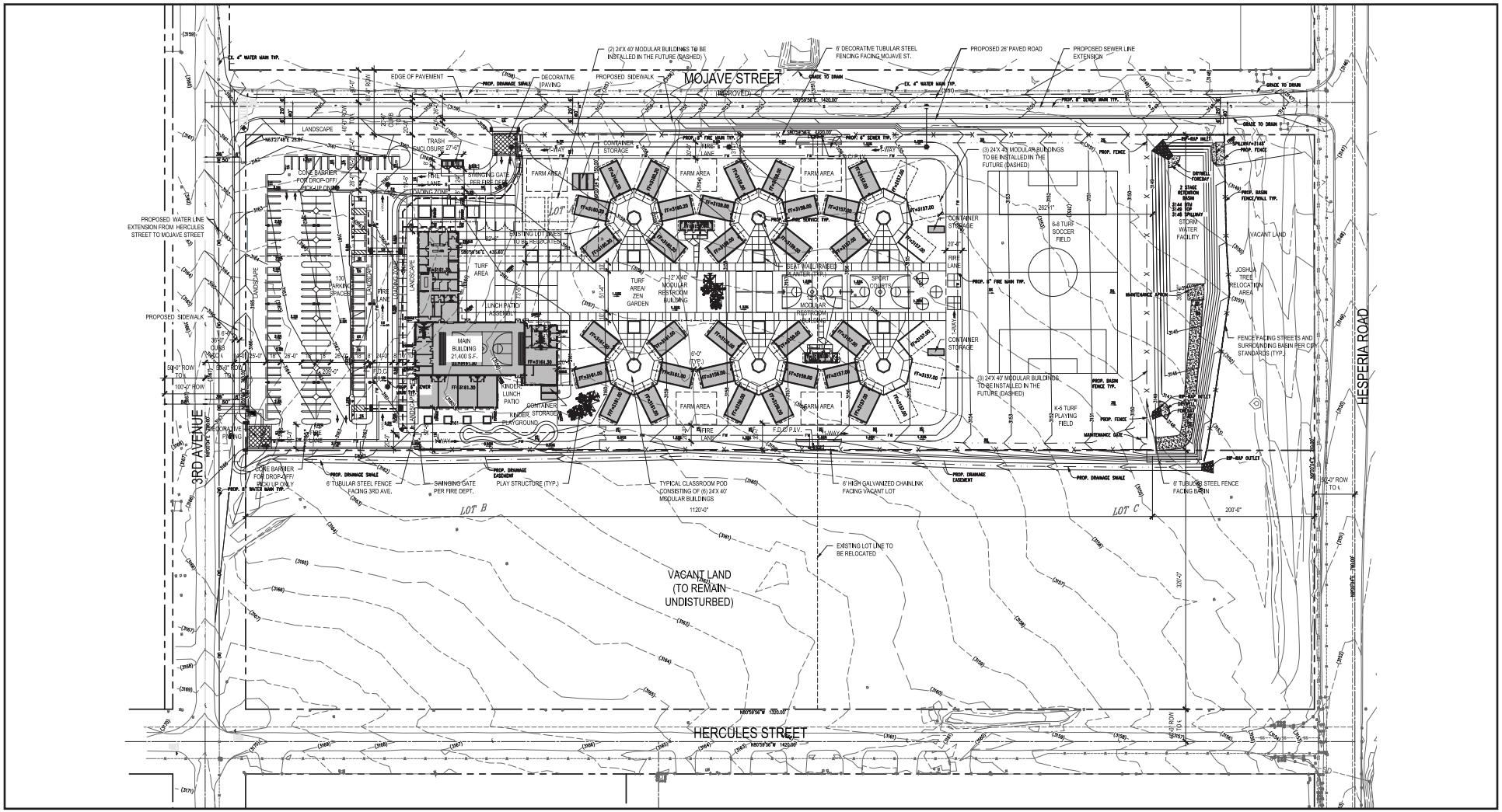
Figure 4 - Conceptual Site Plan



Source: KMA Architects, 2022

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As shown in Figure 4, the remaining classrooms for first to eighth graders would be developed as classroom pods (total of six to be placed east of the main building), with each pod featuring six 24-foot by 40-foot relocatable modular classroom buildings (36 modular buildings would be provided). Each pod would feature a centralized courtyard with seat walls/raised planters and walkways. Also, two stand-alone 24-foot by 40-foot relocatable modular classroom buildings would be provided between the main building and the northwestern pod. A total of 38 modular buildings would be provided. Further, two relocatable modular restroom buildings and a few storage containers would be provided near the classroom pods.

As shown in Figure 4, placement of the main building and the classroom pods provide a visual and physical buffer between the internal campus areas and the traffic activities along 3rd Avenue and Mojave Street. All roof-mounted mechanical equipment would be completely shielded from public view via roof equipment screens.

Other Project components, which are described in more detail below, include campus amenities and facilities; vehicular access and circulation improvements (both on- and offsite); surface parking areas and drive aisles; pedestrian access and circulation improvements; various landscape, hardscape, and lighting improvements; and infrastructure and utility improvements.

Project development would require City approval and issuance of a conditional use permit, which is described in more detail in Section 1.5.1.1, *Discretionary Actions and Approvals*.

1.4.2 Architectural Design and Character

Project development would include the construction of multiples buildings and structures, as well as various site features and improvements. As shown in Figure 4, the school campus would feature a main building and six classroom pods, as well as a solid waste enclosure. Architecturally and functionally, the L-shaped main building would be designed and constructed as a single-story building. The classroom pods would be single-story in height and be placed just east of the main building. The solid waste enclosure would be a stand-alone, semi-enclosed structure.

Figures 5a, *Conceptual North and South Building Elevations*, and 5b, *Conceptual East and West Building Elevations*, and Figures 6, *Conceptual Rendering*, and 7, *Conceptual Rendering*, illustrate the conceptual elevations and architectural design and features of the proposed buildings. As shown in these figures, the buildings would incorporate a contemporary architectural style and aesthetic design, which express the buildings educational use and purpose. The final architectural style and aesthetic design of the buildings is subject to review and approval by the City.

As illustrated in Figures 5a and 5b, building features and materials include natural and painted concrete walls in four color schemes; high-performance tinted glazing (windows and doors); painted aluminum store front; and painted aluminum/steel awnings for shading. The massing of the buildings is broken up and varied to allow for a human-scaled design. The buildings have also been designed to have multiple-feature elements on all façades. Building pop-outs, offsets, overhangs, recesses, and variations in building materials and colors would be added to offset the building's massing and provide relief to and variation in the building form and style. For example, the parapet heights would be varied for visual interest and breaking up the massing, and tilt-up panel joints would be exaggerated by reveals and a change in color. Building entries would be articulated through the

use of varied building materials and colors. The building's shapes and stylistic character mimic the rest of the Project design.

Also, the proposed solid waste enclosure would be designed and constructed to be architecturally compatible with the proposed building design. It would include concrete walls on three sides, swinging metal doors on one side for access, and an overhead aluminum/steel canopy.

1.4.3 Campus Amenities and Facilities

As shown in in Figure 4, the school campus amenities would include a centrally located corridor that would traverse west to east, commencing near the main building and ending near the soccer field. The corridor would be flanked by the classroom pods and would feature Zen gardens, natural turf and seating areas, walkways, a play structure, and sports courts. Adjacent to and just east of the main building would be a natural turf area and lunch patio/assembly area. Abutting the southern end of the main building would be the kindergarten lunch area and playground. A natural turf soccer field would be provided along the eastern boundary of the campus. Abutting the southern end of the soccer field would be a natural turf playing field for kindergarten to fifth graders. Other campus amenities would include small farming areas (would be used for gardening type plants) that would be placed in between the classroom pods.

Campus facilities include janitorial and storage rooms within the main building and a few storage containers that would be provided near the classroom pods. Also, an enclosure that would accommodate individual trash bins for solid waste, recyclable materials and food waste would be provided near the northwestern end of the school campus, just north of the main building and along the main drive aisle.

1.4.4 Landscaping, Walls/Fences, and Lighting

1.4.4.1 LANDSCAPING

The Project's landscape plan would feature landscaping along the campus perimeter and internal to the proposed campus, including along the building edges, within the parking areas and campus courtyards, and as a part of the natural turf areas and playfields. The site landscaping would include a variety of ornamental trees, shrubs, and groundcover that would help soften the massing of the buildings and various hardscape improvements (e.g., parking areas, drive aisles, walkways) and help provide visual relief for the Project.

1.4.4.2 WALLS, FENCES AND GATES

Various walls, fences and gates would be provided along the site perimeter and internal to the site. A six-foot high galvanized chain link fence would be provided on the south side of the Project Site, a six-foot high tubular steel fence with split-face columns on the north side adjacent to Mojave Street, and a six-foot high tubular steel fence with a two-foot high split-face block at the base on the east side facing Hesperia Road. Pedestrian access onto the campus would be provided via swinging gates near the main entrance of the campus, which is near the northern end of the main building. The kindergarten classrooms and area would be accessed via a separate pedestrian gate near the southwestern end of the main building.

Figure 5a - Conceptual North and South Building Elevations

Source: KMA Architects, 2022

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Figure 5b - Conceptual East and West Building Elevations

Source: KMA Architects, 2022

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Figure 6 - Conceptual Rendering

Source: KMA Architects, 2022

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Figure 7 - Conceptual Rendering

Source: KMA Architects, 2022

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The proposed solid waste enclosure would include solid walls on three sides and swinging metal doors on the side fronting on to the internal drive aisle. The infiltration basin proposed east of and abutting the eastern boundary of the school campus (see Figure 4, *Conceptual Site Plan*) would include permitter fencing.

Emergency vehicle access to the internal fire access lane, which would loop around the campus (see Figure 4), would be provided via swinging gates near the southwestern end of the main building and near the proposed vehicular access drive off Mojave Street.

1.4.4.3 LIGHTING

Project lighting would consist of exterior building-mounted light fixtures; interior lighting for the new buildings; lighting for pedestrian walkways and common gathering areas; ground-mounted decorative lighting for landscape and architectural features; lighting for the parking areas and drive aisles; security lighting; and streetlights along 3rd Avenue and Mojave Street. No lighting is proposed for the proposed soccer field.

1.4.5 Access, Circulation, and Parking

1.4.5.1 VEHICULAR ACCESS, CIRCULATION, AND PARKING

Vehicular Access and Circulation

Vehicular access to the new campus would be provided via two driveways—one on 3rd Avenue and the other on Mojave Street. Both driveways would be designed and constructed as full access driveways, allowing all vehicular turning movements. The driveways would connect to the internal drive aisle system, which would also serve as the student drop-off/pick-up circulation feature and the fire access lane.

During the student drop-off (morning) and pick-up (afternoon) times, both driveways would serve the parents arriving to the campus. During the morning drop-off and afternoon pick-up hours, cars entering the 3rd Avenue driveway would be directed northerly along the parking area drive aisle via movable cone barriers and school staff, and eventually merge into the established vehicular path. Cars entering the Hesperia Street driveway would be directed westerly along the parking area drive aisle via movable cone barriers and school staff, and eventually merge into the established vehicular path. Upon dropping off students in the designated loading zone, parents would be directed to exit the campus via the Hesperia Street driveway only.

Emergency vehicle access to the Project Site would be via the 3rd Avenue or Hesperia Street driveways, which connect to the internal drive aisle system and fire access lane. As shown in Figure 4, *Conceptual Site Plan*, the fire access lane would loop around the entire campus. Emergency vehicle access onto the portion of the fire access lane that traverses the southern, eastern and northern ends of the campus would be via the proposed vehicular gates near the southwestern end of the main building and near the proposed vehicular access drive off Mojave Street. Knox Boxes[1] (or other approved means of emergency access to the site) would be provided for the gates to provide access for emergency personnel.

[1] A Knox Box is a small, wall-mounted safe that holds building keys for fire departments, emergency medical services, and sometimes police to retrieve in emergency situations.

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As a part of the Project, several roadway improvements would be implemented along 3rd Avenue and Mojave Street, which are public streets that are owned and maintained by the City. As a part of these roadway improvements, the project applicant would be dedicating 4.24 acres of right-of-way to the City. Improvements along 3rd Avenue include constructing the roadway to its ultimate right-of-way width along the portion of 3rd Avenue that abuts the length of entire boundary of the school campus area only, and not the entire length of the Project Site boundary (which extends from Hercules Street on the south to Mojave Street on the north). Specifically, the improvements would occur between the west-central edge of the Project Site to the intersection of 3rd Avenue and Mojave Street. The improvements include roadway pavement for the addition of a new north-bound travel lane, curb and gutter, curb ramps, and a sidewalk.

For Mojave Street, the project applicant would construct the new street from 3rd Avenue on the west to Hesperia Road on the east—this offsite improvement would disturb approximately 14.4 gross acres. The improvements include roadway pavement for two travel lanes (one in each direction with a total width of 26 feet), curb and gutter, curb ramps, stop signs at each end of the street, and a portion of the public sidewalk (see description above for proposed sidewalk). All roadway improvement would be designed and constructed be per City standards and once completed, would be owned and maintained by the City.

Parking

Parking for school employees and visitors would be provided onsite in the parking area proposed in the western end of the campus. Pursuant to the provisions of the Hesperia Development Code, 130 parking spaces are required to accommodate the Project and 130 parking spaces would be provided. Additionally, pursuant to the provisions of the Hesperia Development Code and the most current (2019) California Green Building Standards Code (CALGreen; Title 24, California Code of Regulations, Part 11), which are codified in Title 15 (Buildings and Construction), Section 14.04.010 (California Codes Adopted) of the Hesperia Municipal Code, parking spaces for handicap (total of 6) and clean-air vehicles (total of 18) would be provided among the 130 spaces. A total of 13 of the 18 clean air vehicle parking spaces would be set aside for the future installation of electric vehicle charging stations.

1.4.5.2 PEDESTRIAN ACCESS AND CIRCULATION

As shown in Figure 4, *Conceptual Site Plan*, pedestrian access to the school campus would be provided via a new curb-adjacent public sidewalk along the portion of 3rd Avenue (which forms the western Project Site boundary) that abuts the proposed campus area only and not along the entire stretch of the Project Site's western boundary. A public sidewalk would also be provided along a small portion of Mojave Street (from the Mojave Street and 3rd Avenue intersection to the proposed driveway), as shown in Figure 4. Additionally, a striped crosswalk would be provided along the eastern portion of the intersection of 3rd Avenue and Mojave Street. Currently, there is no sidewalk along the side of 3rd Avenue that abuts the entire stretch of the Project Site; there is also no sidewalk along Mojave Street as it is currently an unpaved dirt road. The new public sidewalks, which would be constructed in conjunction with the 3rd Avenue and Mojave Street roadway improvements (discussed above), would connect to the internal walkway system of the campus area. The walkways would provide a means for school children, staff, personnel and visitors to conveniently and safely access the campus area.

1.4.6 Infrastructure Improvements and Utility and Service Systems

1.4.6.1 WATER SYSTEM

The City would provide water delivery service to the Project Site. Hesperia derives all of its water from underground aquifers through groundwater wells located throughout Hesperia.

As a part of the Project, onsite water lines (for potable water, irrigation and fire suppression purposes) would connect to a new water line in 3rd Avenue, which is required to accommodate the Project. The project applicant would construct the new water line in 3rd Avenue from Mojave Street to Hercules Street, where it would connect to the existing water main in Hercules Street. Construction of the new water line in 3rd Avenue would require temporary closure of a portion of this roadway to accommodate the construction activities of the new water line. The proposed water system improvements would be designed and constructed in accordance with City requirements and would require City approval.

Additionally, fire hydrants would be installed onsite pursuant to requirements of the San Bernardino County Fire Protection District to ensure adequate fire protection infrastructure. The fire hydrants would connect to the new onsite water lines.

1.4.6.2 WASTEWATER SYSTEM

Wastewater generated onsite would be collected and conveyed to the Hesperia Subregional Water Reclamation Plant (WRP-1), which is maintained and operated by Victor Valley Wastewater Reclamation Authority, via the City's existing local sewer system beneath its roadways.

As a part of the Project, new onsite sewer lines would connect to a new sewer line in Mojave Street, which is required to accommodate the Project. The project applicant would construct the new sewer line in Mojave Street from 3rd Avenue to Hesperia Road, where it would connect to the existing sewer main in Hesperia Road. The proposed wastewater system improvements would be designed and constructed in accordance with City requirements and would require City approval.

1.4.6.3 DRAINAGE SYSTEM

As shown in Figure 3, *Aerial Photograph*, the Project Site consists of undeveloped desert land. Under existing conditions, the Project Site has zero percent impervious surface area. The site is relatively flat with gentle slopes draining northerly and easterly (via sheet flow) to the northeasterly corner of the Project Site along Hesperia Road. There are no drainage improvements onsite under existing conditions; there are also no water quality devices/features onsite to provide any treatment for "first flush" generated onsite. Further, there are no curb-and-gutter improvements along any of the streets that front onto the Project Site.

Under proposed conditions and upon Project completion, the portion of the Project Site that would comprise the new school campus (10.03 acres) would be development with impervious (e.g., buildings, asphalt parking, hardcourts) and pervious (e.g., playfield, open lawn areas) surfaces. Additionally, a shallow infiltration basin required to serve the Project's drainage needs would be developed on approximately 1.79 acres of the Project

Site, just east of and abutting the school campus (see Figure 4, *Conceptual Site Plan*). The rest of the Project Site would remain impervious.

Site runoff from the school campus would be conveyed similar to existing conditions, continuing to flow easterly via a comprehensive onsite drainage collection, conveyance, and treatment system. Stormwater runoff generated onsite would drain via paved surfaces and curb gutters to proposed swales that drain to a large stormwater retention basin. The swales would be provided along the entire stretch of the southern boundary of the campus, which eventually connect to the proposed infiltration basin. The shallow infiltration basin would be sized to retain the difference in generated stormwater volume from the 10- and 100-year storms as well as for hydromodification purposes. Runoff conveyed to the retention basin would be treated and infiltrated.

Additionally, and as described earlier, the 3rd Avenue and Mojave Street would be improved as a part of the Project. The addition of impervious area within the right-of-way of these roadways would be mitigated by the proposed onsite stormwater retention and infiltration system, as there would be more than adequate capacity in the retention basin to accommodate the runoff generated by these roadway improvements.

The proposed drainage system improvements would be designed and constructed in accordance with City requirements and would require City approval.

1.4.6.4 SOLID WASTE AND RECYCLING

Solid waste and recycling generated by the Project would be collected and hauled away by Advanced Disposal Co. and transported to/disposed of at the appropriate waste and recycling facilities (e.g., Victorville Sanitary Landfill, which is operated by the County of San Bernardino Public Works Department). An enclosure with swinging gates that would accommodate bins for solid waste, organic waste, and recyclable materials would be provided near the northwestern end of the school campus, just north of the main building and along the main drive aisle.

1.4.6.5 UTILITIES AND SERVICE SYSTEMS

Plans for utilities and service systems that would serve the Project include provision of electricity (Southern California Edison), natural gas (Southern California Gas Company), and telecommunications (AT&T, Time Warner Communications, Frontier Communications). All modification of, and connection to, existing utility and service systems would be accommodated consistent with City and service providers requirements. Also, all new utility infrastructure would be installed underground or placed in enclosed spaces (e.g., utility closets).

1.4.6.6 OPERATIONAL CHARACTERISTICS

Schools Hours and Calendar

Based on the proposed construction timeline (see Section 1.5.10, Project Phasing and Construction), it is anticipated that the new campus would be operational for the 2023-2024 school year, which commences in early August 2023. School campus hours would be from 6:00 am to 6:00 pm for student instruction, from Monday through Friday during normal school months, which is the second week of August through the last week of May. However, school staff and personnel typically arrive earlier and stay later then the programmed

school hours. Student drop off times would be from 7:45 am until 8:15 am. Also, there would be after school programs, which means that pick up times for students participating in these programs would range from 3:15 pm until 6:00 pm. Occasional events would deviate from the standard hours.

The campus would be closed on weekends and holidays unless a special event is scheduled. During normal school months, there would be at least 31 holidays and faculty in-service days when school is not in session. On the faculty in-service days, the campus traffic is reduced to staff use only. During the holidays, the entire campus would be closed with no activity taking place. During the summer months/vacation, the school campus would be closed.

Students and Staffing

Once completed, the new campus would be home to a total of up to 700 school students from grades TK to eighth. The school would have a staff of approximately 60 persons, which would include teachers, administration, and maintenance. It should be noted that the student and staff count may fluctuate from year to year, depending on the number of students that enroll each school year.

1.4.6.7 GREEN BUILDING STANDARDS

According to the US Green Building Council, green building is the practice of designing, constructing and operating buildings to maximize occupant health and productivity, use fewer resources, reduce waste and negative environmental impacts, and decrease life cycle costs (ACI 2020). The Project would be designed and constructed using green building practices, including those of the most current California Building Energy Efficiency Standards (Title 24, California Code of Regulations, Part 6) and CALGreen (Title 24, California Code of Regulations, Part 11). The Building Energy Efficiency Standards contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. CALGreen is California's statewide "green" building code. Its purpose is to improve public health, safety, and general welfare by enhancing the design and construction of buildings through the use of building concepts that have a reduced negative impact or positive environmental impact and by encouraging sustainable construction practices in the following categories: planning and design, energy efficiency, water efficiency and conservation, water conservation and resource efficiency, and environmental quality.

As proposed, Project development would include mandatory standards from CALGreen Divisions 5.1, Planning and Design; 5.2, Energy Efficiency; 5.3, Water Efficiency and Conservation; 5.4, Material Conservation and Resource Efficiency; and 5.5, Environmental Quality. Some of the specific green building standards include but are not limited to:

- Bicycle parking
- Building commissioning
- Designated parking for clean air vehicles
- Electric vehicle charging (facilitate future installation of electric vehicle supply equipment)
- Light-pollution reduction
- Water-conserving plumbing fixtures and fittings

- Outdoor water usage conservation
- Construction waste reduction, disposal, and recycling
- Recycling by occupant
- Finish-material-pollutant control

1.4.6.8 PROJECT PHASING AND CONSTRUCTION

Upon City approval, Project development is anticipated to be completed in three general development phases: clearing, grading, and construction. Overall construction is estimated to take approximately 10 months, extending from late 2022 to late 2023. No soil import or export would be required as the site is expected to balance. The types and numbers of construction equipment expected to be used during construction activities are summarized in Section 3.3, *Air Quality*. All construction staging activities and areas would occur within the confines of the Project Site. Based on the proposed construction timeline, it is anticipated that the Project would be operational by late 2023.

1.5 CITY ACTION REQUESTED

1.5.1.1 DISCRETIONARY ACTIONS AND APPROVALS

Under CEQA Guidelines Section 15357, a discretionary action means a project that calls for an exercise of judgment or deliberation when the public agency (for the Project, the public agency is the City of Hesperia) decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, regulations, or other fixed standards. Hesperia is the lead agency under CEQA and has the principal approval authority over the Project. Following is a list of the discretionary actions and approvals required for Project implementation.

- Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program.
- Approval of a Conditional Use Permit (CUP22-00008)

Additionally, City review of the Project would produce a comprehensive set of draft conditions of approval that would be available for public review prior to consideration of the Project for approval by the City's decision-making body. If approved, the Project would be required to comply with all imposed conditions of approval.

1.5.1.2 NON-DISCRETIONARY ACTIONS AND APPROVALS

Under CEQA Guidelines Section 15369, non-discretionary or ministerial actions or approvals are those that involve little or no discretion (e.g., connections to utility infrastructure), merely apply a checklist or clear requirements to the facts as presented and are often issued over the counter by a county or city staff. These actions or approval are ones that require only conformance with a fixed standard or objective measurement and requires little or no personal judgment by a government agency as to the wisdom or manner of carrying out the action. Generally, non-discretionary or ministerial permits require a public official to determine only that the project conforms with applicable zoning and building code requirements and that applicable fees have

been paid. Following is a list of the nondiscretionary/ministerial actions and approvals required for Project implementation.

- Approval and issuance of grading and building permits.
- Approvals for water, sewer, and storm drain infrastructure improvements in the public right-of-way.
- Approval of any roadway improvements and closures that may be needed to implement the improvements.
- Approval and issuance of certificates of occupancy.

1.6 INCORPORATION BY REFERENCE

- **2010 Hesperia General Plan.** The Hesperia General Plan is a policy document designed to give long-range guidance and direction for decisions affecting the future character of the City. It represents the blueprint and official statement of the City's physical development as well as its economic, social, and environmental goals. The Hesperia General Plan was used throughout this Initial Study as the fundamental planning document governing development on the Project Site.

- **2010 Hesperia General Plan Environmental Impact Report**. The 2010 Hesperia General Plan Environmental Impact Report (EIR) evaluated the proposed plan's effect on the physical environment as it is now, and the impact on the environment that would exist under the proposed plan, including secondary and cumulative effects. The findings, conclusions and mitigation measures of EIR were used throughout this Initial Study, as needed.

- **Hesperia Development Code.** The Hesperia Development Code (Title 16 of the Hesperia Code of Ordinances) is the regulating tool that the City uses to implement the Hesperia General Plan; it establishes the basic regulations under which land in Hesperia is developed and utilized. This includes but is not limited to regulations and controls for the design and improvement of development sites, allowable uses, building setback and height requirements, and other development standards. The basic intent of the ordinance is to promote and protect the public health, safety, convenience, and welfare of present and future citizens of Hesperia. The Hesperia Development Code was used throughout this Initial Study as the fundamental regulatory document governing development on the Project Site.

1. Introduction

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2. Environmental Checklist

2.1 PROJECT INFORMATION

1. **Project Title:** Pathways to College K-8 Charter School.

2. **Lead Agency Name and Address:**
   City of Hesperia
   Planning Department
   9700 Seventh Avenue
   Hesperia, CA 923452

3. **Contact Person and Phone Number:**
   Ryan Leonard, Senior Planner
   760.974.1651

4. **Project Location:** The Project Site is at the northwest corner of Hercules Street and Hesperia Road in Hesperia—it is bounded by Hercules Street (paved road) to the south, Mojave Street (dirt road) to the north, Hesperia Road (paved road) to the east, and 3rd Avenue (paved road) to the west.

5. **Project Sponsor's Name and Address:**
   Pathways to College
   9144 Third Avenue
   Hesperia, CA 92345

6. **General Plan Designation:** Neighborhood Commercial (NC) Medium Density Residential (MDR).

7. **Zoning:** Medium Density Residential (MDR) and Neighborhood Commercial (C1).

8. **Description of Project:** The project applicant (Pathways to College) is proposing construction and operation of the Pathways to College K-8 Charter School, a new charter school campus serving students from TK to eighth. Once completed, the school campus will house a total of up to 700 students, 60 school staff, and multiple school buildings and facilities. Refer to Section 1.4, *Project Description*, for a more detailed description of the project.

9. **Surrounding Land Uses and Setting:** The Project Site is generally bounded by Hercules Street to the south, with multifamily residential uses, a church, a telecommunications facility, and undeveloped desert land beyond; Mojave Street to the north, with a few single-family homes and mostly undeveloped desert land beyond; 3rd Avenue to the west, with single-family homes and undeveloped desert land beyond; and Hesperia Road to the east, with railroad tracks and undeveloped desert land beyond

2. Environmental Checklist

10. **Other Public Agencies Whose Approval Is Required (e.g., permits, financing approval, or participating agreement):** Not Applicable

2.2 ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

- ☐ Aesthetics
- ☐ Biological Resources
- ☐ Geology/Soils
- ☐ Hydrology/Water Quality
- ☐ Noise
- ☐ Recreation
- ☐ Utilities / Service Systems
- ☐ Agriculture / Forestry Resources
- ☐ Cultural Resources
- ☐ Greenhouse Gas Emissions
- ☐ Land Use / Planning
- ☐ Population / Housing
- ☐ Transportation
- ☐ Wildfire
- ☐ Air Quality
- ☐ Energy
- ☐ Hazards and Hazardous Materials
- ☐ Mineral Resources
- ☐ Public Services
- ☐ Tribal Cultural Resources
- ☐ Mandatory Findings of Significance

2.3 DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature

11/17/22

Date

2.4 EVALUATION OF ENVIRONMENTAL IMPACTS

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors, as well as general standards (e.g., the project would not expose sensitive receptors to pollutants, based on a project-specific screening analysis).

2. All answers must take account of the whole action involved, including off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3. Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4. "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.

5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) **Earlier Analyses Used.** Identify and state where they are available for review.

   b) I**mpacts Adequately Addressed.** Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.

   c) **Mitigation Measures.** For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6. Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7. Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8. This is only a suggested form, and lead agencies are free to use different formats; however, lead agencies should normally address the questions from this checklist that are relevant to a project's environmental effects in whatever format is selected.

9. The explanation of each issue should identify:

   a) the significance criteria or threshold, if any, used to evaluate each question; and
   b) the mitigation measure identified, if any, to reduce the impact to less than significance.

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS. Except as provided in Public Resources Code Section 21099, would the project:				
a) Have a substantial adverse effect on a scenic vista?			X	
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				X
c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	
II. AGRICULTURE AND FORESTRY RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				X
d) Result in the loss of forest land or conversion of forest land to non-forest use?				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				X
III. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?			X	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?			X	
c) Expose sensitive receptors to substantial pollutant concentrations?			X	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			X	
IV. BIOLOGICAL RESOURCES. Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		X		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X		
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES. Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?				X
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		X		
c) Disturb any human remains, including those interred outside of dedicated cemeteries?			X	
VI. ENERGY. Would the project:				
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			X	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?				X
VII. GEOLOGY AND SOILS. Would the project:				
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			X	
ii) Strong seismic ground shaking?			X	
iii) Seismic-related ground failure, including liquefaction?			X	
iv) Landslides?				X
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			X	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				X
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?			X	

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
VIII. GREENHOUSE GAS EMISSIONS. Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?				X
IX. HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code § 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				X
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				X
X. HYDROLOGY AND WATER QUALITY. Would the project:				
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			X	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			X	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in a substantial erosion or siltation on- or off-site;			X	

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			X	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			X	
iv) impede or redirect flood flows?				X
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				X
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			X	
XI. LAND USE AND PLANNING. Would the project:				
a) Physically divide an established community?				X
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				X
XII. MINERAL RESOURCES. Would the project:				
a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?				X
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X
XIII. NOISE. Would the project result in:				
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Generation of excessive groundborne vibration or groundborne noise levels?				X
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
XIV. POPULATION AND HOUSING. Would the project:				
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XV. PUBLIC SERVICES. Would the project:				
a) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
Fire protection?			X	
Police protection?			X	
Schools?				X
Parks?				X
Other public facilities?				X
XVI. RECREATION.				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?			X	
XVII. TRANSPORTATION. Would the project:				
a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			X	
b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?				X
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
d) Result in inadequate emergency access?			X	
XVIII. TRIBAL CULTURAL RESOURCES.				
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				X

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.		X		
XIX. UTILITIES AND SERVICE SYSTEMS. Would the project:				
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			X	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			X	
c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
d) 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?			X	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?				X
XX. WILDFIRE. If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				X
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				X
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				X
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				X

2. Environmental Checklist

Issues	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
XXI. MANDATORY FINDINGS OF SIGNIFICANCE.				
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)			X	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?			X	

3. Environmental Analysis

Section 2.4 provided a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions contained in the checklist and identifies mitigation measures, if applicable.

3.1 AESTHETICS

Except as provided in Public Resources Code Section 21099, would the project:

a) Have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. For purposes of determining significance under CEQA, a scenic vista is generally considered a viewpoint that provides expansive views of a highly valued landscape for the benefit of the general public. Some scenic vistas are officially designated by public agencies, and some are informally designated by tourist guides. Vistas provide visual access or panoramic views to a large geographic area and are generally located at a point where surrounding views are greater than one mile away. Panoramic views are usually associated with vantage points over a section of urban or natural areas that provides a geographic orientation not commonly available. Examples of panoramic views might include an urban skyline, valley, mountain range, a large open space area, the ocean, or other water bodies. A substantial adverse effect to a scenic vista is one that degrades the view from such a designated view spot.

