

KISS LOGISTICS CENTER PROJECT

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Draft Environmental Impact Report

E | P | D
SOLUTIONS, INC

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ACRONYMS AND ABBREVIATIONS

°C	degrees celsius
µg/m ³	micrograms per cubic meter
AB 52	California Assembly Bill 52
ACM	asbestos-containing material
AF	acre-feet
AFY	acre-feet per year
ALUC	Airport Land Use Commission
ALUCP	Airport Land Use Compatibility Plan
amsl	above mean sea level
AQIA	Air Quality Impact Analyses
AQMP	Air Quality Management Plan
APN	Assessor's Parcel Number
ATCM	airborne toxic control measure
BACM	best available control measure
BACT	best available control technology
Basin	Mojave Desert Air Basin
BAP	Base Annual Production
BFE	base flood elevation
bgs	below ground surface
BMPs	Best Management Practices
BSA	biological study area
CAA	Clean Air Act of 1970
CAAA	CAA Amendments of 1990
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CALGreen	California Green Building Standards Code
CAP	Climate Action Plan
CARB	California Air Resources Board
CBC	California Building Code
CCAA	California Clean Air Act of 1988
CDFW	California Department of Fish and Wildlife
CC&Rs	Covenants, Conditions, and Restrictions
CEC	California Energy Commission
CEQA	California Environmental Quality Act
CESA	California Endangered Species Act
CGS	California Geological Survey
CFR	Code of Federal Regulations
CH ₄	methane
CHAPIS	Community Health Air Pollution Information System (CARB)
CHRIS	California Historical Resources Inventory System
CMU	concrete masonry unit
CNDDDB	California Natural Diversity Database
CNEL	community noise equivalent level
CNPS	California Native Plant Society
CO	carbon monoxide
CO ₂	carbon dioxide
CO ₂ e	carbon dioxide equivalent
CRHR	California Register of Historical Resources
CTR	Commute Trip Reduction
CTP	Clean Truck Program

CUP	Conditional Use Permit
CUPA	Certified Unified Program Agency
dB	decibel
dBA	A-weighted decibels
DPM	diesel particulate matter
DOC	Department of Conservation
DTSC	Department of Toxic Substances Control
EIR	Environmental Impact Report
EMS	Emergency Medical Services
ESA	Environmental Site Assessment
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FESA	Federal Endangered Species Act of 1973
FIRM	Federal Insurance Rate Map
FMMP	Farmland Mapping and Monitoring Program
FPA	Free Production Allowance
gal/day	gallons per day
GHG	greenhouse gas
GWP	global warming potential
Handbook	Air Quality and Land Use Handbook: A Community Health Perspective (CARB 2005)
HAPs	hazardous air pollutants
HCM	Highway Capacity Manual
HCP	Habitat Conservation Plan
HDT	Heavy Duty Trucks
HFCs	hydroflourocarbons
HI	Hazard Index
Hot Spots Act	Air Toxics Hot Spots Information and Assessment Act of 1987
HP	horsepower
HPLV	High Pressure Low Volume
HVAC	heating, ventilating, and air conditioning
HWD	Hesperia Water District
ICU	intersection capacity utilization
I	Interstate
IS	Initial Study
I-15	Interstate 15 Freeway
LBP	lead-based paint
LCFS	Low Carbon Fuel Standard
LEED	Leadership in Energy and Environmental Design
LEV	Low Emission Vehicle
LID	low impact development
LOS	level of service
LSTs	localized significance thresholds
MACT	maximum available control technology
MBTA	Migratory Bird Treaty Act of 1918
MDAQMD	Mojave Desert Air Quality Management District
mgd	million gallons per day
MICR	maximum individual cancer risk
MMRP	Mitigation Monitoring and Reporting Program
MMT	million metric tons
MPO	Metropolitan Planning Organization
MSFC-SP	Main Street and Freeway Corridor Specific Plan
MT	metric tons
MT CO _{2e}	metric tons of carbon dioxide equivalent

MWA	Mojave Water Agency
NAAQS	National Ambient Air Quality Standards
N ₂ O	nitrous oxide
NAHC	Native American Heritage Commission
NALs	numeric action levels
NCCP	Natural Community Conservation Plan
NESHAP	national emissions standards for HAPs
NH ₃	ammonia
NHPA	National Historic Preservation Act of 1966
NHTSA	National Highway Traffic and Safety Administration
NOP	Notice of Preparation
NO ₂	nitrogen oxide
NO _x	nitrogen oxide
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
O ₃	ozone
PA	Planning Area
Pb	lead
PDF	project design feature
PFCs	perfluorocarbons
PM _{2.5}	particulate matter less than 2.5 micrometers in aerodynamic diameter
PM ₁₀	particulate matter less than 10 micrometers in aerodynamic diameter
ppb	parts per billion
PPP	Plans, Programs, and Policies
PRC	Public Resources Code
PRMP	Paleontological Resources Management Plan
PSIP	Periodic Smoke Inspection Program
PWS	public water supplier
RCRA	Resource Conservation and Recovery Act
RCTC	Riverside County Transportation Commission
REC	recognized environmental conditions
ROG	reactive organic gas
Route 66	U.S. Highway 66
RTP	Regional Transportation Plan
RWQCB	Regional Water Quality Control Board
SANBAG	San Bernardino Associated Governments
SB	Senate Bill
SBCM	San Bernardino County Museum
SBCTA	San Bernardino County Transportation Authority
SB 18	California Senate Bill 18, Ch. 905 (2004)
SC	Standard Condition
SCAG	Southern California Association of Governments
SCCIC	South Central Coastal Information Center
SCE	Southern California Edison Company
SCS	Sustainable Communities Strategy
SF	square feet
SF ₆	sulfur hexafluoride
SIP	state implementation plan
SO ₂	sulfur dioxide
SO ₃	sulfur trioxide
SO ₄	sulfates
SoCalGas	Southern California Gas Company
SO _x	sulfur oxides
SP	Specific Plan

SPA	Specific Plan Amendment
SR	State Route
SRA	Source Receptor Area
SWP	State Water Project
SWPPP	Storm Water Pollution Prevention Plan
SWQMP	Storm Water Quality Management Plan
SWRCB	Storm Water Resources Control Board
TACs	toxic air contaminants
TIA	Traffic Impact Analysis
tpy	tons per year
TRU	transport refrigeration units
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
USGS	United States Geological Survey
USFWS	United States Fish and Wildlife Service
US 395	U.S. Highway 395
UTRs	utility tractors
UWMP	Urban Water Management Plan
VdB	velocity levels expressed in decibel notation
VMT	vehicle miles traveled
VOC	volatile organic compounds
VVCWD	Victor Valley County Water District
WEAP	Worker Environmental Awareness Program
WDR	Waste Discharge Requirements
WFA	Water Facilities Authority
Williamson Act	California Land Conservation Act of 1965
WQC	Water Quality Certification
WQMP	Water Quality Management Plan
YSMN	Yuhaaviatam of San Manuel Nation

1.0 Executive Summary

This Draft Environmental Impact Report (EIR) evaluates the environmental effects that may result from the construction and operation of the proposed KISS Logistics Center Project (proposed Project). This EIR has been prepared in conformance with State and City of Hesperia environmental policy guidelines for implementation of the California Environmental Quality Act (CEQA).

The EIR is being circulated for review and comment by the public and other interested parties, agencies and organizations for 45 days in accordance with Section 15087 and Section 15105 of the CEQA Guidelines. During the 45-day review period, the Draft EIR will be available for public review at the City's website (<https://www.cityofhesperia.us/1466/Environmental-Documents>).

Written comments related to environmental issues in the Draft EIR should be addressed to:

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A Notice of Availability of the Draft EIR was published concurrently with distribution of this document.

1.1 PROJECT LOCATION

The Project site is located within the western portion of the City of Hesperia. The Project site is located northwest of the intersection of Interstate 395 (I-395) and Main Street. Regional access to the Project site is provided by I-395, located directly to the east, and I-15, located approximately 1.2 miles east of the Project site. Local access to the site is provided via Caliente Road (unpaved road), which is accessible from Phelan Road to the south and Main Street to the east. Specifically, the Project site is located within Section 16, Township 4 North, Range 5 West, San Bernardino Base and Meridian (SBB&M) of the Baldy Mesa United States Geological Survey (USGS) 7.5-minute topographic quadrangle.

The Project is 38.3-acres and includes the 29.61-acre Project site and 8.9-acres of offsite improvements. The 29.61-acre Project site is comprised of three parcels identified as Assessor's Parcel Numbers (APNs) 3064-401-03, -04, and -05.

1.2 PROJECT DESCRIPTION SUMMARY

The applicant, KISS Products Inc, has submitted applications to the City of Hesperia for a Conditional Use Permit (CUP) and Specific Plan Amendment for the Project referred to as the KISS Logistics Center Project. The CUP and Specific Plan Amendment would allow for the development of a single-story, 655,468 square foot (SF) industrial building on the 29.61-acre site.

Building and Architecture. The proposed building area would be 639,468 SF, inclusive of a 11,000 SF ground floor office space and a 5,000 SF mezzanine for additional office use. The gross lot acreage is defined in the City municipal code to include the property dimensions up to the centerline of the street. Therefore, based upon the gross lot acreage of 1,355,149 SF, the proposed building would result in an FAR of 0.48. The building would include 30 loading dock doors along the east side of the building and 30 dock doors along the west side of the building for a total of 60 dock doors. The Project would also

provide 83 trailer stalls located opposite of the loading dock doors on the east and west perimeter of the proposed parking areas.

Circulation and Street Improvements. Vehicle access to the proposed Project would be provided via two driveways from the proposed public road ('A' Street) that would be constructed along the west side of the Project. The proposed roadway would extend from Phelan Road, approximately 630 feet south of the Project site, to Yucca Terrace Drive, approximately 930 feet north of the Project site. The roadways would be built to half width (35 feet). The proposed driveways would be 40 feet wide and provide access for trucks, passenger vehicles, and emergency vehicles. Internal circulation would be provided via 40-foot drive aisles. Trucks are expected to primarily utilize Phelan Road, Highway 395, I-15, and Joshua Road, which are all designated truck routes within the city (See Figure 3-9, *Truck Routes*). The Project would construct 12-foot sidewalks along the proposed 'A' Street and Yucca Terrace Drive. Sidewalk area would be dedicated to the City as part of the Project.

Parking. The Project would provide 83 trailer stalls located opposite of the loading dock doors on the east and west perimeter of the proposed parking areas. Additionally, the building would provide 374 vehicle parking stalls inclusive of 38 electric vehicle/clean are/carpool spaces.

Landscaping. The proposed Project includes approximately 209,075 SF of ornamental landscaping that would cover approximately 16.5 percent of the site. Landscaping would be planted along the perimeter of the warehouse building and throughout the parking areas.

Infrastructure. The Project applicant would include construction of new onsite and offsite water lines. Water lines would be constructed within the proposed 'A' Street right-of-way, as well as construction of new onsite and offsite sewer lines that would begin from the northern portion of "A" Street and extend approximately 1,600 feet north until reaching Yucca Terrace Drive. The Project would install new onsite storm drain lines throughout the site that would be conveyed to a proposed detention basin at north end of the Project site.

1.3 PROJECT OBJECTIVES

The Project site plan has been designed to meet a series of Project-specific objectives that have been carefully crafted in order to aid decision makers in their review of the Project and its associated environmental impacts. The primary purpose and goal of the Project is to develop an underutilized property with an industrial use to provide an employment-generating use to help grow the economy in the City of Hesperia. The Project would achieve this goal through the following objectives:

1. To make efficient use of the property in the City by adding to its potential for employment-generating uses.
2. To attract new business and employment to the City and thereby promote economic growth.
3. To reduce the need for members of the local workforce to commute outside the Project vicinity to work.
4. To develop an underutilized property with an industrial warehouse building near Highway 396 and Interstate 15, to help meet demand for logistics business in the City and surrounding region.
5. To develop the property with use that is similar to and compatible with other nearby industrial buildings that were recently built or recently approved for construction in western Hesperia.
6. Develop a project that does not contribute to surface and groundwater quality degradation by treating surface and stormwater flows.

1.4 SUMMARY OF ALTERNATIVES

Section 8.0, *Alternatives*, of this EIR analyzes a range of reasonable alternatives to the proposed Project. The alternatives that are analyzed in detail in Section 8.0 are summarized below.

- **Alternative 1: No Project/No Build Alternative.** Under this alternative, the Project would not be developed, and no development would occur. The Project site would remain vacant and undeveloped. In accordance with the CEQA Guidelines, the No Project/No Build Alternative for a development project on an identifiable property consists of the circumstance under which the project does not proceed. Section 15126.6(e)(3)(B) of the *CEQA Guidelines* states that, "In certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained."

Accordingly, Alternative 1: No Project/No Build provides a comparison between the environmental impacts of the Project in contrast to the result from not approving, or denying, the Project. Thus, this alternative is intended to meet the requirements of *CEQA Guidelines* Section 15126.6(e) for evaluation of a no project alternative.

- **Alternative 2: No Project/Existing Land Use.** The No Project/Existing Land Use would reduce the intensity of the proposed industrial uses, locate the development on the northern portion of the site, and the remainder of the site would be left in its existing condition. Development under this alternative would be consistent with MSFC-SP designation of the two northerly parcels of the site (APN 3064-401-03 and -04) as Commercial/Industrial Park (CIBP) and the southerly parcel of the site (APN 3064-401-05) as Neighborhood Commercial (NC). Under this alternative, the northern 21.06-acre portion of the site (APN 3064-401-03 and -04) would be developed at a FAR of 0.48 with a 465,382 SF warehouse building (shown on Figure 8-1). A proportional reduction in the amount of loading docks, surface parking area and commensurate number of parking spaces for vehicles and trucks also would occur in the No Project/Existing Land Use. This alternative would implement all offsite improvements proposed under the Project, including the construction of "A" Street along the west side of the Project site and proposed utility improvements. The remaining 8.55 acres (29 percent) of the Project site would remain undeveloped and in its existing condition.
- **Alternative 3: Reduced Project.** The Reduced Project Alternative would reduce the intensity of the proposed industrial uses, locate the development on the northern portion of the site, and the remainder of the site would be left in its existing condition. Development under this alternative would be consistent with MSFC-SP designation of the two northerly parcels of the site (APN 3064-401-03 and -04) as Commercial/Industrial Park (CIBP) and the southerly parcel of the site (APN 3064-401-05) as Neighborhood Commercial (NC). Under this alternative, the northern 6.34-acre portion of the site (APN 3064-401-03) would be developed at a FAR of 0.48 with a 140,000 SF warehouse building (including manufacturing and cold storage as proposed under the Project). A proportional reduction in the amount of loading docks, surface parking area and commensurate number of parking spaces for vehicles and trucks also would occur in the Reduced Project Alternative. This alternative would implement all offsite improvements proposed under the Project, including the construction of "A" Street along the west side of the Project site and proposed utility improvements. The remaining 23.29 acres (79 percent) of the Project site would remain undeveloped and in its existing condition. Under this alternative, 290 trips would be generated. As a result, the Project would be considered to contribute nominal trips to surrounding intersections and would screen from additional traffic impact analysis pursuant to the City of Hesperia Traffic Impact Analysis Guidelines because it contributes fewer than 250 two-way peak hour trips and fewer than 50 peak hour trips to a State highway facility. Therefore, the Reduced Alternative would eliminate the Project's significant and unavoidable impact on hazardous traffic conditions due to queuing. However, the Project would have the same potential impacts to aesthetics,

biological resources, cultural resources, paleontological resources, VMT, and tribal cultural resources and mitigations would be required.

1.5 SUMMARY OF IMPACTS

Table 1-1 summarizes the conclusions of the environmental analysis contained in this EIR. Section 2.0, *Introduction*, established that the proposed Project would not result in impacts related to certain thresholds from CEQA Appendix G including Agriculture and Forest Resources, Mineral Resources, Population and Housing, Public Services, Recreation, and Wildfire. Thus, no further assessment of those impacts was required in the Draft EIR. Therefore, the numbering of impacts shown in Table 1-1 reflects the omission of further evaluation for certain thresholds.

Relevant standard conditions of approval are identified, and mitigation measures are provided for all potentially significant impacts. The level of significance of impacts after the proposed mitigation measures are applied are identified as either significant and unavoidable, less than significant, or no impact.

Table 1-1: Summary of Impacts, Mitigation Measures, and Level of Significance

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
5.1 Aesthetics				
Impact AE-1: Would the Project have a substantial adverse effect on a scenic vista?		Less than significant	None required	Less than significant
Impact AE-2: Would the Project in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the Project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?		Less than significant	None required	Less than significant
Impact AE-3: Would the Project create a new source of substantial light or glare that would adversely affect day and nighttime views in the area?		Less than significant	None required	Less than significant
Cumulative		Less than significant	None required	Less than significant
5.2 Air Quality				
Impact AQ-1: Would the Project conflict with or obstruct implementation of the applicable air quality plan?		Less than significant	None required	Less than significant
Impact AQ-2: Would the Project result in a cumulatively considerable net increase of a criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality		Less than significant	None required	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
standard?				
Impact AQ-3: Would the Project expose sensitive receptors to substantial pollutant concentrations?		Less than significant	None required	Less than significant
Impact AQ-4: Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?		Less than significant	None required	Less than significant
Cumulative		Less than significant	None required	Less than significant
5.3 Biological Resources				
Impact BIO-1: Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		Potentially significant	Mitigation Measure BIO-1: Relocation of Desert Native Plants (Hesperia Municipal Code Chapter 16.24). Prior to the issuance of grading permits, the Project Applicant shall submit an application and applicable fee paid to the City of Hesperia for removal or relocation of protected native desert plants under Hesperia Municipal Code Chapter 16.24 as required and schedule a preconstruction site inspection with the Planning Division and the Building Division. The application shall include certification from a qualified Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the City of Hesperia Municipal Code. Protected plants subject to Hesperia Municipal Code Chapter 16.24 may be relocated on-site, or within an area designated as an area for species to be adopted later. The application shall include a detailed plan for the removal of all protected plants on the Project site. The plan shall be prepared by a qualified	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			Joshua tree and native desert plant expert(s). The plan shall include, but not be limited to, the following measures: - Salvaged plants shall be transplanted expeditiously to either their final on-site location, or to an approved off-site area. If the plants cannot be expeditiously taken to their permanent relocation area at the time of excavation, they may be transplanted in a temporary area (stockpiled) prior to being moved to their permanent relocation site(s). - Western Joshua trees shall be marked on their north facing side prior to excavation. Transplanted western Joshua trees shall be planted in the same orientation as they currently occur on the Project site, with the marking on the north side of the trees facing north at the relocation site(s). - Transplanted plants shall be watered prior to and at the time of transplantation. The schedule of watering shall be determined by the qualified tree expert and desert native plant expert(s) to maintain plant health. Watering of the transplanted plants shall continue under the guidance of qualified tree expert and desert native plant expert(s) until it has been determined that the transplants have become established in the permanent relocation site(s) and no longer	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			require supplemental watering. Mitigation Measure BIO-2: Conservation of Western Joshua Tree Lands (CESA) In the case that the California Fish and Game Commission lists western Joshua trees as threatened under the California Endangered Species Act, the following measure will be implemented: - Prior to the initiation of Joshua tree removal, obtain California Endangered Species Act (CESA) ITP under Section 2081 of the Fish and Game Code. The Project Applicant will adhere to measures and conditions set forth within the ITP. - Mitigation for direct impacts to western Joshua trees shall be fulfilled through conservation of western Joshua trees at a 1:1 habitat replacement ratio, of equal or better functions and values to those impacted by the Project. Mitigation can be through purchases of credits at a California Department of Fish and Wildlife (CDFW)-approved mitigation bank for western Joshua tree. Additionally, no take of western Joshua tree will occur without authorization from CDFW in the form of an ITP pursuant to Fish and Game Code 2081. - Name, qualifications, business address, and contact information of a biological monitor (designated botanist) shall be submitted to CDFW at least 30	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			days prior to Project activities. The designated botanist shall be responsible for monitoring Project activities to help minimize and fully mitigate or avoid incidental take of Joshua trees. • The designated botanist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid unauthorized take of an individual Joshua tree. • The Project analyzed impacts to western Joshua trees by applying the 186-foot buffer zone overlap with the adjacent proposed developments. Any impacts to overlapping Joshua trees will be analyzed by CDFW to ensure no Joshua trees are mitigated twice. • The Western Joshua Tree Conservation Act is currently under consideration by the California Fish and Game Commission. In the event that the Western Joshua Tree Conservation Act is implemented, effectively replacing the function of species protection under CESA, alternative habitat replacement mechanisms, providing equal or better function and value to existing mechanisms under CESA, will be implemented as required under state law. Mitigation Measure BIO-3 Compliance	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			Monitoring. The Designated Biologist shall be on site daily when impacts occur. The Designated Biologist shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact, and that impacts are only occurring outside the permitted impact footprint. Weekly written observation and inspection records that summarize oversight activities and compliance inspections and monitoring activities required by the ITP shall be prepared. Mitigation Measure BIO-4 Education Program. An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before performing impacts. The WEAP shall consist of a presentation from the Designated Biologist that includes a discussion of the biology and status of western Joshua tree, burrowing owl, and loggerhead shrike; and other biological resources mitigation measures described in the California Environmental Quality Act document. Interpretation for non-English-speaking workers will be provided, and the same instruction shall be provided to any new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			at least once annually for long-term and/or permanent employees who will be conducting work in the Project area. Mitigation Measure BIO-5 Construction Monitoring Notebook. The Designated Biologist shall maintain a construction monitoring notebook on site throughout the construction period, which shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel who have successfully completed the education program. The permittee shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the California Department of Fish and Wildlife. Mitigation Measure BIO-6 Delineation of Property Boundaries. Before beginning activities that would cause impacts, the contractor shall, in consultation with the Designated Biologist, clearly delineate the boundaries with fencing, stakes, or flags, consistent with the grading plan, within which the impacts will take place. All impacts outside the fenced, staked, or flagged areas shall be avoided, and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area. Mitigation Measure BIO-7 Hazardous Waste. The Applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			as soon as it is safe to do so. Mitigation Measure BIO-8 Herbicides. The Applicant shall limit herbicide use for invasive plant species and shall use herbicides only if it has been determined that hand or mechanical efforts are infeasible. To prevent drift, the permittee shall apply herbicides only when wind speeds are less than 7 miles per hour. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, state, and local laws and regulations. Mitigation Measure BIO-9: Pre-construction Nesting Bird Survey. Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31), to reduce any potential significant impact to birds that may be nesting on the survey area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours prior to the start of construction in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans along with an appropriate buffer established around the nest, which will be determined by the biologist based on the species' sensitivity to disturbance (typically 300	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall also be conducted when construction occurs in close proximity to an active nest buffer. No Project activities may encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined the nestlings have fledged and the nest is no longer considered active. Mitigation Measure BIO-10: Pre-construction Surveys for Burrowing Owl. One pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of site preparation or grading activities, and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (prepared by the California Department of Fish and Game [now California Department of Fish and Wildlife] in 2012) or current version. If burrowing owls are detected, the Burrowing Owl Relocation Plan shall be implemented in consultation with the California Department of Fish and Wildlife	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			(CDFW). As required by the Burrowing Owl Relocation Plan, disturbance to burrows shall be avoided during the nesting season (February 1 through August 31). Buffers will be established around occupied burrows in accordance with guidance provided in the Staff Report on Burrowing Owl Mitigation or current version. No Project activities shall be allowed to encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until it is determined that occupied burrows have been vacated or the nesting season has completed. Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone by installing one-way doors in burrow entrances. These doors will be placed at least 48 hours prior to ground-disturbing activities. The Project area shall be monitored daily for one week to confirm owl departure from burrows prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat will be provided following the guidance in the Staff Report on Burrowing Owl Mitigation or current version. Where possible, burrows will be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe shall be inserted into the tunnels during excavation to maintain an escape route for any wildlife inside the burrow.	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			MM BIO-11: Pre-construction Surveys for Crotch Bumble Bee. In the event that grading starts between April and August, a pre-construction survey for Crotch bumble bee shall be conducted by a qualified biologist within the construction area during the primary flight period (April through August) prior to the start of construction activities. The survey shall ensure that no nests for Crotch bumble bee are located within the construction area. Crotch bumble bee is a habitat generalist, ground-nesting bee. For the purposes of this mitigation measure, nest resources are defined as small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, rock walls, and brush piles. On June 6, 2023, the California Department of Fish and Wildlife (CDFW) released the "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species". The pre-construction survey shall follow the guidance included within "Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species". If nest resources occupied by Crotch bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the construction zone, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources will be avoided for the duration of the Crotch bumble bee nesting period (February 1 through October 31).	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			If the above measures are followed, it is assumed that the Project shall not need to obtain authorization from CDFW through the California Endangered Species Act ITP process. If the nest resources cannot be avoided, as outlined in this measure, the project applicant will consult with CDFW regarding the need to obtain an ITP. Any measures determined to be necessary through the ITP process to offset impacts to Crotch bumble bee may supersede measures provided in this CEQA document and shall be incorporated into the habitat mitigation and monitoring plan. In the event an ITP is needed, mitigation for direct impacts to Crotch bumble bee will be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the ITP process. Mitigation will be accomplished either through off-site conservation or through a CDFW-approved mitigation bank Mitigation Measure BIO-12: Lighting. Lighting for construction activities and operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife will be directed away from natural areas. Mitigation Measure BIO-13: Invasive Plant Management. To reduce the spread of invasive plant species, landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			California Invasive Plant Council's Inventory of Invasive Plants (http://www.cal-ipc.org/ip/inventory/index.php). Post-construction, the Project applicant shall continually remove invasive plant species on site by hand or mechanical methods, as feasible.	
Impact BIO-2: Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?		Potentially significant	Mitigation Measure BIO-1: Relocation of Desert Native Plants (Hesperia Municipal Code Chapter 16.24) , as listed above. Mitigation Measure BIO-2: Conservation of Western Joshua Tree Lands (CESA) , as listed above.	Less than significant
Impact BIO-3: Would the Project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?		No Impact	None required	No Impact
Impact BIO-4: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		Potentially significant	Mitigation Measure BIO-9: Pre-construction Nesting Bird Survey , as listed above. Mitigation Measure BIO-12: Lighting , as listed above.	Less than significant
Impact BIO-5: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		Potentially significant	Mitigation Measure BIO-2: Conservation of Western Joshua Tree Lands (CESA) , as listed above. Mitigation Measure BIO-1: Relocation of Desert Native Plants (Hesperia Municipal	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			Code Chapter 16.24) , as listed above.	
Impact BIO-6: Would the Project conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?		No Impact.	None required	No Impact.
Cumulative		Less than significant	Mitigation Measure BIO-1: Relocation of Desert Native Plants (Hesperia Municipal Code Chapter 16.24) , as listed above. Mitigation Measure BIO-2: Conservation of Western Joshua Tree Lands (CESA) , as listed above. Mitigation Measure BIO-3: Compliance Monitoring , as listed above. Mitigation Measure BIO-4: Pre-construction Surveys for Burrowing Owl and Avoidance , as listed above. Mitigation Measure BIO-5: Lighting , as listed above. Mitigation Measure BIO-6: Invasive Plant Management , as listed above. Mitigation Measure BIO-7: Hazardous Waste , as listed above. Mitigation Measure BIO-8: Herbicides , as listed above. Mitigation Measure BIO-9: Pre-construction Nesting Bird Survey , as listed above. Mitigation Measure BIO-10: Pre-construction Surveys for Burrowing Owl , as listed above. Mitigation Measure BIO-11: Lighting , as	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			listed above. Mitigation Measure BIO-12: Invasive Plant Management , as listed above.	
5.4 Cultural Resources				
Impact CUL-1: Would the Project cause a substantial adverse change in the significance of an historic resource pursuant to Section 15064.5?		No Impact	None required	No Impact
Impact CUL-2: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		Potentially significant	Mitigation Measure CUL-1: Archaeological Monitoring. Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City Planning Division, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A, stating that qualified archeologists have been retained and will be present at pre-grade meetings and for all initial ground disturbing activities, up to five feet in depth. In the event that a resource is inadvertently discovered during ground-disturbing activities, work must be halted within 60 feet of the find until it can be evaluated by the qualified archaeologist. Construction activities could continue in other areas. If the find is considered a "resource" the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the developer/applicant's expense. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to Yuhaaviatam of San Manuel Nation (YSMN) for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.	
Impact CUL-3: Would the Project disturb any human remain, including those interred outside of formal cemeteries?	PPP CUL-1: Human Remains. Should human remains or funerary objects be discovered during Project construction, the Project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination	Less than significant	None required	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
	of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of notification by the NAHC.			
Cumulative	PPP CUL-1: Human Remains , as listed above.	Potentially significant	Mitigation Measure CUL-1: Archaeological Monitoring, as listed above.	Less than significant
5.5 Energy				
Impact E-1: Would the Project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?		Less than significant	None required	Less than significant
Impact E-2: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?		Less than significant	None required	Less than significant
Cumulative		Less than significant	None required	Less than significant
5.6 Geology and Soils				
Impact GEO-1i: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death		No Impact	None required	No Impact