The Hesperia General Plan Open Space Element identifies the Mojave River east of Hesperia, the San Bernardino and San Gabriel Mountain ranges to the south, and surrounding hillsides and natural desert environment as contributing to natural scenic open space in Hesperia. The Project Site is approximately 3.25-miles west of the Mojave River. Additionally, the Project Site and its surroundings are generally flat with no apparent slope; therefore, no views of the rivers are afforded from the Project Site or its surroundings.

Views of the San Gabriel and San Bernardino Mountains afforded to motorists and passersby traveling north-south along Hesperia Road and 3rd Avenue would be partially obstructed by the Project's vertical improvements/features, including buildings and trees. However, the obstructed view window would only occur along the portion of Hesperia Road and 3rd Avenue (approximately 750 linear feet) that abuts the Project Site. Therefore, the view window afforded is fairly small. Also, under existing conditions, views of the San Gabriel and San Bernardino Mountain Ranges are already partially obstructed due to intervening development and landscaping, topography, and atmospheric haze that is common in the area throughout the year. Furthermore, due to the height and massing of the mountains, views of these scenic features would continue to be provided to motorists and passersby traveling along Hesperia Road and 3rd Avenue.

Furthermore, there are no designated open space resources or designations onsite or in the vicinity of the Project Site, a designation typically used to determine the value of certain public vistas in order to gauge adverse effects. Finally, the Hesperia General Plan does not designate any scenic vistas or protected viewsheds along any of the roads that surround the Project Site.

3. Environmental Analysis

Based on the preceding, impacts would be less than significant, and no mitigation measures are necessary.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. Scenic highways are a unique component of the region's circulation system as they traverse areas of scenic or aesthetic value. According to the California Department of Transportation (Caltrans), a highway may be designated as scenic depending on how much of the natural landscape can be seen by travelers, the scenic quality of the landscape, and the extent to which development intrudes upon the traveler's enjoyment of the view (Caltrans 2022a).

The Project Site is in an urbanizing area of Hesperia and is not on or near a state-designated or -eligible scenic highway, as designated on the California State Scenic Highway System Map of the California Department of Transportation (Caltrans 2022b). In fact, no highways within Hesperia are eligible or officially designated state scenic highways. Additionally, the Project Site is not visible from the nearest state-eligible scenic highway (State Route 138), which is approximately nine miles south of the Project Site. Due to distance and intervening land uses, no portion of the Project Site or surrounding area is viewable from State Route 138.

Furthermore, there are no rock outcroppings or historic buildings onsite—the Project Site is vacant and void of any buildings and structures.

Therefore, no impact would occur, and no mitigation measures are necessary.

c) In nonurbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?

Less Than Significant Impact. The assessment of aesthetic impacts is subjective by nature. Aesthetics generally refers to the identification of visual resources and their quality, as well as an overall visual perception of the environment. A project is generally considered to have a significant aesthetic impact if it substantially changes the character or quality of the Project Site such that the site becomes visually incompatible with or visually unexpected in its surroundings.

As shown in Figure 3, *Aerial Photograph*, the Project Site is in an urbanizing area of Hesperia. The predominate visual character of the site consists of rural desert community in a rural desert environment The Project Site is void of any buildings, structures, or other improvements; it consists of undeveloped desert land with native vegetation (e.g., Joshua trees) and ruderal areas. The site is relatively flat with gentle slopes draining northerly and easterly to the northeasterly corner of the Project Site along Hesperia Road. Surrounding land uses consist of residential uses, a church, a telecommunications facility, and undeveloped desert land.

Following is a discussion of the potential impact to the visual character or quality of the Project Site and its surrounding resulting from the construction and operational phases of the Project.

Project Construction Phase

Project construction activities would temporarily change the visual character of the Project Site and its surroundings. Construction activities would involve site clearing, grading, and site improvements. Construction staging areas, including earth stockpiling, storage of equipment and supplies, and related activities would contribute to a generally "disturbed site," which may be perceived by some as a visual impact.

However, these effects would be typical of any site in Hesperia that undergoes development or redevelopment. Project development is anticipated to be completed in three phases—clearing, grading, and construction. Overall construction is estimated to take up to 10 months, extending from late 2022 to late 2023. Construction activities may be unsightly during the site preparation and construction phases; however, they would be temporary and would cease upon completion.

Additionally, and where necessary, construction fencing would be erected to help shield the construction areas and would also be temporary. Specifically, the typical fencing to be provided (i.e., chain-link fencing with mesh fabric or similar screening material) would screen views of the construction sites, including stockpiles, graded areas, construction equipment, and building materials.

Therefore, Project-related construction activities would not have a significant effect on the existing visual character or quality of the site and its surroundings. Impacts would be less than significant, and no mitigation measures are necessary.

Project Operation Phase

The project applicant is proposing construction and operation of the Pathways to College K-8 Charter School on the Project Site, a new charter school campus serving students from TK to eighth. As shown in Figure 4, *Conceptual Site Plan*, the new school campus would encompass the majority of the northern half of the approximately 26-acre Project Site. Specifically, the new campus would occupy approximately 10.03 acres of the Project Site. Additionally, a shallow infiltration basin required to serve the Project's drainage needs would be developed in an area of the Project Site that encompasses approximately 1.79 acres, just east of and abutting the school campus (see Figure 4). The remainder of the Project Site would remain undeveloped desert land. Other Project components include campus amenities and facilities; vehicular access and circulation improvements (both on- and offsite); surface parking areas and drive aisles; pedestrian access and circulation improvements; various landscape, hardscape, and lighting improvements; and infrastructure and utility improvements.

Project development would include the construction of multiples buildings and structures, as well as various site features and improvements. As shown in Figure 4, the school campus would feature a main building and six classroom pods, as well as a solid waste enclosure. Architecturally and functionally, the L-shaped main building would be designed and constructed as a single-story building. The classroom pods would be single-story in height and be placed just east of the main building. The solid waste enclosure would be a stand-alone, semi-enclosed structure.

3. Environmental Analysis

The Project would be designed as a contemporary TK to eighth charter school. The site design follows the natural contours of the undeveloped Project Site and its surroundings. The site layout provides a buffer between the proposed buildings and the surroundings residences; it also creates a protected area separate from the surrounding streets and parking lots for the children's sport courts and gathering and recreation areas. The Project's design places emphasis on maintaining a relationship with surrounding residences while also generating a distinct school identity.

As shown in Figure 4, placement of the main building and the classroom pods provide a visual and physical buffer between the internal campus areas and the traffic activities along 3rd Avenue and Mojave Street. All roof-mounted mechanical equipment would be completely shielded from public view via roof equipment screens.

Figures 5a, *Conceptual North and South Building Elevations*, and 5b, *Conceptual East and West Building Elevations*, and Figures 6, *Conceptual Rendering*, and 7, *Conceptual Rendering*, illustrate the conceptual elevations and architectural design and features of the proposed buildings. As shown in these figures, the buildings would incorporate a contemporary architectural style and aesthetic design, which express the buildings educational use and purpose. The final architectural style and aesthetic design of the buildings is subject to review and approval by the City.

As illustrated in Figures 5a and 5b, building features and materials include natural and painted concrete walls in four color schemes; high-performance tinted glazing (windows and doors); painted aluminum store front; and painted aluminum/steel awnings for shading. The massing of the buildings is broken up and varied to allow for a human-scaled design. The buildings have also been designed to have multiple-feature elements on all façades. Building pop-outs, offsets, overhangs, recesses, and variations in building materials and colors would be added to offset the building's massing and provide relief to and variation in the building form and style. For example, the parapet heights would be varied for visual interest and breaking up the massing, and tilt-up panel joints would be exaggerated by reveals and a change in color. Building entries would be articulated through the use of varied building materials and colors. The building's shapes and stylistic character mimic the rest of the Project design.

The design elements/features of the proposed buildings would be complimentary to and not detract from those of the existing residential and religious uses surrounding the Project Site. While the Project establishes its own character, particularly with regard to architectural style and aesthetic design, its integration into the surrounding neighborhood is evidenced through compatible colors and quality design. The school building's design uses a neutral color palette in order to establish a visual connection and neighborhood identity while also relating to the school color and providing bold architectural features. The design is also unique due to its identity as an educational use and expresses its uniqueness through its contemporary style.

Additionally, Project implementation would provide compatible uses to the surrounding uses. As proposed, the charter school is a permitted use via City approval and issuance of a conditional use permit. Schools are not only a permitted use in the project area, but they are considered a compatible use and fit well within the surrounding neighborhoods. Also, the proposed building (including building massing and height), although taller than the buildings of the surrounding residential and religious uses, would not detract from the visual character of the surrounding neighborhoods. As shown in Figure 4, the placement of the building on the western end of the Project Site and away from the street frontage would ensure that a visual and physical buffer

is provided between the new school building and residences to the west and that the building height and massing do not impede or detract from the visual quality and character of the residences.

Finally, the provisions of the Hesperia Development Code and the City's development review process (i.e., development projects are subject to review and approval by the Hesperia Planning Commission) would help ensure that the Project is designed and implemented in a manner that would provide visual cohesiveness and compatibility not only within the Project Site, but along the Project Site frontages and with its surroundings. The Project would be designed and constructed in accordance with the applicable provisions of the Hesperia Development Code, including those related but not limited to building height and setbacks, wall/fence heights, and landscaping requirements. Overall, Project development would enhance and strengthen the visual character of the Project Site and its surroundings through new architecture, landscaping, hardscape, and other improvements onsite and along the Project Site's street frontages. The proposed architectural and landscape elements and design would ensure that development of the Project is not detrimental to the visual character or quality of the surrounding area or uses. The building masses, landscaping, and various hardscape and landscape improvements proposed throughout the Project Site would be designed to create a sense of cohesiveness on- and offsite and along the Project Site boundaries. Although newer than that of the surrounding area and uses, the proposed buildings, landscaping and site improvements would complement and not detract from the visual character of the site or surrounding area.

Based on the preceding, Project development would not substantially degrade the visual character or quality of the site and its surroundings or conflict with applicable zoning and other regulations governing scenic quality. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?

Less Than Significant Impact. Lighting effects are associated with the use of artificial light during the evening hours. There are two primary sources of light—light emanating from building interiors passing through windows and openings, and light from exterior sources (i.e., street lighting, architectural building illumination, security lighting, parking lot lighting, landscape lighting, and signage). Excessive light and/or glare can impair vision, cause a nuisance, affect sleep patterns, and generate safety hazards when experienced by drivers. Uses such as residences, elderly care facilities, schools, and hotels are considered light sensitive, since occupants have expectations of privacy during evening hours and may be subject to disturbance by bright light sources. Light spill or trespass is considered a nuisance and is typically defined as the presence of unwanted light on properties adjacent to the property being illuminated. With respect to lighting, the degree of illumination may vary widely depending on the amount of light generated, height of the light source, presence of barriers or obstructions, type of light source, and weather conditions.

Glare is primarily a daytime occurrence caused by the reflection of sunlight or artificial light on surfaces of buildings or objects, including highly polished surfaces such as glass windows or reflective materials and, to a lesser degree, from broad expanses of light-colored surfaces. Perceived glare is the unwanted and potentially objectionable sensation experienced by a person as they look directly into the light source of a luminaire. Daytime glare generation is common in urban areas and is typically associated with buildings with exterior

façades largely or entirely composed of highly reflective glass. Daytime glare can also be generated by light reflecting off passing or parked cars. Glare is produced during evening and nighttime hours by the reflection of artificial light sources such as automobile headlights. Glare generation is typically related to either moving vehicles or sun angles, although glare resulting from reflected sunlight can occur regularly at certain times of the day and year. Excessive glare not only impedes visibility, but also increases the ambient heat reflectivity in a given area. Glare-sensitive uses include residences, hotels, transportation corridors, and aircraft landing corridors.

As shown in Figure 3, Aerial Photograph, the undeveloped Project Site is in an urbanizing area of Hesperia and is surrounded by residential and religious uses and undeveloped desert land. There are no sources of light or glare exist on the Project Site; however, there are numerous sources of light and glare surrounding the Project Site.

Following is a discussion of the potential day- and nighttime light and glare impacts in the project area resulting from the construction and operational phases of the Project.

Project Construction Phase

Project construction would be limited to daytime hours. With the exception of illumination during nighttime hours for safety and security purposes, no other nighttime lighting would be required until the Project is operational. Nighttime security lighting would only be used for the duration of the temporary construction process. Additionally, construction activities are not anticipated to result in flat, shiny surfaces that would reflect sunlight or cause other natural glare. Therefore, no short-term, construction-related impacts associated with light and glare would occur. Impacts would be less than significant, and no mitigation measures are necessary.

Project Operation Phase

Daytime Glare

The Project includes building materials and architectural treatments that could cause daytime glare, but not to such an extent that they would result in a significant impact. For example, the architectural treatments of the proposed buildings would include building materials such as natural and painted concrete walls, glazing (glass windows and doors), and other decorative elements (see building elevations and renderings in Figures 5a to 5d). With the exception of the glass windows and doors, the building materials and architectural treatments are nonreflective and would therefore not create substantial day or nighttime glare. As illustrated in Figures 5a, *Conceptual North and South Building Elevations*, and 5b, *Conceptual East and West Building Elevations*, and Figures 6, *Conceptual Rendering*, and 7, *Conceptual Rendering*, compared to the amount of nonreflective building materials, the use of glazing is limited (would make up less than five percent of the building façades).

Therefore, daytime glare impacts from Project-related architectural treatments and building materials would be less than significant and no mitigation measures are necessary.

Nighttime Lighting and Glare

Under existing conditions, the Project Site is undeveloped and void of any sources of artificial lighting. Project development would introduce new sources of artificial light to the Project Site and surrounding area. Nighttime

site lighting would consist of exterior building-mounted light fixtures; interior lighting for the new building; lighting for pedestrian walkways and common gathering areas; ground-mounted decorative lighting for landscape and architectural features; lighting for the new parking areas and drive aisles; and security lighting. These new sources artificial lighting have the potential to increase nighttime light and glare in the project area, as well as create offsite light spill or trespass that could result in a nuisance. Nighttime lighting and glare from the Project Site would be visible from the surrounding roadways and residential and nonresidential land uses.

Although Project development would introduce new light sources to the Project Site and surrounding area, the proposed light sources would be similar to the light sources of the surrounding residential and religious uses. Considering the existing sources of lighting in the surrounding vicinity, the amount and intensity of nighttime lighting proposed onsite would not be substantially greater than existing lighting. It is unlikely that conventional lighting and illuminated operations under the Project would discernibly, much less adversely, affect ambient light conditions.

Additionally, as shown in Figures 6, *Conceptual Rendering*, and 7, *Conceptual Rendering*, the proposed landscape plan calls for the planting of trees along the Project Site frontages. The proposed trees would help shield some of the lighting that would emanate from the Project Site.

Furthermore, Project development would be required to conform with all applicable lighting standards of the Hesperia Development Code (Title 16 of the Hesperia Municipal Code). Lighting provisions are intended to prevent glare, light trespass, and light pollution. All proposed exterior lighting would be designed, arranged, installed, directed, shielded, operated, and maintained in such a manner as to contain direct illumination onsite and prevent light and glare impacts offsite in accordance with the provisions of the Hesperia Development Code, thereby, preventing excess illumination and light spillover onto surrounding residential and nonresidential land uses and/or roadways. Through the City's established site plan review processes, the City would ensure that final design of the Project complies with the requirements of the Hesperia Development Code and thus precludes or effectively minimizes potential light/glare overspill onto adjacent properties or roadways.

Finally, Project development would be required to comply with California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings, which outlines mandatory provisions for lighting control devices and luminaires (24 Cal. Code Regs. Part 6). For example, the Project's exterior lighting sources would be required to be installed in accordance with the provisions of Section 110.9, Mandatory Requirements for Lighting Control Devices and Systems, Ballasts, and Luminaires.

Compliance with the lighting provisions of the Hesperia Development Code and Title 24 would ensure that the Project does not result in significant light impacts. Compliance with these provisions is ensured through the City's development review and building plan check process.

Based on the preceding, operational nighttime light and glare impacts related to the Project would be less than significant and no mitigation measures are necessary.

3.2 AGRICULTURE AND FORESTRY RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

No Impact. The Project Site is not mapped as farmland. According to the California Department of Conservation Important Farmland Map, the Project Site is designated as "Urban and Built-Up Land", which is classified as land occupied by structures with a building density of at least 1 unit to 1.5 acre (DOC 2016). There are also no areas designated as farmland abutting or within proximity of the Project Site. Therefore, Project development would not convert mapped farmland to nonagricultural use. No impact would occur, and no mitigation measures are necessary.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact. The Project Site is not zoned for agricultural use—the site is zoned Medium Density Residential (MDR) and Neighborhood Commercial (C1), which do not permit agricultural uses. The Project Site is also in an urbanizing area of Hesperia; the site does not contain active farmland or other agricultural uses and is not adjacent to or in proximity of such uses. Additionally, the Project Site is not subject to a Williamson Act contract[2] (DOC 2018). Therefore, Project implementation would not conflict with zoning for agricultural uses or a Williamson Act contract. Accordingly, no impact would occur, and no mitigation measures are necessary.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?

No Impact. Forest land is defined as "land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits" (California Public Resources Code § 12220[g]). Timberland is defined as "land…which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees" (California Public Resources Code § 4526).

[2] Williamson Act contracts restrict the use of privately owned land to agriculture and compatible open-space uses under contract with local governments; in exchange, the land is taxed based on actual use rather than potential market value.

As shown in Figure 3, *Aerial Photograph*, the Project Site is undeveloped desert land consisting mainly of native vegetation (e.g., Joshua trees) and ruderal areas. Therefore, the Project Site does not meet the definition of lands designated as forestland or timberland as defined by PRC Sections 12220(g), 4526, and 51104(g). Additionally, the Project Site is not designated or zoned for forest or timber land or used for forestry. As stated above, the site is zoned Medium Density Residential (MDR) and Neighborhood Commercial (C1). Therefore, no impact would occur, and no mitigation measures are necessary.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. See response to Section 3.2.c, above. As substantiated in this section, no impact would occur, and no mitigation measures are necessary.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

No Impact. See responses to Section's 3.2.a, b, and c, above. As substantiated in these sections, no impact would occur, and no mitigation measures are necessary.

3.3 AIR QUALITY

This section addresses the impacts of the Project on ambient air quality and the exposure of people, especially sensitive individuals, to unhealthful pollutant concentrations. A background discussion on the air quality regulatory setting, meteorological conditions, existing ambient air quality in the vicinity of the Project Site, and air quality modeling can be found in Appendix A.

The primary air pollutants of concern for which ambient air quality standards (AAQS) have been established are ozone (O_3), carbon monoxide (CO), coarse inhalable particulate matter (PM_{10}), fine inhalable particulate matter ($PM_{2.5}$), sulfur dioxide (SO_2), nitrogen dioxide (NO_2), and lead (Pb). Areas are classified under the federal and California Clean Air Act as either in attainment or nonattainment for each criteria pollutant based on whether the AAQS have been achieved. The Mojave Desert Air Basin (MDAB), which is managed by the Mojave Desert Air Quality Management District (MDAQMD), is designated as nonattainment for O_3 and PM_{10} under the California and National AAQS and nonattainment for $PM_{2.5}$ under the California AAQS (CARB 2022a).

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less Than Significant Impact. A consistency determination plays an important role in local agency project review by linking local planning and individual projects to the air quality management plan (AQMP). It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project under consideration at an early enough stage to ensure that air quality concerns are fully addressed. It also provides the local agency

with ongoing information as to whether they are contributing to clean air goals in the AQMP. A number of AQMPs have been prepared by MDAQMD.

Regional growth projections are used by MDAQMD to forecast future emission levels in the MDAB. For southern California, these regional growth projections are provided by the Southern California Association of Governments (SCAG) and are partially based on land use designations in city/county general plans. Typically, only large, regionally significant projects have the potential to affect the regional growth projections. The Project is not considered a regionally significant project that would warrant Intergovernmental Review by SCAG under CEQA Guidelines section 15206.

The Project involves the development and operation of a new charter school. The proposed school would accommodate the demand for school services based on the existing and future population and would not generate an increase in population within Hesperia. The Project is not a project of statewide, regional, or areawide significance that would require intergovernmental review under Section 15206 of the CEQA Guidelines. Therefore, the Project would not have the potential to substantially affect the regional growth projections. Additionally, as demonstrated below in Section 3.3.b, the regional emissions generated by construction and operation of the Project would be less than the MDAQMD emissions thresholds, and MDAQMD would not consider the Project a substantial source of air pollutant emissions that would have the potential to affect the attainment designations in the MDAB. Therefore, the Project would not affect the regional emissions inventory or conflict with strategies in the AQMP. Impacts would be less than significant, and no mitigation measures are necessary.

b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?

Less Than Significant Impact. The following describes impacts from regional short-term construction activities and regional long-term operation of the Project.

Regional Short-Term Construction Impacts

Project construction activities would result in the generation of air pollutants. These emissions would primarily be 1) exhaust from off-road diesel-powered construction equipment; 2) dust generated by construction activities; 3) exhaust from on-road vehicles; and 4) off-gassing of volatile organic compounds (VOCs) from paints and asphalt.

Project construction activities are anticipated to disturb 11.82 acres of the approximately 26-acre Project Site and an additional 14.4 acres for roadway improvements along the norther and western borders of the Project Site for a total of 26.22 acres. Project development would involve site preparation, rough and fine grading, utilities trenching, building construction (main building and modular building installations), paving, architectural coating, and finishing and landscaping. Construction associated with the Project is anticipated to start in December 2022 and finish in August 2023. Roadway improvements along 3rd Avenue and Mojave Street would include their own set of construction activities and equipment and would involve grubbing and land clearing; grading and excavation; drainage, utilities, and subgrade, and paving. Table 1 shows the construction activities

and equipment mix for each activity. Roadway improvements were based on the disturbed acreage and construction period from May 2023 to June 2023.

Table 1 Construction Activities, Phasing and Equipment

Activities[1]	Start/End Dates[1]	Equipment[1]
K-8 Charter School		
Site Preparation[2]	12/05/2022 to 12/21/2022	1 – Concrete/Industrial Saws 3 – Excavators 2 – Rubber Tired Dozers
Rough Grading	12/09/2022 to 12/22/2022	1 – Cat D5 Dozer 2 – Cat 644 Scrapers 2 – 824 Compactors
Main Building Construction	1/04/2023 to 9/20/2023	1 – Scissor Lift 1 – Skytrak 1 – Boom lift 3 – Forklift
Modular Building Installation	2/03/2023 to 3/08/2023	1 – Skytrak 1 – Boom Lift
Utility Trenching	3/13/2023 to 6/07/2023	2 – Cat 308 E Excavators 1 – Skip Loader 1 – Wacker
Architectural Coating	3/16/2023 to 5/09/2023	1 – Scissor Lift 1 – Skytrak 1 – Boom Lift 1 - Forklift
Finishing/Landscaping	4/10/2023 to 8/14/2023	1 – 246 Skid Steer 1 – Skip Loader
Fine Grading	6/07/2023 to 6/20/2023	1 – 246 Skid Steer 1 – Skip Loader 2 – 430E Backhoes
Paving	07/18/2023 to 08/23/2023	2 – Paving Machines 2 – Rollers (5-8 ton) 1 – Skip Loader 1 – Street Sweeper
Roadway Improvements[2]		
Grubbing and Land Clearing	5/11/2023 to 5/15/2023	1 – Crawler Tractor 1 – Excavator
Grading and Excavation	5/16/2023 to 6/1/2023	1 – Crawler Tractor 3 – Excavators 1 – Grader 2 – Rollers 1 – Loader 2 – Scrapers 2 – Tractor/Loader/Backhoes

3. Environmental Analysis

Table 1 Construction Activities, Phasing and Equipment

Activities[1]	Start/End Dates[1]	Equipment[1]
Drainage, Utilities, and Sub-Grade	6/2/2023 to 6/17/2023	1 – Air Compressor 1 – Generator Set 1 – Grader 1 – Plate Compactor 1 – Pump 1 – Forklift 2 – Scrapers 2 – Tractor/Loader/Backhoes
Paving	6/18/2023 to 6/25/2023	1 – Paver 1 – Paving Equipment 3 – Rollers 2 – Tractor/Loader/Backhoe

Notes: n/a = not applicable
[1] Based on the development phasing and equipment mix provided by the project applicant. Where default equipment for the construction phases was not available, the equipment mix was based on CalEEMod defaults and/or based on equipment from a project of a similar size.
[2] Based on the equipment mix in the Sacramento Metropolitan Air Quality Management District's Road Construction Emissions Model.

Construction emissions were estimated using the California Emissions Estimator Model (CalEEMod), Version 2020.4.0. Construction emissions modeling is provided in Table 2. As demonstrated in the table, maximum daily and annual emissions for VOC, NO_x, CO, SO_2, PM_{10}, and $PM_{2.5}$ from construction-related activities would be less than their respective MDAQMD regional significance threshold values. Therefore, air quality impacts from project-related construction activities would be less than significant and no mitigation measures are necessary.

Table 2 Maximum Daily and Annual Regional Construction Emissions

Construction Phase	Pollutants (lbs/day)[1, 2]					
	VOC	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Year 2022						
Site Preparation	3	34	20	<1	10	6
Site Preparation and Rough Grading	5	48	31	<1	12	6
Year 2023						
Main Building Construction 1	1	9	13	<1	3	1
Main Building Construction & Modular Building Installation	1	8	13	<1	2	1
Main Building Construction 2	1	8	13	<1	2	1
Main Building Construction 2 and Utility Trenching	2	11	20	<1	3	1
Main Building Construction 2, Utility Trenching, and Architectural Coating	38	14	25	<1	3	1
Main Building Construction 2, Utility Trenching, Architectural Coating, and Finishing/Landscaping 1	39	15	27	<1	3	1
Main Building Construction 2, Utility Trenching, and Finishing/Landscaping 1	2	13	22	<1	3	1

Table 2 Maximum Daily and Annual Regional Construction Emissions

Construction Phase	Pollutants (lbs/day)[1, 2]					
	VOC	NO_X	CO	SO_2	PM_{10}	$PM_{2.5}$
Main Building Construction 2, Utility Trenching, and Finishing/Landscaping 1, and Linear, Grubbing & Land Clearing	2	19	27	<1	3	1
Main Building Construction 2, Utility Trenching, and Finishing/Landscaping 1, and Linear, Grading & Excavation	6	58	60	<1	9	4
Main Building Construction 2, Utility Trenching, and Finishing/Landscaping 1, Linear, Drainage, Utilities, and Sub-Grade	5	47	53	<1	6	3
Main Building Construction 2, Utility Trenching, Finishing/Landscaping & Fine Grading, Linear, Drainage, Utilities, and Sub-Grade	5	49	57	<1	6	3
Main Building Construction 2, Finishing/Landscaping & Fine Grading, Linear, Drainage, Utilities, and Sub-Grade	5	46	50	<1	5	2
Main Building Construction 2, Finishing/Landscaping & Fine Grading, Linear and Paving	10	23	35	<1	3	2
Main Building Construction 2 and Finishing/Landscaping 2, Linear and Paving	10	21	31	<1	3	1
Main Building Construction 2 and Finishing/Landscaping 2	1	9	15	<1	2	1
Main Building Construction 2, Finishing/Landscaping 2, and Paving	2	17	26	<1	3	1
Main Building Construction 2 and Paving	2	16	24	<1	3	1
Main Building Construction 2	1	8	13	<1	2	1
Maximum Daily Construction Emissions						
Maximum Daily Emissions	39	58	60	<1	12	6
MDAQMD Regional Daily Threshold	**137**	**137**	**548**	**137**	**82**	**65**
Significant?	No	No	No	No	No	No
Maximum Annual Construction Emissions						
Maximum Annual Emissions	1	2	2	<1	<1	<1
MDAQMD Regional Annual Threshold	**25**	**25**	**100**	**25**	**15**	**12**
Significant	No	No	No	No	No	No

Source: CalEEMod Version 2020.4.0

Notes: lbs = pounds

[1] Based on the preliminary information provided by the project applicant. Where specific information regarding Project-related construction activities was not available, construction assumptions were based on CalEEMod defaults, which are based on construction surveys conducted by South Coast AQMD of construction equipment. Roadway construction is based on the equipment mix in the Sacramento Metropolitan Air Quality Management District's Road Construction Emissions Model.

[2] Includes implementation of fugitive dust control measures required by MDAQMD under Rule 403, including watering disturbed areas a minimum of two times per day, reducing speed limit to 15 miles per hour on unpaved surfaces, replacing ground cover quickly, and street sweeping with Rule 1186–compliant sweepers.

Long-Term Operation-Related Air Quality Impacts

Typical long-term air pollutant emissions are generated by area sources (e.g., landscape fuel use, aerosols, architectural coatings, and asphalt pavement), energy use (natural gas) associated with the proposed school

facilities, and mobile sources (i.e., on-road vehicles). The Project would result in the development of a new charter school on the Project Site. The proposed school buildings would, at minimum, be designed and built to meet the Building Energy Efficiency Standards (Title 24, Part 6) per Title 25 CCR Section 4369. Table 3 identifies criteria air pollutant emissions from the Project for the buildout capacity of 700 students. As shown in the table, the Project-related air pollutant emissions from area sources, energy use, and vehicle trips would not exceed the MDAQMD's regional operation-phase significance thresholds. Therefore, impacts to the regional air quality associated with operation of the Project would be less than significant and no mitigation measures are necessary.

Table 3 Regional Daily and Annual Operational Phase Emissions

Source	Maximum Daily Emissions (lbs/Day)[1]					
	VOC	NO_x	CO	SO_2	PM_{10}	$PM_{2.5}$
Max Daily Emissions						
Area	2	<1	<1	<1	<1	<1
Energy	<1	<1	<1	<1	<1	<1
Mobile	5	3	45	<1	9	2
Total Maximum Daily Emissions	7	3	45	<1	9	2
MDAQMD Regional Daily Threshold	**137**	**137**	**548**	**137**	**82**	**65**
Significant?	No	No	No	No	No	No
Max Annual Emissions						
Maximum Annual Emissions	1	<1	5	<1	1	<1
MDAQMD Regional Threshold	**25**	**25**	**100**	**25**	**15**	**15**
Exceeds Threshold?	No	No	No	No	No	No

Source: CalEEMod Version 2020.4.0
Notes: lbs = pounds.
[1] Highest winter or summer emissions are reported.

c) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. The Project could expose sensitive receptors to elevated pollutant concentrations if it would cause or contribute significantly to elevated pollutant concentration levels. Unlike regional emissions, localized emissions are typically evaluated in terms of air concentration rather than mass so they can more readily be correlated to potential health effects. Operation of the Project would not generate substantial quantities of emission onsite. Land uses that have the potential to generate substantial stationary sources of emissions that would require a permit from MDAQMD include industrial land uses, such as chemical processing, and warehousing operations where substantial truck idling could occur onsite. Operation of the Project would result in the use of standard onsite mechanical equipment such as heating, ventilation, and air conditioning units. Air pollutant emissions generated from these activities are nominal. Therefore, localized air quality impacts related to stationary-source emissions would be less than significant and no mitigation measures are necessary.

Construction Localized Emissions and Health Risk

MDAQMD also considers projects that cause or contribute to an exceedance of the California or National AAQS to result in significant impacts. However, emissions that do not exceed the daily or annual emission significant thresholds are considered to result in less than significant localized impacts. As identified above, the Project would not result in construction emissions that exceed the MDAQMD significant thresholds. Therefore, localized impacts would be less than significant, and no mitigation measures are necessary.

MDAQMD currently does not require the evaluation of long-term excess cancer risk or chronic health impacts for a short-term project when construction activities would not exceed the regional significance thresholds. As identified above, construction-related particulate matter emissions would be substantially below the MDAQMD regional thresholds. Furthermore, the Project is anticipated to be completed in approximately 10 months, which would limit the exposure to on- and offsite receptors. For the reasons stated above, it is anticipated that construction emissions would not pose a threat to offsite receptors near the school. Therefore, Project-related construction health impacts would be less than significant, and no mitigation measures are necessary.

Carbon Monoxide Hotspots

Vehicle congestion has the potential to create pockets of CO called hotspots. Hotspots are typically produced at intersections, where traffic congestion is highest because vehicles are backed-up and idle for longer periods and are subject to reduced speeds. These pockets could exceed the state one-hour standard of 20 parts per million (ppm) or the eight-hour standard of 9.0 ppm. Because CO is produced in greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to ambient air quality standards is typically demonstrated through an analysis of localized CO concentrations.

The MDAB has been designated as attainment under both the national and California AAQS for CO. Under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—in order to generate a significant CO impact (BAAQMD 2017). At buildout the Project would generate 728 trips during the morning peak hour and 112 trips during the evening peak hour (EPD 2022). These trip generations are significantly less than the volumes cited above. Therefore, the Project would not have the potential to substantially increase CO hotspots at intersections in the vicinity of the Project Site. Furthermore, 13 of the 18 clean air vehicle parking spaces proposed onsite would be set aside for the future installation of electric vehicle charging stations. Therefore, localized air quality impacts related to mobile-source emissions would be less than significant and no mitigation measures are necessary.

d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Less Than Significant Impact. The Project would not result in objectionable odors. The threshold for odor is if a project creates an odor nuisance pursuant to MDAQMD Rule 402, Nuisance, which states:

> A person shall not discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any considerable number

> of persons or to the public, or which endanger the comfort, repose, health or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property. The provisions of this rule shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

The type of facilities that are considered to have objectionable odors include wastewater treatments plants, compost facilities, landfills, solid waste transfer stations, fiberglass manufacturing facilities, paint/coating operations (e.g., auto body shops), dairy farms, petroleum refineries, asphalt batch plants, chemical manufacturing, and food manufacturing facilities. The Project involves development of a new charter school and would not fall within the objectionable odors land uses. Emissions from construction equipment, such as diesel exhaust and volatile organic compounds from architectural coatings and paving activities may generate odors. However, these odors would be low in concentration, temporary, and would not affect a substantial number of people. Therefore, odor impacts would be less than significant, and no mitigation measures are necessary.

3.4 BIOLOGICAL RESOURCES

The analysis in this section is based in part on the following technical studies, which are included as Appendices B through E to this Initial Study:

- *General Biological Assessment*, Hernandez Environmental Services, July 2022. (Appendix B)
- *Botanical Survey,* Hernandez Environmental Services, July 2022. (Appendix C)
- *Focused Burrowing Owl Survey Report*, Hernandez Environmental Services, July 2022. (Appendix D)
- *Joshua Tree Survey Report*, Hernandez Environmental Services, February 2022. (Appendix E)

Would the project:

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

Less Than Significant Impact With Mitigation Incorporated. Candidate species are plants and animals that have been studied and the US Fish and Wildlife Service (USFWS) has concluded that they should be proposed for addition to the federal endangered and threatened species list.

Sensitive biological resources are habitats[3] or individual species that have special recognition by federal, state, or local conservation agencies and organizations as endangered, threatened, or rare. The California Department of Fish and Wildlife (CDFW), USFWS, and organizations like the California Native Plant Society maintain watch lists of such resources.

[3] Per the California Department of Fish and Wildlife, habitat is where a given plant or animal species meets its requirements for food, cover, and water in both space and time.

Special status species is a universal term used in the scientific community for species that are considered sufficiently rare that they require special consideration and/or protection and should be, or have been, listed as rare, threatened, or endangered by USFWS and/or CDFW.

Following is a summary of the findings and conclusions of the biological resources assessment and subsequent focused surveys prepared by Hernandez Environmental Services for the project site (Appendices B through E).

Candidate and Sensitive Species

Following is a discussion of the candidate and sensitive plant and animal species that occur or have the potential to occur on or surrounding the Project Site, as identified in the biological resources assessment and subsequent focused surveys prepared by Hernandez Environmental Services. These include those species listed or candidates for listing by USFWS, CDFW and California Native Plant Society (CNPS) and Bureau of Land Management (BLM). Direct or indirect impacts to these species, if present, could occur as a result of Project development. Potential direct impacts could result in the permanent removal of populations of these species if present. Indirect impacts include the generation of fugitive dust, the release of chemical pollutants, and the adverse effect of invasive plant species.

Plants

A total of 27 sensitive species of plants has the potential to occur on or within the vicinity of the Project Site, which are fully described in the general biological assessment and botanical survey prepared for the Project Site (Appendices B and C). However, only those species listed as candidate, rare, threatened, or endangered under the state and federal Endangered Species laws or directed to be evaluated under other state, county, or municipal regulations are discussed below.

Parish's daisy

Parish's daisy (Erigeron parishii) is ranked 1B.1 in the CNPS rare plant inventory. This species is generally found in Mojavean Desert scrub, and pinon and juniper woodlands; it is often associated with drainages. Its habitat includes carbonate, limestone mountain slopes, and sometimes on granite. As stated in the biological resources assessment prepared for the project site (Appendix B), there is no habitat for this species on the Project Site and therefore, this species is not present. Therefore, no impact would occur and no mitigation measures are necessary.

Beaver Dam breadroot

Beaver Dam breadroot (Pediomelum castoreum) is ranked 1B.2 in the CNPS Rare Plant Inventory. This species is generally found in Joshua tree woodland and Mojavean Desert scrub. Its habitat includes sandy soils, washes and roadcuts. As stated in the biological resources assessment prepared for the project site (Appendix B), suitable habitat for this plant is present on the Project Site; therefore, this species has potential to be present. However, this species was not found during, trare plant surveys performed for the Project Site (Appendix C). Therefore, it was determined that this species is not present. No impact would occur and no mitigation measures are necessary.

3. Environmental Analysis

Western Joshua Tree

As stated in the biological resources assessment prepared for the project site (Appendix B), the project site contains suitable habitat for the western Joshua tree (Yucca brevifolia). "Pursuant to the provisions of Section 2074.2 of the Fish and Game Code, the California Fish and Game Commission (Commission), at its September 22, 2020 meeting, accepted for consideration the petition submitted to list the western Joshua tree (Yucca brevifolia) as threatened or endangered under the California Endangered Species Act. Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife's (Department) written evaluation report, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listing could occur. Based on that finding and the acceptance of the petition, the Commission is also providing notice that the western Joshua tree is a candidate species as defined by Section 2068 of the Fish and Game Code."

Pursuant to the findings and recommendations of the biological resources assessment (Appendix B), a focused survey for Joshua trees was conducted for the approximately 26-acre Project Site and some offsite areas abutting the Project Site (see Figure 4 of the Joshua Tree Survey Report, provided in Appendix E). The purpose of the survey was to identify and locate all Joshua trees within the impact area (the area within and abutting the Project Site that will be disturbed to accommodate the Project; see Figure 4 of the Joshua Tree Survey Report) and within 186 feet of the impact area (consists of an 186-foot buffer around the impact area, which includes a portion of the Project Site that will not be disturbed and remain desert land and offsite areas surrounding the Project Site; see Figure 4 of the Joshua Tree Survey Report). A total of 27 Joshua trees occur within the confines of the Project Site and 8 are within the 186-foot buffer area that is outside of but abutting the Project Site boundary, for a grand total of 35. Of the 35 Joshua trees, 16 are within the impact area and 19 are outside the impact area but within the 186foot buffer. Therefore, Project development would have a direct impact on Joshua trees.

In response to the Commission's listing of the Joshua tree as a candidate species, any impacts (either direct or indirect) to Joshua trees require the preparation of a California Endangered Species Act (CESA) Incidental Take Permit (ITP) pursuant to Section 2081 subdivision (b) of the Fish and Game Code. Pursuant to this requirement, an ITP was prepared for the Project and submitted to CDFW for initial review. In its initial review, CDFW stated in an email communication to the City that they cannot finalize the ITP until CDFW has received the City adopted/certified CEQA document (which in the case for the Project is this Initial Study/Mitigated Negative Declaration) along with the findings, Notice of Determination, and a copy of proof of payment for the environmental filing fee. Upon City adoption/certification of the Initial Study/Mitigated Negative Declaration, the City will ensure that all the necessary steps noted above are undertaken to allow CDFW to issue an approved ITP to the project applicant.

Additionally, and based on the findings of the Joshua Tree Survey Report and direction from CDFW, the measures outlined in Mitigation Measure BIO-1 will be required to be implemented in order to avoid, minimize, or compensate for the anticipated impacts to Joshua trees as a result of Project development. Therefore, with implementation of Mitigation Measure BIO-1, impacts to Joshua trees would be reduced to a level of less than significant.

Animals

A total of 49 sensitive species of animals has the potential to occur on or within the vicinity of the Project Site, which are fully described in the general biological assessment and focused burrowing owl survey prepared for the Project Site (Appendices B and D). However, only those species listed as candidate, rare, threatened, or endangered under the state and federal Endangered Species laws or directed to be evaluated under other state, county, or municipal regulations are discussed below

Tricolored blackbird

Tricolored blackbird (Agelaius tricolor) is a state listed Candidate Endangered species and listed by the CDFW as a Species of Special Concern. Its habitat includes freshwater marsh, marsh and swamp, and wetland. This species is largely endemic to California and is most numerous in and around the Central Valley. This species requires open accessible water, protected nesting substrate, and foraging area with insect prey within a few kilometers of the colony. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Arroyo Toad

Arroyo Toad (Anaxyrus californicus) is a federally listed Endangered species and a CDFW Species of Special Concern. The most favorable breeding habitat for this species consists of slow-moving shallow pools, nearby sandbars, and adjacent stream terraces. Its habitat includes desert wash, riparian scrub, riparian woodland, south coast flowing waters, and south coast standing waters. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Coastal whiptail

The coastal whiptail (Aspidoscelis tigris stejnegeri) is a CDFW Species of Special Concern. It is typically found in hot, dry, flat open spaces in deserts or semi-arid areas. There is potential habitat for this species on the project site and therefore, this species has the potential to be present. However, with implementation of Mitigation Measure BIO-2, impacts to coastal whiptail would be reduced to a level of less than significant.

Burrowing owl

Burrowing owl (Athene cunicularia) is a CDFW Species of Special Concern. Its habitat includes coastal prairie, coastal scrub, Great Basin grassland, Great Basin scrub, Mojavean desert scrub, Sonoran desert scrub, and valley and foothill grassland. This species is typically found in open and dry annual or perennial grasslands, deserts, and scrublands characterized by low-growing vegetation. It is a subterranean nester and is dependent upon burrowing mammals, most notably the California ground squirrel. There is potential habitat for this species on the Project Site and therefore, this species has the potential to be present.

Pursuant to the findings and recommendations of the biological resources assessment prepared for the Project Site (see Appendix B), a focused burrowing owl survey was conducted for the Project Site (Appendix D). The study area for the focused survey is the area covered by the Project Site and a 500-foot buffer for the burrowing owl (see Figure 4 of the Focused Burrowing Owl Survey Report, provided in Appendix D).

3. Environmental Analysis

As concluded in the survey, no live burrowing owls or burrowing owl signs (e.g., molted feathers, cast pellets, and excrement found on rock outcroppings) were observed within the survey area. Additionally, all burrows found during the focused surveys were determined to be inactive within the survey area. While it may be concluded that the study area is not in use by burrowing owls, there is the potential of this species' presence onsite. A worker environmental awareness training should be conducted with Project construction personnel to educate them on burrowing owls, protective status, and avoidance measures to be implemented by all personnel, including looking under vehicles and equipment prior to moving. The training should include steps to be taken if burrowing owls are observed on the construction site, including ceasing construction activities and coordination with the City and resource agencies. The worker environmental awareness training would be imposed by the City as a condition of any required planning approval, and compliance would be ensured through the City's building plan check and development review process. In addition, to mitigate impacts to burrowing owls, Mitigation Measure BIO-3 is provided. With implementation of the mitigation measure, impacts would be reduced to a level of less than significant.

Crotch bumble bee

Crotch bumble bee (Bombus crotchii) is a state Candidate Endangered species. It is found in coastal California east to the Sierra-Cascade crest and south into Mexico. This species food plant genera include Antirrhinum, Phacelia, Clarkia, Dendromecon, Eschscholzia, and Eriogonum. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Swainson's hawk

Swainson's hawk (Buteo swainsoni) is a state listed Threatened species. This species favors open grasslands for foraging but also occurs in agricultural settings. It relies on scattered stands of trees near agricultural fields and grasslands for nesting sites. Its habitats include great basin grassland, riparian forest, riparian woodland, and valley and foothill grassland. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Southern rubber boa

Southern-rubber boa (Charina umbratical) is a state listed Threatened species. Its habitat includes meadow and seep, riparian forest, riparian woodland, upper montane coniferous forest, and wetland. This species is typically found near streams or wet meadows, and requires loose, moist soil for burrowing. It seeks cover in rotting logs, rock outcrops, and under surface litter. It is known to be found in the San Bernardino and San Jacinto mountains and has been reported to be found in other areas, but further research is required. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Western yellow-billed cuckoo

Western yellow-billed cuckoo (Coccyzus americanus occidentalis) is a federally listed Threatened and state listed Endangered species. This species typically nests in riparian jungles of willows, often mixed with cottonwoods, with a lower story of blackberry, nettles, or wild grape. It is found in riparian forest habitat. There is no habitat

for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Southwestern willow flycatcher

Southwestern willow flycatcher (Empidonax traillii extimus) is a federally and state listed Endangered species. It is found in riparian woodland habitat in southern California. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Quino checkerspot butterfly

Quino checkerspot butterfly (Euphydryas editha quino) is a federally listed Endangered species. It is found in chaparral and coastal sage scrub. This species requires high densities of food plants, including Plantago erecta, P. insularis, and Orthocarpus purpurescens. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Desert tortoise

The desert tortoise (Gopherus agassizii) is a state and federal Threatened species. It is found in different types of desert habitats from sandy flats to rocky foothills. It prefers alluvial fans, washes, and canyons with friable soils. No tortoise or burrows suitable for tortoise were seen during the general survey and the project site is surrounded by commercial and residential use. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Bald eagle

Bald eagle (Haliaeetus leucocephalus) is a state listed Endangered and CDFW fully protected species. This species is found in lower montane coniferous forest and old-growth forests. They nest in large old-growth or trees with open branches, especially ponderosa pine. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Loggerhead shrike

Loggerhead shrike (Lanius ludovicianus) is a CDFW Species of Special Concern. This species prefers open country for hunting, with perches for scanning, and dense shrubs and brush for nesting. Its habitat includes broadleaved upland forest, desert wash, Joshua tree woodland, Mojavean desert scrub, pinon and juniper woodlands, riparian woodland, and Sonoran desert scrub. There is potential habitat for this species on the project site and therefore, this species has the potential to be present. However, with implementation of Mitigation Measure BIO-3, impacts to loggerhead shrike would be reduced to a level of less than significant.

Coast horned lizard

Coast horned lizard (Phrynosoma blainvillii) is a CDFW Species of Special Concern. This species is found in coastal sage scrub, coastal bluff scrub, chaparral, cismontane woodland, desert wash, pinon and juniper woodlands, riparian scrub, riparian woodland, and valley and foothill grassland. This species thrives in open areas for sunning, bushes for cover, patches of loos soil for burial, and an abundant supply of ants and other insects. There is potential habitat for this species on the project site and therefore, this species has the potential

to be present. However, with implementation of Mitigation Measure BIO-2, impacts to coastal whiptail would be reduced to a level of less than significant.

California red-legged frog

California red-legged frog (Rana draytonii) is a federally listed Threatened species and a CDFW Species of Special Concern. Its habitat includes aquatic, artificial flowing waters, artificial standing waters, freshwater marsh, marsh and swamp, riparian forest, riparian scrub, riparian woodland, Sacramento and San Juaquin flowing and standing waters, and south coast. It requires 11 to 20 weeks for larval development and must have access to estivation habitat. It is most commonly found in lowlands and foothills, in or near permanent sources of deep water, with dense, shrubby, or emergent riparian vegetation. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Southern mountain yellow-legged frog

Southern mountain yellow-legged frog (Rana muscosa) is a federally and state listed Endangered species. It is found in aquatic habitat. This species is always encountered within a few feet of water. Tadpoles may require two to four years to complete their aquatic development. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Mohave Tui Chub

The Mohave tui chub (Siphateles bicolor mohavensis) is a federal and state listed Endangered species. It is found in aquatic, and artificial standing and flowing waters. This species is endemic to the Mojave River basin, adapted to alkaline mineralized water. It needs deep pools, ponds, or slough-like areas and vegetation for spawning. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Least Bell's vireo

Least Bell's vireo (Vireo bellii pusillus) is a federal and state listed Endangered species. This species is found in riparian forest, riparian scrub, and riparian woodland. Nesting habitat of this species is restricted to willow and/or mulefat dominated riparian scrub along permanent or nearly permanent streams. There is no habitat for this species on the project site and therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Mohave ground squirrel

The Mohave ground squirrel (Xerospermophilus mohavensis) is a state threatened species. It is found in chenopod scrub, Joshua tree woodland and Mojavean Desert scrub. It prefers sandy to gravelly soils, avoids rocky areas, and uses burrows at the base of shrubs for cover. Its nests are found in burrows. During the general biological survey conducted for the Project Site (Appendix B), one inactive burrow was found onsite and the closest occurrence for these species was approximately 0.5 mile away. Therefore, this species is not present. No impact would occur and no mitigation measures are necessary.

Special Status Species

No special status plant or animal species were identified on the Project Site as part of the biological resources assessment and subsequent focused surveys prepared by Hernandez Environmental Services for the project site (Appendices B through E). Therefore, no impact would occur and no mitigation measures are necessary.

Mitigation Measures

BIO-1 Prior to the issuance of grading permits that project applicant shall have obtained an approved California Endangered Species Act (CESA) Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) pursuant to Section 2081 subdivision (b) of the Fish and Game Code. To ensure CESA compliance, the following measures shall be implemented by the project applicant:

- General provisions involving a designated representative, designated biologist(s), an education program, construction monitoring documentation, trash abatement, and hazardous waste removal.
- Monitoring, notification, and reporting provisions including notification before commencement, notification of non-compliance, compliance monitoring, quarterly compliance report, annual status report, California Natural Diversity Database observations, final mitigation report, and notification of take or damage.
- Take minimization measures including covered species avoidance, perimeter fencing, dust control, and prevention of the introduction of invasive species in agreement with California Invasive Plant Council's guidelines.
- Obtain mitigation land credits at a ratio approved by CDFW within a CDFW approved conservation bank designated to permanently protect a population of Joshua tree.
- In the case that mitigation land within a CDFW approved conservation bank may not be secured, habitat management lands shall be acquired to establish land for permanent protection and management of Joshua tree habitat at the discretion of CDFW.

BIO-2 A qualified biological monitor shall be present on the project site during all ground disturbing activities to ensure no direct or indirect impact and take of the coast horned lizard and coastal whiptail will occur. A note to this affect shall be placed on all grading and construction plans.

BIO-3 Based on the presence of suitable habitat documented during the habitat assessment and focused burrowing owl surveys conducted for the project site, a preconstruction survey shall be conducted 30 days prior to the initiation of construction to ensure the protection of burrowing owls.

If burrowing owls are found to have colonized the project site prior to the initiation of construction, the project applicant shall immediately inform the necessary Wildlife Agencies

and will need to prepare a Burrowing Owl Protection and Relocation Plan for approval by the Wildlife Agencies prior to initiating ground disturbance.

If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure burrowing owls have not colonized the site since it was last disturbed. If a burrowing owl is found, the same coordination described above will be necessary.

BIO-4 If ground disturbing and vegetation clearing activities cannot be avoided during the nesting bird season (February 1 through September 15), a qualified biologist shall conduct a preconstruction nesting bird survey within all areas of breeding/nesting habitat within and adjacent to the project site prior to initiation of project activities that would remove vegetation or otherwise disturb nesting activity (for instance, mobilization of heavy equipment). Surveys should be conducted not more than three days prior to initiation of activities.

If nesting birds are encountered, a qualified biologist shall establish an avoidance buffer zone around the nest (buffer zones vary according to species involved and shall be determined by the qualified biologist). No activities that would adversely affect the nest shall occur within the buffer zone until the qualified biologist has determined the nest is no longer active and the young are no longer dependent on the nest.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?

No Impact. Sensitive natural communities are communities that are considered rare in the region by regulatory agencies; known to provide habitat for sensitive animal or plant species; or known to be important wildlife corridors. Riparian habitats are those occurring along the banks of rivers and streams.

Designated Critical Habitat

The Project Site is not within or adjacent to any CDFW, USFWS, US Army Corps of Engineers, or Regional Water Quality Control Board designated riparian or critical habitat (Appendix B). Therefore, no impact would occur and no mitigation measures are necessary.

Special-Status Riparian Habitats

There are two riparian areas in Hesperia that are adjacent to waterways and considered sensitive plant communities. Preservation of the riparian areas will provide habitat for sensitive species and other common species and provide wildlife movement corridors. Pursuant to Exhibit CN-3, Plant Communities, of the Hesperia General Plan Conservation Element, Mojave Riparian Forest is located near the southeastern boundary of the city, along the west fork of the Mojave River. This plant community is considered sensitive by CDFW. Per the City of Hesperia 2010 General Plan Update Environmental Impact Report, this plant community occurs in association with the West Fork of the Mojave River below the spillway for Silverwood Lake (City of Hesperia 2010c).

Southern Sycamore Alder Riparian Woodland consists of a tall, open, broad-leaved, winter deciduous streamside woodland dominated by sycamore (Platanus racemosa) and white alder (Alnus rhombifolia). This community occurs along rocky streambeds subject to occasional high intensity flooding. Per the City of Hesperia 2010 General Plan Update Environmental Impact Report this community is only known as occurring in Grass Valley Creek, which drains the northern foothills of the San Bernardino Mountains (City of Hesperia 2010c).

These sensitive riparian areas within Hesperia are in the southeastern portion of the City. The Project Site is not in or within the vicinity of these sensitive riparian areas. Therefore, Project implementation would not have direct or indirect impacts on any special status riparian habitat. No impact would occur and no mitigation measures are necessary.

Sensitive Natural Communities

Regarding sensitive natural communicates, see response in Section 3.4.a, above. As substantiated in this section, a few sensitive plant and animal species occur or have the potential to occur onsite, which could be impacted by the Project. However, with implementation of Mitigation Measures BIO-1 through BIO-4, impacts would be reduced to a level of less than significant.

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

No Impact. Wetlands are defined under the federal Clean Water Act as land that is flooded or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that normally does support, a prevalence of vegetation adapted to life in saturated soils. Wetlands include areas such as streams, swamps, marshes, and bogs.

No wetlands regulated by the US Army Corps of Engineers, USFWS, California Department of Fish and Wildlife, or Lahontan Regional Water Quality Control Board exist on or in proximity of the Project Site. The closest wetland feature to the Project Site is approximately 0.08 mile east of the site; it is mapped on the USFWS National Wetlands Mapper as Riverine[4] (USFWS 2019) and appears to exist as a dry streambed or channel. However, Project development would not impact the wetland directly or indirectly due to the distance between the project site and the riverine. Additionally, site runoff does not and would not drain to the wetland, either directly or indirectly. Therefore, no impact would occur and no mitigation measures are necessary.

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

Less Than Significant Impact With Mitigation Incorporated. As shown in Figure 3, *Aerial Photograph*, the Project Site consists of vacant desert land. Desert vegetation onsite consists mostly of Nevada join fir scrub, creosote bush scrub, and some scattered Joshua trees. The Project Site is in an urbanizing area of the city.

[4] Riverine's include all wetlands and deepwater habitats contained within a channel (USFWS 2019).

3. Environmental Analysis

Surrounding uses consists of a mix of residential uses and vacant desert land. Following is a discussion of the potential impacts to nesting birds and wildlife corridors and nursery sites as a result of Project development.

Nesting Birds

Project construction could result in direct and indirect impacts to nesting birds, including the loss of nests, eggs, and fledglings if ground-disturbing activities occur during the nesting season (generally February 1 through September 15). Construction activities during this time may result in reduced reproductive success and may violate the federal Migratory Bird Treaty Act and California Fish and Game Code. If construction (including any ground-disturbing activities) occurs during the nesting season, a nesting bird survey must be conducted by a qualified biologist prior to grading activities. If nesting birds are observed within or adjacent to the construction activities, avoidance of active bird nests should occur as determined by the qualified biologist to ensure compliance with these regulations. With implementation of Mitigation Measures BIO-3 and BIO-4, impacts to nesting birds would be reduced to a level of less than significant.

Wildlife Corridors

Wildlife movement corridors link together areas of suitable habitat that are otherwise separated by rugged terrain, changes in vegetation, or human disturbances. The project site was evaluated for its function as a wildlife corridor that species would use to move between wildlife habitat zones. Usually, mountain canyons or riparian corridors are used by wildlife as corridors. The project site is relatively flat and does not contain mountain canyons or riparian corridors nearby. Furthermore, the site is blocked off on the east end by railroad tracks and a residential area to the west. No wildlife movement corridors were found to be present on the project site. Furthermore, the project site does not support any wildlife nursery sites (Appendix B). Therefore, no impact wildlife corridors would occur and no mitigation measures are necessary.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Less Than Significant Impact With Mitigation Incorporated. As shown in Figure 3, *Aerial Photograph*, and Figures 4a through 4e, *Site Photographs*, the project site consists of vacant desert land. Desert vegetation onsite consists mostly of Nevada join fir scrub, creosote bush scrub, and some scattered Joshua trees. As stated above in Section 3.4.a, Project implementation would impact a total of 35 Joshua trees, 16 within the impact area and 17 within the 186-foot buffer area.

Joshua trees are a protected resource throughout the entire City under Chapter 16.24 (Protected Plants) of the Hesperia Municipal Code and are considered a sensitive biological resource. As stated in Chapter 16.24, a removal permit is required from the City for the removal of Joshua trees.

Additionally, as stated above in Section 3.4.a, in response to the Commission's listing of the Joshua tree as a candidate species, any impacts (either direct or indirect) to Joshua trees require the preparation of a an ITP pursuant to Section 2081 subdivision (b) of the Fish and Game Code. Pursuant to this requirement, an ITP was prepared for the Project and submitted to CDFW for initial review. In its initial review, CDFW stated in an email communication to the City that they cannot finalize the ITP until CDFW has received the City

adopted/certified CEQA document (which in the case for the Project is this Initial Study/Mitigated Negative Declaration) along with the findings, Notice of Determination, and a copy of proof of payment for the environmental filing fee. Upon City adoption/certification of the Initial Study/Mitigated Negative Declaration, the City will ensure that all the necessary steps noted above are undertaken to allow CDFW to issue an approved ITP to the project applicant. Further, and based on the findings of the Joshua Tree Survey Report and direction from CDFW, the measures outlined in Mitigation Measure BIO-1 will be required to be implemented in order to avoid, minimize, or compensate for the anticipated impacts to Joshua trees as a result of Project development. Therefore, with implementation of Mitigation Measure BIO-1, impacts to Joshua trees would be reduced to a level of less than significant.

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

No Impact. The Project site overlaps the Desert Renewable Energy Conservation Plan (DRECP), which provides protection and conservation of desert ecosystems while allowing for appropriate development of renewable energy projects. However, while the DRECP plan area overlaps the project site, the DRECP focuses on renewable energy projects and is not applicable to the Project. Therefore, the Project would not conflict with any habitat or natural community conservation plans. No impact would occur and not mitigation measures are necessary.

3.5 CULTURAL RESOURCES

The analysis in this section is based in part on the following technical study, which is included as Appendix F to this Initial Study:

- *Cultural Resources Assessment*, BCR Consulting LLC, March 2022.

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?

No Impact. Section 15064.5 defines historic resources as resources listed or determined to be eligible for listing by the State Historical Resources Commission, a local register of historical resources, or the lead agency. Generally, a resource is considered "historically significant" if it meets one of the following criteria:

i) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

ii) Is associated with the lives of persons important in our past;

iii) Embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual, or possesses high artistic values;

iv) Has yielded, or may be likely to yield, information important in prehistory or history.

3. Environmental Analysis

As shown in Figure 3, *Aerial Photograph*, the Project Site is undeveloped desert land and void of any buildings and structures. Also, historic aerial photographs dating as far back as 1948 do not show any buildings or structures onsite (BV 2021).

Additionally, BCR Consulting requested an archaeological records search from the South Central Coastal Information Center (SCCIC) (Appendix C). The records search completed a review of all recorded historic and prehistoric cultural resources, as well as a review of known cultural resources, and survey and excavation reports generated from the Project Site and sites within one mile of the Project Site. In addition, a review was conducted of the National Register of Historic Places (National Register), the California Register of Historical Resources (California Register), and documents and inventories from the California Office of Historic Preservation including the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures. The records research revealed that 13 cultural resource studies have been completed within the radius search, resulting in the recording of eight cultural resources (all historic period). However, the Project Site has never been subject to a previous cultural resources assessment, and no cultural resources have been previously recorded within its boundaries.

Furthermore, as a part of the cultural resources assessment conducted for the Project Site, an intensive pedestrian survey of the Project Site was conducted by BCR Consulting staff in October 2021 (Appendix F). The survey did not yield any historic resources. The Project Site has been subject to local natural and artificial disturbances include sheetwashing, rilling, aeolian deflation, vegetation growth, and off-highway vehicle activity.

Based on the preceding, no impact would occur and no mitigation measures are necessary.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

Less Than Significant Impact With Mitigation Incorporated. Archaeological resources are prehistoric or historic evidence of past human activities, including structural ruins and buried resources. As shown in Figure 3, *Aerial Photograph*, the Project Site is undeveloped desert land and void of any buildings and structures. The Project Site has been subject to local natural and artificial disturbances include sheetwashing, rilling, aeolian deflation, vegetation growth, and off-highway vehicle activity. However, given the undeveloped condition of the Project Site, the potential exists for Project development to impact unidentified archeological resources that may underly the site.

A cultural resources assessment was conducted for the Project Site by BCR Consulting (Appendix C). The purpose of the assessment was to determine the presence or absence of and potential impact to archaeological resources as a result of Project development. As noted above, BCR Consulting requested an archaeological records search from the SCCIC. The records search included a review of all recorded historic and prehistoric cultural resources, as well as a review of known cultural resources, and survey and excavation reports generated from the Project Site and sites within one mile of the Project Site. that 13 cultural resource studies have been completed within the radius search, resulting in the recording of eight cultural resources (all historic period). However, the Project Site has never been subject to a previous cultural resources assessment, and no cultural resources have been previously recorded within its boundaries.

Additionally, and as noted above, an intensive pedestrian survey of the Project Site was conducted by BCR Consulting staff in October 2021. The survey did not yield any cultural resources. Further, the results of the Sacred Lands File search conducted through the Native American Heritage Commission was positive.

Based on the results of the cultural resources records search, Sacred Lands File search and field survey of the Project Site, the cultural resources assessment concluded that no additional cultural resources work or monitoring is necessary. However, although the assessment has not indicated sensitivity for cultural resources within the Project Site boundaries, Project related ground-disturbing activities (e.g., grading and excavation) have the potential to reveal buried deposits not observed on the surface during the site survey conducted. Therefore, while unlikely, the presence of subsurface archaeological resources on the Project Site remains possible, and these could be affected by ground-disturbing activities associated with the Project.

However, implementation of Mitigation Measure CUL-1 would avoid or minimize potential Project impacts to archaeological resources. With implementation of Mitigation Measure CUL-1, impacts to archeological resources would be reduced to a less than significant level.

Mitigation Measures

CUL-1 Prior to the issuance of grading permits, the project applicant shall provide a letter to the City of City of Hesperia Planning Department from a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications for Archeology as defined at 36 CFR Part 61, Appendix A (Professional Archeologist). The letter shall state that the project applicant has retained such an individual, and that the consultant will be on call during all grading and other significant ground-disturbing activities.