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
involving: Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault. (Refer to Division of Mines and Geology Special Publication 42)?				
Impact GEO-1ii: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Strong seismic ground shaking?	PPP GEO-1: CBC Compliance. The Project is required to comply with the California Building Standards Code as included in Chapter 15.04 of the Hesperia Municipal Code to preclude significant adverse effects associated with seismic and soils hazards. CBC related and geologist and/or civil engineer specifications for the proposed Project are required to be incorporated into grading plans and building specifications as a condition of construction permit approval.	Less than significant	None required	Less than significant
Impact GEO-1iii: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Seismic-related ground failure, including liquefaction?	PPP GEO-1: CBC Compliance, as listed above.	Potentially significant	Mitigation Measure GEO-1: Incorporation of and Compliance with the Recommendations in the Geotechnical Investigation. Prior to issuance of grading and building permits, the Hesperia Building Department shall verify all recommendations included in the Geotechnical Investigation prepared for the project by Advanced Geotechnical Solutions, Inc., in March 2022 are incorporated into all design and engineering plans including, but not limited to site preparation, grading, fill placement, foundations, pavement design, seismic design, etc.	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact GEO-1iv: Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: Landslides?		No Impact	None required	No Impact
Impact GEO-2: Would the Project result in substantial soil erosion or the loss of topsoil?		Less than significant	None required	Less than significant
Impact GEO-3: Would the Project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	PPP GEO-1: CBC Compliance, as listed above.	Potentially significant	Mitigation Measure GEO-1 as listed above.	Less than significant
Impact GEO-4: Would the Project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?		No impact	None required	No impact
Impact GEO-5: Would the Project have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?		No impact	None required	No impact
Impact GEO-6: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		Potentially significant	Mitigation Measure PAL-1: Paleontological Resource Management Plan. Prior to the start of construction, a Paleontological Resources Management Plan (PRMP) shall be prepared by a qualified Paleontologist and include the following procedures: • Monitoring of mass grading and excavation activities in areas identified as	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor. Starting at the surface, monitoring will be conducted fulltime in areas of grading or excavation in undisturbed alluvial deposits. • Development of an inadvertent discovery plan to expediently address treatment of paleontological resources should any be encountered during development associated with the Project. If these resources are inadvertently discovered during ground-disturbing activities, work must be halted within 50 feet of the find until it can be evaluated by a qualified paleontologist. Construction activities could continue in other areas. If the discovery proves to be significant, additional work, such as fossil collection and curation, may be warranted and would be discussed in consultation with the appropriate regulatory agency(ies).	
Cumulative	PPP GEO-1: CBC Compliance , as listed above.	Potentially significant	Mitigation Measure PAL-1: As listed above	Less than significant
5.7 Greenhouse Gas Emissions				
Impact GHG-1: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?		Potentially significant	Mitigation Measure GHG-1: Prior to issuance of a building permit, the City of Hesperia shall identify project design details and specifications to document implementation and compliance with the following emission reduction measures. Implementation of the following measures will be required prior to building permits and is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project: • Use the cleanest technologies available	Significant and unavoidable

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			and provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site. • All loading/unloading docks and trailer spaces shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration shall be encouraged for operational fleets. • All TRUs entering the project site shall be plug-in capable. • Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible. • All heavy-duty trucks entering or on the project site shall be model year 2014 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030 if feasible. • The Project Applicant shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including • CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation. • Trucks and support equipment shall be prohibited from idling longer than five minutes while on site. • On-site TRU diesel engine runtime shall	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			be limited to no longer than 15 minutes. • Include rooftop solar panels that supply 100 percent of electricity from renewable energy resources. • Implement a transportation demand program. Program measures may include free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the project site. • Implement a zero-waste program or other feasible waste reduction measures such as composting waste food scraps from employee activities and food waste processing. • Install water-efficient fixtures (toilets, faucets, showers), water efficient landscape irrigation systems (drip irrigation with control panel and soil moisture sensors), and water efficient landscaping.	
Impact GHG-2: Would the Project conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?		Less than significant	None required	Less than significant
Cumulative		Potentially significant	None feasible	Significant and unavoidable
5.8 Hazards and Hazardous Materials				
Impact HAZ-1: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	PPP HAZ-1: Transportation of Hazardous Waste. Hazardous materials and hazardous wastes will be transported to and/or from the project developed as required by the County of San Bernardino's Hazardous Materials Division in	Less than significant	None required	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
	compliance with any applicable state and federal requirements, including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (CFR) (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards. PPP HAZ-2: Resource Conservation and Recovery Act. Hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263), including the management of nonhazardous solid wastes and underground tanks storing petroleum and other hazardous substances. The San Bernardino County Fire Department serves as the designated Certified Unified Program Agency (CUPA) which implements state and federal regulations for the following programs: (1) Hazardous Materials Release Response Plans and Inventory Program, (2) California Accidental Release Prevention (CalARP) Program, (3) Aboveground Petroleum Storage Act Program, and (4) UST Program (5) Hazardous			

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
	Waste Generator and Onsite Hazardous Waste Treatment Programs (6) Hazardous Materials Management Plan and Hazardous Material Inventory Statement Program. PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading permits, the applicant shall provide the City Building and Safety Department evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site. PPP WQ-2: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the Public Works Department. The WQMP shall be submitted using the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans and shall			

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
	identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.			
Impact HAZ-2: Would the Project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	PPP HAZ-1: Transportation of Hazardous Waste, as listed above. PPP HAZ-2: Resource Conservation and Recovery Act, as listed above. PPP WQ-1: NPDES/SWPPP, as listed above. PPP WQ-2: WQMP, as listed above.	Less than significant	None required	Less than significant
Impact HAZ-3: Would the Project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?		No impact	None required	No impact
Impact HAZ-4: Would the Project be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment?		No impact	None required	No impact
Impact HAZ-5: Would the Project result in a safety hazard or excessive noise for people residing or working in the project area for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a		No impact	None required	No impact

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
public airport or public use airport?				
Impact HAZ-6: Would the Project result in a safety hazard for people residing or working in the Project area for a Project within the vicinity of a private airstrip?		No impact	None required	No impact
Impact HAZ-7: Would the Project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		Less than significant	None required	Less than significant
Impact HAZ-8: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?		No impact	None required	No impact
Cumulative	PPP HAZ-1: Transportation of Hazardous Waste , as listed above. PPP HAZ-2: Resource Conservation and Recovery Act , as listed above. PPP WQ-1: NPDES/SWPPP , as listed above. PPP WQ-2: WQMP , as listed above.	Less than significant	None required	Less than significant
5.9 Hydrology and Water Quality				
Impact WQ-1: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	PPP WQ-1: NPDES/SWPPP , as listed above. PPP WQ-2: WQMP , as listed above.	Less than significant	None required	Less than significant
Impact WQ-2: Would the Project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the		Less than significant	None required	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Project may impede sustainable groundwater management of the basin?				
Impact WQ-3: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?	PPP WQ-1: NPDES/SWPPP , as listed above.	Less than significant	None required	Less than significant
Impact WQ-4: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which would substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	PPP WQ-1: NPDES/SWPPP , as listed above. PPP WQ-2: WQMP , as listed above.	Less than significant	None required	Less than significant
Impact WQ-5: Would the Project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which would 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?	PPP WQ-1: NPDES/SWPPP , as listed above. PPP WQ-2: WQMP , as listed above.	Less than significant	None required	Less than significant
Impact WQ-6: Would the Project substantially alter the existing drainage pattern of the site or area,	PPP WQ-1: NPDES/SWPPP , as listed above.	Less than significant	None required	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?				
Impact WQ-7: Would the Project be located in flood hazard, tsunami, or seiche zones, and risk release of pollutants due to Project inundation?		No impact	None required	No impact
Impact WQ-8: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	PPP WQ-2: WQMP , as listed above.	Less than significant	None required	Less than significant
Cumulative	PPP WQ-1: NPDES/SWPPP , as listed above. PPP WQ-2: WQMP , as listed above.	Less than significant	None required	Less than significant
5.10 Land Use and Planning				
Impact LU-1: Would the Project physically divide an established community?		No impact	None required	No impact
Impact LU-2: Would the Project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?		Less than significant	None required	No impact
Cumulative		Less than significant	None required	Less than significant
5.11 Noise				
Impact NOI-1: Would the Project result in generation of a substantial		Less than significant	None required	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
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?				
Impact NOI-2: Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?		Less than significant	None required	Less than significant
Impact NOI-3: 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	None required	No impact
Cumulative		Less than significant	None required	Less than significant
5.12 Transportation				
Impact TR-1: Would the Project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?		Less than significant	None required	Less than significant
Impact TR-2: Would the Project conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?		Potentially significant	Mitigation Measure T-1: Commute Trip Reduction (CTR) Program. The Project applicant shall implement Commute Trip Reduction Marketing (CAPCOA Measure T-7), provide a Ridesharing Program (CAPCOA Measure T-8), and provide end of trip bicycle facilities (CAPCOA Measure T-10) to encourage employees carpooling, taking	Significant and unavoidable.

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			transit, and biking to work. 100 percent of employees would be eligible to participate in all identified measures. Each measure is discussed further below: 1. Implement Commute Trip Reduction Marketing (CAPCOA Measure T-7). A CTR Marketing strategy includes information sharing and marketing to promote and educate employees about their travel choices to the employment location. This measure would require an on-site employee transportation coordinator and commuter information services, and on-site or online transit pass sales. 2. Provide Ridesharing Program (CAPCOA Measure T-8). Incentives for carpooling or vanpooling such as priority parking spaces and/or a daily or monthly stipend for participants. Additional incentives for carpool and/or vanpool drivers could also be provided. Preferred parking for carpool or vanpool vehicles. 3. Provide End-of-Trip Bicycle Facilities (CAPCOA Measure T-10). This measure includes installation and maintenance of end-of-trip facilities for employee use that facilitate bicycling to work. Facilities could include bike parking, bike lockers, personal lockers and shower facilities. Initially, the project shall provide secure bicycle parking (bicycle racks or lockers) for at least 9 bicycles (consistent with San Bernardino County Code Section 83.14.030 which requires secure bicycle parking at a rate of one per 30 parking	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
			spaces). To comply with components 1 and 2 of MM T-1, tenants of the Project could participate in the IE Commuter program (iecommuter.org) or alternative program. Monitoring of the program shall be conducted by the onsite transportation coordinator and an annual report shall be provided to the City. The report shall include a summary of the current CTR program, the number of employees participating in the program, summary of any partnerships with outside agencies such as IE Commuter, and total amount of subsidies provided by type (if any). If project tenants choose to comply with MM T-1 via participation in the IE Commuter program, then the Commute Activity Report provided by IE Commuter shall be sufficient for annual reporting	
Impact TR-3: Would the Project substantially increase hazards due to geometric design features (E.G. sharp curves or dangerous intersections) or incompatible uses (E.G., farm equipment)?		Less than significant	None required	Less than significant
Impact TR-4: Would the Project result in inadequate emergency access?		Less than significant	None required	Less than significant
Cumulative		Potentially significant	Mitigation Measure T-1: Commute Trip Reduction (CTR) Program , as listed above.	Significant and unavoidable
5.13 Tribal Cultural Resources				
Impact TCR-1: Would the Project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of	PPP TCR-1: Native American historical and cultural resources and sacred sites are protected under PRC Sections 5097.9 to 5097.991, which require that descendants be	Potentially significant	Mitigation Measure CUL-1: Archaeological Monitoring. As listed above. Mitigation Measure TCR-1: The Yuhaaviatam of San Manuel Nation	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?	notified when Native American human remains are discovered and provide for treatment and disposition of human remains and associated grave goods. PPP CUL-1: Human Remains. As listed above.		Cultural Resources Department (YSMN) 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 shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site. Mitigation Measure TCR-2: Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project. Main Street and Freeway Corridor Specific Plan Final Environmental Impact Report Mitigation included the following applicable mitigation measure: Mitigation Measure 6: The landowner will relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition.	

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
Impact TCR-2: Would the Project cause a substantial adverse change in the significance of a tribal cultural 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, that considers the significance of the resource to a California Native American tribe?	PPP CUL-1: Human Remains , as listed above. PPP TCR-1 , as listed above.	Potentially significant	Mitigation Measure CUL-1 , as listed above. Mitigation Measure TCR-1 , as listed above. Mitigation Measure TCR-2 , as listed above. Mitigation Measure 6 , as listed above.	Less than significant
Cumulative	PPP CUL-1: Human Remains , as listed above. PPP TCR-1 , as listed above.	Potentially significant	Mitigation Measure CUL-1 , as listed above. Mitigation Measure TCR-1 , as listed above. Mitigation Measure TCR-2 , as listed above. Mitigation Measure 6 , as listed above.	Less than significant
5.14 Utilities and Service Systems				
Impact UT-1: Would the Project require or result in the relocation or construction of new water facilities, the construction or relocation of which could cause significant environmental effects?		Less than significant	None required	Less than significant
Impact UT-2: Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable development during normal, dry, and multiple dry years?		Less than significant	None required	Less than significant
Impact UT-3: Would the Project require or result in the construction of new or expanded wastewater facilities, or expansion of existing facilities, the construction of which could cause significant environmental		Less than significant	None required	Less than significant

Impact	Applicable Standard Conditions, Plan, Program, Policy (PPP), or Project Design Feature (PDF)	Level of Significance before Mitigation	Mitigation Measures	Significance after Mitigation
effects?				
Impact UT-4: Would the Project result in a determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments?		Less than significant	None required	Less than significant
Impact UT-5: Would the Project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?		Less than significant	None required	Less than significant
Impact UT-6: Would the Project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?		Less than significant	None required	Less than significant
Impact UT-7: Would the Project comply with federal, state, and local statutes and regulations related to solid waste?		Less than significant	None required	Less than significant
Impact UT-8: Would the Project require or result in the relocation or construction of a new or expanded electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects?		Less than significant	None required	Less than significant
Cumulative		Less than significant	None required	Less than significant

2.0 Introduction

This Draft Environmental Impact Report (EIR) evaluates the environmental effects that may result from the construction and operation of the proposed KISS Logistics Center Project (Project). This EIR has been prepared by the City of Hesperia (City) in its capacity as Lead Agency, as that term is defined in Section 15367 of the CEQA Guidelines (14 California Code of Regulations Section 15000 et seq.) and in conformance with the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.). This EIR has been prepared to identify and analyze the potentially significant environmental effects of the proposed Project and recommend mitigation measures, where feasible, to reduce the proposed Project's potentially significant environmental effects.

CEQA requires each EIR to reflect the independent judgment of the Lead Agency, including but not limited to, the thresholds of significance used to analyze Project impacts, analyses and conclusions regarding the level of significance of impacts both before and after mitigation, the identification and application of mitigation measures to avoid or reduce Project-related impacts, and the consideration of alternatives to the proposed Project. In preparing this EIR, the applicant has employed CEQA and environmental technical specialists; however, the analyses and conclusions set forth in this EIR reflect the independent judgment of the City as the Lead Agency.

2.1 PURPOSE OF AN EIR

The CEQA Guidelines provide the following information regarding the purpose of an EIR:

- **Project Information and Environmental Effects.** An EIR is an informational document that will inform public agency decision-makers and the public generally of the significant environmental effect(s) of a Project, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the Project. The public agency shall consider the information in the EIR along with other information that may be presented to the agency (CEQA Guidelines Section 15121(a)).
- **Standards for Adequacy of an EIR.** An EIR should be prepared with a sufficient degree of analysis to enable decision makers to make an intelligent decision that takes account of environmental consequences. An evaluation of the environmental effects of a proposed Project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure (CEQA Guidelines Section 15151).

As a public disclosure document, the purpose of an EIR is not to recommend either approval or denial of a Project, but to provide information regarding the reasonably foreseeable physical environmental changes that would result from an action being considered by a public agency.

2.2 EIR SCOPE AND CONTENT

Impacts Found to Be Potentially Significant. The City prepared an Initial Study and determined that an EIR should be prepared for the Project. As a result, an Initial Study (IS) and Notice of Preparation (NOP) was prepared and circulated between November 4, 2022 and December 5, 2022 for the required 30-day review period. The purpose of the NOP was to solicit early comments from public agencies with expertise in subjects that are discussed in this Draft EIR. The Initial Study, NOP, and written responses to the NOP are

contained in Appendix A of this Draft EIR. The City also held a scoping meeting for the Project to solicit oral and written comments from the public and public agencies. The public scoping meeting was held on November 17, 2022. No comments were received during the scoping meeting. Topics requiring a detailed level of analysis evaluated in this Draft EIR have been identified based upon the responses to both the IS/NOP and a review of the Project by the City. The City determined through the initial review process that impacts related to the following topics are potentially significant as discussed in the Initial Study and require a detailed level of analysis in this Draft EIR:

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

Impacts Found Not to Be Significant. CEQA Guidelines Section 15126.2(a) states that “[a]n EIR shall identify and focus on the significant effects on the environment.” Topics that have been determined not to be significant and are therefore not discussed in detail in the Draft EIR were identified based upon the responses to the Initial Study/NOP and a review of the Project by the City. As further detailed in Section 7, Impacts Found Not to Be Significant, of this Draft EIR, the City determined through the initial review process that impacts related to the following topics are not potentially significant as discussed in the Initial Study and are not required to be analyzed in this Draft EIR:

- Agriculture & Forest Resources
- Mineral Resources
- Population & Housing
- Public Services
- Recreation
- Wildfire

2.3 EIR PROCESS

Notice of Preparation/Initial Study

Pursuant to the requirements of CEQA, the City prepared an Initial Study/NOP for the proposed Project, which was distributed on November 4, 2022 for a 30-day public review and comment period that ended on December 5, 2022. The NOP requested members of the public and public agencies to provide input on the scope and content of environmental impacts that should be included in the Draft EIR being prepared. Comments received on the Initial Study/NOP are included in Appendix A and summarized in Table 2-1, which also includes a reference to the Draft EIR section(s) in which issues raised in the comment letters are addressed.

Table 2-1: Summary of NOP/Initial Study Comment Letters

Comment Letter and Comment	Relevant EIR Section
State Agencies	
Mojave Desert Air Quality Management District (MDAQMD), November 21, 2022	
This comment states that MDAQMD will require the following measures: submission of a dust control plan for the Project prior to commencing earth-moving activity, posting of signage compliant with Rule 403 prior to commencement of	Section 5.2 Air Quality Section 5.6 Greenhouse Gas Emissions

Comment Letter and Comment	Relevant EIR Section
construction, use of water truck to maintain soil moisture to minimize fugitive dust emissions, implementation of wind fencing, and stabilization of vehicular roads and parking areas. Additionally, the comment requests that the Project applicant obtain permits for any miscellaneous process equipment that may not be exempt under District Rule 219.	
Interested Parties	
Center for Biological Diversity, December 1, 2022	
This comment letter states that the Project site is home to a natural community of concern, the western Joshua tree South population ("YUBR South"). The commenter expresses concern regarding the diminishment of western Joshua tree habitat due to increasing development. The commenter requests that the Draft EIR, and associated mitigation, carefully study and disclose (direct, indirect, and cumulative) impacts as a result of the removal of existing Joshua trees, and to take all necessary and prudent actions to mitigate potential impacts. The commenter states that while relocation of Joshua trees on the Project site would fulfill requirements of the City's Municipal Code Section 16.24, relocation would not be considered adequate mitigation to satisfy requirements of the California Endangered Species Act (CESA) for the Project. The commenter provides several suggestions of what an appropriate relocation plan should include if developed as part of the Project. Further, the commenter asserts that Joshua trees impacted as a result of the Project should be mitigated at a 5:1 ratio. This could be conducted through credit purchased from a California Department of Fish and Wildlife approved conservation or mitigation bank or through working with a land trust to acquire a conservation easement.	Section 5.3 Biological Resources
Californians Allied for a Responsible Economy (CARE CA), December 5, 2022	
This comment letter provides a summary of the commenter's project understanding. The commenter requests that the EIR complete an analysis of all of the environmental topic areas, discuss all feasible mitigation measures and consider a reasonable range of alternatives to the Project, including at least two environmentally superior alternatives to the Project. Additionally, the commenter requests that the City include contractual language in tenant lease agreements or restrictive covenant over parcel to limit cold storage to the proposed 15%. Further, the commenter requests that the EIR analysis discusses and analyzes the types of refrigerants that will be used in the cooling systems and specify the types of high cube warehouses that would occupy the Project site. The commenter also requests that the air quality analysis includes a Health Risk Assessment. The commenter requests that all mitigation measures included in the EIR be effective and enforceable. Lastly, the commenter requests that all sources and referenced materials used in the EIR be made available.	Section 3.0 Project Description Section 5.2 Air Quality Section 5.7 Greenhouse Gas Emissions
Teamsters Local Union No. 1931, December 5, 2022	

Comment Letter and Comment	Relevant EIR Section
The comment letter requests that the project incorporate appropriate buffering between sensitive uses and the proposed Project. The commenter also requests that the Project include all feasible mitigation measures to address air quality and greenhouse gas emissions. The commenter requests that the Project tenants utilize the cleanest available truck technologies or at a minimum zero emission light and medium-duty delivery trucks and vans; and shall use only zero emission service equipment such as forklifts and yard trucks. The commenter requests that the City designate enforceable truck routes to be utilized by the truck traffic to prevent the passing through of residential neighborhoods and schools. The commenter also requests that the Project incorporate measures aimed at meeting state energy efficiency goals as well as measures aimed at reduced greenhouse gas emissions. The commenter requests that the Lead Agency create an oversight committee for the purpose of on-going oversight, receipt of reports, and negotiation and implementation of a community benefits agreement.	Section 5.2 Air Quality Section 5.5 Energy Section 5.7 Greenhouse Gas Emissions

Public Scoping Meeting

Pursuant to Section 15082(c)(1) of the CEQA Guidelines, the City hosted a public scoping meeting for members of the public and public agencies to provide input as to the scope and content of the environmental information and analysis to be included in the Draft EIR for the proposed Project. The scoping meeting was held on November 17, 2022, at 5:30 p.m. in-person at the City's Council Chambers.