In the event that potential archeological resources are discovered during ground-disturbing activities, all such activity shall cease in the immediate area of the find (within a 60-foot buffer), and the professional archeological monitor shall have the authority to halt any activities adversely impacting potentially significant cultural resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discovery shall not be lifted until the archaeological monitor has evaluated the discovery to assess whether it is classified as a significant cultural resource pursuant to the CEQA (California Environmental Quality Act) definition of historical (State CEQA Guidelines 15064.5[a]) and/or unique archeological resource (Public Resources Code 21083.2[g]). Work may continue in other areas of the Project Site outside of the buffered area and for other project elements while the encountered find is evaluated. Additionally, the San Manuel Band of Mission Indians (SMBMI) Cultural Resources Department shall be contacted regarding any pre-contact and/or historic era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find in order to provide SMBMI input with regards to significance and treatment. The City and/or project applicant shall, in good faith, consult with SMBMI throughout the duration of ground-disturbing activities.

If upon completion of the assessment the archeological monitor determines that the find qualifies as a significant cultural resource, the qualified archeologist shall make

recommendations on the treatment and disposition of the deposits, which shall be developed in accordance with all applicable provisions of California Public Resource Code Section 21083.2 and State CEQA Guidelines Sections 15064.5 and 15126.4. For example, if significant cultural resources are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan (MTP). The MTP shall be overseen and implemented by the archeologist and include mitigation measures to follow regarding identification and recording methods, and evaluation and final treatment of any cultural resources identified. This MTP shall allow for an SMBMI monitor to be present for the remainder of the ground-disturbing activities, should SMBMI elect to place a monitor onsite. Likely mitigations would involve temporary avoidance of the area of discovery plus a 60-foot buffer, development of a cultural resources eligibility evaluation plan in consultation with SMBMI and the City of Hesperia Planning Department, and test excavation to determine eligibility of any discovery for California Register of Historical Resources listing eligibility. Final disposition of any artifacts recovered shall be determined during development of the evaluation plan and would be likely to include reburial onsite, donation to SMBMI or other Native American entities, or curation at a federally approved repository. The draft MTP, and any/all archaeological/cultural documents created (isolate records, site records, survey reports, testing reports, etc.), shall be provided to the Hesperia Planning Department for dissemination to SMBMI. The archaeologist shall monitor the remainder of the Project Site and implement the MTP accordingly. The archaeologist shall prepare a final report describing all identified and curated resources (if any are found) and submit the report to the City for dissemination to SMBMI. If disturbed resources are required to be collected and preserved, the project applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.

c) Disturb any human remains, including those interred outside of dedicated cemeteries?

Less Than Significant Impact. There are no known human remains or cemeteries on or near the Project Site. As shown in Figure 3, *Aerial Photograph*, the Project Site is undeveloped desert land and is surrounded by a mix of vacant land, and religious and residential uses. The immediate surrounding vicinity has also experienced ground disturbance associated with the development of existing buildings, roadways, and other urbanized land uses. Therefore, the likelihood that human remains may be discovered during site clearing and grading activities is considered extremely low. However, Project development would have the potential to disturb previously undiscovered subsurface human remains, if any exist. For example, the Project would involve excavation activities over the entire Project Site.

In the unlikely event that human remains are uncovered during ground-disturbing activities, California Health and Safety Code Section 7050.5 requires that disturbance of the site shall remain halted until the San Bernardino County Coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation or to his or her authorized representative, in the manner provided in Section 5097.98 of the California Public Resources Code. The coroner is required to make a determination within two working days of notification of the discovery of the human remains. If the coroner determines that

the remains are not subject to his or her authority or has reason to believe the human remains to be those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) so that NAHC can contact the Most Likely Descendant (MLD). The MLD shall be provided access to the discovery and will provide recommendations or preferences for treatment of the remains within 48 hours of accessing the discovery site. Disposition of human remains and any associated grave goods, if encountered, shall be treated in accordance with procedures and requirements set forth in Sections 5097.94 and 5097.98 of the Public Resources Code; Section 7050.5 of the California Health and Safety Code; and CEQA Guidelines Section 15064.5.

Compliance with existing law regarding the discovery of human remains would reduce potential impacts to human remains to less than significant levels. No mitigation measures are necessary.

3.6 ENERGY

Would the project:

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?

Less Than Significant Impact. Project development would result in short-term construction and long-term operational energy consumption. The following is a discussion of the potential energy demands from activities associated with the construction and operation of the Project.

Short-Term Construction Impacts

Construction of the Project would create temporary increased demands for electricity and vehicle fuels compared to existing conditions.

Electrical Energy

Electricity use during construction of the Project would vary during different phases of construction. The majority of the construction equipment would be gas- or diesel-powered, and electricity would not be used to power most of the construction equipment. Later construction phases could result in the use of electricity-powered equipment for interior construction and architectural coatings. However, it is anticipated that the majority of electric-powered construction equipment would be hand tools (e.g., power drills, table saws) and lighting, which would result in minimal electricity usage during construction activities. Therefore, Project-related construction activities would not result in wasteful or unnecessary electricity demands. Impacts would be less than significant, and no mitigation measures are necessary.

Natural Gas Energy

It is not anticipated that construction equipment used for the Project would be powered by natural gas, and no natural gas demand is anticipated during construction. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

3. Environmental Analysis

Transportation Energy

Transportation energy use depends on the type and number of trips, vehicle miles traveled, fuel efficiency of vehicles, and travel mode. Transportation energy use during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel and/or gasoline. It is anticipated that the majority of off-road construction equipment, such as those used during site preparation and grading, would be gas or diesel powered.

Energy consumption during Project construction (2022 through 2023) was calculated using the CalEEMod (v. 2020.4.0) computer model and data from the EMFAC2021 (v. 1.0.2) and OFFROAD2021 (v. 1.0.2) databases. The results are shown in Table 4.

Table 4 Construction-Related Fuel Usage

Project Component	Gas		Diesel		Electricity	
	VMT	Gallons	VMT	Gallons	VMT	kWh
Construction Worker Commute	462,596	17,971	1,054	29	13,548	4,921
Construction Vendor Trips	17,022	3,365	100,975	14,335	N/A	N/A
Construction Truck Haul Trips	N/A	N/A	N/A	N/A	N/A	N/A
Construction Off-Road Equipment	N/A	331	N/A	30,621	N/A	N/A
Total	479,618	21,666	102,029	44,984	13,548	4,921

Source: CalEEMod v. 2020.4.0; EMFAC2021 v. 1.0.2; OFFROAD2021 v. 1.0.2.
Notes: VMT = vehicle miles traveled; kWh = kilowatt hour

To limit wasteful and unnecessary energy consumption, construction contractors are anticipated to minimize nonessential idling of construction equipment during construction, in accordance with 13 CCR § 2449. In addition, construction trips would not result in unnecessary use of energy since the Project Site is served by a major regional freeway system (I-15) that provides the most direct routes from various areas of the region. Furthermore, electrical energy would be supplied by Southern California Edison (SCE) and available for use during construction from existing power lines and connections, precluding the use of less efficient generators. Moreover, all construction equipment would cease operating upon completion of project construction. Therefore, energy use during construction of the Project would not be considered inefficient, wasteful, or unnecessary. Impacts would be less than significant, and no mitigation measures are necessary.

Long-Term Impacts During Operation

Operation of the Project would generate new demand for electricity, natural gas, and transportation energy on the undeveloped Project Site. Operational use of energy would include heating, cooling, and ventilation of buildings; water heating; operation of electrical systems, use of onsite equipment and appliances; and indoor, outdoor lighting.

Electrical Energy

Electrical service to the Project Site would be provided by SCE through connections or modifications to existing offsite electrical lines that would be consistent with City and service providers requirements. Also, all

new utility infrastructure would be installed underground or placed in enclosed spaces (e.g., utility closets). As shown in Table 5, implementation of the Project would result in 437,755 kilowatt hours of electricity use per year.

Table 5 Electricity Consumption

Land Use	Electricity (kWh/year)
Proposed Project Conditions	
Elementary School	421,862
Parking Lot	15,893
Total	437,755

Source: CalEEMod Version 2020.4.0.
Note: kWh = kilowatt hour.

While the Project would result in a higher electricity demand than existing conditions, it would be designed and constructed consistent with the requirements of the Building Energy Efficiency Standards and CALGreen (see Section 1.4.6.7, *Green Building Standards*). Therefore, operation of the Project would not result in wasteful or unnecessary electricity demands. Impacts would be less than significant, and no mitigation measures are necessary.

Natural Gas Energy

The potential natural gas consumption for the Project is shown in Table 6. As shown in the table, Project implementation would generate an average natural gas demand of 522,964 kilo British thermal units per year, primarily due to natural gas use by the classroom building. While the Project would result in a higher natural gas demand than existing conditions, it would be designed and constructed consistent with the requirements of the Building Energy Efficiency Standards and would not result in wasteful or unnecessary natural gas demands. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

Table 6 Natural Gas Consumption

Land Use	Natural Gas (kBTU/year)
Proposed Project Conditions	
Elementary School	522,964

Source: CalEEMod Version 2020.4.0.
Note: kBTU = kilo British thermal units.

Transportation Energy

A typical new school project would consume transportation energy during operations from the use of motor vehicles associated with students, staff, and visitors to the campus. The efficiency of these motor vehicles is unknown, such as the average miles per gallon. Estimates of transportation energy use are based on the overall vehicle miles traveled (VMT) and its associated transportation energy use. As shown in Table 7, the annual VMT for the Project is estimated to be 2,939,391 miles per year.

3. Environmental Analysis

Table 7 Project Annual Operation-Related Fuel Usage

	Gasoline		Diesel		CNG		Electricity	
	Annual VMT	Annual Gallons	Annual VMT	Annual Gallons	Annual VMT	Annual Gallons	Annual VMT	Annual kWh
Proposed Project	2,804,896	104,897	28,391	2,414	16	2	106,088	38,593

Source: CalEEMod Version 2022.1; EMFAC2021 v. 1.0.2.

Because the Project involves development of a new charter school, it would serve the local population within the nearby surrounding communities, which may reduce vehicle miles traveled by providing a closer option for future students. This feature of the Project would contribute to minimize VMT and transportation-related fuel usage. Therefore, it is expected that operation-related fuel usage associated with the Project would not be any more inefficient, wasteful, or unnecessary than similar development projects. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

No Impact. The state's electricity grid is transitioning to renewable energy under California's Renewable Energy Program. Renewable sources of electricity include wind, small hydropower, solar, geothermal, biomass, and biogas. Electricity production from renewable sources is generally considered carbon neutral. Executive Order S-14-08, signed in November 2008, expanded the state's renewable portfolios standard (RPS) to 33 percent renewable power by 2020. This standard was adopted by the legislature in 2011 (SB X1-2). Senate Bill 350 (de Leon) was signed into law September 2015 and establishes tiered increases to the RPS—40 percent by 2024, 45 percent by 2027, and 50 percent by 2030. Senate Bill 350 also set a new goal to double the energy-efficiency savings in electricity and natural gas through energy efficiency and conservation measures. On September 10, 2018, Governor Brown signed SB 100, which supersedes the SB 350 requirements. Under SB 100, the RPS for public owned facilities and retail sellers consist of 44 percent renewable energy by 2024, 52 percent by 2027, and 60 percent by 2030. Additionally, SB 100 also established a new RPS requirement of 50 percent by 2026. The bill also established a state policy that eligible renewable energy resources and zero-carbon resources supply 100 percent of all retail sales of electricity to California end-use customers and 100 percent of electricity procured to serve all state agencies by December 31, 2045. Under SB 100 the state cannot increase carbon emissions elsewhere in the western grid or allow resource shuffling to achieve the 100 percent carbon-free electricity target.

The statewide RPS goal is not directly applicable to individual development projects, but to utilities and energy providers such as SCE, which is the utility that would provide all of electricity needs for the Project. Compliance of SCE in meeting the RPS goals would ensure the state in meeting its objective in transitioning to renewable energy. The Project would also be designed and constructed to comply with the latest Building Energy Efficiency Standards and CALGreen. Therefore, implementation of the Project would not conflict or obstruct plans for renewable energy and energy efficiency. No impact would occur, and no mitigation measures are necessary.

City of Hesperia Climate Action Plan

The City of Hesperia released its Climate Action Plan (CAP) on July 20, 2010, as a primary strategy to ensure that the buildout of the Hesperia General Plan will not conflict with the implementation of AB 32 (City of Hesperia 2010a). The CAP outlines a course of action for the community of Hesperia to reduce per capita greenhouse gas emissions 29 percent below business as usual by 2020 and sets out an implementation and monitoring framework for monitoring its strategies.

The City's CAP includes fourteen reduction strategies targeting land use, transportation, and conservation policies that are part of the City's General Plan Update. The Project would be consistent with the applicable energy-saving strategies outlined in the CAP as discussed below.

- **Energy Efficiency.** The City reviews all building plans for compliance and city building inspectors ensure that buildings are constructed to code. Furthermore, the proposed school buildings and modular buildings will meet the latest Building Energy Efficiency Standards and CALGreen guidance. In addition, 13 out of 18 of assigned clean air vehicle parking spaces would be set aside for future installation of electric vehicle charging stations.

- **Water Conservation and Reuse.** Water use during Project operations would increase from existing conditions; however, the Project would comply with CALGreen requirements, which includes indoor water use reduction and site irrigation conservation.

3.7 GEOLOGY AND SOILS

The analysis in this section is based partly on the following technical studies, which are included as Appendices F and G to this Initial Study.

- *Cultural Resources Assessment*, BCR Consulting LLC, March 2022. (Appendix F)

- *Geotechnical Investigation Report*, John R. Byerly, Inc., January 2022. (Appendix G)

Would the project:

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

Less Than Significant Impact. The Alquist-Priolo Earthquake Fault Zoning Act was passed in 1972 to mitigate the hazard of surface faulting to structures for human occupancy. Surface rupture is the most easily avoided seismic hazard. Fault rupture generally occurs within 50 feet of an active fault line and is limited to the immediate area of the fault zone where the fault breaks along the surface. The main purpose

of the Alquist-Priolo Earthquake Fault Zoning Act is to prevent construction of buildings used for human occupancy on the surface of active faults, in order to minimize the hazard of surface rupture of a fault to people and habitable buildings. Before cities and counties can permit development within Alquist-Priolo Earthquake Fault Zones, geologic investigations are required to show that the proposed development site is not threatened by surface rupture from future earthquakes.

The Project Site is not within or near an established Alquist-Priolo Earthquake Fault Zone. The nearest mapped active fault—that is, a fault that has ruptured during Holocene time (the last 11,700 years)— is the North Frontal fault zone, which is approximately seven miles southeast of the Project Site (Appendix G). Due to the distance to the active fault, the potential for surface rupture of a fault onsite is considered very low. Therefore, Project development would not subject people or structures to hazards arising from surface rupture of a known active fault. Impacts would be less than significant, and no mitigation measures are necessary.

ii) Strong seismic ground shaking?

Less Than Significant Impact. The most significant geologic hazard to the design life of the Project is the potential for moderate to strong ground shaking resulting from earthquakes generated on the faults in seismically active southern California. As with other areas in southern California, it is anticipated that the Project Site will likely be subject to strong ground shaking due to earthquakes on nearby faults. As noted above, the North Frontal fault zone is approximately seven miles southeast of the site. This fault, as well as others in the region, are considered capable of producing strong shaking at the Project Site, thereby exposing people or structures on the site to potential substantial adverse effects, including the risk of loss, injury, or death. The intensity of ground shaking on the Project Site would depend on the magnitude of the earthquake, distance to the epicenter, and the geology of the area between the epicenter and the Project Site.

However, the Project Site is not at a greater risk of seismic activity or impacts than other sites in southern California. Seismic shaking is a risk throughout southern California. Additionally, the state regulates development in California through a variety of tools that reduce hazards from earthquakes and other geologic hazards. The California Building Code (CBC; California Code of Regulations, Title 24, Part 2), adopted by reference in Title 15 (Buildings and Construction), Chapter 15.04 of the Hesperia Municipal Code contains provisions to safeguard against major structural failures or loss of life caused by earthquakes or other geologic hazards. The CBC contains provisions for earthquake safety based on factors including occupancy type, the types of soil and rock onsite, and the strength of ground motion with specified probability of occurring at the site. Project development would be required to adhere to the provisions of the CBC, which are enforced by the Hesperia Building and Safety Division during the building plan check and development review process. Compliance with the requirements of the CBC for structural safety during a seismic event would reduce hazards from strong seismic ground shaking.

Furthermore, incorporation of the recommended design parameters from the geotechnical engineering investigation report prepared for the Project (Appendix G) would also reduce hazards from strong seismic

ground shaking. The City would impose the recommended design parameters as a condition of approval, and compliance would be ensured through the City's building plan check and development review process.

In summary, compliance with the provisions of the CBC and implementation of the recommended design parameters outlined in the geotechnical engineering investigation report would reduce impacts resulting from strong seismic ground shaking. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Liquefaction is a phenomenon that occurs when soil undergoes a transformation from a solid state to a liquified condition. It refers to loose, saturated sand or silt deposits that behave as a liquid and lose their load-supporting capability when strongly shaken. Loose granular soils and silts that are saturated by relatively shallow groundwater are susceptible to liquefaction. When subjected to seismic ground shaking, affected soils lose strength during liquefaction and foundation failure can occur.

As stated in the geotechnical engineering investigation report prepared for the Project (Appendix G), groundwater was not encountered in any of the boring locations onsite, which were conducted to a maximum explored depth of 51.5 feet below existing ground surface. Additionally, as stated in the preliminary drainage report prepared for the Project (see Appendix J), the groundwater table is greater than 80 feet deep. Also, based on a review of water well data from the State of California, the closest water well (State Well No. 04N04W21C001S) to the site is located approximately 0.7 mile to the south-southwest. The highest measured ground water in this well was at a depth of 342 feet below grade on January 1, 2017. A second well (State Well No. 04N04W15F001S) is situated approximately 0.9 mile to the east and measured a high ground water level of 298 feet below grade on November 8, 1995. Additionally, the Technical Background Report to the Safety Element of the General Plan for the City of Hesperia does not map the Project Site as an area with historic occurrences of liquefaction, or local geologic, geotechnical, or groundwater conditions that indicate a potential for liquefaction (Earth Consultants International, Inc. 2010).

Furthermore, Project Site grading, design, and construction would conform with the recommended design parameters of the geotechnical engineering investigation report prepared for the Project. The City would impose the recommended design parameters as a condition of any required planning approval, and compliance would be ensured through the City's building plan check and development review process.

Therefore, impacts would be less than significant, and no mitigation measures are necessary.

iv) Landslides?

No Impact. Landslides are the downslope movement of geologic materials. Slope failures in the form of landslides are common during strong seismic shaking in areas of steep hills. Based on a review of a topographic map the Project Site is in an area of Hesperia that is characterized by flat topography and urban development (USGS 2015). Also, a review of regional geologic maps of the area do not indicate the presence of known or suspected landslides in the vicinity of the site (Morton and Miller 2003; Earth

Consultants International, Inc. 2010). Furthermore, per the City's 2012 Hazard Mitigation Plan, landslides are not a major concern in Hesperia (Hesperia 2012). The only areas susceptible to landslides within Hesperia are along foothills, mountains and washes, with a low probability of landslides affecting these areas in the future (Earth Consultants International 2010). Therefore, geologic hazards associated with landslides are not anticipated to occur at the Project Site. No impact would occur, and no mitigation measures are necessary.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. Erosion is the movement of rock and soil from place to place and is a natural process. Common agents of erosion in the project region include wind and flowing water. Significant erosion typically occurs on steep slopes where stormwater and high winds can carry topsoil down hillsides. Erosion can be increased greatly by earth-moving activities (e.g., excavation and grading) if erosion control measures are not used.

Following is a discussion of the potential erosion impacts resulting from the Project's construction and operational phases.

Construction Phase

Project development would involve site preparation, grading, and construction activities that would disturb soil and leave exposed soil on the ground surface. Common means of soil erosion from construction sites include water, wind, and being tracked offsite by vehicles. These activities could result in soil erosion. Additionally, natural processes, such as wind and rain, could further lead to soil erosion during construction.

However, development on the Project Site is subject to local and state codes and requirements for erosion control and grading during construction. For example, project development is required to comply with standard regulations, including South Coast Air Quality Management District Rules 402 and 403, which would reduce construction erosion impacts. Rule 403 requires that fugitive dust be controlled with best available control measures so that the presence of such dust does not remain visible in the atmosphere beyond the property line of the emissions source. Rule 402 requires dust suppression techniques be implemented to prevent dust and soil erosion from creating a nuisance offsite. For example, as outlined in Table 1 (Best Available Control Measures) of Rule 403, control measures to reduce erosion during grading and construction activities include stabilizing backfilling materials when not actively handling, stabilizing soils during clearing and grubbing activities, and stabilizing soils during and after cut-and-fill activities.

Additionally, the Construction General Permit (CGP) issued by the State Water Resources Control Board, effective July 17, 2012, regulates construction activities to minimize water pollution, including sediment risk from construction activities to receiving waters. Project development would be subject to the National Pollution Discharge Elimination System (NPDES) permitting regulations, including the development and implementation of a Stormwater Pollution Prevention Plan (SWPPP), which is further discussed in Section 3.10, *Hydrology and Water Quality*. The Project's construction contractor would be required to prepare and implement a SWPPP and associated best management practices (BMPs) in compliance with the CGP during

grading and construction. For example, as outlined in Section 3.10, types of BMPs that are incorporated in SWPPPs and would help minimize impacts from soil erosion include:

- **Erosion controls.** cover and/or bind soil surface, to prevent soil particles from being detached and transported by water or wind. Erosion control BMPs include mulch, soil binders, and mats. Amongst other measures
- **Sediment controls.** Filter out soil particles that have been detached and transported in water. Sediment control BMPs include but are not limited to barriers, and cleaning measures such as street sweeping.
- **Tracking controls.** Tracking control BMPs minimize the tracking of soil offsite by vehicles; for instance, stabilizing construction roadways and entrances/exits.

Adherence to the BMPs in the SWPPP and adherence with local and state codes and requirements for erosion control and grading during construction would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. Therefore, soil erosion impacts from Project-related grading and construction activities would be less than significant and no mitigation measures are necessary.

Operation Phase

The Project Site is relatively flat with gentle slopes (approximately three percent grade) to the northeast; the site consists primarily of undeveloped desert land. Existing elevations across the site vary from approximately 3,180 feet above mean sea level (msl) at the southwestern corner to about 3,160 feet above msl at the south corner (USGS 2015). No major slopes or bluffs are on, adjacent to, or in the vicinity of the site. After Project completion, the Project Site would be developed with institutional uses, parking areas and drive aisles, a sports field, and roadway and landscape improvements and would not contain bare or exposed soil. The proposed landscaping would be water conserving and have deep root systems that enable soil stabilization and minimize erosion. Upon Project completion, the potential for soil erosion or the loss of topsoil would be expected to be extremely low.

Additionally, in accordance with the City's initial requirements for development projects, a preliminary Water Quality Management Plan (WQMP) was prepared for the Project (Appendix I). BMPs specified for the Project in the WQMP, which would help minimize sediment pollution of stormwater, include underground infiltration chambers; common area landscape management; sweeping of streets; and use of efficient irrigation systems and landscape design, water conservation, and smart controllers. BMPs are discussed further in Section 3.10, *Hydrology and Water Quality*. Implementation of the BMPs would help ensure that soil erosion would not occur under the Project's operation phase. BMP implementation would be ensured through the City's building plan check and development review process.

Therefore, soil erosion impacts from the Project's operation phase would be less than significant and no mitigation measures are necessary.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

Less Than Significant Impact. Hazards from liquefaction are addressed above in Section 3.7.a.iii, and landslide hazards are addressed above in Section 3.7.a.iv. As concluded in these sections, impacts would be less than significant.

Following is a discussion of the potential impacts resulting from other site geologic and soil conditions of the Project Site.

Lateral Spreading

Lateral spreading is a phenomenon that occurs in association with liquefaction and includes the movement of non-liquefied soil materials. Due to the very low potential for liquefaction on the Project Site, the potential for lateral spreading is considered very low. Therefore, no impact would occur, and no mitigation measures are necessary.

Ground Subsidence

The major cause of ground subsidence is the excessive withdrawal of groundwater. Soils with high silt or clay content are particularly susceptible to subsidence. The Project Site overlies the Mojave River Groundwater Basin (Basin). The Basin is a large alluvial groundwater basin with storage in excess of five million acre-feet. The basin has a long history of groundwater development for various uses dating back to the early 1900s. As a result, piezometric heads declined basin-wide during the past century; in some areas by more than 200 feet. Declines of this magnitude typically cause irreversible aquifer-system compaction, which in turn results in subsidence at the ground surface. In portions of the Basin, land subsidence has been differential and accompanied by ground fissuring, which damaged existing infrastructure and poses concerns for new and existing development. The Mojave Basin Area Watermaster (Watermaster), the agency responsible for groundwater basin management, has recognized that land subsidence and ground fissuring should be minimized to the extent possible. The Watermaster has partnered with USGS to monitor land subsidence in the Basin (Sneed et al. 2003). Based on a review of the Interferometric Synthetic Aperture Radar (InSAR) data between 2014 and 2019 available on the USGS website, the site area does not appear to be within an area of substantial subsidence (Brandt and Sneed 2021).

Additionally, Project development would be implemented in accordance with the recommended design parameters of the geotechnical engineering investigation report prepared for the Project (Appendix G). With implementation of the design parameters, which would be imposed by the City as a condition of approval and ensured through the City's building plan check and development review process, Project development would not subject people or structures to substantial hazards arising from ground subsidence.

Therefore, impacts would be less than significant, and no mitigation measures are necessary.

Collapsible Soils

Collapsible soils shrink upon being wetted and/or being subject to a load. Soils susceptible to hydro-collapse (or collapsible soils) are predominately sand, silty sand, and sandy silt held in a loose honeycomb structure. This relatively loose honeycomb structure is typically held together by small amounts of clay or calcium carbonate acting as a temporary cementing agent. If the soil remains dry the soil generally maintains its structure, however the addition of water to the soil will greatly weaken the honeycomb structure and the soil subsequently experiences immediate collapses. This collapse can result in rapid soil settlement and potential damage to any improvements which are located within the zone of influence of the collapsible soils. Fine-grained soils such as clays and silty clays are generally not considered susceptible to hydro-collapse.

Laboratory testing for hydro-collapse is typically performed per the American Society for Testing and Materials (ASTM) Test Method D5333 or ASTM D 2435. Soils with a collapse potential above five percent are considered troublesome. Based on the results of recent laboratory testing as provided in the geotechnical engineering investigation report prepared for the Project (Appendix D), the collapse potential measured at the Project Site is approximately 3.5 percent.

Furthermore, Project Site grading, design, and construction would conform with the design parameters of the geotechnical engineering investigation report (Appendix G). The City would impose the recommended design parameters as a condition of approval and compliance would be ensured through the City's building plan check and development review process.

Therefore, impacts would be less than significant, and no mitigation measures are necessary.

d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?

Less Than Significant Impact. Expansive soils shrink or swell as the moisture content decreases or increases; the shrinking or swelling can shift, crack, or break structures built on such soils. Based on the results of previous laboratory testing and recent laboratory testing as provided in the geotechnical engineering investigation report prepared for the Project (Appendix D), site soils are anticipated to have a very low expansion potential in accordance with ASTM D-4829. Additionally, Project development would be required to incorporate the recommendations provided in the geotechnical engineering investigation report (Appendix G) and adhere to the provisions of the CBC. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

No Impact. The Project would include construction of sewer laterals to existing sewers in surrounding roadways. The Project would not involve the use of septic tanks or other alternative wastewater disposal systems. Therefore, no impact would occur, and no mitigation measures are necessary.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less Than Significant Impact. Paleontological resources are commonly known as fossils, that is, the recognizable physical remains or evidence of past life forms found on earth in past geological periods — including bones, shells, leaves, tracks, burrows, and impressions.

As shown in Figure 3, *Aerial Photograph*, the Project Site is undeveloped desert land and void of any buildings and structures. The Project Site is covered with a light to moderate growth of typical desert brush. The Project Site is underlain by middle to early Pleistocene alluvial fan deposits (Morton and Miller 2003). Older fan deposits may have the potential to contain significant paleontological resources. However, based on a review of the online catalog of specimens from the University of California, no documented localities of paleontological specimens are located in Hesperia (UCMP 2022). Therefore, the likelihood of paleontological resources on the Project Site is considered to be low.

Furthermore, the geotechnical engineering investigation report prepared for the Project (Appendix D) revealed that the site soils consist primarily of light brown, medium dense to very dense, fine to coarse, silty sands with varying amounts of gravel to the maximum explored depth of approximately 51.5 feet below existing grade. The Project does not include subterranean structures that would require excavation past this soil layer. Therefore, it is not anticipated that any paleontological resources will be encountered.

Finally, there are no unique geological features onsite or adjacent to or surrounding the Project Site. The Project Site exhibits generally flat topography.

Therefore, impacts to paleontological resources would be less than significant and no mitigation measures are necessary.

3.8 GREENHOUSE GAS EMISSIONS

Scientists have concluded that human activities are contributing to global climate change by adding large amounts of heat-trapping gases, known as greenhouse gases (GHGs), into the atmosphere. The primary source of these GHG is fossil fuel use. The Intergovernmental Panel on Climate Change (IPCC) has identified four major GHGs—water vapor, carbon dioxide (CO_2), methane (CH_4), and ozone (O_3)—that are the likely cause of an increase in global average temperatures observed within the 20th and 21st centuries. Other GHG identified by IPCC that contribute to global warming to a lesser extent include nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydrofluorocarbons, perfluorocarbons, and chlorofluorocarbons.[5,6]

[5] Water vapor (H2O) is the strongest GHG and the most variable in its phases (vapor, cloud droplets, ice crystals); however, water vapor is not considered a pollutant because it is considered part of the feedback loop rather than a primary cause of change.

[6] Black carbon contributes to climate change both directly, by absorbing sunlight, and indirectly, by depositing on snow (making it Black carbon contributes to climate change both directly, by absorbing sunlight, and indirectly, by depositing on snow (making it melt faster) and by interacting with clouds and affecting cloud formation. Black carbon is the most strongly light-absorbing component of particulate matter (PM) emitted from burning fuels such as coal, diesel, and biomass. However, state and national GHG inventories do not include black carbon due to ongoing work resolving the precise global warming potential of black carbon. Guidance for CEQA documents does not yet include black carbon.

This section analyzes the Project's contribution to global climate change impacts in California through an analysis of Project-related GHG emissions. Information on manufacture of cement, steel, and other "life cycle" emissions that would occur as a result of the Project are not applicable and are not included in the analysis.[7] Black carbon emissions are not included in the GHG analysis because the California Air Resources Board (CARB) does not include this pollutant in the state's Assembly Bill (32)/Senate Bill 32 (SB 32) inventory and treats this short-lived climate pollutant separately (CARB 2017a).[8] A background discussion on the GHG regulatory setting and GHG modeling can be found in Appendix A to this Initial Study.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less Than Significant Impact. Global climate change is not confined to a particular project area and is generally accepted as the consequence of global industrialization over the last 200 years. A typical project, even a very large one, does not generate enough greenhouse gas emissions on its own to influence global climate change significantly; hence, the issue of global climate change is, by definition, a cumulative environmental impact.