Public Review of the Draft EIR

The City filed a Notice of Completion with the Governor's Office of Planning and Research, State Clearinghouse, indicating that this Draft EIR has been completed and is available for review. A Notice of Availability of the Draft EIR was published concurrently with distribution of this document. The Draft EIR is being circulated for review and comment by the public and other interested parties, agencies and organizations for 45 days in accordance with Section 15087 and Section 15105 of the CEQA Guidelines. During the 45-day review period, the Draft EIR is available for public review digitally on the City's website: (<https://www.cityofhesperia.us/312/Planning>)

Written comments related to environmental issues in the Draft EIR should be addressed to:

Ryan Leonard, Senior Planner City of Hesperia Planning Department
9700 Seventh Avenue
Hesperia, California 92345
Phone: (760) 947-1651
Email: rleonard@cityofhesperia.us

Final EIR

Upon completion of the 45-day review period, written responses to all comments related to the environmental issues in the Draft EIR will be prepared and incorporated into a Final EIR. The written responses to comments will be made available at least 10 days prior to the public hearing at which the certification of the Final EIR will be considered. These comments, and their responses, will be included in the Final EIR for consideration by the City, as well as other responsible agencies per CEQA. The Final EIR may also contain corrections and additions to the Draft EIR, and other information relevant to the environmental issues associated with the

Project. The Final EIR will be available for public review prior to its certification by the City. Notice of the availability of the Final EIR will be sent to all who commented on the Draft EIR.

2.4 ORGANIZATION OF THIS DRAFT EIR

The Draft EIR is organized into the following Sections. To help the reader locate information of interest, a brief summary of the contents of each chapter of this Draft EIR is provided.

- **Section 1 Executive Summary:** This section provides a brief summary of the Project area, the Project, and the Project's alternatives. The section also provides a summary of environmental impacts and mitigation measures, applicable Project design features, applicable regulations and regulatory requirements, and the level of significance after implementation of the mitigation measure. The level of significance after implementation of the proposed mitigation measure(s) will be characterized as either less than significant or significant and unavoidable.
- **Section 2 Introduction:** This section provides an overview of the purpose and use of the EIR, the scope of this Draft EIR, a summary of the legal authority for the Draft EIR, a summary of the environmental review process, and the general format of the document.
- **Section 3 Project Description:** This section provides a detailed description of the Project, its objectives, and a list of Project-related discretionary actions.
- **Section 4 Environmental Setting:** This section provides a discussion of the existing conditions within the Project area.
- **Section 5 Environmental Impact Analysis:** This section includes a summary of the existing statutes, ordinances and regulations that apply to the environmental impact area being discussed; the analysis of the Project's direct and indirect environmental impacts on the environment, including potential cumulative impacts that could result from the Project; any applicable Project design features; standard conditions and plans, policies, and programs that could reduce potential impacts; and the feasible mitigation measures that would reduce or eliminate the significant adverse impacts identified. Impacts that cannot be mitigated to less than significant are identified as significant and unavoidable.
- **Section 6 Other CEQA Considerations:** This section summarizes the significant and unavoidable impacts that would occur from implementation of the Project and provides a summary of the environmental effects of the implementation of the Project that were found not to be significant. Additionally, this section provides a discussion of various CEQA-mandated considerations including growth-inducing impacts and the identification of significant irreversible changes that would occur from implementation of the Project. In addition, this section provides a discussion of impacts found not to be significant.
- **Section 7 Effects Found Not to be Significant:** This section summarizes the potential environmental effects related to the Project that were determined not to be significant during preparation of this EIR.
- **Section 8 Alternatives:** This section describes and analyzes a reasonable range of alternatives to the Project. The CEQA-mandated No Project Alternative is included along with alternatives that would reduce one or more significant effects of the proposed Project. As required by the CEQA Guidelines, the environmentally superior alternative is also identified.

- **Section 9 Report Preparation and Persons Contacted:** This section lists authors of the Draft EIR and City staff that assisted with the preparation and review of this document. This section also lists other individuals and/or organizations that were contacted for information that is included in this Draft EIR document.

2.5 INCORPORATION BY REFERENCE

State CEQA Guidelines Section 15150 allows for the incorporation “by reference all or portions of another document...[and is] most appropriate for including long, descriptive, or technical materials that provide general background but do not contribute directly to the analysis of a problem at hand.” The purpose of incorporation by reference is to assist the Lead Agency in limiting the length of this Draft EIR. Where this EIR incorporates a document by reference, the document is identified in the body of the Draft EIR, citing the appropriate section(s) of the incorporated document and describing the relationship between the incorporated part of the referenced document and this Draft EIR.

The Project is within the geographical limits of the City and is covered by the Main Street and Freeway Corridor Specific Plan (MSFC-SP). The MSFC-SP provides the fundamental basis for the Specific Plan area’s land use and development policies. The MSFC-SP was the subject of an environmental review under CEQA; a Program EIR for the MSFC-SP was certified by the City in 2008 (State Clearinghouse Number 2006041101). The Program EIR contains information relevant to the Project. Accordingly, the Program EIR for the MSFC-SP is herein incorporated by reference in accordance with State CEQA Guidelines Section 15150. The documents are available at <https://www.cityofhesperia.us/312/Planning> and the City of Hesperia, Planning Department, 9700 Seventh Avenue, Hesperia, California 92345.

3.0 Project Description

3.1 PROJECT LOCATION

The proposed Project is located within the western portion of the City in the southwest portion of San Bernardino County. The Project site is located northwest of the intersection of Highway 395 and Main Street. Regional access to the Project site is provided by Highway 395, located directly to the east, and I-15, located approximately 1.2 miles east of the Project site. Local access to the site is provided via Caliente Road (unpaved road), which is accessible from Phelan Road to the south and Main Street to the east. Specifically, the Project site is located within Section 16, Township 4 North, Range 5 West, San Bernardino Base and Meridian (SBB&M) of the Baldy Mesa United States Geological Survey (USGS) 7.5-minute topographic quadrangle.

The Project encompasses 38.3 acres, which includes the 29.61-acre Project site and 8.9 acres of offsite improvement area. The 29.61-acre Project site is comprised of three parcels identified as Assessor's Parcel Numbers (APNs) 3064-401-03, -04, and -05. The Project site and surrounding area is shown in Figure 3-1, *Regional Location*, Figure 3-2, *Local Vicinity*, and Figure 3-3, *Aerial View*.

3.2 PROJECT BACKGROUND

The Project site has remained unimproved since at least 1902. An unpaved road (Caliente Road) transects the Project site from southwest to northeast. The site is relatively flat with a gentle slope to the northeast. The Project site is currently undeveloped and contains moderate coverage of ruderal vegetation, such as natural grasses and weeds. The Project site's existing conditions are shown in *Figure 3-3, Aerial View*. The existing land uses and conditions of the Project site are further described in Chapter 4, *Environmental Setting*.

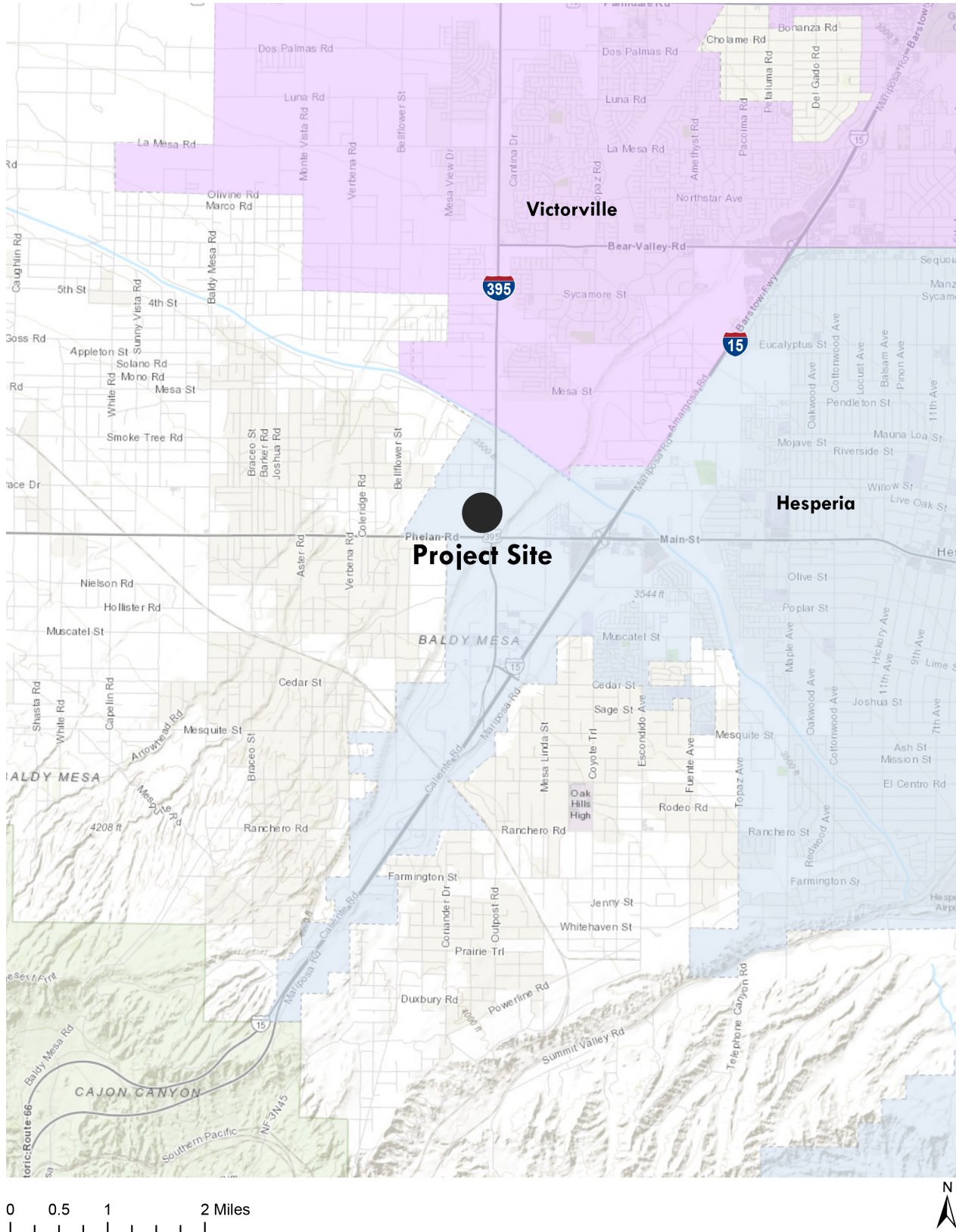
3.3 PROJECT OBJECTIVES

The Project site plan has been designed to meet a series of Project-specific objectives that have been carefully crafted in order to aid decision makers in their review of the Project and its associated environmental impacts. The primary purpose and goal of the Project is to develop an underutilized property with an industrial use to provide an employment-generating use to help grow the economy in the City. The Project would achieve this goal through the following objectives:

1. To make efficient use of the property and add to its potential for employment-generating uses.
2. To attract new business and employment to the City and thereby promote economic growth.
3. To reduce the need for members of the local workforce to commute outside the Project vicinity for work.
4. To develop an underutilized property with an industrial warehouse building near Highway 396 and Interstate 15, to help meet demand for logistics business in the City and surrounding region.
5. To develop the property with use that is similar to and compatible with other nearby industrial buildings that were recently built or recently approved for construction in western Hesperia.
6. Develop a project that does not contribute to surface and groundwater quality degradation by treating surface and stormwater flows.

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Regional Location

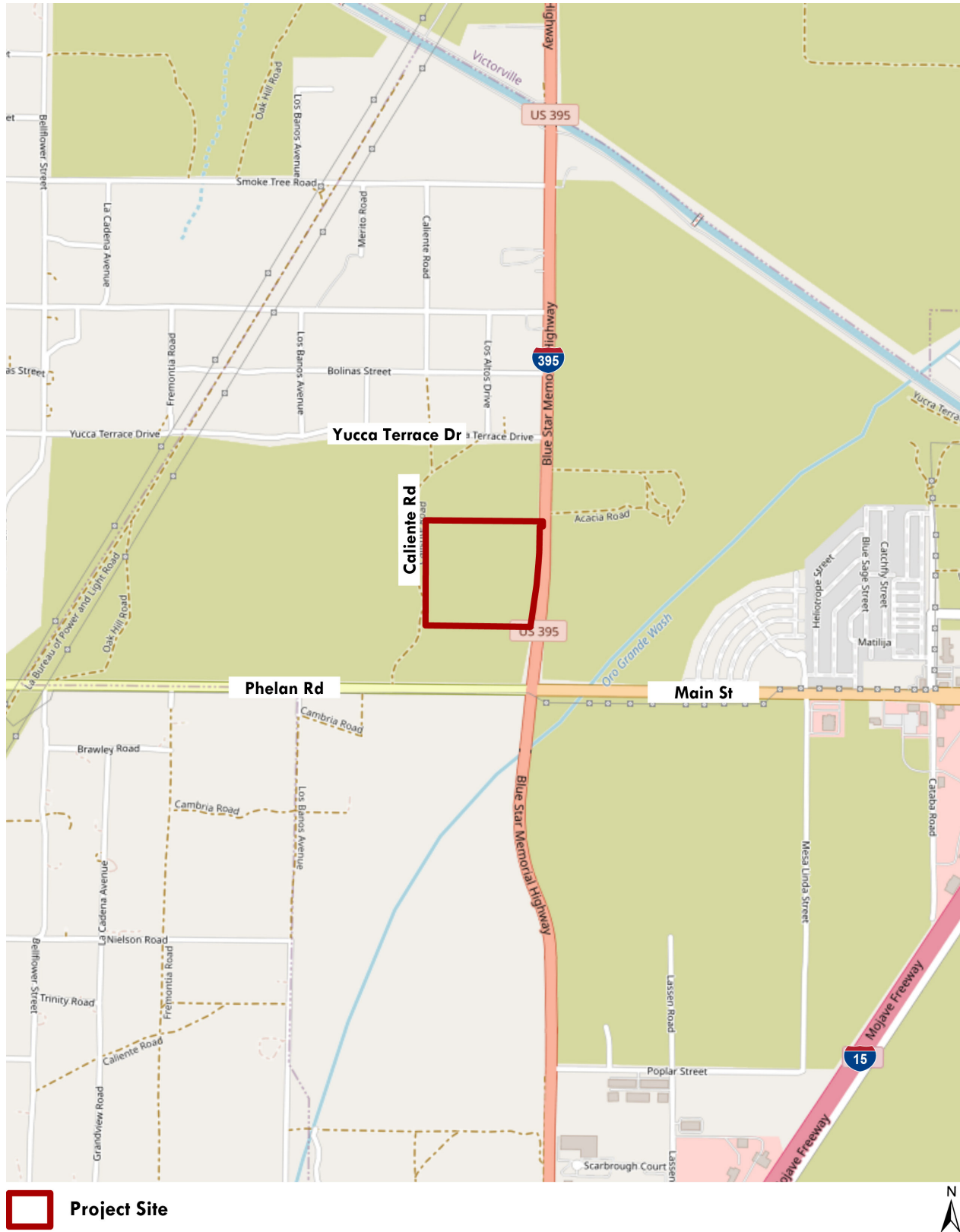


KISS Logistics Center Project
City of Hesperia

Figure 3-1

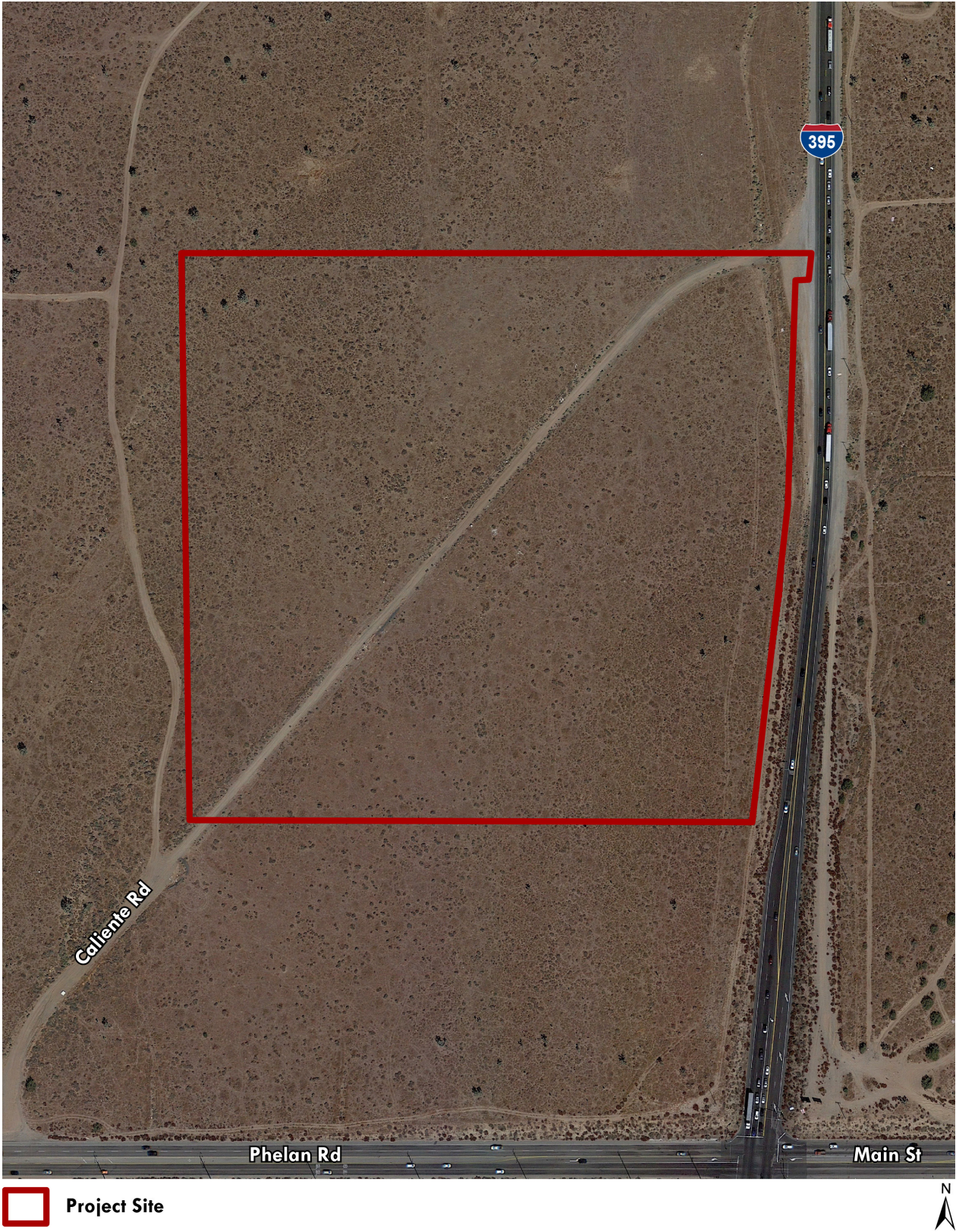
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Local Vicinity



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Aerial View



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	SP-2013-01 Tapestry Specific Plan		Wash Protection Overlay
	SP-91-003 - Summit Valley Ranch Specific Plan		ASC - Auto Sales Commercial
	MISC-SP - Main Street / Freeway Corridor Specific Plan		CIBP - Com/Ind Business Park
	SP-89-01 Rancho Las Flores Specific Plan		GI - General Industrial
	Potential Park		HDR - High Density Residential
	Wash Protection Overlay		LDR - Low Density Residential
	ASC - Auto Sales Commercial		MDR - Medium Density Residential
	CIBP - Com/Ind Business Park		MU - Mixed Use
	GI - General Industrial		NC - Neighborhood Commercial

	Wash Protection Overlay		OP - Office Park
	ASC - Auto Sales Commercial		PIO - Public/Institutional Overlay
	CIBP - Corn/Ind Business Park		RC - Regional Commercial
	GI - General Industrial		RER - Rural Estate Residential
	HDR - High Density Residential		VLR - Very Low Density Residential
	LDR - Low Density Residential		
	MDR - Medium Density Residential		
	MU - Mixed Use		
	NC - Neighborhood Commercial		

 OC - Office Commercial
 OP - Office Park
 PIO - Public/Institutional Overlay
 RC - Regional Commercial
 RER - Rural Estate Residential
 VLR - Very Low Density Residential

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3.4 PROJECT CHARACTERISTICS

The Project analyzed in this Draft EIR would be developed in one phase and constructed over approximately 10 months. The Draft EIR analyzes buildout at a Project level of detail, based upon entitlement applications being considered by the City, compared to the existing conditions.

3.5 EXISTING LAND USE AND ZONING

The Project site has a General Plan land use designation of Main Street and Freeway Corridor Specific Plan (MSFC-SP). Within the MSFC-SP, the two northerly parcels of the site (APN 3064-401-03 and -04) are zoned as Commercial/Industrial Park (CIBP). The MSFC-SP states that the CIBP designation is intended to create employment-generating uses in a business park setting. The zone allows development of commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings at a Floor Area Ratio (FAR) of 0.5. Within the MSFC-SP, the southerly parcel of the site (APN 3064-401-05) is zoned as Neighborhood Commercial (NC). The MSFC-SP states that the NC is intended for immediate day-to-day convenience shopping and services for the residents of nearby neighborhoods at a FAR of 0.35. The Project site's existing MSFC-SP designation is Figure 3-4, *Existing MSFC-SP Zoning Designation*.

3.6 SURROUNDING GENERAL PLAN AND ZONING DESIGNATIONS

The Project site is located within a predominately undeveloped area with sparse light industrial development to the south. The surrounding land uses are described in Table 3-1.

Table 3-1: Surrounding Existing Land Use, Zoning, and Specific Plan Designations

	Existing Land Use	General Plan Designation	Zoning Designation
North	Vacant and undeveloped	Main Street and Freeway Corridor Specific Plan (MSFC-SP)	Commercial/Industrial Business Park (CIBP)
East	Vacant and undeveloped, Highway 395 followed by West Main Villas multifamily residential community approximately 0.3 mile east	Main Street and Freeway Corridor Specific Plan (MSFC-SP)	Neighborhood Commercial (NC)
South	Vacant and undeveloped and rural residential uses approximately 0.2 mile southwest	Main Street and Freeway Corridor Specific Plan (MSFC-SP)	Neighborhood Commercial (NC)
West	Vacant and undeveloped	Main Street and Freeway Corridor Specific Plan (MSFC-SP)	Commercial/Industrial Business Park (CIBP)

3.7 DESCRIPTION OF THE PROJECT

Project Overview

The proposed Project would include development of a single-story, 655,468-square foot (SF) industrial building on the 29.61-acre site. The proposed Project would also include a Specific Plan Amendment (SPA) to change the site's MSFC-SP designation from NC to CIBP (see Figure 3-5, *Proposed MSFC-SP Zoning Designation*).

The proposed building would have a building footprint of 650,468 SF and a mezzanine of 5,000 SF for total of 655,468 SF. Additional improvements proposed include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and drive aisles. Approximately 8.9 acres of offsite improvements would be required for necessary roadway and utility infrastructure to support the Project.

Building and Architecture

The proposed building would consist of a new industrial building that would support warehouse, manufacturing, and office uses. The proposed building area would provide a total of 655,468 SF, inclusive of 639,468 SF of warehouse, 11,000 SF of ground floor office space, and a 5,000 SF mezzanine for additional office use. The gross lot acreage is defined in the City municipal code to include the property dimensions up to the centerline of the street. Therefore, based upon the gross lot acreage of 1,355,149 SF, the proposed building would result in an FAR of 0.48. Figure 3-6, *Conceptual Site Plan*, illustrates the proposed site plan.

As shown in Figure 3-7, *Elevations*, the proposed Project building would be single-story and approximately 49 feet tall. The Project would establish an architectural presence through emphasis on building finish materials and consistent material usage and color scheme. The use of landscaping, building layout, finish materials, and accenting on the Project site would create a quality architectural presence from the existing and proposed public right-of-way.

The Project would include a building setback of approximately 208 feet along the proposed 'A' Street, a building setback of 118 feet along the northern property line, a building setback of approximately 185 feet along the eastern property line, and a building setback of approximately 94 feet along the southern property line, as shown in Figure 3-6, *Conceptual Site Plan*.

Circulation and Street Improvements

Access to the proposed Project would be provided via two driveways from the proposed public road ('A' Street) that would be constructed along the west side of the Project. The proposed roadway would extend from Phelan Road, approximately 630 feet south of the Project site, to Yucca Terrace Drive, approximately 930 feet north of the Project site. The roadways would be built to half width (35 feet). Proposed infrastructure improvements are shown in Figure 3-8, *Infrastructure Improvements*.

The proposed driveways would be 40 feet wide and provide access for trucks, passenger vehicles, and emergency vehicles. Internal circulation would be provided via 40-foot drive aisles. Trucks are expected to primarily utilize Phelan Road, Highway 395, I-15, and Joshua Road, which are all designated truck routes within the City (see Figure 3-9, *Truck Routes*).

The Project would construct 12-foot sidewalks along the proposed 'A' Street and Yucca Terrace Drive. Sidewalk area would be dedicated to the City as part of the Project.

Loading Docks and Parking

Truck loading docks would be located along the east and west sides of the building. The building would include 30 loading dock doors along the east side of the building and 30 dock doors along the west side of the building for a total of 60 dock doors.

The Project would also provide 82 trailer stalls located opposite of the loading dock doors on the east and west perimeter of the proposed parking areas. Additionally, the building would provide 374 vehicle parking stalls inclusive of 38 electric vehicle/clean air/carpool spaces.

Table 3-2: Project Parking

Parking Type	Stall Provided
Standard Stalls	309
Accessible Stalls	16
Electric Vehicle/Clean Air Stalls	49
Vehicle Total	374
Trailer Parking	82

Landscaping and Walls

The proposed Project includes approximately 209,075 SF of ornamental landscaping that would cover approximately 16.5 percent of the site, as shown in *Figure 3-6 Conceptual Site Plan*. Proposed landscaping would include 24-inch and 36-inch box trees, various shrubs, and ground covers to screen the proposed building, infiltration/detention basin, and parking and loading areas from off-site viewpoints. Proposed landscaping would extend around the perimeter of the Project site and in between the parking areas.