Implementation of the Project would result in a new charter school featuring the development of a main building and six classroom pods, garden areas, natural turf, walkways, play structure, and sports courts. The new school would have a capacity for 700 students and 60 teachers. The Project would generate GHG emissions from vehicle trips associated with staff and students, energy use (indirectly from purchased electricity use and directly through fuel consumed for building heating), area sources (e.g., equipment used onsite, consumer products, coatings), water/wastewater generation, and waste disposal. Annual average construction emissions were amortized over 30 years and included in the emissions inventory to account for one-time GHG emissions from the construction phase of the Project. Table 8 shows Project-related GHG emissions in comparison to both MDAQMD's daily and annual significance thresholds. As demonstrated in the table, the total GHG emissions from Project development would not exceed the MDAQMD's daily and annual GHG thresholds and

[7] Life cycle emissions include indirect emissions associated with materials manufacture. However, these indirect emissions involve numerous parties, each of which is responsible for GHG emissions of their particular activity. The California Resources Agency, in adopting the CEQA Guidelines Amendments on GHG emissions found that lifecycle analyses was not warranted for project-specific CEQA analysis in most situations, for a variety of reasons, including lack of control over some sources, and the possibility of double-counting emissions (CNRA 2018a). Because the amount of materials consumed during the operation or construction of the Project is not known, the origin of the raw materials purchased is not known, and manufacturing information for those raw materials are also not known, calculation of life cycle emissions would be speculative. A life-cycle analysis is not warranted (OPR 2008).

[8] Particulate matter emissions, which include black carbon, are analyzed in Section 3.3*, Air Quality*. Black carbon emissions have sharply declined due to efforts to reduce on-road and off-road vehicle emissions, especially diesel particulate matter. The share of black carbon emissions from transportation is dropping rapidly and is expected to continue to do so between now and 2030 as a result of California's air quality programs. The remaining black carbon emissions will come largely from woodstoves/fireplaces, off-road applications, and industrial/commercial combustion (CARB 2022b).

the Project's cumulative contribution to GHG emissions would be less than significant. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

Table 8 Project-Related Operation GHG Emissions

Source	lbs/day[3]	MT/year
Construction Phase		
Total	3,565	590
MDAQMD's Threshold	548,000	100,000
Exceeds Threshold	No	No
Operational Phase		
Area	<1	<1
Energy	784	130
Mobile	5,128	849
Waste	225	37
Water	83	14
Amortized Construction Emissions[1]	115	19
Total Emissions	6,335	1,049
MDAQMD's Threshold	548,000	90,718 (100,000 tons)
Exceeds Threshold	No	No

Source: CalEEMod, Version 2020.4.
Notes: MTons = metric tons; $MTCO_2e$ = metric ton of carbon dioxide equivalent
[1] Construction emissions are amortized over a 30-year project lifetime per recommended South Coast AQMD Working Group methodology (South Coast AQMD 2009, 2010a, and 2010b).

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. Applicable plans adopted for the purpose of reducing GHG emissions include CARB's Scoping Plan, SCAG's Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), and Hesperia Climate Action Plan (CAP). A consistency analysis with these plans is presented below.

CARB Scoping Plan

On December 24, 2017, CARB adopted the Final 2017 Climate Change Scoping Plan Update (Scoping Plan) to address the 2030 interim target to achieve a 40 percent reduction below 1990 levels by 2030, established by SB 32 (CARB 2017b). CARB is currently updating the Scoping Plan to address the state's carbon neutrality goals under Executive Order B-55-18. The Draft 2022 Scoping Plan was released in May 2022 and is anticipated to be adopted by fall 2022 (CARB 2022c). The CARB Scoping Plan is applicable to state agencies and is not directly applicable to cities/counties and individual projects. Nonetheless, the Scoping Plan has been the primary tool that is used to develop performance-based and efficiency-based CEQA criteria and GHG reduction targets for climate action planning efforts.

Since adoption of the 2008 Scoping Plan, which was adopted to achieve the GHG reduction goals of Assembly Bill 32 (AB 32), state agencies have adopted programs identified in the plan, and the legislature has passed additional legislation to achieve the GHG reduction targets. Statewide strategies to reduce GHG emissions

include the Low Carbon Fuel Standard, California Appliance Energy Efficiency regulations, California Renewable Energy Portfolio standard, changes in the Corporate Average Fuel Economy standards, and other early action measures as necessary to ensure the state is on target to achieve the GHG emissions reduction goals of AB 32 and SB 32. Also, new buildings are required to comply with the latest applicable Building Energy Efficiency Standards and CALGreen. While measures in the Scoping Plan apply to state agencies and not the Project, the Project's GHG emissions would be reduced by statewide compliance with measures that have been adopted since AB 32 and SB 32 were adopted. Therefore, the Project would not obstruct implementation of the CARB Scoping Plan. Impacts would be less than significant, and no mitigation measures are necessary.

SCAG's Regional Transportation Plan/Sustainable Communities Strategy

The SCAG adopted the 2020-2045 RTP/SCS (Connect SoCal) on in September 2020. Connect SoCal identifies that land use strategies that focus on new housing and job growth in areas rich with destinations and mobility options are consistent with a land use development pattern that supports and complements the proposed transportation network. The overarching strategy in Connect SoCal is to plan for the southern California region to grow in more compact communities in transit priority areas and priority growth areas; provide neighborhoods with efficient and plentiful public transit; establish abundant and safe opportunities to walk, bike, and pursue other forms of active transportation; and preserve more of the region's remaining natural lands and farmlands (SCAG 2020). Connect SoCal's transportation projects help more efficiently distribute population, housing, and employment growth, and forecast development is generally consistent with regional-level general plan data to promote active transportation and reduce GHG emissions. The projected regional development, when integrated with the proposed regional transportation network in Connect SoCal, would reduce per-capita GHG emissions related to vehicular travel and achieve the GHG reduction per capita targets for the SCAG region.

The Connect SoCal Plan does not require that local general plans, specific plans, or zoning be consistent with the SCS, but provides incentives for consistency for governments and developers. The Project would provide new school facilities for future students at the proposed charter school and would serve the local population within the nearby surrounding communities. Serving the local community may reduce vehicle miles traveled by providing a closer option for future students. Furthermore, as discussed in Section 3.17, *Transportation*, the Project would improve pedestrian access to the Project Site by providing public sidewalks connected to the internal walkway system of the campus area. Therefore, the Project would not interfere with SCAG's ability to implement the regional strategies outlined in the Connect SoCal Plan. Impacts would be less than significant, and no mitigation measures are necessary.

City of Hesperia Climate Action Plan

The City of Hesperia released its CAP on July 20, 2010, as a primary strategy to ensure that the buildout of the Hesperia General Plan will not conflict with the implementation of Assembly Bill 32 (City of Hesperia 2010). The CAP outlines a course of action for the community of Hesperia to reduce per capita greenhouse gas emissions 29 percent below business as usual by 2020 and sets out an implementation and monitoring framework for monitoring its strategies.

3. Environmental Analysis

The City's CAP includes fourteen reduction strategies targeting land use, transportation, and conservation policies that are part of the City's General Plan Update. The Project is consistent with the applicable strategies outlined in the CAP as discussed below. Therefore, the Project would not interfere with implementation of the City's CAP. No impact would occur, and no mitigation measures are necessary.

- **CEQA Compliance.** Implementation of the construction and operation of the Project would be examined under CEQA process to ensure that emissions would be consistent with the MDAQMD regional thresholds and CAP reduction targets.

- **Increase Transit Use.** The Project would include roadway improvements to Mojave Street and 3rd Avenue to provide more vehicle and pedestrian access to the school campus. The new public sidewalks and roadway along the north side of the Project Site would also reduce VMT by providing the local population with a more accessible route to this new school campus.

- **Pedestrian Connections.** The Project would include construction of a new curb-adjacent public sidewalk along the portion of 3rd Avenue and along a small portion of the Mojave Street to connect to the internal walkway system of the campus area. The new walkways would improve pedestrian access for school children, staff, personal and visitors to conveniently and safely access the Project Site.

- **Parking Measures.** Implementation of the Project would provide 13 out of 18 of assigned clean air vehicle parking spaces to be set aside for future installation of electric vehicle charging stations.

- **Energy Efficiency.** The City reviews all building plans for compliance and city building inspectors ensure that buildings are constructed to code. Furthermore, the proposed school buildings would meet the latest Building Energy Efficiency Standards and CALGreen guidance. In addition, 13 out of 18 of assigned clean air vehicle parking spaces would be set aside for future installation of electric vehicle charging stations.

- **Water Conservation and Reuse.** Water use during Project operations would increase from existing conditions; however, the Project would comply with CALGreen requirements, which includes indoor water use reduction and site irrigation conservation. As discussed in Section 3.19, *Utilities and Service Systems*, a Water Quality Management Plan was prepared for the Project, which specifies BMPs that would ensure minimization of water pollution from the Project Site during the operation phase and stormwater quality control measures.

- **Waste Reduction and Recycling.** As discussed in Section 3.19, *Utilities and Service Systems*, the project applicant would be required to provide a construction waste management plan pursuant to the Hesperia Municipal Code Section 8.04.520 (Construction and Demolition – Diversion Requirement Exemptions) and CALGreen section 5.408. The CALGreen section 5.408 is more rigorous and mandates recycling and/or salvaging for reuse a minimum of 65 percent of nonhazardous construction and demolition waste. The City would provide solid waste collection services to the Project Site and be transferred to landfill facility with capacity to accommodate the solid waste generated by the Project. Solid waste is hand-sorted for recycling at the City's Material Recovery Facility and plastic, glass, metal, wood, yard waste, paper, aluminum, and tin are diverted from being disposed at landfills.

3.9 HAZARDS AND HAZARDOUS MATERIALS

The analysis in this section is based partly on the following technical study, which is included as Appendix H to this Initial Study, respectively.

- *Phase I Environmental Site Assessment*, Bureau Veritas, June 2021.

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?

Less Than Significant Impact. The term "hazardous material" can be defined in different ways. For purposes of this environmental document, the definition of "hazardous material" is the one outlined in the California Health and Safety Code, Section 25501:

> Hazardous materials that, because of their quantity, concentration, or physical or chemical characteristics, pose a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment. Hazardous materials include, but are not limited to, hazardous substances, hazardous waste, and any material that a handler or the unified program agency has a reasonable basis for believing that it would be injurious to the health and safety of persons or harmful to the environment if released into the workplace or the environment.

"Hazardous waste" is a subset of hazardous materials, and the definition is essentially the same as in the California Health and Safety Code, Section 25117, and in the California Code of Regulations, Title 22, Section 66261.2:

> Hazardous wastes are those that, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may either cause, or significantly contribute to an increase in mortality or an increase in serious illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hazardous materials can be categorized as hazardous nonradioactive chemical materials, radioactive materials, and biohazardous materials (infectious agents such as microorganisms, bacteria, molds, parasites, viruses, and medical waste).

Exposure of the public or the environment to hazardous materials could occur through but not limited to the following means: improper handling or use of hazardous materials or waste, particularly by untrained personnel; transportation accident; environmentally unsound disposal methods; and/or fire, explosion, or other emergencies. The severity of potential effects varies with the activity conducted, the concentration and type of hazardous material or wastes present, and the proximity of sensitive receptors.

3. Environmental Analysis

Following is a discussion of the Project's potential to create a significant hazard to the public or the environment through the routine use, storage, transport, or disposal of hazardous materials during the operational and construction phases.

Project Operation

The activities of the Project do not involve the use of unusually large amounts of hazardous materials that could impact surrounding land uses. Project operation would involve the use of small amounts of hazardous materials, such as cleansers, paints, degreasers, adhesive, sealers, fertilizers, and pesticides for cleaning and maintenance purposes. Additionally, institutional facilities are not associated with activities that use, generate, store, or transport large quantities of hazardous materials; such uses generally include manufacturing, industrial, medical (e.g., hospital), and other similar uses.

Additionally, the use, storage, transport, and disposal of hazardous materials would be governed by existing regulations of several agencies, including the US Environmental Protection Agency, US Department of Transportation, California Division of Occupational Safety and Health, San Bernardino County Department of Public Health, San Bernardino County Fire Protection District.[9] Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous materials are used and handled in an appropriate manner and would minimize the potential for safety impacts.

Furthermore, while highly unlikely due to the proposed use, in the event of a hazardous materials spill of greater amount or toxicity than onsite personnel could safely contain and clean up, assistance would be requested from the San Bernardino County Fire Protection District at Fire Station 302. As also mandated by the Occupational Safety and Health Administration, all Material Safety Data Sheets for any potentially hazardous project would be provided that inform employees and first responders as to the necessary remediation procedures in the case of accidental release.

Therefore, substantial hazards to the public or the environment arising from the routine use, storage, transport, and disposal of hazardous materials during long-term operation of the Project would not occur. Impacts would be less than significant, and no mitigation measures are necessary.

Project Construction

As shown in Figure 3, *Aerial Photograph*, the Project Site is undeveloped desert land and void of any buildings and structures. The Project Site was undeveloped desert land as early as 1902. The Project Site is bound by Mojave Street on the north, 3rd Avenue on the west, Hercules Street on the south and Hesperia Road on the east. Areas of vacant land are located to the north, east and west. A mixture of multi-family residential, single family residential and Spirit Family Church is located to the south. Railroad tracks are located to the east,

[9] The San Bernardino County Fire Protection District is the Certified Unified Program Agency (CUPA) for the City of Hesperia; the CUPA administers and makes consistent enforcement of several state and federal regulations governing hazardous materials and hazardous waste.

opposite of Hesperia Road. Rural residential is also located to the north and east, and a Veterans of Foreign Wars complex is located to the north.

The Phase I Environmental Site Assessment Report prepared for the Project (Appendix F) involved a search of local, state, and federal databases for known hazardous or contaminated material sites, a site reconnaissance, a review of historic aerial photographs, and research and interviews with representatives of the public, property ownership, site manager, and regulatory agencies. The purpose of the assessment was to evaluate the likelihood that hazardous materials may be present in soil beneath the Project Site as a result of on- or offsite activities.

The ASTM E 1527-13 Standard defines a Recognized Environmental Concern (REC) in part as "the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property: (1) due to any release to the environment; (2) under conditions indicative of a release to the environment; or (3) under conditions that pose a material threat of a future release to the environment." The Project Site has been naturally vegetated vacant desert land since at least 1902. Based on the results of the Phase I, no RECs were identified for the Project Site.

Additionally, the ASTM E 1527-13 Standard defines a Historic Recognized Environmental Concern (HREC) as "a past release of any hazardous substances or petroleum products that has occurred in connection with the property and has been addressed to the satisfaction of the applicable regulatory authority or meeting unrestricted use criteria established by a regulatory authority, without subjecting the property to any required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)." No HRECs were identified for the Project Site.

The ASTM E 1527-13 Standard also requires the identification of controlled RECs (CRECs). The ASTM Standard defines CRECs as "a recognized environmental condition resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority (for example, as evidenced by the issuance of a no further action letter or equivalent, or meeting risk-based criteria established by regulatory authority), with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls (for example, property use restrictions, activity and use limitations, institutional controls, or engineering controls)." No CRECs were identified for the Project Site.

Additionally, construction activities would involve use of hazardous materials including cleansers and degreasers; fluids used in routine maintenance and operation of construction equipment, such as oil and lubricants; fertilizers; pesticides; and architectural coatings including paints. However, the materials used would not be in such quantities or stored in such a manner as to pose a significant safety hazard. These activities would also be short term or one time in nature and would cease upon completion of the Project's construction phase.

Furthermore, as with Project operation, the use, storage, transport, and disposal of construction-related hazardous materials would be required to conform to federal, state, and local requirements as set forth by the EPA, DTSC, the California Occupational Safety and Health Administration, Caltrans, the Resource Conservation and Recovery Act, and the San Bernardino County Fire Protection District (the Certified Unified Program Agency for San Bernardino County). Compliance with applicable laws and regulations governing the use, storage, transportation, and disposal of hazardous materials would ensure that all potentially hazardous

materials are used and handled in an appropriate manner and would minimize the potential for safety impacts. For example, all spills or leakage of petroleum products during construction activities are required to be immediately contained, the hazardous material identified, and the material remediated in compliance with applicable state and local regulations for the cleanup and disposal of that contaminant. All contaminated waste would be required to be collected and disposed of at an appropriately licensed disposal or treatment facility.

Based on the preceding, hazards to the public or the environment arising from the routine use of hazardous materials during project construction would be less than significant and no mitigation measures are necessary.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Less Than Significant Impact. Following is a discussion of the potential hazards impacts that could arise through the accidental release of hazardous materials from the Project's construction and operational phases.

Hazardous Materials Associated with Project Construction and Operation

See response to Section 3.9.a, above. As concluded in this section, hazards to the public or the environment arising from the routine use of hazardous materials during Project operation and construction phases would be less than significant and no mitigation measures are necessary. Additionally, the Project consists of the development of a school facility, which would not generate air toxics requiring an SCAMQD permit.

Hazardous Materials Associated with Project Site Conditions

As noted in Section 3.9.a above, no RECs were identified for the Project Site. As concluded in this section, impacts would be less than significant, and no mitigation measures are necessary.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

No Impact. Based on a review of Google Earth, no school sites were identified within a quarter mile of the Project Site. Additionally, as substantiated in Sections 3.9.a and 3.9.b, above, the Project does not include elements or aspects that would create or otherwise result in hazardous emissions. Therefore, no impact would occur, and no mitigation measures are necessary.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?

No Impact. The Environmental Risk Information Services (ERIS) electronic database service was used to complete the environmental records review of the Project Site (Appendix D). As demonstrated through ERIS, the Project Site was not listed on any of the regulatory databases searched. Therefore, no impact would occur, and no mitigation measures are necessary.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles or a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?

No Impact. The nearest public-use airport to the Project Site is Hesperia Airport which is approximately 3.7 miles to the south (Airnav 2022). The Comprehensive Land Use Plan for Hesperia Airport, adopted in 1991, sets forth safety zones where land uses are regulated to minimize air crash hazards to people on the ground. The Project Site is outside of such safety zones (SBALUC 1991). Therefore, no impact would occur, and no mitigation measures are necessary.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

No Impact. Hesperia has a Local Hazard Mitigation Plan (LHMP) and an Emergency Management Program for emergency response within Hesperia. The City's Emergency Notification System, Alert Hesperia, provides information, training, and community-wide outreach to residents, businesses, visitors, and community organizations to better equip themselves and others in the event of a disaster or emergency. Furthermore, the City of Hesperia has an established Emergency Operation Plan and is currently in the process of updating the document.

The City's Emergency Management Program utilizes the Standardized Emergency Management System (SEMS) and the National Incident Management System (NIMS). Both SEMS and NIMS are emergency management systems that provide a consistent template for all levels of government, nongovernmental organizations, and the private sector to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of their cause, size, location, or complexity.

The City's Fire, Police, Public Works, Animal Control, public transit as well as water, power, and communications companies along with other non-government organizations handle smaller incidents that occur on a day-to-day basis. For large incidents, the City's Emergency Operations Center (EOC) coordinate a multi-agency response. The San Bernardino County Fire, Office of Emergency Services provides Emergency Management services to the City of Hesperia through the provision of an Emergency Services Officer (ESO). This ESO is responsible for development of the City's disaster plans, disaster training and exercise program, and oversight of the City's EOC.

The Project involves the development of a new charter school and would have no impact on emergency response or evacuation plans. During the construction and operation phases, the Project would not interfere with any of the daily operations of the Hesperia Fire Prevention District, Police Department, or EOC which support emergency planning and response efforts in Hesperia. All construction activities would be required to be performed per the City's standards and regulations. The Project would be required to provide the necessary on- and offsite access and circulation for emergency vehicles and services during the construction and operation phases.

The Project would also be required to go through the City's development review and permitting process and would be required to incorporate all applicable design and safety standards and regulations in the CBC to ensure

that Project development does not interfere with the provision of local emergency services (provision of adequate access roads to accommodate emergency response vehicles, adequate numbers/locations of fire hydrants, etc.).

Based on the preceding, implementation of the Project (both the construction and operational phases) would not impair implementation of or physically interfere with emergency response or evacuation plans. Therefore, no impact would occur, and no mitigation measures are necessary.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?

No Impact. A wildland fire hazard area is typically characterized by areas with limited access, rugged terrain, limited water supply, and combustible vegetation. As shown in Figure 3, *Aerial Photograph*, the Project Site is in an urbanizing area of Hesperia with surrounding uses consisting of religious and residential development and vacant land. The Project Site has good access and would be served by adequate water infrastructure. Although there is combustible wildland vegetation currently on the site, project design would comply with the California Building Code, and the California Fire Code. Additionally, the Project Site is not in or near a Fire Hazard Severity Zone mapped by the California Department of Forestry and Fire Protection (CAL FIRE 2008). Therefore, no impact would occur, and no mitigation measures are necessary.

3.10 HYDROLOGY AND WATER QUALITY

The analysis in this section is based in part on the following technical studies, which are included as Appendices I and J to this Initial Study:

- *Water Quality Management Plan*, Kolibrien, May 12, 2022. (Appendix I)
- *Preliminary Drainage Report*, Kolibrien, May 10,2022. (Appendix J)

Would the project:

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less Than Significant Impact. The City of Hesperia, including the Project Site, is in the Mojave River Watershed. The Mojave River, which is east of the Project Site, is approximately 110 miles long and flows throughout the Mojave Desert and eastern San Bernardino Mountains of San Bernardino County. The Mojave River is the primary geographic and hydrologic feature of the Mojave River Watershed, which covers approximately 4,500 square miles (MRWG 2019).

Water quality in Hesperia is regulated by the Lahontan Regional Water Quality Control Board and its Water Quality Control Plan (Basin Plan), which contains water quality standards and identifies beneficial uses (wildlife habitat, agricultural supply, fishing, etc.) for receiving waters along with water quality criteria and standards necessary to support these uses consistent with federal and state water quality laws. As shown in Figure 3, *Aerial Photograph*, the Project Site consists of vacant desert land. Under existing conditions, the Project Site has zero

percent impervious surface area. The site is relatively flat with gentle slopes to the northeast. Surface runoff drains from the southwest corner towards the northeast corner of the Project Site along Hesperia Road. There are no drainage improvements onsite under existing conditions; there are also no water quality devices/features onsite to provide any treatment for "first flush" generated onsite.[10] Runoff from the adjacent lot to the south of the Project Site flows on to the site. Further, there are no curb-and-gutter improvements along any of the streets that front onto the Project Site.

Impacts to water quality from stormwater runoff generally range over three different phases of a development project:

- During the earthwork and construction phase, when the potential for erosion, siltation, and sedimentation would be the greatest.
- Following construction and before the establishment of ground cover, when the erosion potential may remain relatively high.
- Following project completion, when impacts related to sedimentation would decrease markedly, but those associated with urban runoff would increase.

Following is a discussion of the potential water quality impacts resulting from urban runoff that would be generated during the construction and operational phases of the Project.

Project Construction

Construction-related runoff pollutants are typically generated from waste and hazardous materials handling or storage areas, outdoor work areas, material storage areas, and general maintenance areas (e.g., vehicle or equipment fueling and maintenance, including washing). The Project's construction phase may cause deterioration in the quality of downstream receiving waters if construction-related sediments or pollutants wash into the existing storm drain system and facilities in the area.

Construction-related activities that are primarily responsible for sediment releases are related to exposing previously stabilized soils to potential mobilization by rainfall/runoff and wind. Such activities include removing vegetation from the site, grading the site, and trenching for infrastructure improvements. Environmental factors that affect erosion include topographic, soil, and rainfall characteristics. Non-sediment-related pollutants that are also of concern during construction relate to non-stormwater flows and generally include construction materials (e.g., paint and stucco); chemicals, liquid products, and petroleum products used in the maintenance of heavy equipment; and concrete and related cutting or curing residues. Construction-related activities of the Project would generate pollutants that could adversely affect the water quality of downstream receiving waters if appropriate and effective stormwater and non-stormwater management measures are not used to keep pollutants out of and remove pollutants from urban runoff.

[10] First flush is the initial surface runoff of a rainstorm. During this phase, water pollution entering storm drains in areas with high proportions of impervious surfaces is typically more concentrated compared to the remainder of the storm.

3. Environmental Analysis

Construction projects of one acre or more are regulated under the Construction General Permit (CGP), Order No. 2009-0009-DWQ as amended by 2010-0014-DWQ and 2012-0006-DWQ. Projects obtain coverage by developing and implementing a SWPPP estimating sediment risk from construction activities to receiving waters and specifying BMPs that would be used by the project to minimize pollution of stormwater. Categories of BMPs used in SWPPPs are described in Table 9.

Table 9 Construction Best Management Practices

Category	Purpose	Examples
Erosion Controls	Protects the soil surface and prevents soil particles from being detached by rainfall, flowing water, or wind.	Scheduling, preserving existing conditions, mulch, soil binders, geotextiles, mats, hydroseeding, earth dikes, swales, velocity dissipating devices, slope drains, streambank stabilization, compost blankets, soil preparation/roughening, and non-vegetative stabilization.
Sediment Controls	Traps soil particles after they have been detached and moved by rain, flowing water, or wind.	Barriers such as silt fences, straw bales, sandbags, fiber rolls, and gravel bag berms; sediment basins; sediment traps; check dams; storm drain inlet protection; compost socks and berms; biofilter bags; manufactured linear sediment controls; and cleaning measures such as street sweeping and vacuuming
Wind Erosion Controls	Minimizes dust nuisances.	Applying water or other dust palliatives to prevent or minimize dust nuisance, reducing soil-moving activities during high winds, and installing erosion control BMPs for temporary wind control.
Tracking Controls	Prevents or reduces the tracking of soil offsite by vehicles	Stabilized construction roadways and construction entrances/exits and entrance/outlet tire wash.
Non-Storm Water Management Controls	Prevents pollution by limiting or reducing potential pollutants at their source or eliminating offsite discharge. Prohibits illicit connections or discharges.	Water conservation practices, BMPs specifying methods for: dewatering operations; temporary stream crossings; clear water diversions; pile driving operations; temporary batch plants; demolition adjacent to water; materials over water; potable water and irrigation; paving and grinding operations; cleaning, fueling, and maintenance of vehicles and equipment; concrete curing; concrete finishing.
Waste Management and Controls (i.e., good housekeeping practices)	Management of materials and wastes to avoid contamination of stormwater.	Proper material delivery and storage and material use, spill prevention and control, stockpile management, contaminated soil management, and management of solid, concrete, sanitary/septic, liquid, and hazardous wastes.

Source: CASQA 2015.

The Project's construction contractor would be required to prepare and implement a SWPPP and associated BMPs in compliance with the CGP during grading and construction. The SWPPP would specify BMPs, such as those outlined in Table 3.10-1, that the construction contractor would implement to protect water quality by eliminating and/or minimizing stormwater pollution prior to and during grading and construction and show the placement of those BMPs. Project construction activities would also implement the requirements of Chapter 8.30 (Surface and Groundwater Protection: NPDES Permit Implementation) of the Hesperia Municipal Code.

Adherence to the BMPs in the SWPPP and Hesperia Municipal Code requirements would reduce, prevent, minimize, and/or treat pollutants and prevent degradation of downstream receiving waters. BMPs identified in the SWPPP would reduce or avoid contamination of stormwater with sediment and other pollutants such as trash and debris; oil, grease, fuels, and other toxic chemicals; paint, concrete, asphalt, bituminous[11] materials, etc.; and nutrients. Based on the preceding, water quality and waste-discharge impacts from Project grading and construction activities would be less than significant and no mitigation measures are necessary.

Project Operation

Operational-related activities of the Project (e.g., runoff from parking areas, solid waste storage areas, and landscaped areas) would generate pollutants that could adversely affect the water quality of downstream receiving waters if effective measures are not used to keep pollutants out of and remove pollutants from urban runoff.

The County of San Bernardino, Town of Apple Valley, and cities of Victorville and Hesperia have been issued a Phase II Small MS4[12] Stormwater Permit by the State Water Resources Control Board, covering the urbanized portion of the Mojave River Watershed (Permit No. CAS000004, Order No. 2013-0001-DWQ). These agencies have collectively prepared the Mojave River Watershed Group Stormwater Management Plan, which describes control measures for protecting area water quality.

Low Impact Development (LID) is a stormwater management and land development strategy that combines a hydrologically functional site design with pollution prevention measures to compensate for land development impacts on hydrology and water quality. LID techniques mimic the site predevelopment hydrology by using site design techniques that store, infiltrate, evapotranspire, biofilter, or detain runoff close to its source. Source control BMPs reduce the potential for pollutants to enter runoff and are classified in two categories—structural and nonstructural. Structural source control BMPs have a physical or structural component, such as inlet trash racks, trash bin covers, and an efficient irrigation system, to prevent pollutants from contacting stormwater runoff. Nonstructural source control BMPs are procedures or practices used in project operation, such as stormwater training or trash management and litter control practices.

The project applicant would be required to comply with the requirements set forth in the MS4 Phase II Stormwater Permit and Mojave River Watershed Group Stormwater Management Plan. As a part of the Project and per the City's initial requirements for development projects, the project applicant prepared a Water Quality

[11] Bituminous materials are materials resembling or containing bitumen; bitumen = any of various viscous or solid impure mixtures of hydrocarbons that occur naturally in asphalt, tar, mineral waxes, etc.; used as a road surfacing and roofing material.

[12] MS4 = small municipal separate storm sewer systems

3. Environmental Analysis

Management Plan (WQMP) for City review (see Appendix J). The WQMP specifies BMPs that would be implemented for the Project to minimize water pollution from the Project Site during the operation phase. BMPs identified in the preliminary WQMP include source control measures, site design measures, and stormwater quality control measures. A detailed list of the BMPs and discussion of how they were selected based on their effectiveness to address and mitigate the Project's pollutants of concern are provided in the WQMP.

The proposed school campus area and the area set aside for a retention/infiltration basin would occupy 11.82 acres of the approximately 26-acre Project Site. The remaining Project Site acreage would remain vacant undisturbed desert land. Under proposed conditions and upon Project completion, the Project Site would have 5.37 acres of impervious surface area (e.g., buildings, paving), which is approximately 46 percent of the proposed school campus site. The Project would be designed to prevent offsite runoff from draining onto the Project Site as well as retain onsite runoff. Flow from the property immediately south of the Project Site would be conveyed around the proposed site by a swale. Flow would be discharged to the corner of Mojave Street and Hesperia Road similar to the existing drainage pattern.

Onsite runoff from the proposed school campus site would be conveyed similar to existing conditions. Onsite flows would drain via paved surfaces and curb gutters to proposed swales that drain to a large stormwater retention/ infiltration basin in the northeast corner of the Project Site. The retention/infiltration basin would be sized to treat the design capture volume (DCV)[13] and for hydromodification mitigation per the MS4 permit. The DCV for the proposed school campus area is 10,443 cubic feet. The proposed retention/infiltration basin would have a retention/infiltration volume of 65,119 cubic feet[14] and is sufficient to retain and treat the DCV onsite.

Additionally, hydromodification controls are required for the proposed development since the Project would create more than 1-acre of impervious area. Hydromodification controls need to ensure that post-development peak flows for a 10-year, 24-hour storm event do not exceed pre-development conditions. The retention/infiltration basin would be sized to retain the difference in generated stormwater volume between pre-development and post-development conditions for the 10 and 100-year storms per the San Bernardino County Hydrology Manual. The pre-development peak flow for the 10-year storm event is 11.1 cubic feet per second (cfs) and the post-development peak flow is 12.7 cfs. The difference in pre-development and post-development peak flows would be mitigated by the retention/infiltration basin.

Furthermore, a portion of 3rd Avenue and the entirety of Mojave Street (which is currently an unpaved dirt road) would be improved as a part of the Project. The addition of impervious area within the right-of-way of these roadways would be mitigated by the proposed onsite stormwater retention and infiltration system, as there would be more than adequate capacity in the retention basin to accommodate the runoff generated by these roadway improvements.

[13] The design capture volume relates to the amount of stormwater runoff that needs to be treated on site per the MS4 Phase II Permit requirements.

[14] Whereas the volume of the basin is 65,119 cubic feet, with infiltration, the basin can retain and infiltrate 76,851 cubic feet of stormwater.

The proposed drainage system improvements would be designed and constructed in accordance with City requirements and would require City approval. Furthermore, in accordance with the Phase II Small MS4 Stormwater Permit, all trash enclosures would be provided with solid roofs/covers that serve to project the refuse area from inclement weather.