The proposed Project would also include an 8-foot-tall concrete screening wall at the southern entrance of the western truck court. Additionally, the Project would include an 8-foot-tall concrete screening wall along the perimeter of the trailer parking of the eastern truck court. A 6-foot-high combination concrete masonry unit (CMU) block and wrought iron security fence is proposed around the proposed detention basin in the northern portion of the site.

Energy and Communications Utilities

Regulated electrical, gas, and communication utilities would be extended to the site from existing facilities along Phelan Road.

Water

The Project would include construction of new onsite and offsite water lines. Water lines would be constructed within the proposed 'A' Street right-of-way to the west of the Project site and extend approximately 1,300 feet south toward Phelan Road then easterly, crossing Phelan Road. The water line would continue throughout the southern part of Los Banos Avenue for about 2,677 feet until it reaches Sultana Avenue. The water alignment would continue approximately 164 feet easterly along Sultana Avenue until reaching a jack and bore pit to cross beneath Oro Grande Wash, ultimately connecting to existing City water lines at the intersection of U.S. Highway 395 and Sultana Street. Proposed water improvements are shown in *Figure 3-10, Utility Improvements*.

Sewer

The Project would include construction of new onsite and offsite sewer lines. The proposed sewer line would begin from the northern portion of "A" Street and extend approximately 1,600 feet north until reaching Yucca Terrace Drive. From there, the alignment would travel 3,400 feet easterly passing U.S. Highway 395. The sewer line includes jack and bore pits that would be used to align the sewer beneath Oro Grande Wash. Proposed sewer improvements are shown in *Figure 3-10, Utility Improvements*.

Drainage

The Project applicant would install new onsite storm drain lines throughout the site. No off-site storm drain improvements are proposed for this Project. Stormwater would be collected using a system of catch basins and roof drains that route flows to underground pipes. All stormwater runoff would be conveyed to a

proposed detention basin at north end of the Project site. Overflow would drain into existing City stormwater drainage. Curbs and gutters would be installed around the perimeter of the Project site.

	SP-2013-01 Tapestry Specific Plan		Wash Protection Overlay
	SP-91-003 - Summit Valley Ranch Specific Plan		ASC - Auto Sales Commercial
	MSFC-SP - Main Street / Freeway Corridor Specific Plan		CIBP - Com/Ind Business Park
	SP-89-01 Ranch Las Flores Specific Plan		GI - General Industrial
	Potential Park		HDR - High Density Residential
	Wash Protection Overlay		LDR - Low Density Residential
	ASC - Auto Sales Commercial		MDR - Medium Density Residential
	CIBP - Com/Ind Business Park		MU - Mixed Use
	GI - General Industrial		NC - Neighborhood Commercial

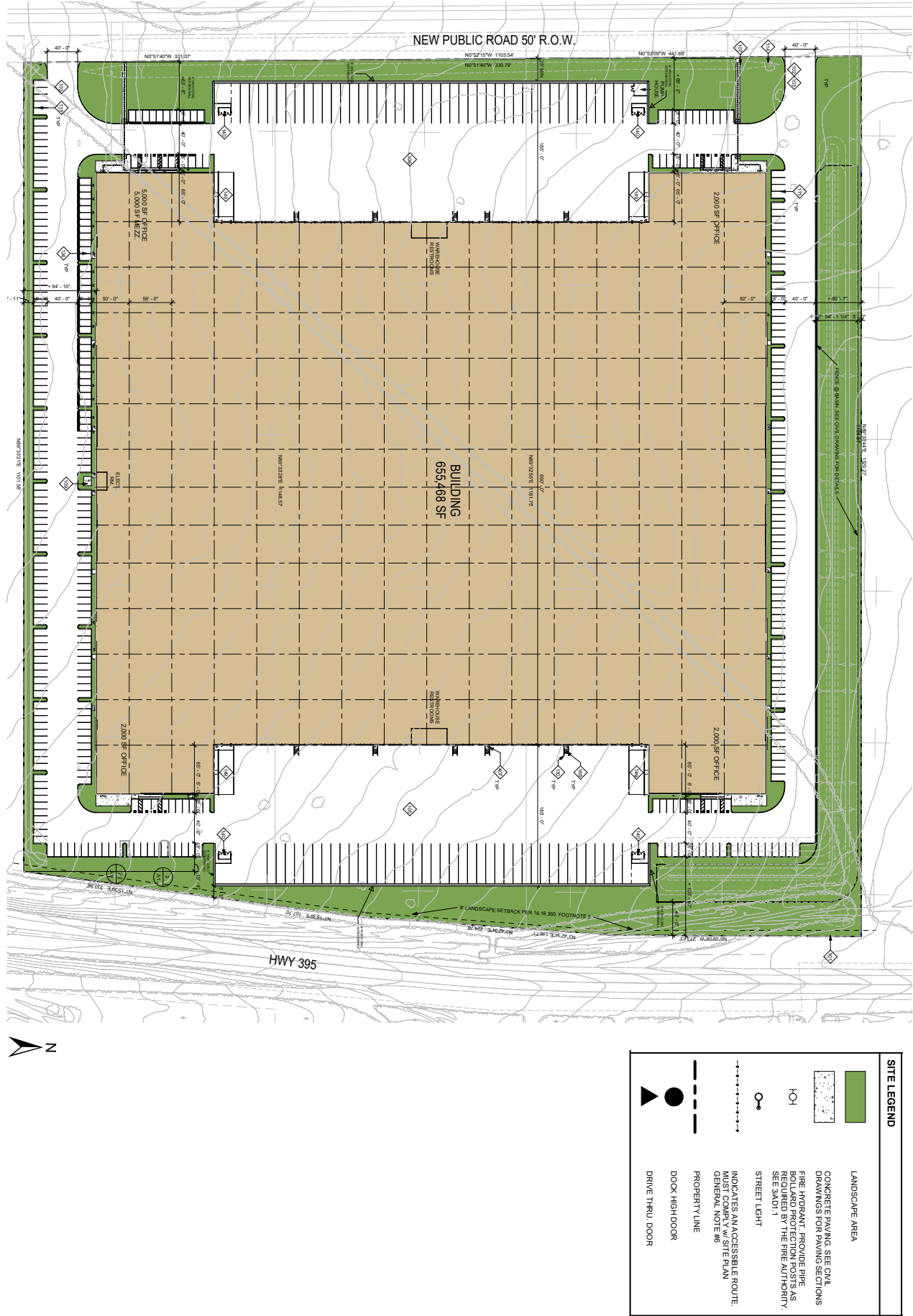
	Wash/Proportion Overlay		OP - Office Park
	ASC - Auto Sales Commercial		PIO - Public/Institutional Overlay
	CIBP - Com/Ind Business Park		RC - Regional Commercial
	GI - General Industrial		RER - Rural Estate Residential
	HDR - High Density Residential		VLR - Very Low Density Residential
	LDR - Low Density Residential		
	MDR - Medium Density Residential		
	MU - Mixed Use		
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 PIO - Public/Institutional Overlay
 RC - Regional Commercial
 RER - Rural Estate Residential
 VLR - Very Low Density Residential

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 VLR - Very Low Density Residential

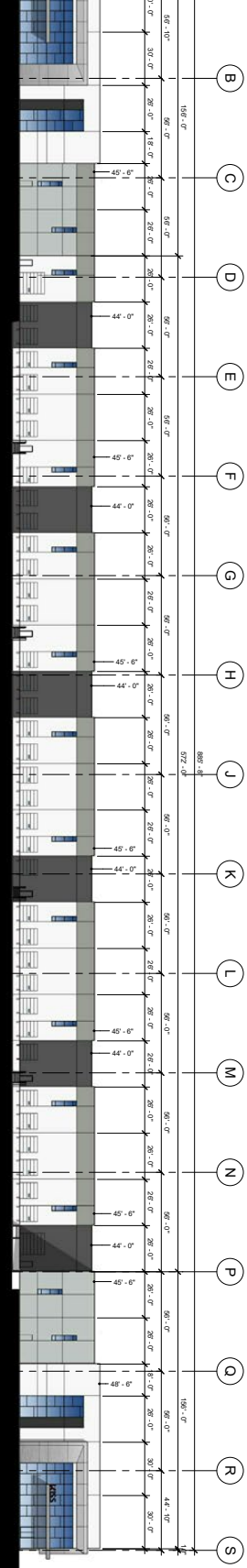
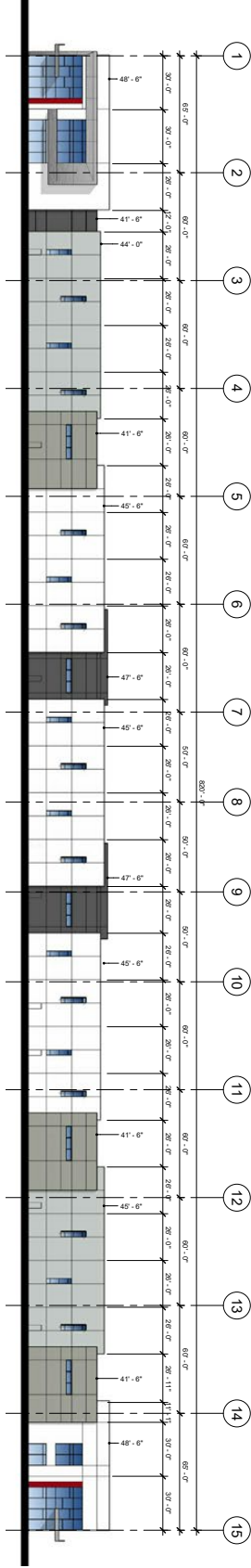
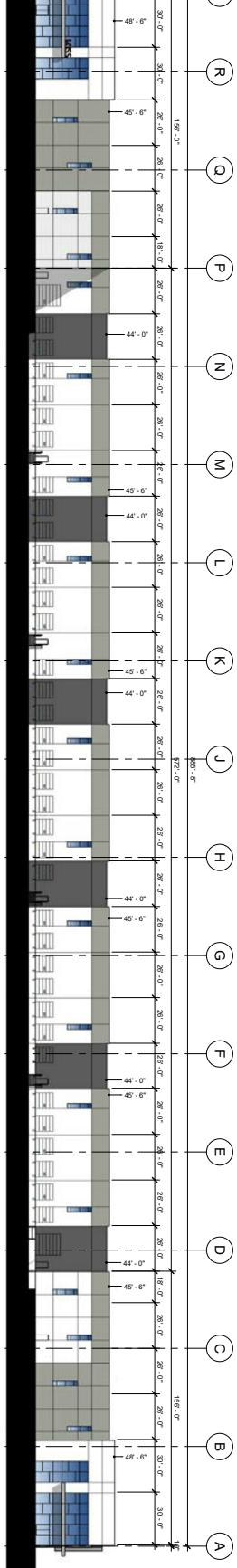
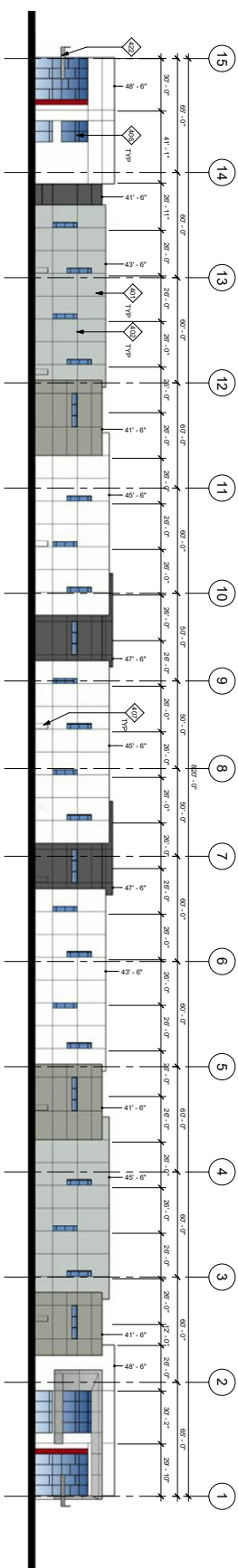
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Conceptual Site Plan



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Elevations



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SECTION A-A
"A" STREET
NOT TO SCALE

SECTION B-B
YUCCA TERRACE DR.
NOT TO SCALE

BUILDING
655,468 SF

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PHASE 2

PHASE 3

PHASE 4

PHASE 5

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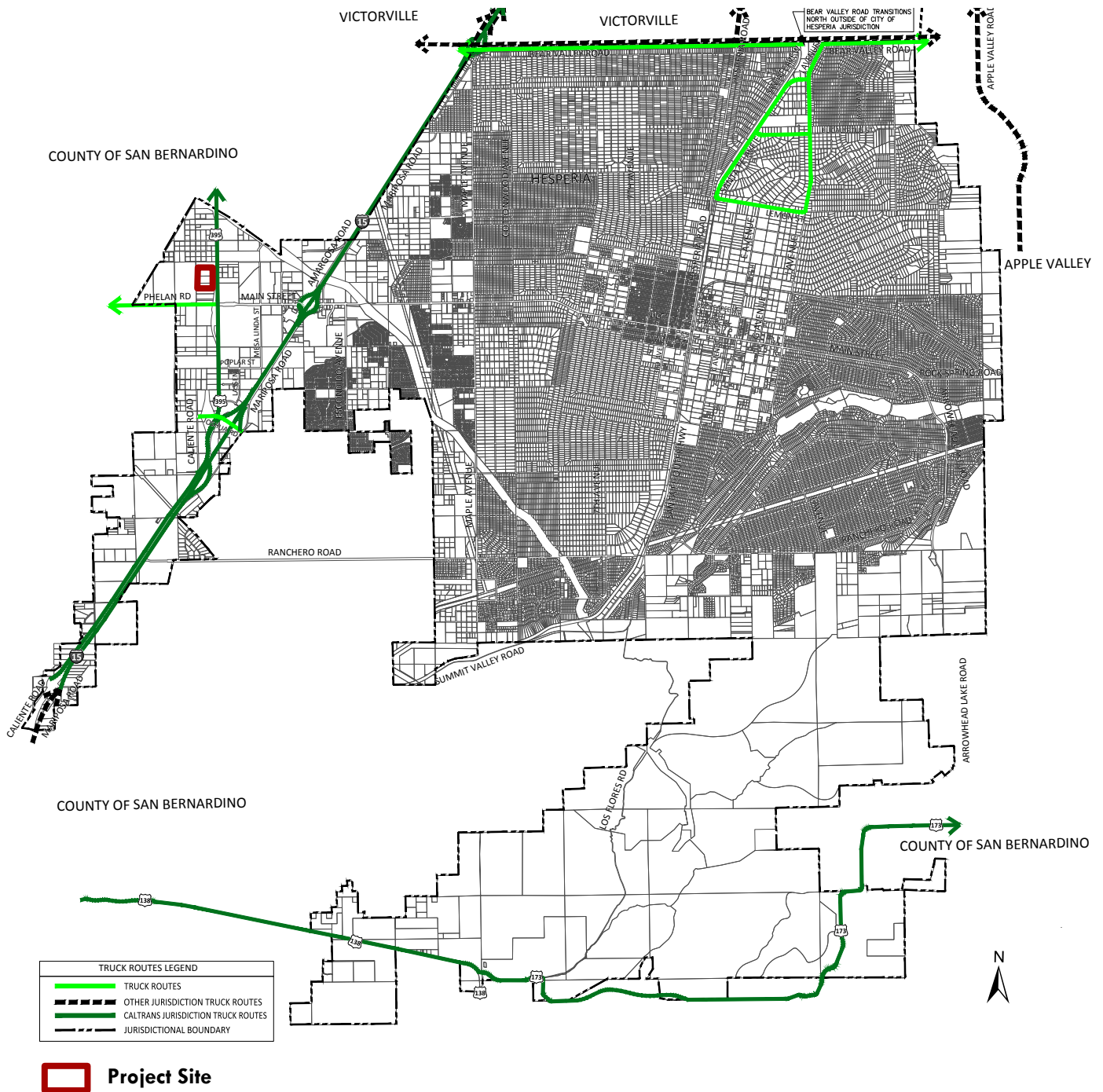
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Truck Routes



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LEGEND:

- LIMITS OF WORK
- PROPERTY LINE
- PROPOSED R/W
- PROPOSED SEWER
- EXISTING SEWER
- FORCE MAIN
- PROPOSED WATER
- EXISTING WATER

The map shows a residential development site with various utility lines and property boundaries. Key features include:

- Property Line:** Indicated by a dashed black line.
- Proposed Right of Way (R/W):** Indicated by a dashed orange line.
- Proposed Sewer:** Indicated by a dashed blue line.
- Existing Sewer:** Indicated by a dashed yellow line.
- Force Main:** Indicated by a dashed red line.
- Proposed Water:** Indicated by a dashed green line.
- Existing Water:** Indicated by a dashed purple line.
- County Water Line:** Labeled at the top of the map.
- Streets:** Labeled include "S. 1st Street", "S. 2nd Street", "S. 3rd Street", "S. 4th Street", "S. 5th Street", "S. 6th Street", "S. 7th Street", "S. 8th Street", "S. 9th Street", "S. 10th Street", "S. 11th Street", "S. 12th Street", "S. 13th Street", "S. 14th Street", "S. 15th Street", "S. 16th Street", "S. 17th Street", "S. 18th Street", "S. 19th Street", "S. 20th Street", "S. 21st Street", "S. 22nd Street", "S. 23rd Street", "S. 24th Street", "S. 25th Street", "S. 26th Street", "S. 27th Street", "S. 28th Street", "S. 29th Street", "S. 30th Street", "S. 31st Street", "S. 32nd Street", "S. 33rd Street", "S. 34th Street", "S. 35th Street", "S. 36th Street", "S. 37th Street", "S. 38th Street", "S. 39th Street", "S. 40th Street", "S. 41st Street", "S. 42nd Street", "S. 43rd Street", "S. 44th Street", "S. 45th Street", "S. 46th Street", "S. 47th Street", "S. 48th Street", "S. 49th Street", "S. 50th Street", "S. 51st Street", "S. 52nd Street", "S. 53rd Street", "S. 54th Street", "S. 55th Street", "S. 56th Street", "S. 57th Street", "S. 58th Street", "S. 59th Street", "S. 60th Street", "S. 61st Street", "S. 62nd Street", "S. 63rd Street", "S. 64th Street", "S. 65th Street", "S. 66th Street", "S. 67th Street", "S. 68th Street", "S. 69th Street", "S. 70th Street", "S. 71st Street", "S. 72nd Street", "S. 73rd Street", "S. 74th Street", "S. 75th Street", "S. 76th Street", "S. 77th Street", "S. 78th Street", "S. 79th Street", "S. 80th Street", "S. 81st Street", "S. 82nd Street", "S. 83rd Street", "S. 84th Street", "S. 85th Street", "S. 86th Street", "S. 87th Street", "S. 88th Street", "S. 89th Street", "S. 90th Street", "S. 91st Street", "S. 92nd Street", "S. 93rd Street", "S. 94th Street", "S. 95th Street", "S. 96th Street", "S. 97th Street", "S. 98th Street", "S. 99th Street", "S. 100th Street".

Figure 3-10

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Operations

The Project would be operated as a combination of high cube warehouse, manufacturing, and office use. This Draft EIR assumes 75 percent would be used for warehouse, 20 percent for manufacturing and five percent of floor space dedicated to cold storage. For purposes of evaluation in this Draft EIR, the proposed development is assumed to be operational 24 hours a day, 7 days a week, with exterior loading and parking areas illuminated at night. Lighting would be subject to City Development Code Section 16.16.145, which states that outdoor lighting should be positioned so that no direct light extends onto neighboring properties.

A high cube warehouse is primarily used for the storage and/or consolidation of manufactured goods prior to their distribution to retail locations or other warehouses. High cube warehouses are typically taller than traditional warehouses to provide additional stacking area and the facilities are highly automated. The building is designed such that business operations would be conducted entirely within the building, with the exception of traffic movement, parking, trailer connection and disconnection, storage and the loading and unloading of trailers at designated loading bays. The outdoor cargo handling equipment used during loading and unloading of trailers (e.g., yard trucks, hostlers, yard goats, pallet jacks, forklifts) would be non-diesel powered, in accordance with contemporary industry standards.

Dock doors on the warehouse building would not be occupied by a truck at all times of the day. There are typically many more dock door positions on warehouse buildings than are needed for receiving and shipping volumes. The dock doors that are in use at any given time are usually selected based on interior building operation efficiencies (i.e., trucks dock closest to where the goods carried by the truck are stored inside the warehouse). As a result, many dock door positions are frequently inactive throughout the day. Pursuant to State law, on-road diesel-fueled trucks are required to comply with air quality and greenhouse gas emission standards, including but not limited to the type of fuel used, engine model year stipulations, aerodynamic features, and idling time restrictions.

Construction

Project development is estimated to take approximately 14 months, beginning fourth quarter 2023 and fourth quarter November 2024. Construction activities for the Project would occur over one phase and would be conducted in the order of: site preparation, grading, building construction, paving, and architectural coatings. Each phase of the construction process is assumed to be conducted from start to finish without overlap. Staging for the project would be contained within the Project area. Table 3-3 provides the anticipated construction schedule. Table 3-4 provides the type of construction equipment and number of units anticipated to be used for Project construction.

Table 3-3: Construction Schedule

Construction Activity	Working Days
Site Preparation	15
Grading	20
Building Construction	230
Architectural Coating	15
Paving	130

Construction activities would adhere to City of Hesperia Development Code Section 3.11, which limits construction between the hours of 7:00 a.m. to 7:00 p.m., Monday to Saturday, with no construction activity permitted on Sundays or federal holidays.

Table 3-4: Construction Equipment

Construction Phase	Off-Road Equipment Type	Off-Road Equipment Unit Amount	Hours Used per Day	Horsepower	Load Factor
Site Preparation	Rubber Tired Dozers	3	8	367	0.40
	Tractors/Loaders/Backhoes	4	8	84	0.37
Grading	Excavators	2	8	36	0.38
	Graders	1	8	148	0.41
	Rubber Tired Dozers	1	8	367	0.40
	Scrapers	2	8	423	0.48
	Tractors/Loaders/Backhoes	2	8	84	0.37
Building Construction	Cranes	1	7	367	0.29
	Forklifts	3	8	82	0.20
	Generator Sets	1	8	14	0.74
	Tractors/Loaders/Backhoes	3	7	84	0.37
	Welders	1	8	46	0.45
Paving	Paving Equipment	2	8	81	0.36
	Pavers	2	8	89	0.42
	Rollers	2	8	36	0.38
Architectural Coating	Air Compressors	1	6	37	0.48

Source: Compiled by LSA, using CalEEMod defaults (December 2022).

CalEEMod = California Emissions Estimator Model

3.8 PROJECT DESIGN FEATURES AND EXISTING PLANS, PROGRAMS, OR POLICIES

Throughout the impact analysis in this Draft EIR, reference is made to existing Plans, Programs, or Policies (PPPs) currently in place which effectively reduce environmental impacts. Where applicable, PPPs are listed to show their effect in reducing potential environmental impacts. The Project proponent has incorporated into the Project various sustainable design features, as detailed below, and are identified and discussed in the impact analysis. These sustainable design features have been included as PPPs where applicable, as they are required pursuant to the *California Green Building Standards Code, California Regulations, Title 24, Part 11*. Where the application of these measures does not reduce an impact to below a level of significance, Project-specific mitigation is introduced. The City will include these PPPs and Mitigation Measures in the Mitigation Monitoring and Reporting Program (MMRP) for the Project to ensure their implementation.

Sustainable Design Features

The Project would comply with the *California Green Building Standards Code, California Code of Regulations, Title 24, Part 11* (CALGreen Code) policies related to sustainable design and energy conservation by incorporating the following features into Project development and/or operation.

- Installation of enhanced insulation
- Design structure to be solar ready
- Design electrical system to accommodate future renewable energy technologies, solar PV systems, and battery storage systems
- Installation of energy efficient lighting, heating and ventilation systems, and appliances
- Installation of drought-tolerant landscaping and water-efficient irrigation systems
- Implementation of a City construction waste diversion program

3.9 DISCRETIONARY APPROVALS AND PERMITS

The City and the following responsible agencies are expected to use the information contained in this Draft EIR for consideration of approvals related to and involved in the implementation of this Project. These include, but may not be limited to, the permits and approvals described below.

As part of the proposed Project, the following discretionary actions and subsequent approvals are being requested by the Project proponent:

- Development Plan Review
- Specific Plan Amendment
- Lot Merger
- Conditional Use Permit (CUP) (CUP22-00017)
- Certification of the Environmental Impact Report
- Approvals and permits necessary to execute the proposed Project, including but not limited to, grading permit, building permit, etc

The following approvals are anticipated from responsible agencies:

- CDFW Take Permit (potentially for Joshua Trees dependent upon the listed status at the time of Project implementation)
- County of San Bernardino (potentially for Joshua Trees dependent upon the listed status at the time of Project implementation)

4.0 Environmental Setting

The purpose of this section is to provide a description of the environmental setting of the Project, as it existed at the time the NOP was published, from both a local and a regional perspective. In addition to the summary below, detailed environmental setting descriptions are provided in each subsection of Section 5 of this Draft EIR.

4.1 PROJECT SETTING AND LOCATION

The proposed project is located within the western portion of the City in the southwest portion of San Bernardino County (see Figure 3-1, *Regional Location*). The project area is northwest of the intersection of Interstate 395 (I-395) and Main Street and includes three parcels. Regional access is provided by I-395 directly to the east and I-15 approximately 1.2 miles further east of the project site. Local access to the site is via Caliente Road (a dirt road), which is accessible from Phelan Road to the south and Main Street to the east. The existing site and surrounding area is shown in Figure 3-2, *Local Vicinity*.

The Project site is approximately 29.61 acres and encompasses three (3) parcels, identified as Assessor's Parcel Numbers (APNs) 3064-401-03, -04, and -05. The site is relatively flat with a gentle slope to the northeast. The lot is currently undeveloped and contains moderate coverage of ruderal vegetation, such as natural grasses and weeds. The Project site's existing conditions are shown in Figure 3-3, *Aerial View*.