The information provided in the WQMP provides sufficient detail to identify the major LID BMPs and other anticipated water quality BMPs and features that would be implemented as a part of the Project and would prevent impacts to the quality of receiving waters. The combination of BMPs identified in the WQMP addresses all identified pollutants of the Project. Implementation of the BMPs would be ensured through the City's development review and building plan check process. Furthermore, Project development would be required to comply with the standards of Hesperia's Municipal Code Chapter 8.30 (Surface and Groundwater Protection: NPDES Permit Implementation), which prohibits the discharge of specific pollutants into the storm water; regulates connections to the storm drain system; and requires development projects to implement permanent BMPs on individual sites to reduce pollutants in the stormwater.

Based on the preceding, water quality and waste-discharge impacts from Project operation activities would be less than significant and no mitigation measures are necessary.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?

Less Than Significant Impact. Water is provided throughout Hesperia by the Hesperia Water District (HWD), which relies almost entirely on groundwater as its source of water supply. HWD provides domestic water from 16 active all located in the Mojave River Groundwater Basin. Water is conveyed from the wells to the consumers via a distribution system with pipe sizes ranging between 4 and 24 inches in diameter.

HWD estimates that water demands in its service area for normal years would increase from approximately 15,078 acre-feet per year (afy) in 2020 to approximately 19,297 afy in 2035. HWD forecasts that it will have sufficient water supplies to meet water demands in its service area for normal, single-dry, and multiple dry years. Projected populations in HWD's service area were based on projections obtained from the California Department of Finance (DOF). DOF data incorporates demographic trends, existing land use, and general plan land use policies. Therefore, Project development has been accounted for in HWD's estimates of future water demands and Project water demands would not substantially deplete groundwater supplies (City of Hesperia 2016).

Additionally, as stated in the preliminary drainage report prepared for the Project (see Appendix I), the groundwater table is greater than 80 feet deep. No excavation onsite would intersect the groundwater at these levels. Furthermore, the Project Site is not in or near a groundwater recharge area/facility, nor does it represent a source of groundwater recharge.

Therefore, the Project would not substantially interfere with groundwater supplies or recharge. Impacts to groundwater supplies would be less than significant and no mitigation measures are necessary.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) Result in a substantial erosion or siltation on- or off-site?

Less Than Significant Impact. Erosion and siltation impacts potentially resulting from alteration of the drainage pattern due to the Project would, for the most part, occur during the Project's construction phase, which would include site preparation and grading activities. Environmental factors that affect erosion include topographic, soil, wind, and rainfall characteristics. Siltation is most often caused by soil erosion or sediment spill. Following is a discussion of the potential erosion and siltation impacts that could occur during the construction and operational phases of the Project.

Project Construction

As discussed above in Section 3.10.a, the project construction contractor would be required to prepare and implement an SWPPP pursuant to the CGP during grading and construction. The SWPPP would specify erosion- and sediment-control BMPs that the project construction contractor would implement prior to and during grading and construction to minimize erosion and siltation impacts on- and offsite. Erosion-control BMPs are designed to prevent erosion, whereas sediment controls are designed to trap or filter sediment once it has been mobilized. BMPs that would be implemented during the Project's construction phase are discussed in detail in Section 3.10.a, above. For example, BMPs would include but are not limited to installation of perimeter silt fences; installation of silt fences around stockpile and covering of stockpiles; and stabilization of disturbed areas where construction ceases for a determined period of time (e.g., one week) with erosion controls.

Adherence to the BMPs in the SWPPP would reduce, prevent, or minimize soil erosion from Project-related grading and construction activities. The construction-phase BMPs would also ensure effective control of not only sediment discharge, but also of pollutants associated with sediments (e.g., nutrients, heavy metals, and certain pesticides).

Therefore, Project-related construction activities would not result in substantial erosion or siltation on- or offsite. Construction-related impacts would be less than significant, and no mitigation measures are necessary.

Project Operation

As shown in Figure 3, *Aerial Photograph*, the Project Site consists of vacant desert land—there are no impervious areas onsite. Project development would not substantially alter the existing drainage pattern of the Project Site and would not alter the course of a stream or a river. Under proposed conditions and upon Project completion, the Project Site would have 5.37 acres of impervious surface area (e.g., buildings, paving), which is approximately 46 percent of the overall 26-acre site. As shown in Figure 4, *Conceptual Site Plan*, only the northern portion of the Project Site would be developed with the proposed school campus—the southern portion would remain vacant desert land. Site runoff from the northern portion would be

conveyed similar to existing conditions, continuing to flow northeasterly via new onsite drainage collection, conveyance, and treatment systems. Upon Project development, there would be no bare or disturbed soil onsite in the northern parcel at Project completion that would be vulnerable to erosion or siltation. All areas would either include buildings or be paved or landscaped.

Additionally, Project development would abide by the requirements of the Phase II Small MS4 Stormwater Permit. For example, Project design and operation would include implementation of BMPs specified in the WQMP prepared for the Project (Appendix I), which would minimize runoff and soil erosion and siltation into stormwater and thus minimize sedimentation downstream. Furthermore, Project development would be required to comply with the standards of Chapter 8.30 (Surface and Groundwater Protection: NPDES Permit Implementation) of the Hesperia Municipal Code, which prohibits the discharge of specific pollutants into the storm water; regulates connections to the storm drain system; and requires development projects to implement permanent BMPs on individual sites to reduce pollutants in the stormwater.

Therefore, Project development would not substantially alter the existing drainage pattern of the Project Site or area in a manner that would result in substantial erosion or siltation on- or offsite. Operation-related impacts would be less than significant, and no mitigation measures are necessary.

ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?

Less Than Significant Impact. As shown in Figure 3, *Aerial Photograph*, the Project Site consists of vacant desert land. Under existing conditions, the Project Site has zero percent impervious surface area. The site is relatively flat with gentle slopes. Surface runoff onsite sheet flows from the southwest corner to the northeast corner of the site. There are no drainage improvements onsite under existing conditions.

Under proposed conditions and upon Project completion, the Project Site would have 5.37 acres of impervious surface area (e.g., buildings, paving), which is approximately 46 percent of the approximately 26-acre Project Site. As shown in Figure 4, *Conceptual Site Plan*, only the northern portion of the Project Site would be developed with the proposed school campus—the southern portion would remain vacant desert land. Site runoff from the northern parcel would be conveyed similar to existing conditions, continuing to flow northeasterly via new onsite drainage collection, conveyance, and treatment systems. Site development would include a retention/infiltration basin as shown in Figure 8, *Water Quality Management Plan Site Map*. All site drainage would be routed to this basin.

The retention/infiltration basin would be sized to retain the difference in generated stormwater volume between pre-development and post-development conditions for the 10 and 100-year storms per the San Bernardino County Hydrology Manual. The pre-development peak flow for the 10-year storm event is 11.1 cfs and the 100-year peak flow is 21.8 cfs. The post-development peak flow for the 10-year storm event is 12.7 cfs and 24.2 cfs for the 100-year storm event.

Additionally, the City requires new developments to retain 13.5 cubic feet of stormwater per 100 square feet of impervious surface area, which equates to 31,568 cubic feet of stormwater storage required. The

proposed retention/infiltration basin is 65,119 cubic feet, which is more than double of what is required. Additionally, all onsite storm drain conveyance systems, including the swales, would be sized to conservatively accommodate all 100-year rational peak flowrates.

Based on the preceding, post development runoff would be adequately handled by the Project's drainage system and would not result in flooding on- or offsite. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?

Less Than Significant Impact. The following describes the Project's potential impacts related to storm drainage systems and runoff.

Capacity of Stormwater Drainage Systems

Project impacts on the capacity of storm drainage systems would be less than significant, as substantiated in Section 3.10.c.ii, above. No mitigation measures are necessary.

Polluted Runoff

Project stormwater pollution impacts would be less than significant, as substantiated in Section 3.10.a, above. No mitigation measures are necessary.

iv) Impede or redirect flood flows?

No Impact. The Project Site is not in a 100-year flood hazard zone (FEMA 2008) or a dam inundation area. Therefore, no impact to flood flows would occur and no mitigation measures are necessary.

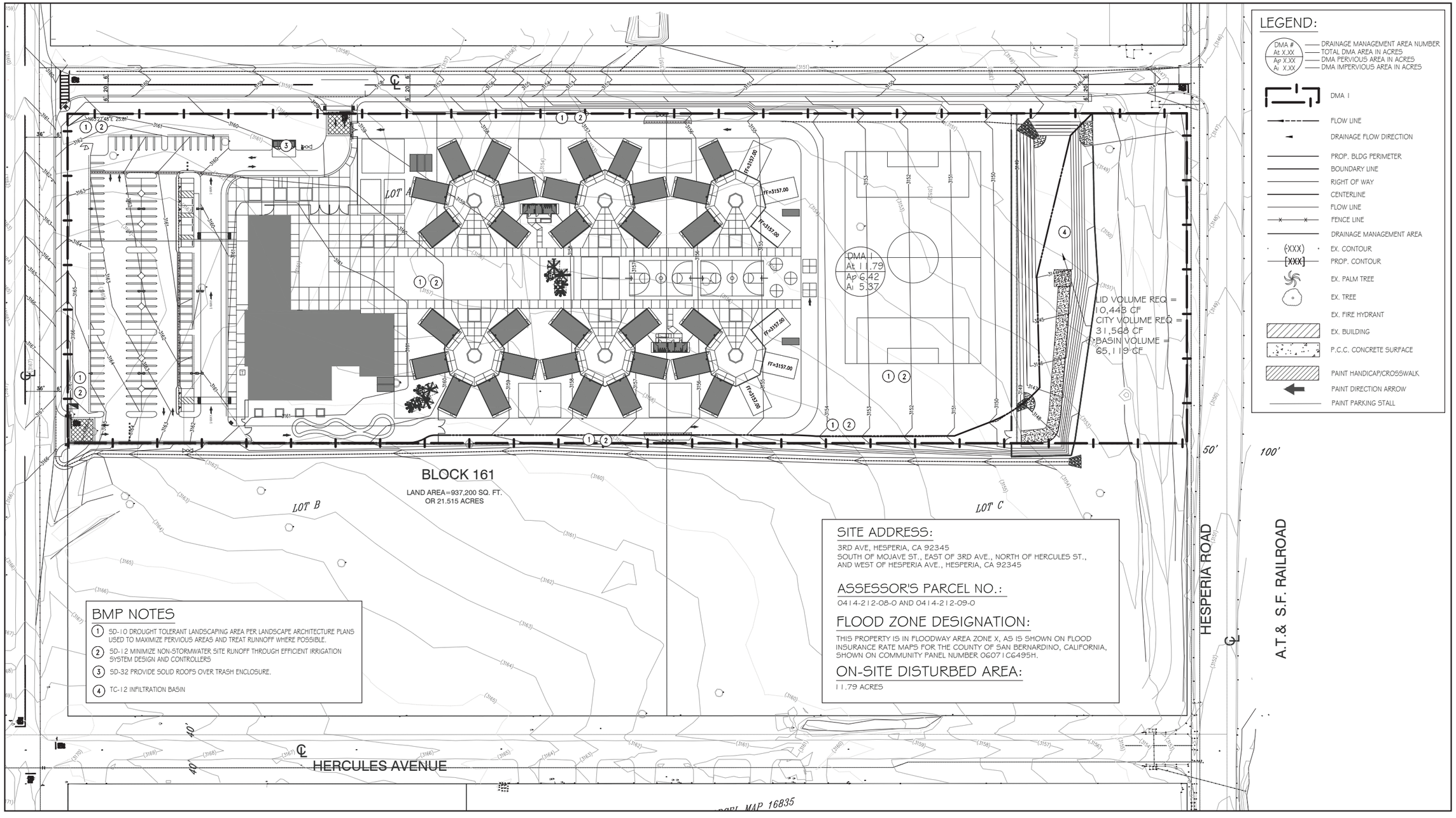
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?

No Impact. As noted above, the Project Site is outside of 100-year flood zones mapped by the Federal Emergency Management Agency (FEMA 2008). It is also not in a dam inundation area.

A seiche is an oscillating surface wave in a restricted or enclosed body of water, generated by ground motion, usually during an earthquake. Seiches are of concern for water storage facilities because inundation from a seiche can occur if the wave overflows a containment wall, such as the wall of a reservoir, water storage tank, dam, or other artificial body of water. There are no adjacent or nearby bodies of water that would pose a flood hazard to the site due to a seiche. The Project is not at risk of inundation by seiche.

Tsunamis are a type of earthquake-induced flooding produced by large-scale sudden disturbances of the sea floor. Tsunami waves interact with the shallow sea floor when approaching a landmass, resulting in an increase in wave height and a destructive wave surge into low-lying coastal areas. The Project Site is approximately 67 miles inland from the Pacific Ocean. Therefore, the site is outside the tsunami hazard zone and would not be affected by a tsunami.

Figure **08** - Water Quality Management Plan Site Map



Source: Kolibrien Corp, 2022

3. Environmental Analysis

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Based on the preceding, the Project would not release pollutants as the result of floods, tsunami, or seiche. Therefore, no impact would occur, and no mitigation measures are necessary.

e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less Than Significant Impact. Water quality in Hesperia is regulated by the Lahontan Regional Water Quality Control Board and its Basin Plan. The Basin Plan contains water quality standards and identifies beneficial uses (e.g., wildlife habitat, agricultural supply, fishing, etc.) for receiving waters along with water quality criteria and standards necessary to support these uses consistent with federal and state water quality laws. Additionally, the Project Site is in the Upper Mojave River Valley Groundwater Basin. The basin is categorized as a very low priority basin and does not require a Groundwater Management Plan.

As substantiated in Section 3.10.a and b above, the Project would not violate any water quality standards and would not decrease groundwater supplies or interfere substantially with groundwater recharge. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

3.11 LAND USE AND PLANNING

Would the project:

a) Physically divide an established community?

No Impact. The Project involves development of a new charter school on the Project Site (see Figures 3, *Aerial Photograph*, and 4, *Conceptual Site Plan*). The Project would not introduce a physical barrier that would separate land uses that are not already separated. Connections between residential uses surrounding the Project Site would remain and not be impeded or impacted in any way. Except for new driveways accessing the northern portion of the Project Site along Mojave Street, the Project would not physically change or disrupt the surrounding neighborhood's street patterns or otherwise impede movement through the neighborhoods.

Additionally, while there is established residential and religious uses surrounding the Project Site, Project development would not physically divide these communities in any way because the Project would be developed within the confines of the Project Site and would not introduce roadways or other infrastructure improvements that would bisect or transect the residential communities or commercial uses. Furthermore, the Project would not introduce a new land use that would disrupt existing land use patterns. The Project would be compatible with the uses surrounding the Project Site.

Therefore, no impact would occur, and no mitigation measures are necessary.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?

No Impact. The prevailing planning and regulatory plans that govern development and use of the Project Site are the Hesperia General Plan and Hesperia Development Code (Title 16 of the Hesperia Code of Ordinances). The development and design standards and regulations contained in the Hesperia Development Code, which

implements the Hesperia General Plan, constitute the zoning regulations that govern development of the Project Site. Following is an analysis of the Project's consistency with these adopted land use regulations.

General Plan Consistency

Per the Hesperia General Plan land use map, the land use designations of the Project Site are Neighborhood Commercial (NC) and Medium Density Residential (MDR). Development and operation of the new charter school on the Project Site would not conflict with these designations. As stated in the Land Use Element of the Hesperia General Plan, allowed uses under the MSFC-SP designation include a variety of medium- to high-density residential types, retail and services, office, commercial, institutional, and industrial uses. Therefore, the prosed educational use is a permitted use under the MSFC-SP designation.

Additionally, as shown in Figure 3, *Aerial Photograph*, the Project Site is in an urbanizing area of Hesperia and is surrounded by mix of religious and residential uses and vacant land. The Project would not represent a change in land use patterns or an inconsistency with adopted land use plans. Furthermore, Project development does not include or require any amendments to the Hesperia General Plan.

Therefore, Project implementation would not conflict with the Hesperia General Plan. No land use impact would occur, and no mitigation measures are necessary.

Zoning and Development Code Consistency

Per the City's zoning map, the zoning districts of the Project Site include Medium Density Residential (MDR) and Neighborhood Commercial (NC); it also lies within the Main Street Freeway Corridor Specific Plan. Schools are permitted in through City approval and issuance of a Conditional Use Permit (CUP). Pursuant to Chapter 16.12, Article III (Conditional Use Permits) of the Hesperia Code of Ordinances, the purpose of a conditional use permit is to allow certain uses which have the potential to pose a land use incompatibility but contribute to orderly growth and development of Hesperia if properly integrated into the surroundings in which they are to be located.

Through the City's development review process—which includes Hesperia Planning Commission review and consideration of the CUP—the City would ensure that approval of the CUP would not conflict with any of the City's applicable land use plan, policies, or regulations that have been adopted for the purpose of avoiding or mitigating an environmental effect. In determining the appropriateness of the Project's CUP, the Hesperia Planning Commission would review the CUP's conformance with the objectives and requirements of the Hesperia Development Code; consistency with the Hesperia General Plan and any potential effect to the public health, safety and welfare, and traffic effects; and general compliance with the Hesperia Development Code standards.

Additionally, Project development would not require the approval of a zoning or development code amendment or zone change; nor would it require a variance or any adjustments from the City's zoning standards, which help ensure that development projects in Hesperia are designed and implemented in a manner that is not detrimental to the Project Site or its surroundings. The Project has been designed and would be developed in accordance with all applicable development and design standards of the Hesperia Development Code, including those

related to building height and setbacks, walls and screening, building and site plan design, landscaping, and parking. Compliance with the applicable development and design standards would be ensured through the City's development review process.

Therefore, Project implementation would not conflict with the Hesperia Development Code. No land use impact would occur, and no mitigation measures are necessary.

3.12 MINERAL RESOURCES

Would the project:

a) Result in the loss of availability of a known mineral resource that would be a value to the region and the residents of the state?

No Impact. Mineral resources are naturally occurring deposits such as sand, gravel, and stone, which are used in the production of materials such as the manufacturing of concrete.

According to the California Department of Conservation, Mineral Land Classification map, the Project Site occurs in the southwestern region of San Bernardino County, specifically in the Open File Report (OFR) 92-06, Plate 54 (DOC 2015). As identified on the OFR, the Project Site occurs in Mineral Resource Zone 4 (MRZ-4). An MRZ-4 zone is an area of no known mineral occurrences where geologic information does not rule out either the presence or absence of significant mineral resources. An area with no known mineral significance would not be valuable to the region or residents of the state until the presence of significant mineral resources is confirmed.

Additionally, according to the Conservation Element in the Hesperia General Plan, mineral resources such as sand, gravel, and stone have been identified within Hesperia. Also, several aggregate resources such as gravelly alluvium and sandy alluvium are known to exist within Hesperia. However, these resources are primarily located within wash areas and active stream channels such as Summit Valley.

Furthermore, the Project Site consists of undeveloped desert land (see Figure 3, *Aerial Photograph*) and is not used and has never been used for mining; no locally important mineral resource recovery sites are on or near the Project Site. Mining on the Project Site would also be incompatible with the surrounding uses, which consists mostly of religious and residential uses and vacant land. Mining is also not a permitted use under the general plan land use or zoning designations of the Project Site. Also, the Project Site does not support and has never supported mineral extraction operations.

Furthermore, no mining sites are designated in the Hesperia General Plan, and the nearest mine to the site mapped on the Mines Online website is over 4.5 miles away (DMR 2022).

Finally, no oil or energy extraction and/or generation activities exist on the Project Site. A review of California Geologic Energy Management Division's well finder indicates that there are no oil or energy wells located on or within proximity of the Project Site (CalGEM 2022).

Based on the preceding, no impact to mineral resources or mineral resource recovery sites would occur and no mitigation measures are necessary.

b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

No Impact. See response to Section 3.12.a, above. As substantiated in this section, no impact would occur, and no mitigation measures are necessary.

3.13 NOISE

Noise Fundamentals

Noise is defined as unwanted sound and is known to have several adverse effects on people, including hearing loss, speech and sleep interference, physiological responses, and annoyance. Based on these known adverse effects of noise, the federal, state, and city governments have established criteria to protect public health and safety and to prevent the disruption of certain human activities, such as classroom instruction, communication, or sleep. Additional information on noise and vibration fundamentals and applicable regulations are contained in Appendix K.

Environmental Setting

As shown in Figure 3, *Aerial Photograph*, the Project Site is undeveloped desert land with residences to the north, west, and south and Spirit Filled Family Church also to the south. East of the Project Site are railroad tracks and beyond the tracks is undeveloped desert land. To establish existing conditions ambient noise monitoring was conducted in addition to traffic and rail noise modeling.

Ambient Noise Monitoring

To determine a baseline noise level at different environments in the project area, ambient noise monitoring was conducted by PlaceWorks on Wednesday, April 13, 2022. Three short-term (15-minute) measurements were made during a weekday in the afternoon hours of 4:30 p.m. and 6:30 p.m. in the vicinity of the Project Site. Meteorological conditions during the measurement periods were favorable for outdoor sound measurements and were noted to be typical for the season. Generally, conditions included clear skies with average winds up to 7 mph and temperatures of 72 degrees Fahrenheit.

The sound level meter used (Larson Davis LxT) for noise monitoring satisfied the American National Standards Institute (ANSI) standard for Type 1 instrumentation. The sound level meter was set to "slow" response and "A" weighting (dBA). The meter was calibrated prior and after the monitoring period. All measurements were at least 5 feet above the ground and away from reflective surfaces. The results of the short-term noise monitoring are summarized in Table 10. The noise measurement locations are shown in Figure 9, *Approximate Noise Monitoring Locations*, and described below.

Figure 09 - Approximate Noise Monitoring Locations

Source: Nearmap, 2022

3. Environmental Analysis

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- **Short-Term Location 1 (ST-1)** was conducted next to the Veterans of Foreign Wars approximately 10 feet north of the Mohave Street dirt road centerline. A 15-minute noise measurement took place beginning at 5:23 pm on Wednesday, April 13, 2022. The noise environment is characterized primarily by traffic from Hesperia Road. Traffic noise along Hesperia Road generally ranged from 51 dBA to 60 dBA.

- **Short-Term Location 2 (ST-2)** was conducted in front of 10166 3rd Avenue (residence) approximately 10 feet west of 3rd Avenue's nearest southbound travel lane centerline. A 15-minute noise measurement took place beginning at 5:45 pm on Wednesday, April 13, 2022. The noise environment is characterized by traffic along 3rd Avenue. Traffic noise along 3rd Avenue generally ranged from 70 dBA to 75 dBA.

- **Short-Term Location 3 (ST-3)** was conducted next to the Desert Luna Apartments approximately 15 feet south of the nearest Hercules Street eastbound travel lane centerline. A 15-minute noise measurement took place beginning at 6:09 pm on Wednesday, April 13, 2022. The noise environment is characterized by traffic along Hesperia Road and 3rd Avenue. Distant traffic noise generally ranged from 45 dBA to 50 dBA and the few pass-by vehicles along Hercules Street measured up to 70 dBA.

Table 10 Short-Term Noise Measurement Summary

Monitoring Location	Description	15-minute Noise Level, dBA						
		L_{eq}	L_{max}	L_{min}	L_2	L_8	L_{25}	L_{50}
ST-1	Next to Veterans of Foreign Wars 04/13/2022, 5:23 PM	55.4	67.1	46.3	61.6	58.5	55.7	54.0
ST-2	10166 3rd Avenue 04/13/2022, 5:45 PM	63.7	77.3	51.5	73.4	69.9	61.1	52.9
ST-3	Next to Desert Luna Apartments 04/13/2022, 6:09 PM	53.6	72.1	43.0	63.2	53.1	49.2	47.2

Existing Traffic Noise Modeling

Existing traffic noise conditions were modeled using a version of the Federal Highway Administration (FHWY) RD-77-108 Highway Traffic Noise Prediction Model. Average daily traffic (ADT) was provided by EPD Solutions (EPD 2022). Existing 24-hour community noise equivalent levels (CNEL) at 50 feet and the distances to the 60, 65, and 70 dBA CNEL contours along study roadway segments from the model are tabulated in Table 11. Detailed calculations can be found in the Appendix K.

Table 11 Existing Traffic Noise Levels

Roadway Segment	Existing ADT	CNEL at 50 feet	Distance to Noise Contour in Feet		
			70 CNEL Contour	65 CNEL Contour	60 CNEL Contour
3rd Avenue – north of Mauna Loa Street	2,135	61.4	7	22	70
3rd Avenue – south of Mauna Loa Street	1,695	60.3	5	17	54
3rd Avenue – north of Willow Street	1,789	60.6	6	18	58
3rd Avenue – south of Willow Street	2,124	61.4	7	22	69
Hesperia Road – north of Hercules Street	27,000	64.8	15	47	150

Source: EPD 2022.

3. Environmental Analysis

Existing Rail Noise Modeling

There is an existing railroad track approximately 135 feet east (across Hesperia Road) from the Project Site boundary. The Burlington Northern Santa Fe (BNSF) Railroad owns the railroad easement and operates freight traffic on the Cajon Subdivision along this line. Amtrak also operates two passenger trains per day, the Southwest Chief, along these tracks. Near the proposed school site, there are two main tracks and one siding. The BNSF Cajon Subdivision is approximately 81 miles long and extends from San Bernardino to Barstow. It is a major freight line transporting goods into and out of southern California. There are no at-grade crossings near the Project Site and therefore, there is no noise associated with locomotive horns.

There are currently approximately 66 trains per day that travel pass the Project Site. According to the Federal Rail Administration (FRA) crossing data and the latest Amtrak schedule, there are 33 trains during the day (between 6:00 am and 6:00 pm) and 33 trains during the night (between 6:00 pm and 6:00 am). However, because the proposed school would only be operational during the daytime hours, the CNEL provided does not include night-time trains. Based on available Project Site plans, the distance from the eastern fence of the school site to the nearest rail line is approximately 350 feet. At 350 feet the existing 24-hour CNEL from rail noise is estimated to be 61 dBA.

As shown in Table 11 the roadway with the highest CNEL is Hesperia Road and the Project Site boundary is approximately 225 feet Hesperia Road. At that distance, the CNEL would be less 60 dBA. When combining the rail CNEL and traffic CNEL, the existing cumulative noise would be 63.5 dBA CNEL at the Project Site boundary.

Sensitive Receptors

Certain land uses are particularly sensitive to noise and vibration. These uses include residences, schools, hospital facilities, houses of worship, and open space/recreation areas where quiet environments are necessary for the enjoyment, public health, and safety of the community. The nearest sensitive receptors to the Project Site are the residences to the north across Mojave Street, Luna Apartment Homes across Hercules Street, residences to the west across 3rd Avenue, and the Spirt Filled Family Church to the south across to Hercules Street (see Figure 3, *Aerial Photograph*).

Applicable Standards

California Building Code

The State of California's noise insulation standards for non-residential uses are codified in CALGreen. CALGreen noise standards are applied to new or renovation construction projects in California to control interior noise levels resulting from exterior noise sources. Development projects may use either the prescriptive method (Section 5.507.4.1) or performance method (Section 5.507.4.2) to show compliance. Under the prescriptive method, a project must demonstrate transmission loss ratings for the wall and roof-ceiling assemblies and exterior windows when located within a noise environment of 65 dBA CNEL or higher. Under the performance method, a project must demonstrate that interior noise levels do not exceed 50 dBA $L_{eq(1hr)}$.

City of Hesperia General Plan

The City has developed policies related to noise and land use compatibly based on federal and state exterior noise abatement criteria. The Project involves development of a new charter school, and the Hesperia General Plan finds an exterior noise level of 65 dBA CNEL to be acceptable for new schools.

City of Hesperia Municipal Code

Section 16.20.125(B), of the Hesperia Municipal Code establishes exterior daytime and nighttime noise standards at residential land uses. These standards are summarized in Table 12.

Table 12 Exterior Noise Standards

Affected Land Use (Receiving Noise)	Maximum Allowable Noise Level in L50 dBA	Time Period
A-1, A-2, R-1, R-3, and RR Zone Districts	55	10:00 PM to 7:00 AM
	60	7:00 AM to 10:00 PM

Source: City of Hesperia General Plan, 2010
Note: dBA = A-weighted decibel

Due to wind noise, the maximum permissible noise level may be adjusted so that it is no greater than 5 dBA above the ambient noise level. In addition, no person shall operate, cause to be operated, or allow the creation of any noise on property which causes the noise level to exceed:

- The noise standard for that receiving land use for a cumulative period of more than 30 minutes in any hour (L_{50}); or
- The noise standard plus 5 dBA for a cumulative period of more than 15 minutes in any hour (L_{25}); or
- The noise standard plus 10 dBA for a cumulative period of more than 5 minutes in any hour (L_{8}); or
- The noise standard plus 15 dBA for a cumulative period of more than one minute in any hour (L_{2}); or
- The noise standard plus 20 dBA for any period of time (L_{max}).

If the measured ambient level exceeds any of the first four noise limit categories above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category (L_{max}), the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level. However, if the alleged offense noise consists entirely of impact noise or simple tone noise, each of the noise levels standards from above shall be reduced by 5 dBA.

Construction

Section 16.20.125 (E) of the Hesperia Municipal Code exempts noise from temporary construction, repair, or demolition from the noise standards between 7:00 am and 7:00 pm.

3. Environmental Analysis

Vibration

Section 16.20.130 (Vibration) of the Hesperia Municipal Code states that no ground vibration shall be allowed which can be felt without the aid of instruments at or beyond the lot line; nor will any vibration be permitted which produces a particle velocity greater than or equal to 0.2 inches per second (in/sec) peak particle velocity (PPV) measured at or beyond the lot line. However, vibrations from motor vehicles and temporary construction, maintenance, or demolition activities between 7:00 am and 7:00 pm., except Sundays and federal holidays, are exempt. However, for CEQA impact analysis, though vibration is exempt under the Municipal Code, potential vibration damage impacts due to Project construction were evaluated using the Municipal Code's 0.2 in/sec PPV vibration criterion, which also coincides with the Federal Transit Administration vibration criterion for non-engineered timber and masonry structures (residential structures).

Federal Transit Administration

The City does not have a quantified threshold for temporary construction noise. Therefore, to determine impact significance, the Federal Transit Administration criterion of 80 dBA L_{eq} for daytime residential uses was used in this analysis.

Would the project result in:

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?

Less Than Significant Impact. Following is a discussion of the temporary and permanent noise impacts as a result of the Project's construction and operational phases.

Construction Noise

The total duration for Project construction is anticipated to be approximately ten months, with a tentative start date of December of 2022. Two types of short-term noise impacts could occur during construction: (1) mobile-source noise from transport of workers, material deliveries, and debris and soil haul and (2) stationary-source noise from use of construction equipment.

Construction Vehicles

The transport of workers and materials to and from the construction site would incrementally increase noise levels along site access roadways. Individual construction vehicle pass-bys may create momentary noise levels of up to approximately 85 dBA L_{max} at 50 feet from the worker and vendor vehicles. However, these occurrences would generally be infrequent and short-lived.

Worker and vendor trips would total a maximum of approximately 360 daily trips during overlapping building construction, trenching, architectural coating, and finish and landscaping phases. Site access would be through Hesperia Road and 3rd Avenue which have existing average daily traffic (ADT) volumes ranging from 1,695 to

27,000.[15] The addition of 360 daily construction trips would result in a temporary noise increase of 0.8 dBA CNEL or less, which would not be substantial nor permanent. Therefore, construction-vehicle noise impacts would be considered less than significant, and no mitigation measures are necessary.

Construction Equipment

Noise generated by onsite construction equipment is based on the type of equipment used, its location relative to sensitive receptors, and the timing and duration of noise-generating activities. Each stage of construction involves different kinds of equipment and has distinct noise characteristics. Noise levels from construction activities are typically dominated by the loudest equipment. The dominant equipment noise source is typically the engine, although work-piece noise (such as dropping of materials) can also be noticeable.

The noise produced at each construction stage is determined by combining the L_{eq} contributions from each piece of equipment used at a given time, while accounting for the ongoing time-variations of noise emissions. Heavy equipment, such as a dozer or a loader, can have maximum, short-duration noise levels of up to 85 dBA at 50 feet. However, overall noise emissions vary considerably, depending on the specific activity performed at any given moment. Noise attenuation due to distance, the number and type of equipment, and the load and power requirements to accomplish tasks at each construction phase would result in different noise levels from construction activities at a given receptor. Since noise from construction equipment is intermittent and diminishes at a rate of at least 6 dBA per doubling of distance (conservatively ignoring other attenuation effects from air absorption, ground effects, and shielding effects), the average noise levels at noise-sensitive receptors could vary considerably, because mobile construction equipment would move around the site with different loads and power requirements.

Onsite Construction Noise

Average noise levels from project-related construction activities are calculated by modeling the three loudest pieces of equipment per activity phase. Equipment for grading and site preparation is modeled at spatially averaged distances (i.e., from the acoustical center of the general construction site to the property line of the nearest receptors) because the area around the center of construction activities best represents the potential average construction-related noise levels at the various sensitive receptors for mobile equipment. Similarly, construction noise from paving activities is modeled from the center of proposed parking and hardcourt areas. Construction equipment for building construction and architectural coating is modeled from the edge of the proposed building to the nearest sensitive receptors. Lastly utility trenching and landscaping finishing typically occurs along the edge of Project Sites, and it is assumed that it could occur within 100 feet of the nearest receptors.

The Project's expected construction equipment mix was categorized by construction activity using the FHWA Roadway Construction Noise Model (RCNM). The associated, aggregate sound levels—grouped by construction activity—are summarized in Table 3.13-4. RCNM modeling input and output worksheets are included in Appendix K.

[15] ADT provided EPD Solutions, 2022.

3. Environmental Analysis

Table 13 Project-Related Construction Noise, dBA Leq

Construction Activity Phase	RCNM Reference Noise Level	Residences to the northeast	Residences to the west	Residences to the south (Luna Apartments)/Church
Distance in feet	*50*	*430*	*700*	*590*
Site Preparation	83	64	60	61
Rough Grading	84	65	61	63
Distance in feet	*50*	*200*	*330*	*400*
Building Construction	73	60	56	54
Architectural Coating	76	63	59	57
Distance in feet	50	300	180	400
Paving	79	63	68	61
Distance in feet	50	100	100	100
Utility Trenching	79	73	73	73
Finish and Landscaping	79	76	76	76
Maximum dBA L_{eq}		**76**	**76**	**76**
Exceed 80 L_{eq} dBA Threshold?		**No**	**No**	**No**

Notes: Calculations performed with the FHWA RCNM software are included in Appendix K.

As shown in Table 13, onsite construction-related noise levels would not exceed the 80 dBA L_{eq} threshold at the nearest sensitive receptors. Therefore, construction-equipment noise impacts would be considered less than significant, and no mitigation measures are necessary.

Offsite Roadway Improvements Construction Noise

As a part of the Project, several roadway improvements would be implemented along 3rd Avenue and Mojave Street. Improvements along 3rd Avenue include constructing the roadway to its ultimate right-of-way width only along the portion of 3rd Avenue that abuts the length of entire boundary of the school campus area. The improvements include roadway pavement for the addition of a new north-bound travel lane, curb and gutter, curb ramps, and a sidewalk.

For Mojave Street, the project applicant would construct the new street between 3rd Avenue and Hesperia Road. The improvements include roadway pavement for two travel lanes, curb and gutter, curb ramps, stop signs at each end of the street, and a portion of the public sidewalk (see description above for proposed sidewalk).

These roadway improvements would require construction equipment including but not limited to tractors, excavators, grader, rollers, dozers, scrapers, loaders, generators, compactors, and manlifts. Construction activities from roadway improvements would not expose surrounding sensitive receptors to prolonged periods of construction noise. Though some equipment could reach up to 85 dBA at a distance of 50 feet construction for offsite improvements would progress in a linear fashion, generating less noise at each receptor each day. Additionally, the proposed roadway improvements are anticipated to occur over a limited 32 work-day period and would not occur during nighttime hours. Therefore, construction noise levels from proposed roadway improvements would not expose receptors to excessive construction noise. Impacts would be less than significant and no mitigation measures are necessary.

Operational Noise

Mobile Noise

A project will normally have a significant effect on the environment related to noise if it will substantially increase the ambient noise levels at adjoining areas. Most people can detect changes in sound levels of approximately 3 dBA under normal, quiet conditions, and changes of 1 to 3 dBA are detectable under quiet, controlled conditions. Changes of less than 1 dBA are usually indiscernible. A change of 5 dBA is readily discernible to most people in an exterior environment. Based on this, the following thresholds of significance, similar to those recommended by the Federal Aviation Administration (FAA), are used to assess traffic noise impacts at sensitive receptor locations. A significant impact would occur if traffic noise increase would exceed:

- 1.5 dBA in ambient noise environments of 65 dBA CNEL and higher.
- 3 dBA in ambient noise environments of 60 to 64 dBA CNEL.
- 5 dBA in ambient noise environments of less than 60 dBA CNEL.

The daily traffic volumes along study roadway segments were used to determine the traffic noise increase. The following analysis compares the existing plus project traffic volumes to the existing no project traffic volumes to estimate the increase due to Project development. The same method is used in determining the cumulative traffic noise increase (cumulative plus project traffic volumes compared to existing no project).

Table 14 shows Project-related and cumulative traffic noise increases estimated along study roadway segments. As shown in the table, the existing ambient along the study roadway segments is up to 61 dBA CNEL, allowing for an increase of up to 3 dBA. As demonstrated in the table, the Project would generate traffic noise increases of up to 2 dBA and a cumulative increase of 2.3 dBA, which is less than the allowable increase of 3 dBA.

Table 14 Project-Related Traffic Noise Increases

	ADT				dBA CNEL		
Roadway Segment	Existing No Project	Existing Plus Project	Cumulative No Project	Cumulative Plus Project	Existing CNEL	Project Noise Increase	Cumulative Noise Increase
3rd Avenue – north of Mauna Loa Street	2,135	2,329	2,330	2,524	61	0.4	0.7
3rd Avenue – south of Mauna Loa Street	1,695	1,954	1,873	2,132	60	0.6	1.0
3rd Avenue – north of Willow Street	1,789	2,825	1,971	3,007	61	2.0	2.3
3rd Avenue – south of Willow Street	2,124	3,095	2,319	3,290	61	1.6	1.9
Exceed allowable increase of 3 dBA based on existing CNEL conditions?						**No**	**No**

Source: EPD 2022.

In addition to traffic volume increases along existing roadways, Project development includes paving Mojave Street, which is currently a dirt road. There are no existing sensitive receptors adjacent to Mojave Street. Therefore, traffic noise increases along the new paved Mojave Street and existing study roadway segments would be less than significant and no mitigation measures are necessary.

3. Environmental Analysis

Mechanical Equipment Noise

Heating, ventilation, and air conditioning (HVAC) systems would be installed on the roof of the proposed building. The nearest sensitive receptor property line to the proposed school building is approximately 220 feet to the south. Typical HVAC equipment generates noise levels ranging up to 72 dBA at distance of 3 feet. At a distance of 220 feet, noise levels would attenuate to 35 dBA and would, therefore, not exceed the City's exterior daytime and nighttime noise standard of 55 and 60 dBA, respectively. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

Student Recreational Noise

As shown in Figure 4, *Conceptual Site Plan*, the school campus' outdoor amenities would include Zen gardens, natural turf and seating areas, walkways, a play structure, and sports courts. Adjacent to and just east of the proposed main building would be a natural turf area and lunch patio/assembly area. Abutting the southern end of the main building would be the kindergarten lunch area and playground. A natural turf soccer field would be provided along the eastern boundary of the campus. Abutting the southern end of the soccer field would be a natural turf playing field for kindergarten to fifth graders. Other campus amenities would include small farming areas (would be used for gardening type plants) that would be placed in between the classroom pods. The primary noise source associated with the exterior uses of the proposed school would be from students playing at the hardcourts and playfields during the daytime hours (no nighttime lighting or amplified equipment is proposed). PlaceWorks staff have also collected noise measurement data from existing schools associated with various school activities including soccer games/practices and recess.

Hardcourts

Noise levels from students playing at recess (hardcourt areas) have shown to range from 58 dBA to 64 dBA at a distance of 70 feet. The nearest sensitive receptor to the Project's proposed hardcourts and playfields is a single-family home approximately 300 feet to the northeast near the corner of Mojave Street and Hesperia Road. At that distance, noise levels would attenuate to 51 dBA which would not exceed the City's exterior daytime noise standard of 60 dBA. Therefore, impacts would be less than significant, and no migration measures are necessary.

Playfields

Noise levels for soccer activities measure approximately 60 dBA 15 feet. The noise sensitive receptor to the proposed soccer turf field is approximately 100 feet to the northeast near the corner of Mojave Street and Hesperia Road. At that distance, noise levels would attenuate to 44 dBA which would not exceed the City's exterior daytime noise standard of 60 dBA. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

Noise and Land Use Compatibility

As discussed above, traffic and rail noise modeling indicate that the combined existing ambient noise levels at the Project Site boundary nearest to rail and traffic noise would be 63.5 dBA CNEL. This does not exceed the acceptable exterior noise standard of 65 CNEL for schools presented in Table NS-4 of the Hesperia General

Plan Noise Element. Therefore, the Project Site would be considered compatible with existing noise levels. Impacts would be less than significant, and no mitigation measures are necessary.

b) Generation of excessive groundborne vibration or groundborne noise levels?

No Impact. Following is a discussion of the Project's temporary and permanent vibration impacts as a result of the Project's construction and operational phases.

Operational Vibration

Project operation would not include any substantial long-term vibration sources. Therefore, no impact would occur, and no mitigation measures are necessary.

Construction Vibration

Construction operations can generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction equipment generates vibrations that spread through the ground and diminish with distance from the source. The effect on buildings in the vicinity of the construction site varies depending on soil type, ground strata, and receptor-building construction. The effects from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Vibration from construction activities rarely reaches the levels that can damage structures.

For reference, a vibration level of 0.20 in/sec PPV is used as the limit for non-engineered timber and masonry buildings, which would conservatively apply to the surrounding structures (FTA 2018). To determine potential vibration-induced architectural damage, the distance from the vibration source (construction equipment) to the vibration-sensitive receptors (residences) is measured from the edge of the construction site to the nearest building façade. Vibration-induced architectural damage is assessed in terms of peak velocity (PPV). As shown in Table 15, PPV levels for typical construction equipment would not exceed the 0.20 in/sec PPV standard at the nearest vibration sensitive receptors. Therefore, no impact would occur, and no mitigation measures are necessary.

Table 15 Vibration Damage Levels for Typical Construction Equipment

	PPV (in/sec)			
Equipment	FTA Reference at 25 feet	Residences to the northeast at 130 feet	Residences to the west at 120 feet	Residences to the south (Luna Apartments) at 520 feet
Vibratory Roller	0.21	0.018	0.020	0.002
Large Bulldozer	0.089	0.008	0.008	0.001
Caisson Drilling[2]	0.089	0.008	0.008	0.001
Loaded Trucks	0.079	0.008	0.008	0.001
Jackhammer[2]	0.035	0.006	0.007	0.001
Small Bulldozer	0.003	0.003	0.003	0.000

Source: FTA 2018.
Notes: PPV = peak velocity; in/sec = inches per second

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

No Impact. The nearest airport to the Project Site is Hesperia Airport, approximately 3.75 miles to the south (Airnav 2022). Due to the distance to the airport, Project development would not expose people residing or working in the project area to excessive aircraft noise levels. Therefore, no impact would occur, and no mitigation measures are necessary.

3.14 POPULATION AND HOUSING

Would the project:

a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?

No Impact. The Project does not include the development of uses such as new homes or businesses, which result in a direct or indirect growth in population. As shown in Figure 4, *Conceptual Site Plan*, the Project involves the development of a new charter school. Institutional uses such as schools are generally developed in response to population growth in an area and do not cause population growth. The charter school would serve students already living in the area and attending other schools. The Project Site is also provided with adequate road access and utilities, and Project development would not require extension of roadways, utilities, or other infrastructure. Therefore, no impact would occur, and no mitigation measures are necessary.

b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?

No Impact. As shown in Figure 3, *Aerial Photograph*, the Project Site consists of undeveloped desert land and no housing exists onsite. Therefore, Project development would not displace housing or people. No impact would occur, and no mitigation measures are necessary.

3.15 PUBLIC SERVICES

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

a) Fire protection?

Less Than Significant Impact. The San Bernardino County Fire Protection District (SBCFPD) provides fire protection and emergency medical services to Hesperia including the Project Site. SBCFPD also investigates and mitigates hazardous materials and has firefighters with special expertise in wildfires. SBCFPD is staffed with 71 full-time personnel—67 firefighters/officers and 4 non-safety personnel (City of Hesperia 2021).

According to the Hesperia General Plan Safety Element, the average response time within Hesperia is approximately 7 minutes 16 seconds (City of Hesperia 2010b).

SBCFD operates three fire stations within Hesperia: Fire Station 305 at 8331 Caliente Road, Fire Station 304 at 15660 Eucalyptus Street, and Fire Station 302 at 17288 Olive Street. The nearest fire stations to the Project Site are Fire Station 302, approximately 2.3 miles to the southeast, and Fire Station 304, approximately 2.6 miles to the northwest. Station 302 serves the central area of Hesperia, and is equipped with one paramedic engine, one brush engine, and two paramedic ambulances. Station 304 serves the northern area of Hesperia, and is equipped with one paramedic engine, one ladder truck, one paramedic ambulance, one water truck, one chief vehicle, and one heavy rescue vehicle.

Project implementation could result in a slight increase in calls for fire protection and emergency medical service. However, considering the existing firefighting resources available in and near Hesperia, Project impacts on fire protection and emergency services are not expected to occur. Additionally, in the event of an emergency at the Project Site that required more resources than Fire Stations 302 and 304 could provide, SBCFPD would direct resources to the site from Fire Station 305 and, if needed, would request assistance from other nearby fire departments. If needed, fire stations from adjacent cities, such as Victorville and Apple Valley, may respond to emergency calls in Hesperia.

Project implementation is also not anticipated to impeded or increase SBCFPD's response times to either the Project Site or the surrounding vicinity. Travel time to the Project Site from Station 302 is approximately seven minutes and from Station 304 is approximately five minutes (Google Earth Pro 2020). Therefore, SBCFPD's response time for the two closest fire stations to the Project Site would be within the average response time of approximately 7 minutes 16 seconds. Additionally, the Project Site is an infill site already served by SBCFPD; therefore, the Project would not result in the need for an expansion of SBCFPD's service area.

The City also involves SBCFPD in the development review process in order to ensure that the necessary fire prevention and emergency response features are incorporated into development projects. The Project would incorporate such design features to minimize the potential demand placed on SBCFPD. For example, the proposed building would be of concrete construction. Concrete is non-flammable and concrete buildings have a lower fire hazard risk than typical wood-frame construction. The new school would also feature monitored fire sprinkler and alarm systems. Additionally, fire hydrants would be installed onsite pursuant to requirements of the San Bernardino County Fire Protection District to ensure adequate fire protection infrastructure. The fire hydrants would connect to the new onsite water lines with fire sufficient flows supplied by City. Additionally, the adequacy of existing water pressure and water availability in the project area would be verified by SBCFPD during the Project's plan check review process. Knox Boxes (or other approved means of emergency access to the site) would also be placed where necessary (i.e., security gates) to provide access for emergency personnel. Further, emergency access to the Project Site would be via the proposed driveways on Mojave Street and 3rd Avenue, which connect to internal drive aisles. The drive aisles would serve as fire access lanes and become part of the onsite fire access loop (see Figure 4, *Conceptual Site and Landscape Plan*). All site and building improvements proposed as a part of the Project would be subject to review and approval by the City and SBCFPD prior to issuance of a building permit and occupancy permit.

3. Environmental Analysis

Furthermore, Project development is required to comply with the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards of the City and SBCFPD, which impose design standards and requirements that seek to minimize and mitigate fire risk. Compliance with these codes and standards is ensured through the City's and SBCFPD's development review and building permit process.

Based on the preceding, the Project would not adversely affect SBFCD's ability to provide adequate service and would not require new or expanded fire facilities that could result in adverse environmental impacts. Therefore, impacts would be less than significant and no mitigation measures are necessary.

b) Police protection?

Less Than Significant Impact. The City of Hesperia Police Department (HPD) provides police service to Hesperia including the Project Site. HPD has 58 sworn officers, including a captain, a lieutenant, seven sergeants, five detectives, and 44 deputy sheriffs. HPD contracts its police service with the San Bernardino County Sheriff's Department, (City of Hesperia 2022). The nearest police station to the Project Site is at 15840 Smoke Tree Street, approximately 1.4 miles to the southwest.

Project implementation could result in a slight increase in calls for police protection service. However, considering the existing police resources available in and near Hesperia, Project impacts on police services (including response times) are not expected to occur. The Project Site is also an infill site already served by HPD; therefore, the Project would not result in an expansion of their service area. Additionally, in the event of an emergency at the Project Site that required more resources than station at 15840 Smoke Tree Street could provide, HPD would direct resources to the site from other local police stations nearby and, if needed, would request assistance from other nearby police departments.

Additionally, Project implementation would provide a positive impact on police services. For example, the campus would be enclosed with a combination of walls, security gates, fences, and buildings. Installation of these features would enhance the security and safety of the campus during and after school hours. These security features would also help prevent loitering or trespassing on the campus, and thereby help prevent the need for calls for police services.

Furthermore, the City involves HPD in the development review process in order to ensure that the necessary police protection features are incorporated into development projects. All site and building improvements proposed under the Project would be subject to review and approval by HPD. For example, the Project would be designed with San Bernardino County's Crime Prevention through Environmental Design (CPTED) principles, which include natural surveillance, natural access control, territorial reinforcements and maintenance and management.

Based on the preceding, the Project would not adversely affect HPD's ability to provide adequate service and would not require new or expanded police facilities that could result in adverse environmental impacts. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

c) Schools?

No Impact. Demand for schools in an area is usually determined by the area's population. The Project does not include the development of new homes, which lead to an increase in student generation and thereby, the need for additional school facilities. The Project would not induce population growth in the area, either directly or indirectly. As shown in Figure 4, *Conceptual Site Plan*, the Project involves the development of a new charter school. Project development would result in an improvement to the existing school services and facilities in the area, as it would provide a new school campus with new building spaces, a courtyard, and other support services for the future students, staff, and personnel of the school. Therefore, no impact would occur, and no mitigation measures are necessary.

d) Parks?

No Impact. See response to Section 3.16.a, below. As substantiated in this section, no impact would occur, and no mitigation measures are necessary.

e) Other public facilities?

No Impact. The need for new or the expansion of existing library services and facilities is tied to population growth. No residential development is proposed as a part of the Project, and Project development is not expected to generate a need for new or additional library services or facilities. As shown in Figure 4, the Project involves development of a new charter school. Students of the new school would also make use of and be served by the resources, facilities, and programs proposed on campus. Therefore, no impact would occur and no mitigation measures are necessary.

3.16 RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated?

No Impact. The increase in the use of existing parks and recreational facilities and the need for new or the construction or expansion of existing recreational facilities is tied to population growth. No residential development is proposed as a part of the Project. The Project involves development of a new charter K-8 school. Therefore, the Project would not increase the use of existing neighborhood and regional parks or other recreational facilities, nor would it require construction of new or expanded parks or recreational facilities. No impact to park and recreational facilities would occur and no mitigation measures are necessary.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

Less Than Significant Impact. As shown in Figure 4, *Conceptual Site Plan*, the proposed school campus would feature a number of onsite amenities that would serve the school's student population, which include a soccer field, a sports courts, natural turf areas and play structures. The Project does not involve any construction of recreational facilities beyond what is proposed to serve the school's future students. Additionally, Project

development does not propose or require construction or expansion of existing recreational facilities in Hesperia. Furthermore, construction of the Project's recreational facilities by themselves are not considered likely to result in a significant construction- or operational-related impact. The physical impacts associated with construction of the Project's recreational facilities are also analyzed in other topical sections of this Initial Study. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

3.17 TRANSPORTATION

The analysis in this section is based in part on the following technical study, which is included as Appendix L to this Initial Study:

- *Vehicle Miles Traveled Screening Analysis*, EPD Solutions, Inc., October 2022.

Would the project:

a) Conflict with a program, plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?

Less Than Significant Impact. Following is a discussion of the Project's potential impacts on a program, plan, ordinance, or policy addressing the circulation system. Specifically, the following discussion demonstrates that Project development would not conflict with nor preclude the City from implementing adopted programs, plans, and policies addressing the circulation system. The evaluation was conducted by reviewing City documents related to transportation: The Hesperia General Plan Circulation Element and Municipal Code.

Hesperia General Plan Circulation Element

The Hesperia General Plan Circulation Element details and outlines the City's plans to provide a transportation network system that allows the movement of people, goods, and services easily and safely throughout Hesperia. The element identifies the broader issues on which the City bases its circulation and transportation policies and outlines the City's goals and implementation policies to provide a safe and efficient transportation system strategy, which includes non-motorized modes of transportation, such as bicycle and equestrian paths and pedestrian ways, as well as bus routes As stated in the Hesperia Circulation Element, the purpose is to provide the public, decision makers and staff a guide to implementing policies that will create a safe, efficient and balanced transportation network, improve environmental quality, encourage healthier lifestyles, and support economic development and is intended to mitigate the conflicts associated with circulation such as traffic congestion and lack of access (City of Hesperia 2010). Following is a discussion of how the Project would be consistent with the applicable components of the Hesperia Circulation Element.

Vehicular Access and Circulation

Access to the Project Site would be provided via two driveways, one on 3rd Avenue and the other on Mojave Street, which form the western and northern Project Site boundaries, respectively. The street classification and standards for 3rd Avenue and Mojave Street were reviewed and compared to existing and future conditions of these roadways as a result of Project development. Per the Hesperia Circulation Element, 3rd Avenue is classified as an Industrial Collector while Mojave Street is classified as a Major Arterial. With a 70-foot right-

of-way, Industrial Collectors have one travel lane in each direction and a two-way turning pocket in the center. With a right-of-way between a 120- and 128-foot right-of-way, Major Arterials have six travel lanes and provide eight-foot sidewalks.

Project development would not impact the functionality or use of 3rd Avenue or Mojave Street. As shown in Figure 4, *Conceptual Site Plan*, vehicle access to the Project Site would be provided a driveway on 3rd Avenue and a driveway on Mojave Street. Both driveways would be designed and constructed as full access driveways, allowing all vehicular turning movements. The driveways would connect to the internal drive aisle system, which would also serve as the student drop-off/pick-up circulation feature and the fire access lane.

Design and construction of the proposed driveways would be required to adhere to the City Engineering Department's established development design standards and the standards outlined in the Hesperia Municipal Code, which are imposed on development projects during the City's development review and building plan check process. For example, at intersections and project driveways and pursuant to the development design standards and the provisions of Section 16.34.080.E (Traffic Safety Sight Area) of the Hesperia Municipal Code, a substantially clear line of sight must be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Sight distance is the continuous length of roadway visible to the driver. Based on a site visit and a review of aerial photography, there are no restrictions blocking the view from the proposed locations of the access driveways and north- and southbound traffic on 3rd Avenue or east- and west-bound traffic on Mojave Street, and sufficient sight distance would be provided. Compliance with the established design standards would ensure that hazards due to design features would not occur and that the placement of the vehicular access and circulation improvements would not create a conflict for motorists, public transit, pedestrians, or bicyclists traveling along 3rd Avenue or Mojave Street.

Additionally, and as a part of the Project, several roadway improvements would be implemented along 3rd Avenue and Mojave Street, which are public streets that are owned and maintained by the City. Improvements along 3rd Avenue include constructing the roadway to its ultimate right-of-way width along the portion of 3rd Avenue that abuts the length of entire boundary of the school campus area only, and not the entire length of the Project Site boundary (which extends from Hercules Street on the south to Mojave Street on the north). Specifically, the improvements would occur between the west-central edge of the Project Site to the intersection of 3rd Avenue and Mojave Street. The improvements include roadway pavement for the addition of a new north-bound travel lane, curb and gutter, curb ramps, and a sidewalk. For Mojave Street, the project applicant would construct the new street from 3rd Avenue on the west to Hesperia Road on the east. The improvements include roadway pavement for two travel lanes (one in each direction with a total width of 26 feet), curb and gutter, curb ramps, stop signs at each end of the street, and a portion of the public sidewalk (see description above for proposed sidewalk). All roadway improvement would be designed and constructed per the City Engineering Department's established development design standards City standards (e.g., number and dimension of lanes), and the roadway standards outlined in the Circulation Element.

Furthermore, the Project supports and implements the following policies of the Hesperia Circulation Element:

- **Policy CI-1.1.** Systematically improve the public roadway system to meet existing and future demands within the planning area.

- **Policy CI-1.3.** Ensure that the appropriate street design is provided for all streets based on their designation on the City's adopted Transportation Plan (Exhibit CI-1).

- **Policy CI-1.10.** Ensure that new development provides for adequate road improvements to serve internal circulation needs, as well as to mitigate impacts of increased traffic on the existing road system.

Alternative Modes of Transportation

As shown in Figure 4, *Conceptual Site Plan*, pedestrian access to the school campus would be provided via a new curb-adjacent public sidewalk along the portion of 3rd Avenue (which forms the western Project Site boundary) that abuts the proposed campus area only and not along the entire stretch of the Project Site's western boundary. A public sidewalk would also be provided along a small portion of Mojave Street (from the Mojave Street and 3rd Avenue intersection to the proposed driveway), as shown in Figure 4. Additionally, a striped crosswalk would be provided along the eastern portion of the intersection of 3rd Avenue and Mojave Street. Currently, there is no sidewalk along the side of 3rd Avenue that abuts the entire stretch of the Project Site; there is also no sidewalk along Mojave Street as it is currently an unpaved dirt road. The new public sidewalks, which would be constructed in conjunction with the 3rd Avenue and Mojave Street roadway improvements (discussed above), would connect to the internal walkway system of the campus area. The walkways would provide a means for school children, staff, personnel and visitors to conveniently and safely access the campus area.

Additionally, the Project supports and implements the following policies of the Hesperia Circulation Element:

- **Policy CI-1.11.** Encourage alternative modes of transportation including bus, bicycle, pedestrian, and equestrian through street design.

- **Policy CI-1.12.** Provide for a safe and efficient pedestrian network.

Conclusion

As demonstrated above, Project development would not conflict with any components of the Hesperia Circulation Element, including the principals, goals, or policies. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

Hesperia Development Code

The Hesperia Development Code (Chapter 16 of the Hesperia Municipal Code) includes the development and design standards and regulations that constitute the zoning regulations that govern development of the Project Site and help implement the Hesperia General Plan. The Hesperia Development Code is the guiding document that contains many of the ordinances for the City. Generally, transportation-specific ordinances, standards or regulations that apply to the Project would pertain to minimum parking requirements.

Parking for school employees and visitors would be provided onsite in the parking area proposed in the western end of the campus. Pursuant to the provisions of the Hesperia Development Code, 130 parking spaces are required to accommodate the Project and 130 parking spaces would be provided. Additionally, pursuant to the

provisions of the Hesperia Development Code and CALGreen, parking spaces for handicap (total of 6) and clean-air vehicles (total of 18) would be provided among the 130 spaces. A total of 13 of the 18 clean air vehicle parking spaces would be set aside for the future installation of electric vehicle charging stations.

Additionally, and as discussed above under the *Vehicular Access and Circulation* discussion, the proposed driveways on 3rd Avenue and Mojave Street would be designed and constructed pursuant to the development design standards and the provisions of Section 16.34.080.E (Traffic Safety Sight Area) of the Hesperia Municipal Code.

Based on the preceding, Project development would not be consistent with the transportation-specific ordinances, standards or regulations of the Hesperia Development Code that apply to the Project. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

b) Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?

No Impact. Senate Bill (SB) 743 was signed by Governor Brown in 2013 and required the Governor's Office of Planning and Research to amend the CEQA Guidelines to provide an alternative to level of service for evaluating transportation impacts. SB743 specified that the new criteria should promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks and a diversity of land uses. The bill also specified that delay-based level of service could no longer be considered an indicator of a significant impact on the environment. In response, Section 15064.3, Determining the Significance of Transportation Impacts, was added to the CEQA Guidelines on January 1, 2019. Section 15064.3 states that vehicle miles traveled (VMT) is the most appropriate measure of transportation impacts and provides lead agencies with the discretion to choose the most appropriate methodology and thresholds for evaluating VMT.

The City's Traffic Impact Analysis Guidelines provides VMT screening thresholds to identify projects that would be considered to have a less-than significant impact on VMT and therefore could be screened out from further VMT analysis. If a project meets one of the following criteria, then the VMT impact of the project would be considered less-than significant and no further analysis of VMT would be required:

1. The project is located within a Transit Priority Area (TPA).

2. The project is located in a low VMT generating area.

3. Project Type Screening (the project generates fewer than 110 daily vehicle trips or is considered a local-serving land use)

The applicability of each criterion to the Project is discussed below.

Screening Criteria 1 – Transit Priority Area Screening. According to the City's guidelines, projects located in a TPA may be presumed to have a less than significant impact. The Project Site is not in a TPA; therefore, the Project would not satisfy the requirements of Screening Criteria 1.

Screening Criteria 2 – Low VMT Area Screening. The City's guidelines include a screening threshold for projects located in a low VMT generating area. Low VMT generating area is defined as traffic analysis zones

(TAZs) with a total daily VMT/Service Population (employment plus population) that is less than the current County of San Bernardino VMT/Service Population (noted to be 32.7 in the guidelines). The Project Site was evaluated using the SBCTA VMT Screening Tool. Using the online tool, the Countywide VMT/Service Population of the project TAZ is higher than the county average. Therefore, the Project would not meet Screening Criteria 2.

Screening Criteria 3 – Project Type. According to the City's guidelines, projects that generate fewer than 110 daily vehicle trips, propose local serving retail (retail projects less than 50,000 square feet) or other local serving uses would have a less than significant impact on VMT. Local serving project types include "local-serving K-12 schools". The project is a charter school, and therefore is open to enrollment to all students, not just those who live within the local school district. The Project involves relocating an existing charter school while allowing for future increases in enrollment. The existing school has an enrollment of 365 students, 316 (86%) of which currently reside in the Hesperia Unified School District boundaries. The existing school is currently serving local residents and would continue to serve local residents at the Project Site, approximately one mile north of the existing school site. In addition, the Project Site is surrounded by residential zoning, therefore as the area is built out over time, the Project would provide a neighborhood school option that would serve the local community. For these reasons, the Project is considered a locally serving land use and impacts on VMT would be considered less than significant. No mitigation measures are necessary.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. As shown in Figure 4, *Conceptual Site Plan*, vehicular access to the Project Site would be provided via two driveways, one on 3rd Avenue and the other on Mojave Street, which form the western and northern Project Site boundaries, respectively. Both driveways would be designed and constructed as full-access driveway. The driveways would connect to an internal loop road, which would also serve as the student drop-off/pick-up circulation feature and the fire access lane. Both driveways would serve as vehicular entry points for the onsite parking area, which would serve school staff, personnel, and visitors. A student drop-off/pick-up area would be provided on the east side of the parking lot, west of the main building. Emergency vehicle access to the Project Site would be via the western driveway, which connects to the internal loop road. The loop road would serve as a fire access lane and become part of the onsite fire access loop.