4.2 EXISTING LAND USE AND ZONING

The Project site has a General Plan Land Use designation of Main Street and Freeway Corridor Specific Plan (MSFC SP) per the City's 2010 General Plan. Within the MSFC-SP, the two northerly parcels of the site (APN 3064-401-03 and -04) are zoned as Commercial/Industrial Park (CIBP). The MSFC SP states that the purpose of the CIBP zone is to provide service for commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings. Within the MSFC SP, the southerly parcel of the site (APN 3064-401-05) is zoned as Neighborhood Commercial (NC). The MSFC SP states that the NC is intended for immediate day-to-day convenience shopping and services for the residents of nearby neighborhoods. NC does not permit industrial and warehousing uses; therefore, a Specific Plan Amendment (SPA) is needed for the project.

4.3 SURROUNDING GENERAL PLAN AND ZONING DESIGNATIONS

The Project site is located within a developed area surrounded by undeveloped land and some residential neighborhoods. The surrounding land uses are described in Table 4-1 below.

Table 4-1: Surrounding Existing Land Use, Zoning, and Specific Plan Designations

	Existing Land Use	General Plan Designation	Zoning Designation
North	Undeveloped	MSFC SP	Commercial/Industrial Business Park (CIBP)
West	Undeveloped	MSFC SP	Commercial/Industrial Business Park (CIBP)
South	Undeveloped and rural single family residential approximately 0.2 mile southwest	MSFC SP	Neighborhood Commercial (NC)
East	I-395/Undeveloped and West Main Villas multifamily residential community approximately 0.3 mile east	MSFC SP	Neighborhood Commercial (NC)

Existing Site Photos



View from the north corner of site from Hwy 395.



Looking northwest from the southern corner of site on Hwy 395.

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4.4 PHYSICAL ENVIRONMENTAL CONDITIONS

CEQA Guidelines § 15125(a)(1) states that the physical environmental condition in the vicinity of the Project as it existed at the time the EIR's NOP was released for public review normally be used as the comparative baseline for the EIR. The NOP for this EIR was released for public review on September 30, 2022. The following pages include a description of the physical environmental condition ("existing conditions") on a regional and local basis of that approximate date. More information regarding the Project's site's environmental setting is provided in the specific subsections of EIR Section 5.0, *Environmental Analysis*.

4.4.1 AESTHETICS

Scenic Vistas

Scenic vistas consist of expansive, panoramic views of important, unique, or highly valued visual features that are seen from public viewing areas. This definition combines visual quality with information about view exposure to describe the level of interest or concern that viewers may have for the quality of a particular view or visual setting.

The City of Hesperia General Plan does not specifically identify any scenic vistas from the Project site, roadways adjacent to the Project site, or the Project site vicinity. However, the City's General Plan generally describes scenic vistas within the City as views of scenic resources, including the Mojave River to the east, the San Bernardino and San Gabriel Mountain ranges to the south, and the surrounding Victor Valley, along with neighboring hillsides and the natural desert environment. The San Bernardino and San Gabriel Mountains are approximately eight miles from the Project site and contain some of Southern California's highest peaks. Because the MSFC-SP area is in a relatively flat valley, distant views of the surrounding mountains and ridgelines are visible from the Project site within some minor obstruction due to existing structures, utility poles, trees, and other elements of the built environment.

Visual Character of Project Site and Surrounding Area

The Project site consists of three parcels northwest of the Phelan Road and U.S. Route 395 intersection. The two northern parcels in the Project site are currently zoned as Commercial/Industrial Park, which allows for development of commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings. The southern parcel is zoned Neighborhood Commercial (NC), which is intended for immediate day-to-day convenience shopping and services for the residents of nearby neighborhoods. The Project site is vacant and undeveloped and consists of native desert scrub characterized as Joshua tree woodland and habitat. The Project site is directly surrounded by vacant land. The site is flat and visible from surrounding roadways and adjacent parcels.

The Project site and the directly adjacent parcels are vacant and undeveloped; however, the larger Project vicinity is characterized as an urbanized area. The Project site is west of the U.S. Route 395 corridor, which is developed with several commercial centers. The area north of the Project site is developed with various trucking and distribution uses. Therefore, existing visual character of the larger Project vicinity consists primarily of developed commercial and industrial uses. The MSFC-SP identifies Hesperia's quality of life and surrounding scenic high desert setting as unique and a major contributor to its high population growth in the past few decades. The City's General Plan echoes this vision through its goals and policies to preserve amenities such as washes, bluffs, Joshua tree forests, or juniper woodlands.

Light and Glare

The existing visual environment includes lighting and glare generated by vehicles travelling along the two corridors. Since most of the Freeway Corridor area is currently undeveloped land, lighting is limited, and most of the area is unlighted. The Main Street Corridor is more developed east of Maple Avenue, and the commercial land is substantially developed between Eleventh Avenue and “I” Avenue. Internal lights, parking lot fixtures, streetlights and headlights provide most of the lighting along Main Street.

The Project site is currently undeveloped and does not contain sources of light or glare. Nighttime lighting in the Project vicinity is currently limited to sources of vehicle lighting from adjacent roadways. Therefore, glare, which is a reflection of light, is also limited. The nearest existing sensitive receptors relative to light and glare include motorists traveling on local streets, as well as residential uses 0.3 mile to the east.

4.4.2 AIR QUALITY

The Project site is located within the Mojave Desert Air Basin (Basin). The Basin includes the desert portions of Los Angeles, Kern, San Bernardino, and Riverside Counties. The Basin is an assemblage of mountain ranges interspersed with long, broad valleys that often contain dry lakes. Many of the lower mountains that dot the vast terrain rise from 1,000 to 4,000 ft above the valley floor. The Basin is separated from the Southern California coastal and central California valley regions by mountains (highest elevation is approximately 10,000 ft), whose passes form the main channels for these air masses.

Air quality monitoring stations are located throughout the nation and are maintained by the local air pollution control district and State air quality regulating agencies. The air quality monitoring stations closest to the Project site located at 17288 Olive Street in Hesperia and 14306 Park Avenue in Victorville, California.

Pollutant monitoring results for years 2019 to 2021 at the Hesperia and Victorville ambient air quality monitoring stations, shown in Table 5.2-2, indicate that air quality in the area has generally been moderate. As indicated in the monitoring results, the federal PM₁₀ standard had one exceedance for 2019, 2020, and 2021. The State PM₁₀ standard was exceeded an unknown number of times during the three-year period. The PM_{2.5} federal standard had no exceedances in 2019, 4 exceedances in 2020, and an unknown number of exceedances in 2021. The 1-hour ozone State standard was exceeded 9 times in 2019 and in 2020, and an unknown number of times in 2021. The 8-hour ozone State standard was exceeded 52 times in 2019, 48 times in 2020, and an unknown number of times in 2021. The 8-hour ozone federal standard was 47 times in 2019, 48 times in 2020, and 55 times in 2021. In addition, the CO, SO₂, and NO₂ standards were not exceeded in this area during the 3-year period. Unknown values were assigned where there was insufficient (or no) data to determine the true value.

4.4.3 BIOLOGICAL RESOURCES

The 29.6-acre Project site is undeveloped and undisturbed and consists of disturbed native desert scrub. The Project site has historically had limited rainfall, and the Project site has the same poor soils that are typical in the Mojave Desert. A dirt road bisects the site from the southwest corner to the northeast corner. Additionally, the 8.9 acres of offsite Project area includes a combination of vacant, undeveloped land and existing transportation infrastructure. The Project site is immediately surrounded by vacant, undeveloped land in all directions. The Oro Grande Wash extends southwest to northeast directly southeast of the Project site at the intersection of Phelan Road and I-395. The Project site is flat with elevations ranging from 3,340 to 3,365 above mean sea level (AMSL).

Vegetation Communities

Six vegetation communities were mapped within the biological study area (BSA) (and 100-foot buffer around the Project site), including 28.5 acres of Desert Almond-Mexican Bladdersage Scrub, 29.6 acres of Joshua Tree Woodland, 1.0 acre of California Buckwheat Scrub, 16.8 acres of Rubber Rabbitbrush Scrub, 8.1 acres of urban/developed area, and 13.5 acres of disturbed habitat. State rankings of 1, 2, or 3 are considered high priority for inventory or special-status and impacts to these communities typically require mitigation. Joshua Tree Woodland is ranked as S3, or “vulnerable to extirpation or extinction”, by the California Natural Community List. All other communities listed are ranked as S4 or S5, or unranked, which are not considered sensitive vegetation communities.

Heritage, Significant, and Specimen Trees

Approximately 29.6 acres of Joshua tree woodland alliance habitat occurs within the Project site (onsite and offsite) and 100-foot buffer. This habitat type is characterized by the Joshua tree (*Yucca brevifolia*) that emerges over a shrub or grass layer. This alliance consists of Joshua trees evenly distributed of at least one percent cover with *Juniperus* and/or *Pinus* spp. of at least more than one percent absolute cover in tree canopy. The Joshua tree woodland alliance occurs on gentle alluvial fans, ridges, and gentle to moderate slopes. Joshua tree woodland may occupy coarse sands, very fine silts, gravel, or sandy loams. The canopy and shrub layer are open. Additionally, western Joshua trees are protected under CESA as a candidate species.

Special Status Plant Species

Special-status species include plants listed as state and/or federally threatened or endangered, under provisions of the federal and state Endangered Species Acts (FESA and CESA, respectively), because they have declining or limited population sizes, usually resulting from habitat loss. A total of 41 species of native and naturalized plants, 34 native and 7 non-native were found within the BSA. Eight special-status species, Mojave milkweed, white-bracted spineflower, Mojave monkeyflower, sagebrush *Loeflingia*, short-joint beavertail, Beaver Dam breadroot, Latimer’s woodland-gilia, and western Joshua tree were found to have moderate or high potential within the BSA and were subject to focused surveys. One special-status plant species, western Joshua tree, was observed within the BSA. All habitats utilized by these species were evaluated during the site visit (including a 100-foot buffer of the Project site) and a determination has been made for the presence or probability of presence in biological reports prepared for the Project.

Special Status Wildlife Species

Sensitive animal species include federally, and state listed endangered and threatened species, candidate species for listing by USFWS or CDFW, and/or are species of special concern (SSC) pursuant to CDFW. Based on the results of the literature review and database searches, four special-status wildlife species, burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), LeConte’s thrasher (*Toxostoma lecontei*), and Mohave ground squirrel (*Spermophilus (Xerospermophilus) mohavensis*) had a moderate potential to occur within the BSA. In addition, Mojave desert tortoise has a low potential to occur. Focused surveys conducted for Mohave ground squirrel and Mojave desert tortoise were negative and therefore these species are not expected to occur and will not be analyzed further. Focused surveys for burrowing owl were negative; however, burrowing owl is a transient species and may still incidentally occur within the BSA. As such, it will be analyzed further. One special-status, loggerhead shrike, was incidentally observed during biological surveys. In addition, there is no USFWS-designated critical habitat for listed wildlife species overlapping the BSA.

Jurisdictional Waters

The Mojave River is approximately nine miles to the east. The Oro Grande Wash is a tributary to the Mojave River and is located approximately 0.25 miles west of the BSA, and the California Aqueduct 1 mile to the north. No state or federal wetlands or waters are present within the BSA.

Wildlife Movement

The Project site lacks migratory wildlife corridors, as it does not contain the structural topography and vegetative cover that facilitate regional wildlife movement, the site is flat and surrounded by paved and dirt roads and vacant land. No wildlife movement corridors were found to be present.

4.4.4 CULTURAL RESOURCES

Historic

In 1869, the transcontinental railroad was completed in California and expanded agricultural settlement. The Southern Pacific Route connected Los Angeles and northern California and monopolized the rail system until the arrival of Atchison, Topeka, and Santa Fe (AT&SF) railroad. The AT&SF line connected the larger Southern California region to the City of Los Angeles. At the end of the 1800s, the social dynamics changed in the City of San Bernardino as railroads brought thousands of settlers from Europe and the eastern states. The railway system and influx of population accelerated the economic trades in San Bernardino.

U.S. Highway 66 (Route 66) was the main means of access between the City of Los Angeles and San Bernardino County. The road was created to give better access for transporting goods produced in San Bernardino to the Los Angeles market. Members of the Los Angeles and San Bernardino highway commissions marketed the road to be used for recreational travel to see the countryside. The commissions promoted the idea that improvements to the road would create an “attractive foothill boulevard linking Redlands to the Pacific Ocean”. In 1909, the State Legislature authorized bonds for road building and improvement programs, which included the new Foothill Boulevard. By 1913, the road was integrated into the National Old Trails Road, linking the roads from Los Angeles to Washington, D.C. In 1926, the road was designated U.S. 60, later changed to U.S. 66 (Route 66), after a uniform system of interstate highways was adopted.

Throughout the early 20th century, the City’s local businesses catered to travelers on Route 66. The City was the final stop before the Cajon Pass, and its location along this area of Route 66 became a prosperous area for businesses. In 1924, the route was moved to the west of Hesperia, and businesses suffered as a result. The City was officially incorporated in 1988. Presently, it is situated along Interstate 15 (I-15) Freeway, a heavily traveled route that brings various travelers into town benefiting the local economy.

An archaeological and historical records search was completed at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. A total of 32 previously conducted cultural resources studies were identified during the course of the SCCIC records search. Of the 32 previous cultural resources studies, four were conducted within or adjacent to the Project site. The records search did not identify any resources within the Project site; however, it did identify 53 resources (two prehistoric and 51 historic) within one mile of the Project site. The prehistoric resources consist of a lithic scatter and a single isolate. The historic resources consist of nine roads, one highway, various segments of the Spanish Trail, a transmission line, one residence, one homestead property, 25 trash scatters, and 12 isolates.

Archaeological

The Project site is located on an alluvial fan in the southwestern portion of San Bernardino County, California. As described in the Cultural Resources Assessment (Appendix D), most researchers agree that the earliest

occupation for the San Bernardino County area dates to the early Holocene (11,000 to 8,000 years ago). The cultural history of San Bernardino County includes the San Dieguito Complex, the Milling Stone Horizon, the Encinitas Tradition, the La Jolla Complex, the Pauma Complex, and the San Luis Rey Complex.

At approximately 1,500 years Before Present (BP), bow and arrow technology started to emerge in the archaeological record, which also indicates new settlement patterns and subsistence systems. The local population retained the subsistence methods of the past but incorporated new materials into their day-to-day existence, as evidenced by the archaeological record. The Palomar Tradition is attributed to this time and is comprised of larger two patterns: The Peninsular Pattern in the inland areas of the northern Peninsular Ranges (e.g., San Jacinto and Santa Rosa mountains) and the northern Coachella Valley, and the San Luis Rey pattern of the Project site. Prior to the arrival of the Spanish missionaries, the San Bernardino area was inhabited by the Cahuilla, Serrano, and potentially the Vanyume Indians. The Project is within an area considered the Traditional Tribal Land of the Serrano people.

The Cultural Resources Study identified two prehistoric resources within one mile of the Project site.

4.4.5 ENERGY

Electricity

The Southern California Edison Company (SCE) is the electrical purveyor in the City. SCE provides electricity service to more than 14 million people in a 50,000 square-mile area of central, coastal and Southern California. California utilities are experiencing increasing demands that require modernization of the electric distribution grid to, among other things, accommodate two-way flows of electricity and increase the grid's capacity. SCE is in the process of implementing infrastructure upgrades to ensure the ability to meet future demands. In addition, as described by the Edison International 2021 Annual Report, the SCE electrical grid modernization effort supports implementation of California Senate Bill 32 that requires the state to cut greenhouse gas emissions 40 percent below 1990 levels by 2030 and 80 percent from the same baseline by 2050 in order to help achieve carbon neutrality by 2045. It describes that in 2021 approximately 42% of power that SCE delivered to customers came from carbon-free resources (SCE 2021).

The Project site is currently served by the electricity distribution system that exists along the roadways adjacent to the Project site.

Natural Gas

Southwest Gas is the natural gas purveyor in the City. Southwest Gas provides natural gas to approximately 2 million people in Arizona, Nevada and portions of California. According to the California Energy Commission, total natural gas consumption in the Southwest Gas Corporation service area in 2021 was 6,755.6 million therms (2,308.9 million therms for the residential sector) (LSA 2023).

The Project site is currently served by the natural gas distribution system that exists within the roadways that are adjacent to the site.

4.4.6 GEOLOGY AND SOILS

Regional Setting

The City lies across the boundary of two distinct geomorphic provinces: the Transverse Ranges Province and the Mojave Desert Province. The southern edge of the City encroaches into the Transverse Ranges Province, a region whose characteristic features are a series of east-west trending ranges that include the San Gabriel

and San Bernardino Mountains. The northern part of the City lies within the Mojave Desert Province, an arid region of overlapping alluvial fans, desert plains, dry lakebeds and scattered mountain ranges.

Faults in the Mojave Desert Province have a predominant northwesterly trend; however, some faults aligned with the Transverse Ranges are present. The east-west trending Garlock Fault defines the northern boundary of the province, whereas the northwest-trending San Andreas Fault roughly defines its western boundary. the City is near the San Andreas Fault and other seismically active earthquake sources including the North Frontal, Cleghorn, Helendale and San Jacinto Faults.

Faults and Ground Shaking

The Project site is not within an Alquist-Priolo Earthquake Fault Zone. There are no known active faults within 500 feet of the Project site. According to the Geotechnical Investigation, no known active faults have been mapped at or near the Project site. The nearest active fault zone is the San Andreas Fault Zone, located approximately 10.9 south west of the Project site. The San Andreas Fault, as well as other faults in the southern California region could cause moderate to intense ground shaking during the lifetime of the Project.

Soils

The Geotechnical Investigation describes that the majority of the site is covered by topsoil approximately 0.3 to one foot thick, consisting of dry to slightly moist, fine- to coarse-grained, silty sand in a loose condition. The topsoil is underlain by alluvium consisting of dry to slightly moist, loose to medium dense, porous, fine- to coarse-grained, silty sand with trace gravel ranging between 1.7 and 3.3 feet deep. Older alluvium underlies the alluvium on the Project site. The older alluvium consists of slightly moist to moist, medium dense to very dense, fine- to coarse-grained, silty sand and sand with silt; which is slightly indurated and cemented, and contains gravel and cobbles. The older alluvium extended to the maximum depth of exploration of 51.5 feet (AGS 2022).

Expansive Soils

The Geotechnical Investigation found that the soils on the Project site have very low to low expansion potential (AGS 2022).

Groundwater

Groundwater was not encountered during the subsurface exploration conducted as part of the Geotechnical Investigation. Further, according to the Geotechnical Investigation, nearby groundwater wells indicate groundwater depths are several hundred feet below the surface (AGS 2022).

Liquefaction, Lateral Spreading, and Settlement

As discussed previously, the subsurface exploration conducted as part of the site-specific geotechnical report for the Project site did not encounter groundwater. Due to the absence of groundwater and dense nature of the underlying older alluvium, the potential for seismically induced liquefaction is anticipated to be very low. The Geotechnical Investigation concluded that since the site is fairly flat and the potential for liquefaction is low, the potential for lateral spreading is also low. The Geotechnical Investigation concluded that post-construction soils within the Project site have an estimated differential settlement of 0.5 inch over a 20-foot span.

Subsidence

Ground subsidence is the gradual settling or sinking of the ground surface with little or no horizontal movement, and occurs in areas with subterranean oil, gas, or groundwater. Effects of subsidence include fissures, sinkholes, depressions, and disruption of surface drainage. According to the Geotechnical Investigation, subsidence was not detected within the Project site during a recent United States Geological Survey (USGS) study period between 2014 and 2019 (AGS 2022).

Landslides

As discussed in the Geotechnical Investigation, the site and surrounding vicinity is relatively flat and would not be susceptible to landslides (AGS 2022).

Unique Geologic Feature

The project is situated over the Victorville Basin, a structural depression about 40 kilometers wide and filled with sediments up to 1,300 meters thick consisting of a succession of deposits ranging in age from middle Miocene through late Pleistocene time. The Project site overlies middle Holocene young alluvial fan deposits (Qyf3). The Holocene alluvial deposits are reportedly as little as three feet thick in the area and are underlain by Pleistocene-aged alluvial deposits (Qvof) that may contain fossils (BFSA 2022b).

Paleontological Resources

The Project site overlies middle Holocene young alluvial fan deposits (Qyf3). These deposits are underlain by Pleistocene-aged alluvial deposits (Qvof). The surficial Holocene deposits are considered to have a low potential to yield paleontological resources while the underlying Pleistocene-aged alluvial fan deposits are considered to have a high potential to yield paleontological resources (BFSA 2022b).

A paleontological resource locality search was conducted at the San Bernardino County Museum (SBCM) for a project located approximately four miles north of the Project site. The locality search indicated that the closest fossil locality to the Project site is located approximately 2.5 miles north-northeast and consists of Pleistocene rodent teeth and indeterminate mammalian remains. Additional rodent teeth with large mammal bones, along with land and freshwater snails were also discovered approximately five and six miles northeast of the Project site.

A review of published and unpublished literature was reviewed for potential paleontological resources that are known in the vicinity of the Project. The literature review did not reveal the presence of any known fossil localities within the Project site. However, in the greater Victorville area, many Pleistocene vertebrate fossil localities have been recorded. Most of the localities from these sources are derived from the alluvium of the ancestral Mojave River and are several miles east and north of the Project (BFSA 2022b).

4.4.7 GREENHOUSE GAS

The Project site consists of approximately 29.61 acres of land that is currently vacant. The primary GHG emissions in the City are likely from on-road-transportation; building energy; and waste. Surrounding residential neighborhoods currently generate GHG emissions by operation and related vehicular trips. The City of Hesperia has also adopted the City of Hesperia Climate Action Plan (CAP) that outlines a course of action for the city government and community of Hesperia to reduce GHG emissions per capita to 29 percent below 2010 levels by 2020 and to adapt to the effects of climate change. The Hesperia CAP includes actions such as reducing emissions from new developments through CEQA and reducing energy from transport of goods.

4.4.8 HAZARDS AND HAZARDOUS MATERIALS

Environmental Site Conditions

The Project site is currently undeveloped and contains moderate coverage of ruderal vegetation, such as natural grasses and weeds.

- **South:** Undeveloped and rural single family residential approximately 0.2 mile southwest.
- **North:** Undeveloped.
- **East:** I-395/Undeveloped and West Main Villas multifamily residential community approximately 0.3 mile east.
- **West:** Undeveloped.

According to the Phase I Environmental Site Assessment, the Project site has historically remained undeveloped and the surrounding properties have consisted of undeveloped land or semirural residential homes since at least 1902.

The Phase I Environmental Site Assessment did not identify any recognized environmental conditions (RECs) associated with the Project site. The Project site was also not included on any list of hazardous material sites during the regulatory agency search and agency file review pursuant to Gov. Code, Sec. 65962.5.

No gasoline service stations or dry cleaners are in the immediate vicinity (approximately 500 feet) of the Project site. There are no off-site hazardous material sources of environmental concern surrounding the Project site.

Other Environmental Conditions

The closest school to the project site is Canyon Ridge High School located at 12850 Muscatel St #5566, Hesperia, CA 92344, which is approximately 1.5-miles southwest of the Project site. Additionally, the Project Site is approximately six miles northwest of Hesperia Airport. According to the Hesperia Airport Comprehensive Land Use Plan, the site is outside of the 60-65 dBA CNEL noise contour and not within any airport land use compatibility plan zone.

Evacuation Routes

According to the Hesperia General Plan Safety Element, U.S. Route 395 is designated as a City evacuation route.

4.4.9 HYDROLOGY AND WATER QUALITY

Regional Hydrology

The City is in the Mojave River Basin, within the Lahontan Region. The jurisdiction of the Lahontan RWQCB extends from the Oregon border to the northern Mojave Desert. The South Lahontan Basin includes three major surface water systems (the Mono Lake, Owens River, and Mojave River watersheds) and a number of separate closed ground water basins.

Watershed

The Project is located in the Mojave River Watershed. The Mojave River is the primary hydrologic feature in the watershed, formed by the confluence of two smaller streams - the West Fork Mojave River and Deep Creek. The headwaters of the Mojave River begin in the San Bernardino Mountains near Lake Arrowhead and the river terminus is Soda Lake in the Mojave Desert. The watershed encompasses approximately 4,500

square miles and is located entirely within San Bernardino County. This watershed is in an arid region and therefore has little natural perennial surface water.

Groundwater Basin

Within the Mojave River Basin, the Project is within the Upper Mojave River Valley Groundwater Basin underlies an elongate north-south valley, with the Mojave River flowing (occasionally) through the valley from the San Bernardino Mountains on the south, northward into the Middle Mojave River Valley Groundwater Basin at the town of Helendale. The groundwater basin is bounded on the north by a roughly east-west line from basement rock outcrops near Helendale to those in the Shadow Mountains. The southern boundary is the contact between Quaternary sedimentary deposits and unconsolidated basement rocks of the San Bernardino Mountains. The basin is bounded on the southeast by the Helendale fault and on the east by basement exposures of the mountains surrounding Apple Valley. In the west, the boundary is marked by a surface drainage divide between this basin and El Mirage Valley Basin, and a contact between alluvium and basement rocks that form the Shadow Mountains.

Groundwater is recharged into the basin predominantly by infiltration of water from the Mojave River. Other sources of recharge include infiltration of storm runoff from the mountain, desert washes, and other activities such as irrigation return flows, wastewater discharge, and enhanced recharge with imported water. Groundwater is discharged from the Mojave Basin Area primarily by well pumping, evaporation through soil, transpiration by plants, seepage into dry lakes where accumulated water evaporates, and seepage into the Mojave River. The Mojave Water Agency was appointed Watermaster and maintains an ongoing assessment of the basin conditions.

Water Quality

The Mojave River is located approximately nine miles east of the Project site. The Mojave River is separated into three reaches for evaluating water quality. The Project site discharges to the Upper Mojave reach or the Upper Narrows. The Mojave River (Forks Reservoir Outlet to the Upper Narrows) is classified as impaired water bodies and have been placed on the 303(d) list of impaired waters for Fluoride.

Water Supply and Groundwater Quality

As identified by the California Department of Water Resources in California's Groundwater (Bulletin 118), natural recharge of the basin is from direct precipitation, ephemeral streamflow, infrequent surface flow of the Mojave River, and underflow of the Mojave River into the basin from the southwest. Groundwater in the Mojave River Groundwater Basin have a general trend for declining groundwater levels, particularly in the fan unit, although levels vary each year subject to rainfall. The basin currently has an over-drafted supply and increasing demand. Volatile organic compounds, salts and nitrates have leached into the local groundwater from the Lenwood landfill in the lower part of the basin. Irrigation with effluent from the Barstow wastewater reclamation facility, along with naturally occurring nitrates and salts, may also be affecting the basin. The Mojave Water Agency was appointed Watermaster to implement the adjudication and judgment and maintain an ongoing assessment of the basin conditions.

Water for the community is provided by Hesperia Water District (District), as subsidiary of the Victor Valley County Water District (VVCWD). The Mojave Basin Judgment assigned Base Annual Production (BAP) rights to each producer using 10 acre-feet or more, based on historical production from 1986 to 1990. Hesperia is located in the Alto subarea. Hesperia's BAP is 21,585 acre-feet per year (AFY). The District is categorized as municipal and industrial and therefore is allowed a Free Production Allowance (FPA) of 55 percent of its BAP for the upcoming year, which for 2020-2021 was 11,871 AFY.

Existing Drainage and Flood Zone

Stormwater facilities within the Project region are managed by the San Bernardino County Flood Control District. The existing condition of the Project site consists of an open/undeveloped space with very little vegetation. The Oro Grande Wash is a tributary to the Mojave River and is located directly southeast of the Project site. The Project site does not contain any existing wetlands, drainages, or jurisdictional waters. The site is generally flat and sheet flows from south to north on a relatively uniform plane to Yucca Terrace Road. Some run-on flow sheets onto the Project site from the south but is limited by the Phelan Road approximately 300 feet away that acts a barrier to any flow further south. There is no existing public storm drain infrastructure along Phelan Road or within the vicinity of the Project site.

Per the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Map (FIRM), the Project is within Zone X, an area determined to be outside of the 0.2 percent annual chance floodplain (Map Number 06071C6475H). Additionally, the Project site is not located within a seiche or tsunami zone due to the lack of freestanding bodies of water nearby and the distance from the Pacific Ocean.

4.4.10 LAND USE AND PLANNING

The 29.61-acre Project site has remained unimproved since at least 1902. An unpaved road (Caliente Road) transects the Project site from southwest to northeast. The Project site is composed of three existing parcels identified by a unique Assessor's Parcel Number (APN): 3064-401-03, -04, and -05.

The Project site is located within the Main Street and Freeway Corridor Specific Plan MSFC-SP. According to the City's General Plan and the MSFC-SP, the designations for the Project site are Commercial/Industrial Business Park (CIBP) and Regional Commercial (RC), as shown in Figure 3-4, *Existing MSFC-SP Zoning Designations*, found in Chapter 3.0, *Project Description* (City of Hesperia 2010; City of Hesperia 2020).

As shown in Table 4-1, land uses to the north, south, east and west of the Project site have a General Plan land use designation of MSFC-P. Within the MSFC-SP, land uses to the north and west are designation CIBP, while land uses to the south and east are designated NC. The CIBP designation supports commercial, light industrial, light manufacturing, and industrial support land uses while the NC designation supports immediate day-to-day convenience shopping and services land uses.

Land uses surrounding the Project site are dominated by vacant land with some scattered residential, commercial, light industrial, and utility uses. Specific land uses located in the immediate vicinity of the Project site include the following:

- **North:** Vacant land and scattered commercial, light industrial, and residential uses
- **East:** U.S. Highway 395 and residential development
- **South:** Phelan Road followed by vacant land
- **West:** Vacant land and scattered commercial, light industrial, and residential uses

4.4.11 NOISE

Existing Noise Levels

To assess existing noise levels of the environment, long-term (24-hour) noise level measurements were conducted on November 21 and 22, 2022, at two locations as shown on Figure 5.11-1. The background ambient noise levels in the Project area are dominated by the transportation-related noise associated with surface streets and Highway 395. Table 5.11-3 provides a summary of the measured hourly noise levels and calculated CNEL level from the long-term noise level measurements. As shown in Table 5.11-3, the calculated CNEL levels range from 62.3 dBA CNEL to 73.1 dBA CNEL.

Existing Vibration

Aside from periodic construction work that may occur in the vicinity of the Project area, the Project site and adjacent land uses are not currently exposed to sources of groundborne vibration.

Existing Airport Noise

The noise contour boundaries used to determine the potential aircraft-related noise impacts at the Project site are found on Figure II-3, *Hesperia Airport – 65 CNEL Noise Contour*, of the Hesperia Airport Comprehensive Land Use Plan (CLUP). The Project site is located outside of the 65 dBA CNEL and 60 dBA CNEL noise contours.

Sensitive Receptors

The closest sensitive receptors include office and residential uses located approximately 900 feet north of the center of the Project site, West Main Villas multifamily residential community located approximately 1,600 feet east, and rural single family residential approximately 1,500 feet southwest opposite Phelan Road.

4.4.12 TRANSPORTATION

Existing Roadway Network

- **Interstate 15 (I-15)** is a major north-south Interstate Highway that begins near the Mexican/US border and runs through Southern California to Alberta, Canada.
- **U.S. Highway 395 (US 395)** is a north-south U.S. route that begins in the Mojave Desert at I-15 and runs through Southern California to the U.S./Canadian border.
- **Phelan Road/Main Street** is an east-west undivided roadway that ranges from two to six lanes. The City of Hesperia classifies Phelan Road/Main Street as a major arterial roadway. The roadway is named Phelan Road west of US 395 and Main Street east of US 396. Phelan Road west of US 395 is a designated truck route. The posted speed limit is 55 MPH.
- **Mesa Linda Street** is a north-south undivided roadway that ranges from two to four lanes. The City of Hesperia classifies Mesa Linda Street as an arterial roadway.
- **Poplar Street** is an east-west undivided roadway that ranges from two to four lanes. The City of Hesperia classifies Poplar Street as a secondary arterial roadway.

Transit Services

The Project area is served by bus service via Victory Valley Transit Authority (VVTA), which serves several communities in San Bernadino County including Hesperia. Bus route 48 has the nearest stops to the Project site. The closest bus stops being Cataba Road SB and Main Street located 1.4 miles from the Project site, Main Street EB and Cataba Road 1.4 miles from the Project site, and Key Pointe Avenue NB and Main Street 1.5 miles from the Project site.

Existing Site Access

Local access to the site is via Caliente Road (a dirt road), which is accessible from Phelan Road to the south and Main Street to the east.

Existing Truck Routes

Truck routes in the project vicinity include local routes on Phelan Road and Joshua Road to the north and northwest. Regional truck routes include Interstate 395 (I-395) to the east and I-15 to the northeast.

Existing Vehicle Miles Traveled

The San Bernardino County Transportation Authority (SBCTA) provides VMT data for each of its member agencies and for the County of San Bernardino region via its San Bernardino Transportation Analysis Model (SBTAM). The SBTAM identifies a baseline VMT per service population value, which calculates the number of daily vehicles miles traveled by each member of the “service population,” which includes area employees and residents. The baseline VMT for San Bernardino County is 32.7 VMT per employee.

Existing Bicycle and Pedestrian Facilities

There are no bicycle or pedestrian facilities in the project area.

4.4.1 3 TRIBAL CULTURAL RESOURCES

Native American Tribes

The Project is within an area considered the Traditional Tribal Land of the Serrano people. As part of development of the Cultural Resources Assessment (Appendix D), Brian F Smith and Associates (BFSA) conducted research using several resources to identify potential tribal cultural resources within the Project site. The assessments included a records search at the South Central Coastal Information Center (SCCIC), background and literature research, a search of the Sacred Lands File (SLF) by the Native American Heritage Commission (NAHC), outreach efforts with Native American tribal representatives, an examination of geological maps, and an intensive-level pedestrian survey of the Project site. No tribal cultural resources were identified as part of the BFSA’s site survey and records search of the Project site.

Site Conditions

As discussed in Section 4.4.4, *Cultural Resources*, the Project site is vacant and undeveloped with the exception of a dirt road, Caliente Road, which bisects the site from northeast to southwest and a manhole located in the southeast portion of the site. The Cultural Resources Assessment (Appendix D) identified the Project site overlies middle Holocene-aged young alluvial fan deposits, which consist of homogeneous brown silts and sands with sparse granule and pebble lenses and scattered, matrix-supported, pebble-sized clasts that are just three feet thick. These alluvial fan deposits are underlain by Pleistocene-aged alluvial deposits. The site is not listed on the NAHC Sacred Lands File.

4.4.1 4 UTILITIES AND SERVICE SYSTEMS

Water Supply and Demand

The Project site is located within the water service area of the Hesperia Water District (HWD) which provides retail water service to an area of approximately 73 square miles in San Bernardino County. HWD’s service area boundaries include most of the City and consists of more than 27,000 connections. HWD utilizes two sources for direct water supply: groundwater from the Mojave River Basin Area managed through the Mojave Water Agency (MWA) and imported water from the State Water Project (SWP) from the Regional Recharge and Recovery Project (R3). The HWD’s water supply is primarily from the Mojave Groundwater Basin which spans a total area of 1,400 square miles. The Mojave Basin Area is divided into subareas for groundwater management purposes per the Mojave Area Basin Judgement. The subareas include the

following: Oeste, Alto, Este, Centro and Baja. The HWD is located within the Alto subarea, which is where the HWD pumps groundwater from.

The Hesperia Water District 2020 Urban Water Management Plan (UWMP 2021) was prepared for the HWD and therefore accounts for the water usage that would be attributed to development of the Project site, consistent with its existing land use designation. The UWMP estimates that water supplies in the future are anticipated to be obtained through a similar source of water supply including groundwater (Mojave Adjudication FPA) and replacement and make-up water supplies. The UWMP anticipates that the District's water supply will increase from 14,317 AF in 2020 to 18,420 AF in 2045 (increase of 4,103 AFY) to meet the District's anticipated growth in water demands. The 2045 projections anticipate that 100 percent of supply would be from groundwater sources (or purchased replacement sources).

Groundwater: HWD has historically used groundwater as its sole source of water. HWD extracts groundwater from the Alto Subarea of the Mojave Basin Area. The Mojave River Groundwater Basin covers approximately 1,400 square miles and has an estimated capacity of nearly 5 million acre-feet (MAF). The Mojave Basin Area has been divided into five subareas that have been adjudicated and are managed.

Purchased or Imported Water: HWD receives SWP water from the Regional Recharge and Recovery Project (R3). R3 stores SWP water underground in recharge sites in the floodplain aquifer along the Mojave River in Hesperia and southern Apple Valley and later recovers and distributes the water to local retail water purveyors, which includes the City. R3's water supply availability is dependent on the amount of SWP water that the Mojave Water Agency (MWA) has banked in the Mojave River floodplain aquifer. According to the UWMP, MWA had a groundwater storage account of 128,000 AF as of December 2015.

Water Infrastructure

The Project site is within the service area of Hesperia Water District and would be served by HWD. There are existing City water lines in Sultana Street, Yucca Terrace Drive, and extending north along U.S. Highway 395 at the intersection of U.S. Highway 395 and Sultana Street.

Wastewater

The Project site would receive sewer and wastewater services from HWD. Wastewater generated from the Project would be conveyed to the Victor Valley Wastewater Reclamation Authority (VWVRA). According to the Hesperia Water District's 2020 Urban Water Management Plan (UWMP), VWVRA has a current wastewater treatment capacity of 18.0 million gallons per day (mgd) (55.2 acre-feet per day) (UWMP 2021). As of 2015, VWVRA receives an average of 2.0 mgd or 2,240 acre-feet per year (AFY).

Stormwater

Stormwater facilities within the Project region are managed by the San Bernardino County Flood Control District and would be served by the HWD water utility. The site is relatively flat with a gentle slope from south to north. In its current condition, no concentration points of discharge exist on the Project site. Stormwater flow generally sheets towards the north until it reaches Yucca Terrace Road. Additionally, some run-on flow sheets onto the Project site from the south. However, this flow is limited by Phelan Road which acts as a barrier and prohibits the flow from traveling further south.

Solid Waste

Advance Disposal Company provides collection services to residential and commercial customers for refuse, recyclables, and green waste through a contract with the City. Solid waste from demolition and construction

would be collected and sent to the Victorville Sanitary Landfill at 18600 Stoddard Wells Road in Victorville, owned and operated by the County of San Bernardino. The Victorville Sanitary Landfill has a daily permitted throughput of 3,000 tons/day and a remaining capacity of 79,400,000 cubic yards (CalRecycle 2022).

Dry Utilities

Electricity: Electricity is provided to the Project by Southern California Edison (SCE). SCE provides electric power to more than 15 million people within its 50,000 square mile service area. Based on SCE's 2018 Power Content Label Mix, SCE derives electricity from varied energy resources including: fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. SCE also purchases power from independent power producers and utilities, which includes out-of-state providers (Urban Crossroads 2022).

Natural Gas: Natural gas would be provided to the Project by the Southern California Gas Company (SoCal Gas).

Telecommunications: Communications services would be provided to the Project by Charter Communications.

REFERENCES

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5.0 Environmental Impact Analysis

Chapter 5 examines the environmental setting of the Project, analyzes its effects and the significance of its impacts, and recommends mitigation measures to reduce or avoid impacts. This chapter has a separate section for each environmental issue area that was determined to need further study in the Draft EIR. This scope was determined in the NOP (see Appendix A). Environmental issues and their corresponding sections are:

5.1 Aesthetics	5.8 Hazards and Hazardous Materials
5.2 Air Quality	5.9 Hydrology and Water Quality
5.3 Biological Resources	5.10 Land Use and Planning
5.4 Cultural Resources	5.11 Noise
5.5 Energy	5.12 Transportation
5.6 Geology and Soils	5.13 Tribal Cultural Resources
5.7 Greenhouse Gas Emissions	5.14 Utilities and Service Systems

This Draft EIR evaluates the direct and indirect impacts resulting from the planning, construction, and operations of the Project. Under CEQA, EIRs are intended to focus their discussion on significant impacts and may limit discussion of other impacts to a brief explanation of why the impacts are not significant.

Format of Environmental Topic Sections

Each environmental topic section generally includes the following main subsections:

- **Introduction:** This describes the purpose of analysis for the environmental topic and referenced documents used to complete the analysis. This subsection may define terms used.
- **Regulatory Setting:** This subsection describes applicable federal, state, and local plans, policies, and regulations that the Project must address and may affect its implementation.
- **Environmental Setting:** This subsection describes the existing physical environmental conditions (environmental baseline) related to the environmental topic being analyzed.
- **Thresholds of Significance:** This subsection sets forth the thresholds of significance (significance criteria) used to determine whether impacts are potentially “significant.” The thresholds of significance used to assess the significance of impacts are based on Appendix G of the CEQA Guidelines.
- **Methodology:** This subsection provides a description of the methods used to analyze the impact and determine whether it would be significant or less than significant.
- **Environmental Impacts:** This subsection provides an analysis of the impact statements for each identified significance threshold. The analysis of each impact statement is organized as follows:
 - A statement of the CEQA threshold being analyzed,
 - The Draft EIR’s conclusion as to the significance of the impact.
 - An impact assessment that evaluates the changes to the physical environment that would result from the Project.

- An identification of significance comparing identified impacts of the Project to the significance threshold with implementation of existing regulations, prior to implementation of any required mitigation.
- **Cumulative Impacts:** This subsection describes the potential cumulative impacts that would occur from the Project's environmental effects in combination with other cumulative projects (See Table 5-1).
- **Existing Regulations and Regulatory Requirements.** A list of applicable laws and regulations that would reduce potentially significant impacts.
- **Level of Significance Before Mitigation.** A determination of the significance of the impacts after the application of applicable existing regulations and regulatory requirements.
- **Mitigation Measures.** For each impact determined to be potentially significant after the application of applicable laws and regulations, feasible mitigation measure(s) to be implemented are provided. Mitigation measures include enforceable actions to:
 - avoid a significant impact;
 - minimize the severity of a significant impact;
 - rectify an impact by repairing, rehabilitating, or restoring the effected physical environment;
 - reduce or eliminate the impact over time through preservation and/or maintenance operations during the life of the Project; and/or
 - compensating for the impact by replacing or providing substitute resources or environmental conditions.
- **Level of Significance after Mitigation.** This section provides the determination of the impact's level of significance after the application of regulations, regulatory requirements, and mitigation measures.

Cumulative Impacts

Cumulative impacts refer to the combined effect of the proposed Project's impacts with the impacts of other past, present, and reasonably foreseeable probable future projects. Both CEQA and the CEQA Guidelines require that cumulative impacts be analyzed in an EIR. As set forth in the CEQA Guidelines Section 15130(b), "the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, but the discussion need not provide as great detail as is provided for the effects attributable to the project alone." The CEQA Guidelines direct that the discussion should be guided by practicality and reasonableness and focus on the cumulative impacts that would result from the combination of the proposed project and other projects, rather than the attributes of other projects which do not contribute to cumulative impacts.

According to Section 15355 of the CEQA Guidelines,

'Cumulative impacts' refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- a) The individual effects may be changes resulting from a single project or a number of separate projects.
- b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Therefore, the cumulative discussion in this Draft EIR focuses on whether the impacts of the proposed Project are cumulatively considerable within the context of impacts caused by other past, present, and reasonably foreseeable future projects. Additionally, pursuant to the CEQA Guidelines Section 15130(a)(1), an EIR should not discuss cumulative impacts that do not result at least in part from the project being evaluated in the EIR. Thus, cumulative impact analysis is not provided for any environmental issue where the proposed Project would have no environmental impact. Analysis of cumulative impacts is, however, provided for all Project impacts that are evaluated within this Draft EIR.

CEQA Guidelines Section 15130(b)(1) states that the information utilized in an analysis of cumulative impacts should come from one of the following, or a reasonable combination of the two:

- A list of past, present and probable future projects producing related or cumulative impacts, including those projects outside the control of the lead agency; or
- A summary of projections contained in an adopted local, regional, or statewide plan or related planning document that describes or evaluates conditions contributing to the cumulative effect.

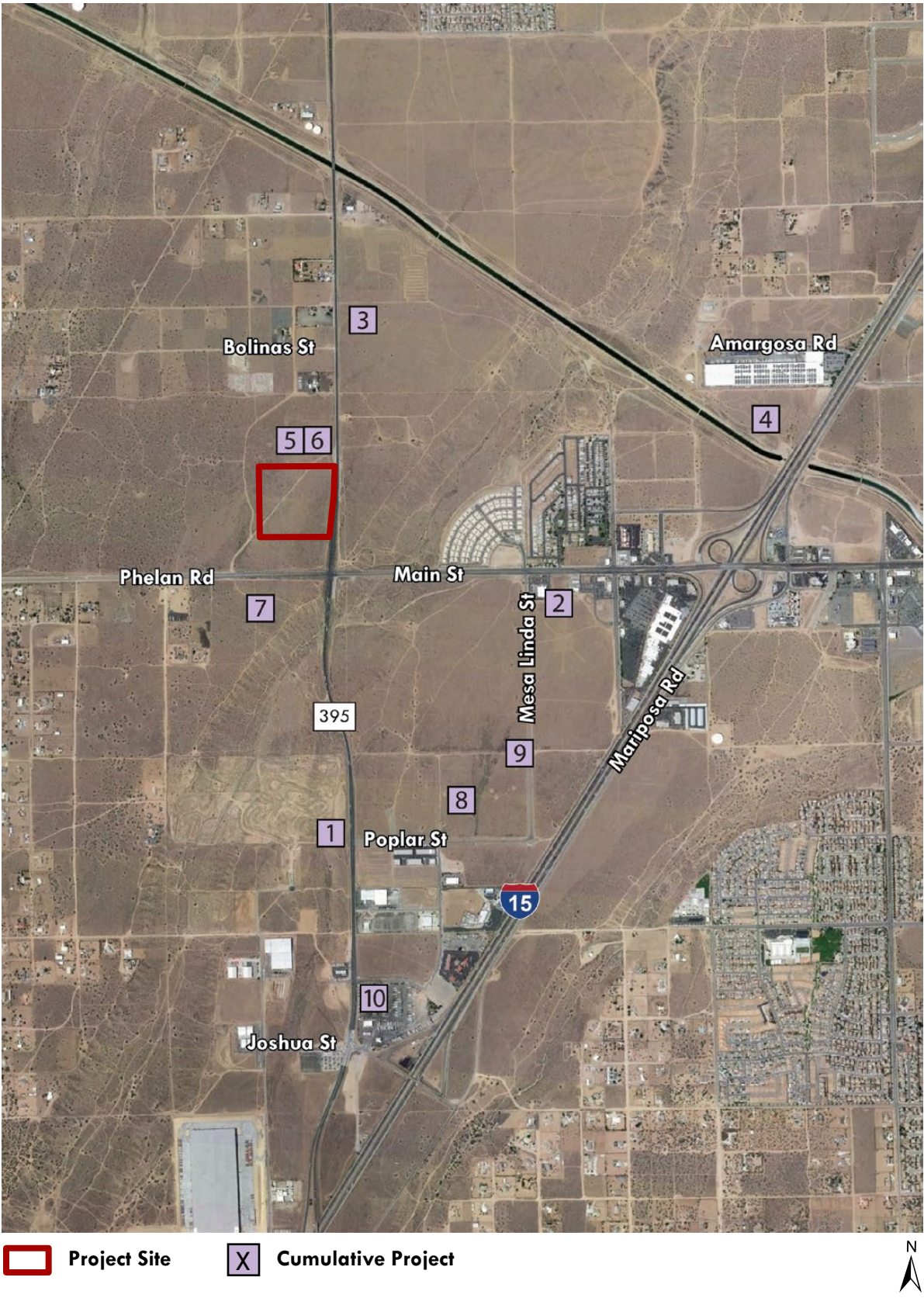
The cumulative analysis for air quality, greenhouse gas emissions, and transportation relies on projections contained in adopted local, regional, or statewide plans or related planning documents, such as Southern California Regional Transportation Plan, Southern California Association of Governments (SCAG) growth projections, and the San Bernardino County Transportation Analysis Model (SBTAM). The cumulative analyses for other environmental issues use the list of projects approach.

Different types of cumulative impacts occur over different geographic areas. For example, the geographic scope of the cumulative air quality analysis, where cumulative impacts occur over a large area, is different from the geographic scope considered for cumulative analysis of aesthetic resources, for which cumulative impacts are limited to project area viewsheds. Thus, in assessing aesthetic resources impacts, only development within and immediately adjacent to the Project area would contribute to a cumulative visual effect is analyzed, whereas cumulative transportation impacts are based upon annual growth projections and the other proposed and/or foreseeable development within the traffic study area of roadways and intersections. Because the geographic scope and other parameters of each cumulative analysis discussion can vary, the cumulative geographic scope, and the cumulative projects included in the geographic scope (when the list of projects approach is used), are described for each environmental topic. Table 5-1 provides a list of projects considered in this cumulative environmental analysis, which was compiled per information provided by each agency, and Figure 5-1 shows the locations.

Table 5-1. Cumulative Projects List

Project	Land Use	Quantity (TSF)
1. I-15 Industrial Park A - CUP21-00005	General Light Industrial	647.5
2. I-15 Industrial Park B - CUP21-00004	High-Cube Fulfillment Center Warehouse	1,202.50
3. U.S. Cold Storage (CUP21-00003)	High-Cube Cold Storage Warehouse	491
4. Pixior Warehouse (CUP20-00006)	High-Cube Fulfillment Center Warehouse	440
5. Hesperia Commerce Center II (CUP19-00010)	General Light Industrial/High-Cube Fulfillment Center Warehouse	3,745.43
6. Hesperia Commerce Center (CUP11-10229)	High-Cube Fulfillment Center Warehouse	3,500
7. Poplar 18 (CUP21-00010)	High-Cube Fulfillment Center Warehouse	414.7
8. CUP22-00003	High-Cube Fulfillment Center Warehouse	750
9. CUP22-00006	Mini-Warehouse	428 (storage units)
10. Mesa Linda Street Warehouse	High-Cube Transload and Short-Term Storage	408.997
11. Hesperia/Dara Industrial Center	High-Cube Fulfillment Center Warehouse/ High-Cube Cold Storage Warehouse	750

Cumulative Projects



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Impact Significance Classifications

The below classifications are used throughout the impact analysis in this Draft EIR to describe the level of significance of environmental impacts. Although the criteria for determining significance are different for each topic area, the environmental analysis applies a uniform classification of the impacts based on definitions consistent with CEQA and the CEQA Guidelines.

- **No Impact.** The Project would not change the environment.
- **Less Than Significant.** The Project would not cause any substantial, adverse change in the environment.
- **Less Than Significant with Mitigation Incorporated.** The Draft EIR includes mitigation measures that avoid substantial adverse impacts on the environment.
- **Significant and Unavoidable.** The Project would cause a substantial adverse effect on the environment, and no feasible mitigation measures are available to reduce the impact to a less than significant level.