The City and SBCFPD have adopted design standards that preclude the construction of any unsafe roadway, circulation, or access design features. Design and construction of the proposed access and circulation improvements would be required to adhere to the City Engineering Department's established development design standards and SBCFPD's design standards, which are imposed on development projects during the City's development review and building plan check process. For example, at intersections and project driveways and pursuant to the development design standards and the provisions of Section 16.34.080.E (Traffic Safety Sight Area) of the Hesperia Municipal Code, a substantially clear line of sight must be maintained between the driver of a vehicle waiting at the crossroad and the driver of an approaching vehicle. Based on a site visit and a review of aerial photography, there are no restrictions blocking the view from proposed location of the access driveways and north- and southbound traffic on 3rd Avenue or Hesperia Road, and sufficient sight distance would be provided. Compliance with the established design standards would ensure that hazards due to design

features would not occur and that the placement of the vehicular access and circulation improvements would not create a conflict for motorists, pedestrians, or bicyclists traveling within or around the Project Site.

Furthermore, the Project would provide a network of low-speed internal drive aisles that would be safe and walkable for pedestrians, while maintaining an efficient circulation system for vehicles. The Project would also not include incompatible uses such as farm equipment or other unusually slow vehicles that would present a traffic hazard on area roadways.

Therefore, no impact resulting from hazards due to design features or incompatible uses would occur and no mitigation measures are necessary.

d) Result in inadequate emergency access?

Less Than Significant Impact. As outlined above, the Project would introduce new onsite vehicular access and circulation improvements. To address emergency and fire access needs, the improvements would be required to be designed and constructed in accordance with all applicable City and SBCFPD design standards for emergency access (e.g., minimum lane width and turning radius). For example, the drive aisles would be designed to meet the minimum width requirements of SBCFPD to allow the passing of emergency vehicles. Additionally, as shown in Figure 4, *Conceptual Site Plan,* the internal drive aisles would serve as a fire access road and become part of the onsite fire access loop.

Also, the Project would be required to incorporate all applicable design and safety requirements as set forth in the most current adopted fire codes, building codes, and nationally recognized fire and life safety standards of Hesperia and SBCFPD, such as those outlined in Article XV (California Fire Code) of the Hesperia Municipal Code. Compliance with these standards is ensured through the City's and SBCFPD's development review and building plan check process.

Furthermore, during the development review and building plan check process, the City would coordinate with SBCFPD to ensure that the necessary fire prevention and emergency response features are incorporated into the Project and that adequate circulation and access (e.g., adequate turning radii for fire trucks) are provided within the traffic and circulation components of the Project. For example, Knox Boxes (or other approved means of emergency access to the site) would be placed where necessary (i.e., security gates) to provide access for emergency personnel. The automated security gates would be installed and operated in accordance with the Underwriters Laboratories (UL 325) and American Society for Testing Materials International (ASTM F220) standards.[16] The method of gate control would be subject to review and approval by SBCFPD during the development review process. Additionally, emergency access to the Project Site would be via the northern and western driveways, which connect to internal drive aisles. The drive aisles would serve as fire access lanes and become part of the onsite fire access loop (see Figure 4). All site and building improvements proposed under the Project would be subject to review and approval by the City and SBCFPD.

[16] ASTM F2200 provides guidance to ensure that the mechanical components of a gate are designed and installed in such a way to prevent risk to people in what are called entrapment zones. UL 325 (Standard for Safety: Door, Drapery, Gate, Louver and Window Operators and Systems) is the standard to which vehicular gate operators are designed, tested. and manufactured.

Also, improvements would be required within the roadway rights-of-way of 3rd Avenue and Mojave Street, which would require temporary closure of a small portion of 3rd Avenue (between Hercules Street and Mojave Street) and temporary closure of the entirely of Mojave Street (between 3rd Avenue and Hesperia Road). However, any road closures would be temporary and would only be necessary during the construction activities associated with these improvements. All proposed road closures would also be subject to review and approval by the City, including issuance of an encroachment permit. Upon completion of the improvements along the roadways, all road conditions would be restored to normal. Also, the partial closure of 3rd Avenue would not impact the functionality of this road as a public safety access route. The full closure of Mojave Street would also not impede emergency access in the project area as this road is currently a dirt road and is not used for this purpose. In fact, the full improvement of Mojave Street under the Project would improve the functionality of this road as an emergency access road.

Based on the preceding, impacts would be less than significant, and no mitigation measures are necessary.

3.18 TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

No Impact. See response to Section 3.5.a, above. As substantiated in this section, no impact to historical resources would occur and no mitigation measures are necessary. Also, there are no Traditional Cultural Resources listed or eligible for listing in the California Register of Historical Resources as defined in PRC Section 5020.1(k) within the Project Site or within a 0.5-mile radius surrounding the Project Site. Therefore, no impact would occur and no mitigation measures are necessary.

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Less Than Significant Impact With Mitigation Incorporated. Conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. The intent of the consultations is to provide an opportunity for interested Native American contacts to work together with the lead agency (in this case, Hesperia) during the project planning process to identify and protect tribal cultural resources.

The provisions of CEQA, Public Resources Code Sections 21080.3.1 et seq. (also known as Assembly Bill 52 [AB 52]), requires meaningful consultation with California Native American Tribes on potential impacts to tribal cultural resources, as defined in Public Resources Code Section 21074. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (CNRA 2018b).

As part of the AB 52 process, Native American tribes must submit a written request to the relevant lead agency if it wishes to be notified of projects that require CEQA public noticing and are within its traditionally and culturally affiliated geographical area. The lead agency must provide written, formal notification to the tribes that have requested it within 14 days of determining that a project application is complete or deciding to undertake a project. The tribe must respond to the lead agency within 30 days of receipt of the notification if it wishes to engage in consultation on the project, and the lead agency must begin the consultation process within 30 days of receiving the request for consultation. Consultation concludes when either 1): the parties agree to mitigation measures to avoid a significant effect, if one exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. AB 52 also addresses confidentiality during tribal consultation per Public Resources Code Section 21082.3(c).

In accordance with the provisions of AB 52, the City notified the following tribes about the Project in a letter dated April 1, 2022:

- Cabazon Band of the Mission Indians
- Torres Martinez Desert Cahuilla Indians
- San Manuel Band of Mission Indians

The 30-day noticing requirement under AB 52 was completed on April 30, 2022, approximately 30 days from the date the tribes received the notification letter. The City received a response (via email) from the San Manuel Band of Mission Indians (Tribe). The response stated that the Project Site lies within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the Project, and given the Tribe's present state of knowledge, the Tribe does not have any concerns with the Project's implementation, as planned at this time.

Additionally, a cultural resources assessment was conducted for the Project Site by BCR Consulting (Appendix C). As a part of the assessment, an intensive pedestrian survey of the Project Site was conducted by BCR Consulting staff. The survey did not yield any tribal cultural resources. There are also no resources onsite determined by the City to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

However, while not anticipated, there is a potential to encounter buried prehistoric deposits (including tribal cultural resources) on the Project Site during site excavation and grading activities. The presence of unknown subsurface tribal cultural resources on the site remains possible and could be affected by project-related, ground-disturbing activities associated with excavation and grading at the Project Site. It is possible that subsurface disturbance may uncover undiscovered tribal cultural resources at the site. Therefore, impacts to tribal cultural resources are potentially significant.

To enable the Tribe to protect and preserve its tribal cultural resources and to reduce potential impacts to such resources (if encountered), mitigation is required. With implementation of Mitigation Measure CUL-1 and TCR-1 which is are based on input the City received from the Tribe during the consultation efforts, impacts related to tribal cultural resources would be reduced to a level of less than significant.

Mitigation Measures

TCR-1 The San Manuel Band of Mission Indians (SMBMI) Cultural Resources Department shall be contacted, as detailed in Mitigation Measure CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan (MTP) shall be created by the project archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to the MTP. The MTP shall allow for a monitor to be present that represents SMBMI for the remainder of the project's ground disturbing activities, should SMBMI elect to place a monitor onsite. 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 City of Hesperia for dissemination to SMBMI. The City of Hesperia and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.

3.19 UTILITIES AND SERVICE SYSTEMS

Would the project:

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?

Less Than Significant Impact. Following is a discussion of the Project's potential impacts on water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities.

Water Supply Facilities

The Project Site lies in the Upper Mojave River Valley Groundwater Basin. The basin is adjudicated, and the Mojave Water Agency (MWA) serves as the Watermaster. Water is provided by HWD, which relies on groundwater as its only water supply source. HWD's service area matches Hesperia's boundaries, with minor exceptions, and covers approximately 74 square miles. HWD has historically utilized groundwater as its sole source of water supply but has implemented new projects to diversify its supplies including recycled water and imported State Water Project (SWP) water.

HWD estimates that water demands in its service area for normal years would increase from approximately 15,078 afy in 2020 to approximately 19,297 afy in 2035. The City forecasts that it will have sufficient water

supplies to meet water demands in its service area for normal, single-dry, and multiple dry years (City of Hesperia 2016).

Water demand estimates for the Project are included in Table 16. As shown in the table, the Project would require approximately 12,747 gallons per day (gpd), or 14.3 afy, which amounts to less than one percent of the current water demand for HWD. Therefore, HWD would have adequate water supplies to service the Project.

Table 16 Proposed Project Water Demands

Land Use	Square Feet	Indoor Water Generation Rate (gpd/SF)[1]	Indoor Water Demand (gpd)	Outdoor Water Demand (gpd)
School	58,840[2]	0.08	4,707	—
Landscaping	160,783[3]	—	—	8,040[4]

Source: CAPCOA 2017, CIMIS 2022, DWR 2017.
Notes: gpd = gallons per day; SF = square feet.
1 Indoor water use for "Elementary School" used as indicated in the CalEEMod Default Data Tables.
2 Includes the 21,400 square foot tilt-up building, 38 modular buildings each 960 square feet, and two modular restroom buildings each 480 square feet.
3 Landscape square footage was provided by the applicant and includes 132,370 SF of irrigated area on the proposed school campus and 28,413 SF in the proposed ROW improvements.
4 The annual precipitation and Eto for the Victorville Station (049325) were used in the DWR workbook, and the Maximum Applied Water Allowance is shown in the table. The annual precipitation of 3.1 inches was obtained from CIMIS for the period from May 2021 to April 2022.

As a part of the Project, onsite water lines (for potable water, irrigation, and fire suppression purposes) would connect to a new water line in 3rd Avenue, which is required to accommodate the Project. The project applicant would construct the new water line in 3rd Avenue from Mojave Street to Hercules Street, where it would connect to the existing water main in Hercules Street. Construction of the new water line in 3rd Avenue would require temporary closure of a portion of this roadway to accommodate the construction activities of the new water line. The proposed water system improvements would be designed and constructed in accordance with City requirements and would require City approval.

Additionally, the project applicant would be required to pay a water service connection fee and deposit, monthly water service charges, water commodity consumption charge, and any surcharge, penalty or reconnection fee pursuant to the Hesperia Water District Code.

Furthermore, the project applicant would be required to implement the requirements of Article XII (Landscape Regulations) of the Hesperia Municipal Code to reduce water consumption impacts. Finally, Project development would be required to comply with the provisions of the most current CALGreen, which contains requirements for indoor water use reduction and site irrigation conservation. Specifically, Project development would be required to adhere to the mandatory nonresidential standards outlined in Division 5.3 (Water Efficiency and Conservation) of CALGreen, including those of Sections 5.303 (Indoor Water Use) and 5.304 (Outdoor Water Use). For example, Section 5.303 outlines the standards for water conserving plumbing fixtures and fittings; Section 5.304 outlines the standards for water efficient landscape.

Based on the preceding, Project development would not require the construction of new or expanded water treatment facilities. No significant impacts would occur, and no mitigation measures are necessary.

3. Environmental Analysis

Wastewater Treatment Facilities

Wastewater generated by land uses in the City is treated by the Victor Valley Wastewater Reclamation Authority (VVWRA). The City would provide wastewater collection and conveyance service to the Project Site. Wastewater generated onsite would be collected and conveyed to VVWRA's regional Wastewater Treatment Plant (WWTP) via the City's existing local sewer system beneath its roadways. The WWTP has a capacity of 14 million gallons per day (mgd) and an average flow of 10.7 mgd (CRWQCB 2020, VVWRA 2022). Therefore, the WWTP has a residual capacity of 3.3 mgd. The City also operates a sub-regional WWTP that produces 1.0 million gallons per day (mgd) or 1,120 acre-feet per year afy of recycled water. The sub-regional WWTP treats a portion of the wastewater from the local collection system, reuses the treated water in beneficial manners, and returns solids to the sewer for treatment at the WWTP.

The amount of wastewater that would be generated by the Project is conservatively assumed to be approximately 4,167 gpd, which equates to 90 percent of indoor water use. The amount of wastewater that would be generated is less than 1 percent of VVWRA's total remaining daily treatment capacity. Therefore, Project development would not require the construction of new or expanded wastewater facilities. Impacts would be less than significant, and no mitigation measures are necessary.

Stormwater Drainage Facilities

See response to Section 3.10.c.iii, above. As substantiated in this section, impacts would be less than significant, and no mitigation measures are necessary.

Electricity and Natural Gas Facilities

The Project would have a total annual electricity demand of 377,748 kilowatt-hours (kWh) and a total natural gas demand of 443,190 kilo British thermal units per year (KBTU/yr). Electricity would be supplied by SCE and natural gas would be supplied by the Southern California Gas Company (SoCalGas). All new utility infrastructure would be installed underground or placed in enclosed spaces (e.g., utility closets).

Total mid-electricity consumption in SCE's service area is forecast to decrease by approximately 13,411 GWh between 2018 and 2030 (CEC 2020). SCE forecasts that it will have sufficient electricity supplies to meet demands in its service area; and the electricity demand due to project development is within the forecast increase in SCE's electricity demands. Project development would not require SCE to obtain new or expanded electricity supplies.

Additionally, the total gas consumption in the SoCalGas service area was approximately 7,406 million therms in 2019, with slightly decreasing demand projected up to the 2030 (CEC 2019). The natural gas consumption rate for the Project is typical for projects of this size and is a modest increase in gas use in the context of SoCalGas' service territory.

Furthermore, the Project would be required to comply with energy efficiency standards set forth by Title 24 of the California Administrative Code and the Appliance Efficiency Regulations. The Project would also comply with CALGreen requirements related to energy and water conservation. These measures would help decrease electricity and gas consumption.

Therefore, the Project would not result in a substantial increase in natural gas and electrical service demands. SCE and SoCalGas would not need to expand their supply and transmission facilities in order to handle the demand generated by the Project. Impacts would be less than significant, and no mitigation measures are necessary.

Telecommunication Facilities

Various private services, including AT&T, Time Warner Communications, and Frontier Communications, provide telecommunication services to Hesperia, including the Project Site. The Project would include onsite connections to offsite telecommunication services and facilities in the immediate area of the Project Site. The construction-related impacts associated with these improvements are analyzed throughout this Initial Study as part of Project development. Additionally, facilities and infrastructure for the various telecommunication providers are adequate to serve the needs of the Project. Therefore, Project development would not require the construction of new or expanded telecommunication facilities. Impacts would be less than significant, and no mitigation measures are necessary.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?

Less Than Significant Impact. As substantiated above in Section 3.19.a, HWD has sufficient water supplies to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

c) Result in a determination by the waste water treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?

Less Than Significant Impact. As substantiated above in Section 3.19.a, there is existing wastewater treatment capacity in the region for the estimated Project wastewater generation. Project development would not require the construction of new or expanded wastewater treatment facilities. Therefore, impacts would be less than significant, and no mitigation measures are necessary.

d) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less Than Significant Impact. The City would provide solid waste collection services to the Project Site. Solid waste is hand-sorted for recycling at the City's Material Recovery Facility and plastic, glass, metal, wood, yard waste, paper, aluminum and tin are diverted from being disposed at landfills. In 2019, approximately 97 percent of the municipal solid waste landfilled from Hesperia was disposed of at the Victorville Sanitary Landfill (CalRecycle 2019a). The landfill is operated by the County of San Bernardino Public Works Department. Burrtec Waste Industries, a private contractor, operates the landfill under contract to the County of San Bernardino. Capacity and disposal data for the landfill is shown in Table 17. As shown in the table, the landfill has a residual capacity of 1,739 tons per day.

3. Environmental Analysis

Table 17 Landfill Capacity

Landfill	Current Remaining Capacity (tons) [1]	Maximum Daily Disposal Capacity (tons)	Average Daily Disposal, 2017 (tons) [2]	Residual Daily Disposal Capacity (tons)	Estimated Close Date
Victorville Sanitary Landfill	79,400,000	3,000	1,261	1,739	2047

Sources: CalRecycle 2019b, 2019c.
[1] A Volume-to-Weight conversion rate of 2,000 lbs/cubic yard (1 ton/cubic yard) for "Compacted - MSW Large Landfill with Best Management Practices" is used as per CalRecyle's 2016 Volume-to-Weight Conversion Factors https://www.epa.gov/sites/production/files/201604/documents/volume_to_weight_conversion_factors_memorandum_04192016_508fnl.pdf.
[2] Average daily disposal is calculated based on 300 operating days per year. Each of the three facilities is open six days per week, Monday through Saturday, except certain holidays.

The Project is estimated to generate approximately 0.12 tons of solid waste per day, as shown in Table 18. As demonstrated in Table 17, there is adequate landfill capacity in the region for the Project's forecasted solid waste disposal, and Project development would not require additional landfill capacity at the landfill serving Hesperia. Additionally, the total amount of solid waste expected to be generated under the Project would be minimal compared to the residual daily disposal capacity of the landfill serving Hesperia.

Table 18 Project Solid Waste Generation

Land Use	Square Feet	Generation Rate (lbs/square feet/day)	Total (ppd)
School[1]	57,880	0.007	405

Source: CalRecycle 2019d.
Note: ppd = pounds per day
[1] Includes the 21,400 Sf tilt-up buildings and 38 modular buildings each 960 square feet.

Furthermore, substantial reductions in solid waste from construction materials can be achieved through recycling, reuse, and diversion programs. The City requires that the project applicant provide a construction waste management plan during the plan review process pursuant to the provisions of Municipal Code Section 8.04.520 (Construction and Demolition – Diversion Requirement Exemptions). As currently codified, the municipal code requires diversion of 50 percent of nonhazardous construction and demolition waste through recycling, reuse, and diversion programs. However, CALGreen section 5.408 (Construction Waste Reduction, Disposal and Recycling) mandates recycling and/or salvaging for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste. The waste management plan would demonstrate compliance with the City and CALGreen's goal of reusing or recycling the Project's construction waste.

Based on the preceding, impacts on landfill capacity would be less than significant and no mitigation measures are necessary.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

No Impact. See response to section 3.19.d, above.

Additionally, the following federal, state, and local laws and regulations govern solid waste disposal, including:

- **USEPA** administers the Resource Conservation and Recovery Act of 1976 and the Solid Waste Disposal Act of 1965, which govern solid waste disposal.
- **Assembly Bill (AB) 341** (Chapter 476, Statutes of 2011) increases the statewide waste diversion goal to 75 percent by 2020, and mandates recycling for commercial and multi-family residential land uses.
- **AB 939** (Integrated Solid Waste Management Act of 1989; Public Resources Code 40050 et seq.) required every California city and county to divert 50 percent of its waste from landfills by the year 2000 by such means as recycling, source reduction, and composting. In addition, AB 939 requires each county to prepare a countywide siting element specifying areas for transformation or disposal sites to provide capacity for solid waste generated in the county that cannot be reduced or recycled for a 15-year period.
- **AB 1327** (California Solid Waste Reuse and Recycling Access Act of 1991) requires local agencies to adopt ordinances mandating the use of recyclable materials in development projects.

Project-related construction and operation phases would be implemented in accordance with all applicable federal, state, and local laws and regulations govern solid waste disposal. Therefore, no impact would occur, and no mitigation measures are necessary.

3.20 WILDFIRE

Wildland fire protection in California is the responsibility of either the local government, state, or federal government. State Responsibility Areas (SRA) are the areas in the state where the State of California has the primary financial responsibility for the prevention and suppression of wildland fires. The SRA forms one large area over 31 million acres to which the California Department of Forestry and Fire Protection (CAL FIRE) provides a basic level of wildland fire prevention and protection services.

Local responsibility areas (LRA) include incorporated cities, cultivated agriculture lands, and portions of the desert. LRA fire protection is typically provided by city fire departments, fire protection districts, counties, and by the California Department of Forestry and Fire Protection (CAL FIRE) under contract to local governments. CAL FIRE uses an extension of the SRA Fire Hazard Severity Zone model as the basis for evaluating fire hazard in LRAs. The local responsibility area hazard rating reflects flame and ember intrusion from adjacent wildlands and from flammable vegetation in the urban area. SBCFPD currently provides fire protection and emergency medical services to Hesperia.

Fire Hazard Severity Zones (FHSZ) are identified by Moderate, High and Very High in an SRA, and Very High in an LRA. The nearest FHSZ in the SRA is a Moderate FHSZ approximately 3.60 miles southwest of the Project Site. The nearest FHSZ in the LRA is a VHFHSZ approximately 7.85 miles southeast of the Project Site (CAL FIRE 2008). Land between the edge of the nearest FHSZ and the Project Site is dense urban development.

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

a) Substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact. As demonstrated above, the Project Site is not in, adjacent to or within proximity of an SRA or LRA or lands classified as high fire hazard severity zones. Therefore, the Project would not impact an adopted emergency response plan or emergency evacuation plan. No impact would occur, and no mitigation measures are necessary.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact. As demonstrated above, the Project Site is not in, adjacent to or within proximity of an SRA or LRA or lands classified as high fire hazard severity zones. Therefore, the Project would not expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire. No impact would occur, and no mitigation measures are necessary.

c) Require the installation of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact. As demonstrated above, the Project Site is not in or near an SRA or LRA or lands classified as high fire hazard severity zones. Additionally, the Project would not require the installation or maintenance of associated infrastructure that may exacerbate fire risk. Therefore, no impact would occur, and no mitigation measures are necessary.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact. As demonstrated above, the Project Site is not in or near an SRA or LRA or lands classified as high fire hazard severity zones. The Project Site is undeveloped desert land consisting mainly of overgrown vegetation (weeds and grasses) and a few scattered shrubs. Therefore, Project development would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. No impact would occur, and no mitigation measures are necessary.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

Less Than Significant Impact With Mitigation Incorporated. As shown in Figure 3, *Aerial Photograph*, the Project Site is undeveloped desert land. There are no buildings, structures, or improvements onsite. The Project Site is in an area of Hesperia that is predominately a mix of residential and religious uses and vacant land. As

demonstrated in Section 3.4, *Biological Resources*, impacts to biological resources would be reduced to a level of less than significant with implementation of Mitigation Measures BIO-1 through BIO-4. Additionally, as demonstrated in Section 3.5, *Cultural Resources*, no historic resources were identified onsite, and therefore the Project does not have the potential to eliminate important examples of California history or prehistory. Impacts were deemed to be less than significant. As also demonstrated in Sections 3.5, impacts to archeological resources would be reduced to a level of less than significant with implementation of Mitigation Measure CUL-1. Furthermore, as demonstrated in Section 3.18, Tribal Cultural Resources, impacts to tribal cultural resources would be reduced to a level of less than significant with implementation of Mitigation Measure CUL-1 and TCR-1.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)

Less Than Significant Impact. The issues relevant to Project development are confined to the immediate Project Site and surrounding area. Additionally, the Project Site is in an area of Hesperia where supporting utility infrastructure (e.g., water, wastewater, and drainage) and services (e.g., solid waste collection, police and fire protection) currently exist. As substantiated in this Initial Study, Project implementation would not require the construction of new or expansion of existing utility infrastructure or services. The Project Site is also generally too small in scope to appreciably contribute to existing cumulative impacts.

Furthermore, impacts related to other topical areas such as air quality, GHG, hydrology and water quality, and traffic would not be cumulatively considerable with development of the Project in conjunction with other cumulative projects.

In consideration of the preceding factors, the Project's contribution to cumulative impacts would be rendered less than significant; therefore, Project impacts would not be cumulatively considerable.

c) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?

Less Than Significant Impact. The Project's potential to result in environmental effects that could adversely affect human beings, either directly or indirectly, has been discussed throughout this Initial Study. As discussed in the respective topical sections of this Initial Study, implementation of the Project would not result in significant impacts, either directly or indirectly, in the areas of air quality, GHG, geology and soils, hazards and hazardous materials, noise, hydrology and water quality, or wildfire, which may cause adverse effects on human beings.

3. Environmental Analysis

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4. Mitigation Monitoring and Reporting Program

Project-specific mitigation measures have been categorized in matrix format, as shown in Table 20. The matrix identifies the environmental factor, specific mitigation measures, schedule, and responsible monitor. The mitigation matrix serves as the basis for scheduling the implementation of, and compliance with, all mitigation measures and conditions of approval.

4. Mitigation Monitoring and Reporting Program

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Table 19 Mitigation Monitoring Requirements

Mitigation Measure		Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
Biological Resources					
BIO-1	Prior to the issuance of grading permits that project applicant shall have obtained an approved California Endangered Species Act (CESA) Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) pursuant to Section 2081 subdivision (b) of the Fish and Game Code. To ensure CESA compliance, the following measures shall be implemented by the project applicant: • General provisions involving a designated representative, designated biologist(s), an education program, construction monitoring documentation, trash abatement, and hazardous waste removal. • Monitoring, notification, and reporting provisions including notification before commencement, notification of non-compliance, compliance monitoring, quarterly compliance report, annual status report, California Natural Diversity Database observations, final mitigation report, and notification of take or damage. • Take minimization measures including covered species avoidance, perimeter fencing, dust control, and prevention of the introduction of invasive species in agreement with California Invasive Plant Council's guidelines. • Obtain mitigation land credits at a ratio approved by CDFW within a CDFW approved conservation bank designated to permanently protect a population of Joshua tree. • In the case that mitigation land within a CDFW approved conservation bank may not be secured, habitat management lands shall be acquired to establish land for permanent protection and management of Joshua tree habitat at the discretion of CDFW.	Project applicant and biologist	Prior to the issuance of grading permits	City of Hesperia Development Services Department	

4. Mitigation Monitoring and Reporting Program

Table 19 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
BIO-2	A qualified biological monitor shall be present on the project site during all ground disturbing activities to ensure no direct or indirect impact and take of the coast horned lizard and coastal whiptail will occur. A note to this affect shall be placed on all grading and construction plans.	Project applicant and biologist	During all ground disturbing activities	City of Hesperia Development Services Department	
BIO-3	Based on the presence of suitable habitat documented during the habitat assessment and focused burrowing owl surveys conducted for the project site, a preconstruction survey shall be conducted 30 days prior to the initiation of construction to ensure the protection of burrowing owls. If burrowing owls are found to have colonized the project site prior to the initiation of construction, the project applicant shall immediately inform the necessary Wildlife Agencies and will need to prepare a Burrowing Owl Protection and Relocation Plan for approval by the Wildlife Agencies prior to initiating ground disturbance. If ground-disturbing activities occur but the site is left undisturbed for more than 30 days, a pre-construction survey will again be necessary to ensure burrowing owls have not colonized the site since it was last disturbed. If a burrowing owl is found, the same coordination described above will be necessary.	Project applicant and biologist	30 days prior to the initiation of construction	City of Hesperia Development Services Department	
BIO-4	If ground disturbing and vegetation clearing activities cannot be avoided during the nesting bird season (February 1 through September 15), a qualified biologist shall conduct a preconstruction nesting bird survey within all areas of breeding/nesting habitat within and adjacent to the project site prior to initiation of project activities that would remove vegetation or otherwise disturb nesting activity (for instance, mobilization of heavy equipment). Surveys should be	Project applicant and biologist	During ground disturbing and vegetation clearing activities	City of Hesperia Development Services Department	

Table 19 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	conducted not more than three days prior to initiation of activities. If nesting birds are encountered, a qualified biologist shall establish an avoidance buffer zone around the nest (buffer zones vary according to species involved and shall be determined by the qualified biologist). No activities				
Cultural Resources					
CUL-1	Prior to the issuance of grading permits, the project applicant shall provide a letter to the City of City of Hesperia Planning Department from a qualified archaeologist who meets the Secretary of the Interior's Professional Qualifications for Archeology as defined at 36 CFR Part 61, Appendix A (Professional Archeologist). The letter shall state that the project applicant has retained such an individual, and that the consultant will be on call during all grading and other significant ground-disturbing activities. In the event that potential archeological resources are discovered during ground-disturbing activities, all such activity shall cease in the immediate area of the find (within a 60-foot buffer), and the professional archeological monitor shall have the authority to halt any activities adversely impacting potentially significant cultural resources until they can be formally evaluated. Suspension of ground disturbances in the vicinity of the discovery shall not be lifted until the archaeological monitor has evaluated the discovery to assess whether it is classified as a significant cultural resource pursuant to the CEQA (California Environmental Quality Act) definition of historical (State CEQA Guidelines 15064.5[a]) and/or unique archeological resource (Public Resources Code 21083.2[g]). Work may continue in other areas of the Project Site outside of the buffered area and for other project elements while the encountered find is evaluated. Additionally, the San Manuel Band of Mission Indians (SMBMI) Cultural Resources Department shall be contacted	Project applicant, construction contractor and archaeologist	Prior to the issuance of grading permits	City of Hesperia Development Services Department	

4. Mitigation Monitoring and Reporting Program

Table 19 Mitigation Monitoring Requirements

Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
regarding any pre-contact and/or historic era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find in order to provide SMBMI input with regards to significance and treatment. The City and/or project applicant shall, in good faith, consult with SMBMI throughout the duration of ground-disturbing activities. If upon completion of the assessment the archeological monitor determines that the find qualifies as a significant cultural resource, the qualified archeologist shall make recommendations on the treatment and disposition of the deposits, which shall be developed in accordance with all applicable provisions of California Public Resource Code Section 21083.2 and State CEQA Guidelines Sections 15064.5 and 15126.4. For example, if significant cultural resources are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan (MTP). The MTP shall be overseen and implemented by the archeologist and include mitigation measures to follow regarding identification and recording methods, and evaluation and final treatment of any cultural resources identified. This MTP shall allow for an SMBMI monitor to be present for the remainder of the ground-disturbing activities, should SMBMI elect to place a monitor onsite. Likely mitigations would involve temporary avoidance of the area of discovery plus a 60-foot buffer, development of a cultural resources eligibility evaluation plan in consultation with SMBMI and the City of Hesperia Planning Department, and test excavation to determine eligibility of any discovery for California Register of Historical Resources listing eligibility. Final disposition of any artifacts recovered shall be determined during development of the evaluation plan and would be likely to include reburial onsite, donation to SMBMI or other Native American entities, or curation at a federally approved repository. The draft MTP, and any/all				

Table 19 Mitigation Monitoring Requirements

	Mitigation Measure	Responsibility for Implementation	Timing	Responsibility for Monitoring	Monitor (Signature Required) (Date of Compliance)
	archaeological/cultural documents created (isolate records, site records, survey reports, testing reports, etc.), shall be provided to the Hesperia Planning Department for dissemination to SMBMI. The archaeologist shall monitor the remainder of the Project Site and implement the MTP accordingly. The archaeologist shall prepare a final report describing all identified and curated resources (if any are found) and submit the report to the City for dissemination to SMBMI. If disturbed resources are required to be collected and preserved, the project applicant shall be required to participate financially up to the limits imposed by Public Resources Code Section 21083.2.				
Tribal Cultural Resources					
TCR-1	The San Manuel Band of Mission Indians (SMBMI) Cultural Resources Department shall be contacted, as detailed in Mitigation Measure CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan (MTP) shall be created by the project archaeologist, in coordination with SMBMI, and all subsequent finds shall be subject to the MTP. The MTP shall allow for a monitor to be present that represents SMBMI for the remainder of the project's ground disturbing activities, should SMBMI elect to place a monitor onsite. 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 City of Hesperia for dissemination to SMBMI. The City of Hesperia and/or applicant shall, in good faith, consult with SMBMI throughout the life of the project.	Project applicant, construction contractor and archaeologist	During ground disturbing and vegetation clearing activities	City of Hesperia Development Services Department	

4. Mitigation Monitoring and Reporting Program

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