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5.1 Aesthetics

5.1.1 INTRODUCTION

This section describes the existing visual setting and aesthetic character of the Project site and vicinity and evaluates the potential for the Project to impact scenic vistas, visual character and quality, light and glare, as well as shadow. This analysis focuses on changes that would be seen from public viewpoints and provides an assessment of whether aesthetic changes from implementation of the Project would result in substantially degraded aesthetic conditions. Descriptions of existing aesthetic/visual conditions are based, in part, on site visits by the consulting team, analysis of aerial photography, and the Project application materials submitted to the City of Hesperia described in Section 3.0, *Project Description*, of this EIR. This section is also based, in part, on the following documents and resources:

- California Department of Transportation (Caltrans) Scenic Highway Mapping System (Caltrans, 2018).
- City of Hesperia General Plan 2010 Final Environmental Impact Report, Michael Brandman Associates, December 2010
- City of Hesperia Development Code (Title 16 of the Hesperia Municipal Code)
- Hesperia Main Street and Freeway Corridor Specific Plan, October 2008

Aesthetics Terminology

- **Aesthetic Resources** include a combination of numerous elements, such as landforms, vegetation, water features, urban design, and/or architecture, that provide an overall visual impression that is pleasing to, or valued by, its observers. Factors important in describing the aesthetic resources of an area include visual character, scenic resources, and scenic vistas. These factors together not only describe the intrinsic aesthetic appeal of an area, but also communicate the value placed upon a landscape or scene by its observers.
- **Scenic Resources** are visually significant hillsides, ridges, water bodies, and buildings that are critical in shaping the visual character and scenic identity of the area and surrounding region.
- **Scenic Vistas** are defined as panoramic views of important visual features, as seen from public viewing areas. This definition combines visual quality with information about view exposure to describe the level of interest or concern that viewers may have for the quality of a particular view or visual setting.
- **Visual Character** broadly describes the unique combination of aesthetic elements and scenic resources that characterize a particular area. The quality of an area's visual character can be qualitatively assessed considering the overall visual impression or attractiveness created by the particular landscape characteristics. In urban settings, these characteristics largely include land use type and density, urban landscaping and design, architecture, topography, and background setting.

5.1.2 REGULATORY SETTING

5.1.2.1 Federal Regulations

There are no federal regulations concerning aesthetic impacts that are applicable to the Project.

5.1.2.2 State Regulations

There are no state regulations concerning aesthetic impacts that are directly applicable to the Project.

Urbanized Area

For an unincorporated area, Public Resources Code Section 21071(b) defines “urbanized area” as being surrounded by one or more incorporated cities and meeting both criteria: (i) The population of the unincorporated area and the population of the surrounding incorporated City or cities equals not less than 100,000 persons. (ii) The population density of the unincorporated area at least equals the population density of the surrounding city or cities. The City of Hesperia is an incorporated City of San Bernardino. According to the United States Census Bureau, the City of Hesperia was estimated to have a population of 100,971 in 2021.

California State Scenic Highways

In 1963, the State Legislature established the California Scenic Highway Program through Senate Bill 1467. The purpose of the program is to protect and enhance the natural scenic beauty of California highways and adjacent corridors, through special conservation treatment. A highway may be designated as scenic depending upon 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. Scenic corridors consist of land that is visible from, adjacent to, and outside the highway right-of-way, and is comprised primarily of scenic and natural features. Topography, vegetation, viewing distance, and/or jurisdictional lines determine the corridor boundaries. Scenic highways are classified as either Officially Designated or Eligible for designation and Caltrans maintains the lists of these highways. (Caltrans, 2021)

5.1.2.3 Local Regulations

City of Hesperia General Plan

The City of Hesperia General Plan Open Space Element contains the following goals and policies related to aesthetics that are applicable to the Project:

Goal OS-2: Identify and preserve natural open space in order to protect sensitive environments and preserve amenities such as washes, bluffs, Joshua tree forests, or juniper woodlands. Open space areas should be contiguous or connected through trails to provide accessibility for hikers and equestrians as well as wildlife.

Policy OS 2.3 Utilize natural open space to preserve natural resources such as historical, biological and scenic resources.

Goal OS-3: The areas within the Oro Grande Wash and the Unnamed Wash east of Interstate 15 identified as Area A, B and C of Exhibit OS - 7 shall be preserved in their natural state.

Policy OS-3.1 The City shall develop a policy to implement the Transfer of Development Rights (TDR) Program. The program should allow for the full transfer of development rights from portion of properties affected by slopes and/or drainage.

Goal OS-4: Permit a variety of uses within open space areas, depending upon the natural amenities available.

Policy OS-4.2 Preserve the aesthetic integrity and usefulness of open space washes by implementing restrictive development standards on projects occurring in or around the wash areas and ensuring development proposals are compatible.

Policy OS-4.3 Establish setbacks for buildings and walls along the rim of washes to preserve natural land, form, and vegetation.

Main Street and Freeway Corridor Specific Plan

The Main Street and Freeway Corridor Specific Plan (MSFC-SP) is the guiding document for development within the MSFC-SP area, which consists of two corridors within the City of Hesperia, Interstate-15 and Main Street. The MSFC-SP area is approximately 18 miles in length and covers a total area of over 16 square miles. The purpose of the MSFC-SP is to establish a development framework for the Main Street and Freeway corridors. This MSFC-SP is intended to facilitate and encourage development and improvements along these two corridors to help realize the community's vision for the area. Additionally, the MSFC-SP includes policies to preserve the Oro Grande Wash, a major tributary of the Mojave River that drains from the bluffs in Cajon Pass and empties into the Mojave River. Further, land use policies, development standards, and design guidelines are established for the MSFC-SP area within the plan. Any issue not specifically covered in the MSFC-SP shall be subject to the Hesperia Municipal Code, or to interpretation by the Development Services Director or his/her designee if not specifically covered in the City's existing regulations.

Goal UD-1: Strengthen the identity of the City of Hesperia and the Specific Plan area by building upon the surrounding natural resources and amenities, and create a new image for Main Street and the Freeway Corridor that expresses an attractive, inviting, high quality character and commercial vitality.

Policy UD-1.4 Preserve views of the mountains – San Gabriel Mountains to the southwest and San Bernardino National Forest to the southeast.

Goal UD-3: Take advantage of the City's climate and natural setting while preserving existing open space resources and planning for new resources.

Policy UD-3.4 Preserve and protect significant areas of native wildlife and plant habitat.

Goal UD-4: Enhance the pedestrian environment and driving experience within the City.

Policy UD-4.3 Identify site opportunities for creating public open spaces and parks in the Specific Plan area, as well as encouraging new development to incorporate public amenities and open spaces into site design.

Goal UD-5: Encourage good design, and high-quality development within the Specific Plan area.

Policy UD-5.3: Through design review, ensure that new development enhances the character of the Specific Plan area by requiring design qualities and elements that contribute to an active pedestrian environment, where appropriate, and ensuring that architectural elements support high-quality development.

5.1.3 ENVIRONMENTAL SETTING

Aesthetic resources include a combination of numerous elements, such as landforms, vegetation, water features, urban design, and/or architecture, that impart an overall visual impression that is pleasing to, or valued by, its observers. Factors important in describing the aesthetic resources of an area include visual character, scenic resources, and scenic vistas. These factors together not only describe intrinsic aesthetic appeal of an area, but also communicate value placed upon a landscape or scene by its observers.

The Project is located within the northwestern portion of the City of Hesperia in the MSFC-SP area. At the time the MSFC-SP was developed, the Specific Plan area was mostly undeveloped; however, the City has continued to experience substantial growth and development over the few decades. The Project site is located northwest of the intersection of U.S. Route 395 and Main Street, within a predominately undeveloped area with sparse light industrial development to the south. The Project site is currently vacant and undeveloped.

Scenic resources provide a visual relief from the man-made structures in the City and connect its residents to the natural environment. The Hesperia General Plan describes unique visual resources in the City as distant views of the San Bernardino and San Gabriel Mountains to the south and the surrounding high desert landscape. Additional scenic features in Hesperia include unique topographic features, local flora, and historic buildings. The Oro Grande Wash is also identified as a prominent open space and visual resource, along with the unnamed wash that flows to the east of and parallel to Interstate-15, that should be preserved as part of the City's natural landscape features.

Views from the Project site include transportation facilities, private residences, and agricultural and industrial operations scattered across the natural desert landscape. The surrounding landscape contains native vegetation typical of the high desert region, with Joshua trees, scrub oaks, chaparral, and grasses. More distant views from the Project site include mostly unobstructed views of the San Bernardino and San Gabriel Mountains, located south, southwest and southeast of the site, as well as views of the Mojave Desert. While there are no officially designated State scenic highways adjacent to the Project site, existing public views of the Project site are available from U.S. Route 395 and Phelan Road.

Scenic Vistas

Scenic vistas consist of expansive, panoramic views of important, unique, or highly valued visual features that are seen from public viewing areas. This definition combines visual quality with information about view exposure to describe the level of interest or concern that viewers may have for the quality of a particular view or visual setting.

The City of Hesperia General Plan does not specifically identify any scenic vistas from the Project site, roadways adjacent to the Project site, or the Project site vicinity. However, the City's General Plan generally describes scenic vistas within the City as views of scenic resources, including the Mojave River to the east, the San Bernardino and San Gabriel Mountain ranges to the south, and the surrounding Victor Valley, along with neighboring hillsides and the natural desert environment. The San Bernardino and San Gabriel Mountains are approximately eight miles from the Project site and contain some of Southern California's highest peaks. Because the MSFC-SP area is in a relatively flat valley, distant views of the surrounding mountains and ridgelines are visible from the Project site within some minor obstruction due to existing structures, utility poles, trees, and other elements of the built environment.

Visual Character and Quality of Site and Surrounding Area

The Project site consists of three parcels northwest of the Phelan Road and U.S. Route 395 intersection. The two northern parcels in the Project site are currently zoned as Commercial/Industrial Park, which allows for development of commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings. The southern parcel is zoned Neighborhood Commercial (NC), which is intended for immediate day-to-day convenience shopping and services for the residents of nearby neighborhoods. The Project site is vacant and undeveloped and consists of native desert scrub characterized as Joshua tree woodland and habitat. The Project site is directly surrounded by vacant land. The site is flat and visible from surrounding roadways and adjacent parcels.

The Project site and directly adjacent parcels are vacant and undeveloped; however, the larger Project vicinity is characterized as urbanized area. The Project site is west of the U.S. Route 395 corridor, which is developed with several commercial centers. The area further north of the Project site is developed with various trucking and distribution uses. Therefore, existing visual character of the larger Project vicinity, and general city landscape, consists primarily of developed commercial and industrial area surrounded by undeveloped land and some residential neighborhoods. The MSFC-SP identifies Hesperia's quality of life and surrounding scenic high desert setting as unique and a major contributor to its high population growth in the past few decades. The City's General Plan echoes this vision through its goals and policies to preserve amenities such as washes, bluffs, Joshua tree forests, and juniper woodlands.

Light and Glare

The existing visual environment includes lighting and glare generated by vehicles travelling along the two corridors. Since most of the Freeway Corridor area is currently undeveloped land, lighting is limited, and most of the area is unlighted. The Main Street Corridor is more developed east of Maple Avenue, and the commercial land is substantially developed between Eleventh Avenue and "I" Avenue. Internal lights, parking lot fixtures, streetlights and headlights provide most of the lighting along Main Street.

The Project site is currently undeveloped and does not contain sources of light or glare. Nighttime lights can create a form of light pollution that adversely affects the natural environment, such as causing glare that endangers driving or glare into private off-site areas. Nighttime lighting in the Project vicinity is currently limited to sources of vehicle lighting from adjacent roadways. Therefore, glare, which is a reflection of light, is also limited. The nearest existing sensitive receptors relative to light and glare include motorists traveling on local streets, as well as residential uses 0.3 mile to the east.

5.1.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the State CEQA Guidelines indicates a project could have a significant effect if it were to:

- AE-1 Have a substantial adverse effect on a scenic vista;
- AE-2 Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway;
- AE-3 In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings (public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality;
- AE-4 Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The Initial Study established that the proposed Project would not result in impacts related to Threshold AE-2; and no further assessment of this threshold is required in this Draft EIR.

5.1.5 METHODOLOGY

Aesthetic resources were assessed based on the visual quality of the Project site and surrounding area and the changes that would occur from implementation of the proposed Project. The significance determination for scenic vistas is based on consideration of whether the vista can be viewed from public areas within or near the Project site and the potential for the Project to either hinder views of the scenic vista or result in its visual degradation. Evaluation of aesthetic character identifies the Project's development characteristics and its expected appearance, and compares it to the site's existing appearance and character, and to the

character of adjacent existing and future planned uses to determine whether and/or to what extent a degradation of the visual character of the area could occur (considering factors such as the blending/contrasting of new and existing buildings given the proposed uses, density, height, bulk, setbacks, signage, etc.).

The analysis of light and glare identifies light-sensitive land uses and describes the Project's light and glare sources, and the extent to which Project lighting could spill off the Project site onto adjacent existing and future light-sensitive areas. The analysis also considers the potential for sunlight to reflect off building surfaces (glare) and the extent to which such glare would interfere with the operation of motor vehicles or other activities.

5.1.6 ENVIRONMENTAL IMPACTS

IMPACT AE-1: WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT ON A SCENIC VISTA?

Less than Significant Impact. A scenic vista can be impacted in two ways: a development project can have visual impacts by either directly diminishing the scenic quality of the vista, or by blocking the view corridors or "vista" of the scenic resource at public locations. As mentioned above in Section 5.1.3, Environmental Setting, the city considers views of Mojave River to the east, the San Bernardino and San Gabriel Mountain ranges to the south and the surrounding Victor Valley, along with neighboring hillsides and the natural desert environment as valued visual resources that contribute to scenic vistas within the City.

The Project site includes natural desert landscape (Joshua tree woodland and habitat). Interstate 395 (I-395) provides views of natural desert habitat across the Project site as well as long distant views of the San Bernardino and San Gabriel Mountain ranges to northbound and southbound motorists. No views are available to east- and westbound motorists and vehicles along Phelan Road due to the site's raised topography.

The Project would develop an industrial warehouse building that would be set back from the adjacent streets and would not encroach into the existing public long-distance views. The Project would include a building setback of approximately 208 feet along the proposed "A" Street, a building setback of approximately 118 feet along the northern property line, a building setback of approximately 185 feet along the eastern property line along I-395, and a building setback of approximately 94 feet along the southern property line along Phelan Road. All setbacks would be greater than what is required by the CIBP standards within the MSFC-SP. Further, the proposed building height (49 feet) would be below the CIBP maximum building height of 60 feet and would be consistent with heights of other existing and proposed buildings in the Project vicinity. Long range views of the San Bernardino and San Gabriel Mountain ranges, Victor Valley, and surrounding hillsides would continue to be available from public vantage points on I-395. Therefore, the Project would not substantially damage scenic resources, obstruct any prominent scenic vista or view open to the public, or result in the creation of an aesthetically offensive site. As such, impacts would be less than significant.

IMPACT AE-3: WOULD THE PROJECT IN NON-URBANIZED AREAS, SUBSTANTIALLY DEGRADE THE EXISTING VISUAL CHARACTER OR QUALITY OF PUBLIC VIEWS OF THE SITE AND ITS SURROUNDINGS? (PUBLIC VIEWS ARE THOSE THAT ARE EXPERIENCED FROM PUBLICLY ACCESSIBLE VANTAGE POINT). IF THE PROJECT IS IN AN URBANIZED AREA, WOULD THE PROJECT CONFLICT WITH APPLICABLE ZONING AND OTHER REGULATIONS GOVERNING SCENIC QUALITY?

Less Than Significant Impact. As described previously, the Project site is located within an “urbanized area,” as defined by Public Resources Code Section 21071; therefore, this analysis focuses on the Project’s consistency with applicable zoning and other regulations governing scenic quality.

To protect the existing visual resources, the goal of the Urban Design Framework is to develop the MSFC-SP area as a system of spaces, structures, and environments rather than as linear strips of unrelated buildings and undefined streetscapes. To protect the MSFC-SP area’s High Desert setting and panoramic mountain views, the MSFC-SP specifies that architectural character of new buildings should maximize views of the surrounding landscape while taking inspiration from the surrounding natural elements. As determined by the MSFC-SP EIR, the MSFC-SP encourages good design, and high-quality development by recommending a set of development and design standards that create the desired aesthetic and high-quality environment. Through implementation of these design standards, the MSFC-SP EIR determined that buildout of the MSFC-SP would result in less than significant impacts on the MSFC-SP area visual character and quality.

These integral elements identified in the MSFC-SP to preserve the existing visual resources within the MSFC-SP area, are expressed as Urban Design and Open Space goals and policies including:

- **Goal UD- 1:** Strengthen the identity of the City of Hesperia and the Specific Plan area by building upon the surrounding natural resources and amenities and create a new image for Main Street and the Freeway Corridor that expresses an attractive, inviting, high quality character and commercial vitality.
- **Policy UD-1.1:** Recognize and capitalize on Hesperia’s unique location and setting — “Gateway to the High Desert” at the top of the Cajon Pass, desert landscape, and dramatic natural features such as the Oro Grande Wash - to further establish a sense of pride in the community.
- **Policy UD-1.2:** Identify regional gateways into the City along Interstate-15 and create City identity at these locations by taking inspiration from the City’s dramatic location at the top of Cajon Pass and Cajon Summit.
- **Policy UD-1.4:** Preserve views of the mountains - San Gabriel Mountains to the southwest and San Bernardino National Forest to the southeast.
- **Goal UD-3:** Take advantage of the City’s climate and natural setting while preserving existing open space resources and planning for new resources.
- **Policy UD-3.1:** Recognize and preserve the washes’ multiple functions: a place for recreation, a natural habitat and a channel for storm runoff.
- **Policy UD-3.4:** Preserve and protect significant areas of native wildlife and plant habitat.
- **Policy UD4.I:** Establish an open space network that connects the City’s existing and planned open space resources. Recognize Main Street as a fundamental element of this network.

Within the MSFC-SP, the two northerly parcels of the site (APN 3064-401-03 and -04) are zoned as Commercial/Industrial Park (CIBP). Within the MSFC-SP, the southerly parcel of the site (APN 3064-401-05) is zoned as Neighborhood Commercial (NC). The Project would include a Specific Plan Amendment to redesignate the southerly parcel to CIBP. Section II: Private Development, Chapter 9: Non-Residential Zones, includes permitted uses, conditionally permitted uses, and development standards for CIBP. Additionally, the MSFC-SP includes Chapter 11 (Industrial Design Standards and Guidelines), which contains the landscaping, lighting, design, and architectural requirements (scale, mass, materials, etc.) for industrial uses within the MSFC-SP.

Section II: Private Development, Chapter 9: Non-Residential Zones

The Project site contains two industrial zones, namely, Commercial/Industrial Business Park (CIBP), and Neighborhood Commercial (NC). The MSFC-SP would be amended to designate the entire Project site CIBP. Permitted uses, conditionally permitted uses, and development standards for CIBP are included in this section of the MSFC-SP. Table 5.1-1 includes the development standards applicable to the Project site, which are intended to minimize adverse aesthetic impacts associated with new development projects.

Table 5.1- 1: CIBP Development Standards

Development Standard		Provided
Parking *As contained in Section 16.20.080 of the City Municipal Code	Warehouse @ 20+0.40/1,000 Office @ 3.33/1000 (326 total)	374 spaces
Minimum Lot Size & Dimensions	10 acres (width 500 ft., depth 500 ft.)	29.61 acres
FAR	0.5 (without CUP)	0.48 (included in CUP)
Maximum Structure Height	60 ft. (45 ft. within 100 ft. of a residential zone; allowance of additional 1 ft. in height for every 3 ft. in setback west of I-15, up to 150 ft.)	49 ft.
Front Yard Setback	25 ft.	94 ft along southern property line
Street Side Yard Setback	15 ft.	208 ft on "A" street'; 185 ft on U.S. Route 395
Landscaping	10%	16.5%
Walls & Fences	6-8 ft. adjacent to residential zone *All walls should be architecturally treated	N/A

The proposed Project would develop the 29.61-acre vacant site with a new 655,468 SF warehouse. The gross lot acreage is defined in the City municipal code to include the property dimensions up to the centerline of the street. Therefore, based upon the gross lot acreage of 1,355,149 SF, the FAR for the Project will be 0.48. The Project would include various architectural elements such as stamped concrete, stacked stone with textured or sandblasted finishes, glass and curtainwall glazing systems, natural and/or manufactured stone and limited metal panel systems including light and warm-toned exterior building colors. Additionally, the Project's landscape would incorporate drought-tolerant plant species that can maintain vibrancy during drought conditions.

A discussion of the Project's consistency with policies identified in the MSFC-SP applicable to visual character and quality is included in Table 5.1-2 below.

Table 5.1- 2: Consistency with MSFC-SP Goals and Policies

Policy	Project Consistency with Policy
Land Use Element	
Goal UD- 1: Strengthen the identity of the City of Hesperia and the Specific Plan area by building upon the surrounding natural resources and amenities, and create a new image for Main Street and the Freeway Corridor that expresses an attractive, inviting, high quality character and commercial vitality.	Consistent. Through consistency with the applicable development standards and design considerations, the Project would contribute to the high quality character and commercial vitality, and would be consistent with this goal.
Policy UD-1.1: Recognize and capitalize on Hesperia's unique location and setting — "Gateway to the High Desert" at the top of the Cajon Pass, desert landscape, and dramatic natural features such as the Oro Grande Wash - to further establish a sense of pride in the community.	Not applicable. The Project site is not located adjacent to the Cajon Pass or Oro Grande Wash.
Policy UD-1.2: Identify regional gateways into the City along Interstate-15 and create City identity at these locations by taking inspiration from the City's dramatic location at the top of Cajon Pass and Cajon Summit.	Not applicable. The Project is not located along I-15.
Policy UD-1.4: Preserve views of the mountains - San Gabriel Mountains to the southwest and San Bernardino National Forest to the southeast.	Consistent. While the Project would introduce new structures into the existing landscape, the Project building would not encroach into long-range views from the public roadways surrounding the Project site. Further, the proposed building height (49 feet) would be below the CIBP maximum building height of 60 feet and would be consistent with heights of other existing and future buildings in the Project vicinity. Building colors and materials would be consistent with the industrial design considerations included under the MSFC-SP to compliment the surrounding landscape. Therefore, the Project would be consistent.
Goal UD-3: Take advantage of the City's climate and natural setting while preserving existing open space resources and planning for new resources.	Consistent. The Project site is zoned CIBP and NC and is not currently designated, or planned for future, open space. Building colors and materials would be consistent with the industrial design considerations included under the MSFC-SP to compliment the surrounding landscape.
Policy UD-3.1: Recognize and preserve the washes' multiple functions: a place for recreation, a natural habitat and a channel for storm runoff.	Not applicable. The Project site is not located adjacent to the Oro Grande Wash.
Policy JD-3.5: Preserve and protect significant areas of native wildlife and plant habitat.	Consistent. As discussed under Section 5.3, <i>Biological Resources</i> , the Project would impact Joshua tree woodland. Impacted habitat would be preserved through compensatory mitigation.
Policy UD-3.6: Utilize the SCE corridor right-of-way for creating a walking and biking trail.	Not applicable. The Project site is not located within the SCE corridor right-of-way.
Policy UD-3.7: Preserve trails for equestrian uses.	Not applicable. The Project site does not contain and is not adjacent to an equestrian trail.
Goal UD-4: Enhance the pedestrian environment and driving experience within the City.	Consistent. As discussed under Section 5.12, <i>Transportation</i> , the Project would include installation of

Policy	Project Consistency with Policy
	sidewalks and native streetscape landscaping to enhance overall pedestrian and driving experience.
Policy UD4.I: Establish an open space network that connects the City's existing and planned open space resources. Recognize Main Street as a fundamental element of this network.	Not applicable. The Project site is not designated for Open Space under the MSFC-SP.

Additionally, MSFC-SP Chapter 11 (Industrial Design Standards and Guidelines) contains design guidelines for industrial uses in the MSFC-SP. Guidelines specify site layout, building scaling and massing, building entry design, vehicle and pedestrian circulation, parking and loading area requirements, and more. Earth tones would be used for the proposed building consistent with the MSFC-SP Industrial Design Standards. The use of strong or bright, unnatural colors, including the bright "white-on white" color schemes for exterior stucco, wood siding, trim doors and shutters, is discouraged as earth tones are considered to be the best suited for cohesion with existing City architecture. Further, the MSFC-SP design standards are nonspecific and Project colors and building materials could contrast the surrounding landscape. However, approval of the proposed Project would include a Development Plan Review by the City which would ensure consistency with design standards and other regulations governing scenic quality. Therefore, as demonstrated in Tables 5.1-1 and 5.1-2, the proposed Project would not conflict with zoning and other regulations governing scenic quality. Impacts would be less than significant.

IMPACT AE-4: WOULD THE PROJECT CREATE A NEW SOURCE OF SUBSTANTIAL LIGHT OR GLARE THAT WOULD ADVERSELY AFFECT DAY AND NIGHTTIME VIEWS IN THE AREA?

Less Than Significant Impact.

Construction

Limited, if any, nighttime lighting would be needed for Project construction during winter months. Section 16.20.125 of the City's Development Code limits construction between the hours of 7:00 a.m. to 7:00 p.m. Monday through Saturday and does not allow construction on Sundays or federal holidays. Thus, most construction activity would occur during daytime hours during the week, and construction-related illumination would be used for limited safety and security purposes and would be required to be directed downward. In addition, construction of the Project would not include any materials that would generate offsite glare that could direct light to sensitive receptors. Therefore, impacts related to lighting and glare during construction would be less than significant.

Operation

Lighting. As described in the MSFC-SP, the buildout of the planning area would introduce new lighting sources to the mostly undeveloped landscape. Development of the MSFC-SP would result in significant and unavoidable impacts related to light and glare.

The Project site is currently undeveloped and does not contain sources of light or glare. Nighttime lighting sources include vehicles from Phelan Road and U.S. Route 395. The Project would introduce new sources of lighting to the Project site. New sources of nighttime lighting resulting from the implementation of the Project would include parking lot and loading area lighting, as well as building mounted lights.

Section 16.16.350 of the City's Municipal Code, states that industrial activity shall not cause light trespass exceeding 0.5 foot-candles (Fc) at the property lines neighboring a residential street or property. The Project site is bordered by vacant, undeveloped land on all sides and further, parcels in proximity are designated as CIBP and Regional Commercial (RC) within the MSFC-SP. Therefore, the Project would not

result in the trespass of lighting onto a residential street or property and would be in compliance with the City code.

At the northern site boundary there would be no light spillover as the maximum foot candle would measure 0.1 Fc. To the west, the maximum foot candle would measure 0.5 Fc at the site boundary and light would dissipate over vacant land before reaching the nearest receptor. To the east, the maximum foot candle would measure 0.5 Fc at the site boundary and light would dissipate on U.S. Route 395 before reaching the nearest receptor located approximately 0.3 miles east on the opposite side of the U.S. Route 395. To the south, the maximum foot candle would measure 2.0 Fc at the site boundary and light would dissipate on Phelan Road before reaching the nearest receptor. While nighttime lighting would increase with Project development, the additional lighting would be limited to safety, security, and (future) signage purposes. Furthermore, nighttime lighting from the Project site would be shielded to avoid spilling onto adjacent properties as required by the provisions of the MSFC-SP.

Further, the City defers to Table 5.106.8 Maximum Allowable Backlight, Uplight and Glare (BUG) Ratings codified in the CA Energy Code and Chapter 10 of the CA Administrative Code. As shown in Figure 5.1-1 Lighting Plan, the Project would fall within Lighting Zone 3 (LZ3) and would comply with the maximum allowable limits of LZ3 listed in Table 5.106.8. Therefore, Project development would not result in substantial light that would adversely affect views of the area, and impacts related to lighting would be less than significant.

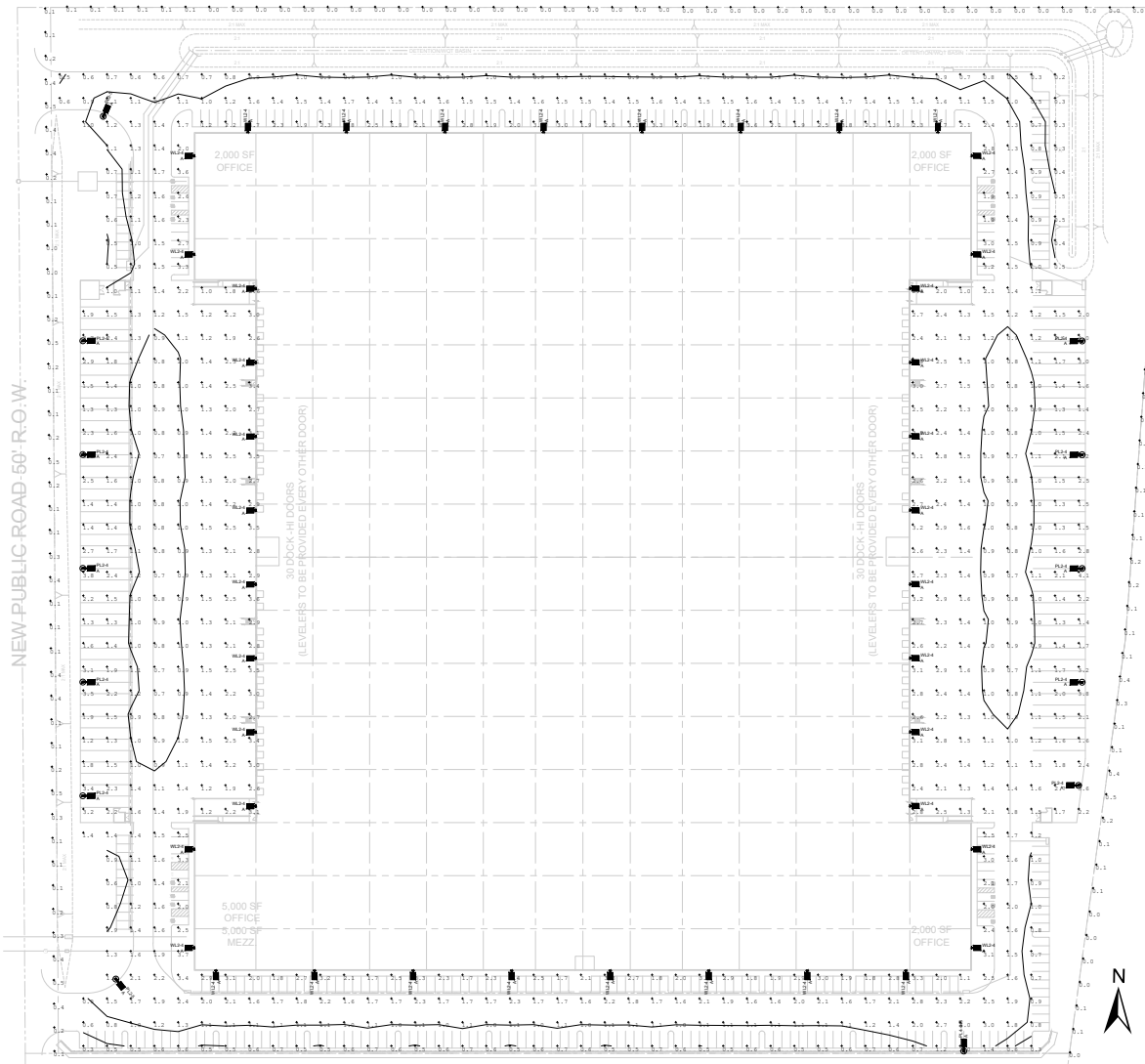
Glare. Glare can emanate from many different sources, some of which include direct sunlight, sunlight reflecting from cars or buildings, and bright outdoor or indoor lighting. Glare from reflective surfaces occurs as a result of the addition of large expanses of glass, metal, and other reflective surfaces for building façades with new construction.

The Project would develop a new building that would generally be constructed of concrete with blue glass windows, painted concrete, and painted metal doors. The glass windows would not dominate building elevations and are intended to bring daylight into the building as well as provide design treatments to the exterior building walls. The windows would be individually framed openings and would be extended or recessed to create more depth and shadow.

Overall, the proposed Project would create limited new sources of light or glare from security and site lighting but would not adversely affect day or nighttime views in the area given the similarity of the existing lighting in the surrounding urbanizing environment. Thus, the Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area, and impacts would be less than significant.

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Lighting Plan



FIXTURE LEGEND

SYMBOL	DESCRIPTION	BUG RATING	COMPLIES WITH CAL GREEN 5.106.8
PL3.4	TYPE 4 (RSX2-LED-P2-50K-R4) LED CUT-OFF ON 25' SQUARE STEEL POLE ON 2'-6" HIGH CONC BASE IN AUTO PARKING & 4' HIGH CONC BASE IN TRUCK YARD AND NO UPTILT*	B1-U0-G2	YES
PL3.5	TYPE 5 (RSX2-LED-P2-50K-R5) LED CUT-OFF ON 25' SQUARE STEEL POLE ON 2'-6" HIGH CONC BASE IN AUTO PARKING & 4' HIGH CONC BASE IN TRUCK YARD AND NO UPTILT*	B5-U0-G3	YES
PL4-HS	TYPE 4 (RSX2-LED-P4-50K-R4-HS) LED CUT-OFF W/WHOUSE SIDE SHIELD ON 25' SQUARE STEEL POLE ON 2'-6" HIGH CONC BASE IN AUTO PARKING & 4' HIGH CONC BASE IN TRUCK YARD AND NO UPTILT*	B1-U0-G3	YES
WL2-3	TYPE 3 (RSX2-LED-P2-50K-R3) LED CUT-OFF AT 32' AFF	B3-U0-G3	YES

* - SEE ARCHITECTURAL PLANS FOR ACTUAL POLE BASE HEIGHTS

NONRESIDENTIAL MANDATORY MEASURES

TABLE 5.106.8 (N)
MAXIMUM ALLOWABLE BACKLIGHT, UPLIGHT AND GLARE (BUG) RATINGS¹

ALLOWABLE RATING	LIGHTING ZONE L20	LIGHTING ZONE L21	LIGHTING ZONE L22	LIGHTING ZONE L23	LIGHTING ZONE L24
Maximum Allowable Backlight Rating (B)					
Luminaires greater than 2 mounting heights (MH) from property line	N/A	No Limit	No Limit	No Limit	No Limit
Luminaires back hemisphere is 1 - 2 MH from property line	N/A	B2	B3	B4	B4
Luminaires back hemisphere is 0.5 - 1 MH from property line	N/A	B1	B2	B3	B3
Luminaires back hemisphere is less than 0.5 MH from property line	N/A	B0	B0	B1	B2
Maximum Allowable Uplight Rating (U)					
For area lighting ²	N/A	U0	U0	U0	U0
For all other outdoor lighting, including decorative luminaires	N/A	U1	U2	U3	U4
Maximum Allowable Glare Rating (G)					
Luminaires greater than 2 MH from property line	N/A	G1	G2	G3	G4
Luminaires front hemisphere is 1 - 2 MH from property line	N/A	G0	G1	G1	G2
Luminaires front hemisphere is 0.5 - 1 MH from property line	N/A	G0	G0	G1	G1
Luminaires front hemisphere is less than 0.5 MH from property line	N/A	G0	G0	G0	G1

1. BONA Lighting Zones 0 are not applicable; refer to Lighting Zones as defined in the California Energy Code and Chapter 90 of the California Administrative Code.
2. For property lines that abut public walkways, bikeways, plazas and parking lots, the property line may be considered to be 5 feet beyond the actual property line for purposes of determining compliance with this section. For property lines that abut public walkways and public transit corridors, the property line may be considered to be the centerline of the public roadway or public transit corridor for the purpose of determining compliance with this section.
3. General lighting luminaires in areas such as outdoor parking, sales or storage lots shall meet these reduced ratings. Decorative luminaires located in these areas shall meet U-value limits for "all other outdoor lighting."

CAL GREEN BUG TABLE

SITE LIGHTING STATISTICS

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
Property Line	Illuminance	Fc	0.11	0.5	0.0	N/A	N/A
Site	Illuminance	Fc	1.61	4.2	0.2	8.05	21.00

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5.1.7 CUMULATIVE IMPACTS

The cumulative aesthetics study area for the Project is the viewshed from public areas that can view the Project site and locations that can be viewed from the Project site. Development of the Project site with industrial uses would contribute to a change in visual characteristics of the Project site and Project vicinity. As discussed previously, implementation of the land uses approved by the MSFC-SP would substantially change the existing visual character of the Project site. However, the Project would be compliant with the City's Development Standards and MSFC-SP Development Standards, which would minimize aesthetic impacts related to the planned land use.

The cumulative change in visual condition that would result from Project development and operation, in combination with future nearby projects would not be considered adverse, because the Project would implement the MSFC-SP related to architecture, landscaping, signs, lighting, and other related items intended to improve visual quality. The Project would also be consistent with MSFC-SP design guidelines, which would be ensured by the City through review and approval of the Project's Development Plans. Project development and operation would result in a less than significant cumulatively considerable impact related to degradation of the existing visual character or quality of the Project site and its surroundings.

The cumulative study area for light and glare includes areas immediately adjacent to the Project site that could receive light or glare from the Project or generate daytime glare or nighttime lighting that would be visible within the Project site and could combine with lighting from the Project. Project lighting would comply with existing requirements to focus lighting sources on the Project site and shield lighting from spillage onto adjacent land uses. This would minimize nighttime light pollution and reduce the potential for glare onto adjacent roadways and land uses. Other projects located throughout the MSFC-SP would similarly be required to comply with these regulations as well. Cumulative projects would result in more intense development than currently exists within the MSFC-SP area. However, through implementation of existing standards and applicable lighting measures, the Project, in combination with past, present, and reasonably foreseeable future projects would result in less than significant cumulative nighttime lighting and daytime glare impacts.

5.1.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

- City Municipal Code Section 16.20.135 – Glare
- City Municipal Code Section 16.20.125 – Noise
- City of Hesperia Development Code (Title 16 of the Hesperia Municipal Code)
- MSFC-SP Section II: Private Development, Chapter 9: Non-Residential Zones
- MSFC-SP Chapter 11: Industrial Design Standards and Guidelines
- MSFC-SP Section I, Chapter 4: Urban Design Framework

5.1.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements, Impacts AE-1, AE-3 and AE-4 would be less than significant.

5.1.10 MITIGATION MEASURES

None.

5.1.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The proposed Project would be consistent with applicable zoning and MSFC-SP regulations governing scenic quality. Therefore, no significant unavoidable adverse impacts related to aesthetics would occur.

REFERENCES

Caltrans. California Department of Transportation (Caltrans) Scenic Highway Mapping System. 2018.

City of Hesperia. City of Hesperia General Plan Update. Adopted 2010.
<https://www.cityofhesperia.us/409/Hesperia-General-Plan>

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City of Hesperia. Hesperia Main Street and Freeway Corridor Specific Plan. October 2008. Accessed:
<https://www.cityofhesperia.us/411/Main-Street-Freeway-Corridor-Specific-PI>

Michael Brandman Associates. City of Hesperia General Plan Draft Environmental Impact Report. December 2010. Accessed at: <https://www.cityofhesperia.us/DocumentCenter/View/1588/Hesperia-2010-GPU-Draft-EIR-121610?bidId=>

5.2 Air Quality

5.2.1 INTRODUCTION

This section provides an overview of the existing air quality within the Project area and surrounding region, a summary of applicable regulations, and analyses of potential short-term and long-term air quality impacts from implementation of the proposed Project. Mitigation measures are recommended as necessary to reduce significant air quality impacts. This analysis is based on the Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report prepared by LSA, included as Appendix B.

5.2.2 REGULATORY SETTING

5.2.2.1 Federal Regulations

United States Environmental Protection Agency

Criteria Air Pollutants

At the federal level, the United States Environmental Protection Agency (USEPA) has been charged with implementing national air quality programs. The USEPA's air quality mandates are drawn primarily from the federal Clean Air Act (CAA), which was enacted in 1970. The most recent major amendments to the CAA were made by Congress in 1990.

The CAA requires the USEPA to establish National Ambient Air Quality Standards (NAAQS). The USEPA has established primary and secondary NAAQS for the following criteria air pollutants: ozone, CO, NO₂, SO₂, PM₁₀, PM_{2.5}, and lead. Table 5.2-1 shows the NAAQS for these pollutants. The CAA also requires each state to prepare an air quality control plan, referred to as a state implementation plan (SIP). The CAA Amendments of 1990 (CAAA) added requirements for states with nonattainment areas to revise their SIPs to incorporate additional control measures to reduce air pollution. The SIP is modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies. The USEPA is responsible for reviewing all SIPs to determine whether they conform to the mandates of the CAA and its amendments, and to determine whether implementing the SIPs will achieve air quality goals. If the USEPA determines a SIP to be inadequate, a federal implementation plan that imposes additional control measures may be prepared for the nonattainment area.

The USEPA also has regulatory and enforcement jurisdiction over emission sources beyond state waters (outer continental shelf), and those that are under the exclusive authority of the federal government, such as aircraft, locomotives, and interstate trucking. The USEPA's primary role at the state level is to oversee state air quality programs. The USEPA sets federal vehicle and stationary source emissions standards and provides research and guidance in air pollution programs.

Hazardous Air Pollutants

The USEPA has programs for identifying and regulating hazardous air pollutants (HAPs). Title III of the CAAA directed the USEPA to promulgate national emissions standards for HAPs (NESHAP). The NESHAP may differ for major sources than for area sources of HAPs. Major sources are defined as stationary sources with potential to emit more than 10 tons per year (tpy) of any HAP or more than 25 tpy of any combination of HAPs; all other sources are considered area sources. The emissions standards are to be promulgated in two phases. In the first phase (1992–2000), the USEPA developed technology-based emission standards designed to produce the maximum emission reduction achievable. These standards

are generally referred to as requiring maximum achievable control technology (MACT). For area sources, the standards may be different, based on generally available control technology. In the second phase (2001–2008), the USEPA promulgated health-risk-based emissions standards that were deemed necessary to address risks remaining after implementation of the technology-based NESHAP standards.

Table 5.2-1: Ambient Air Quality Standards for Criteria Pollutants

Pollutant	Averaging Time	State Standard	National Standard	Pollutant Health and Atmospheric Effects	Major Pollutant Sources
Ozone	1 hour	0.09 ppm	---	High concentrations can directly affect lungs, causing irritation. Long-term exposure may cause damage to lung tissue.	Formed when ROG and NO _x react in the presence of sunlight. Major sources include on-road motor vehicles, solvent evaporation, and commercial/industrial mobile equipment.
	8 hours	0.07 ppm	0.075 ppm		
Carbon Monoxide (CO)	1 hour	20 ppm	35 ppm	Classified as a chemical asphyxiant, carbon monoxide interferes with the transfer of fresh oxygen to the blood and deprives sensitive tissues of oxygen.	Internal combustion engines, primarily gasoline-powered motor vehicles.
	8 hours	9.0 ppm	9 ppm		
Nitrogen Dioxide (NO_x)	1 hour	0.18 ppm	0.10 ppm	Irritating to eyes and respiratory tract. Colors atmosphere reddish-brown.	Motor vehicles, petroleum refining operations, industrial sources, aircraft, ships, and railroads.
	Annual Arithmetic Mean	0.030 ppm	0.053 ppm		
Sulfur Dioxide (SO₂)	1 hour	0.25 ppm	75 ppb	Irritates upper respiratory tract; injurious to lung tissue. Can yellow the leaves of plants, destructive to marble, iron, and steel. Limits visibility and reduces sunlight.	Fuel combustion, chemical plants, sulfur recovery plants, and metal processing.
	3 hours	---	0.50 ppm		
	24 hours	0.04 ppm	0.14 ppm		
	Annual Arithmetic Mean	---	0.03 ppm		
Respirable Particulate Matter (PM₁₀)	24 hours	50 µg/m ³	150 µg/m ³	May irritate eyes and respiratory tract, decreases in lung capacity, cancer and increased mortality. Produces haze and limits visibility.	Dust and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities (e.g., wind-raised dust and ocean sprays).
	Annual Arithmetic Mean	20 µg/m ³	---		
Fine Particulate Matter (PM_{2.5})	24 hours	---	35 µg/m ³	Increases respiratory disease, lung damage, cancer, and premature death. Reduces visibility and results in surface soiling.	Fuel combustion in motor vehicles, equipment, and industrial sources; residential and agricultural burning; Also, formed from photochemical reactions of other pollutants,
	Annual Arithmetic Mean	12 µg/m ³	12 µg/m ³		

Pollutant	Averaging Time	State Standard	National Standard	Pollutant Health and Atmospheric Effects	Major Pollutant Sources
					including NO _x , sulfur oxides, and organics.
Lead (Pb)	30 Day Average	1.5 µg/m ³	---	Disturbs gastrointestinal system, and causes anemia, kidney disease, and neuromuscular and neurological dysfunction (in severe cases).	<i>Present source:</i> lead smelters, battery manufacturing and recycling facilities. <i>Past source:</i> combustion of leaded gasoline.
	Calendar Quarter	---	1.5 µg/m ³		
	Rolling 3-Month Average	---	0.15 µg/m ³		
Hydrogen Sulfide	1 hour	0.03 ppm	...	Nuisance odor (rotten egg smell), headache and breathing difficulties (higher concentrations)	Geothermal power plants, petroleum production and refining
Sulfates (SO₄)	24 hour	25 µg/m ³	...	Decrease in ventilatory functions; aggravation of asthmatic symptoms; aggravation of cardio-pulmonary disease; vegetation damage; degradation of visibility; property damage.	Industrial processes.
Visibility Reducing Particles	8 hour	Extinction of 0.23/km; visibility of 10 miles or more	...	Reduces visibility, reduced airport safety, lower real estate value, and discourages tourism.	See PM _{2.5} .

ppm = parts per million; ppb = parts per billion; µg/m³ = micrograms per cubic meter.

The CAAA also required the USEPA to promulgate vehicle or fuel standards containing reasonable requirements that control toxic emissions of, at a minimum, benzene and formaldehyde. Performance criteria were established to limit mobile-source emissions of toxics, including benzene, formaldehyde, and 1,3-butadiene. In addition, Section 219 required the use of reformulated gasoline in selected areas with the most severe ozone nonattainment conditions to further reduce mobile-source emissions.

5.2.2.2 State Regulations

California Air Resources Board

The California Air Resources Board (CARB), a department of the California Environmental Protection Agency, oversees air quality planning and control throughout California. CARB is responsible for coordination and oversight of state and local air pollution control programs in California and for implementation of the California Clean Air Act (CCAA). The CCAA, which was adopted in 1988, requires CARB to establish the California Ambient Air Quality Standards (CAAQS). CARB has established CAAQS for sulfates, hydrogen sulfide, vinyl chloride, visibility-reducing particulate matter, and the above-mentioned criteria air pollutants. Applicable CAAQS are shown in Table 5.2-1.

The CCAA requires all local air districts in the state to endeavor to achieve and maintain the CAAQS by the earliest practical date. The act specifies that local air districts shall focus particular attention on reducing the emissions from transportation and area-wide emission sources and provides districts with the authority to regulate indirect sources.

Among CARB's other responsibilities are overseeing compliance by local air districts with California and federal laws, approving local air quality plans, submitting SIPs to the USEPA, monitoring air quality, determining and updating area designations and maps, and setting emissions standards for new mobile sources, consumer products, small utility engines, off-road vehicles, and fuels.

Criteria Air Pollutants

CARB and USEPA currently focus on the following air pollutants as indicators of ambient air quality: ozone, carbon monoxide (CO), nitrogen dioxide (NO₂), sulfur dioxide (SO₂), respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM₁₀), fine particulate matter with an aerodynamic diameter of 2.5 micrometers or less (PM_{2.5}), and lead. These pollutants are referred to as "criteria air pollutants" because they are the most prevalent air pollutants known to be injurious to human health. Extensive health-effects criteria documents regarding the effects of these pollutants on human health and welfare have been prepared over the years.¹ Standards have been established for each criteria pollutant to meet specific public health and welfare criteria set forth in the federal CAA. California has generally adopted more stringent ambient air quality standards for the criteria air pollutants (CAAQS) and has adopted air quality standards for some pollutants for which there is no corresponding national standard, such as sulfates, hydrogen sulfide, vinyl chloride, and visibility-reducing particles.¹

Ozone

Ozone, the main component of photochemical smog, is primarily a summer and fall pollution problem. Ozone is not emitted directly into the air, but is formed through a complex series of chemical reactions involving other compounds that are directly emitted. These directly emitted pollutants (also known as ozone precursors) include reactive organic gases (ROGs) or volatile organic compounds (VOCs), and oxides of nitrogen (NO_x). While both ROGs and VOCs refer to compounds of carbon, ROG is a term used by CARB and is based on a list of exempted carbon compounds determined by CARB. VOC is a term used by the USEPA and is based on its own exempt list. The time period required for ozone formation allows the reacting compounds to spread over a large area, producing regional pollution problems. Ozone concentrations are the cumulative result of regional development patterns rather than the result of a few significant emission sources.

Once ozone is formed, it remains in the atmosphere for one or two days. Ozone is then eliminated through reaction with chemicals on the leaves of plants, attachment to water droplets as they fall to earth ("rainout"), or absorption by water molecules in clouds that later fall to earth with rain ("washout").

Short-term exposure to ozone can irritate the eyes and cause constriction of the airways. In addition to causing shortness of breath, ozone can aggravate existing respiratory diseases such as asthma, bronchitis, and emphysema.

Carbon Monoxide

CO is a colorless, odorless gas produced by the incomplete combustion of carbon-containing fuels, such as gasoline or wood. CO concentrations tend to be the highest during the winter morning, when little to no wind and surface-based inversions trap the pollutant at ground levels. Because CO is emitted directly from internal combustion engines, unlike ozone, motor vehicles operating at slow speeds are the primary source of CO in the Basin. The highest ambient CO concentrations are generally found near congested transportation

¹ Additional sources of information on the health effects of criteria pollutants can be found at CARB and USEPA's websites at <http://www.arb.ca.gov/research/health/health.htm> and <http://www.epa.gov/air/airpollutants.html>, respectively.

corridors and intersections.

Nitrogen Dioxide

NO₂ is a reddish-brown gas that is a by-product of combustion processes. Automobiles and industrial operations are the main sources of NO₂. Combustion devices emit primarily nitric oxide (NO), which reacts through oxidation in the atmosphere to form NO₂. The combined emissions of NO and NO₂ are referred to as NO_x, which are reported as equivalent NO₂. Aside from its contribution to ozone formation, NO₂ can increase the risk of acute and chronic respiratory disease and reduce visibility. NO₂ may be visible as a coloring component of a brown cloud on high pollution days, especially in conjunction with high ozone levels.

Sulfur Dioxide

SO₂ is a colorless, extremely irritating gas or liquid that enters the atmosphere as a pollutant mainly as a result of burning high sulfur-content fuel oils and coal, and from chemical processes occurring at chemical plants and refineries. When SO₂ oxidizes in the atmosphere, it forms sulfur trioxide (SO₃). Collectively, these pollutants are referred to as sulfur oxides (SO_x).

Major sources of SO₂ include power plants, large industrial facilities, diesel vehicles, and oil-burning residential heaters. Emissions of SO₂ aggravate lung diseases, especially bronchitis. This compound also constricts the breathing passages, especially in people with asthma and people involved in moderate to heavy exercise. SO₂ potentially causes wheezing, shortness of breath, and coughing. Long-term SO₂ exposure has been associated with increased risk of mortality from respiratory or cardiovascular disease.

Particulate Matter

PM₁₀ and PM_{2.5} consist of particulate matter that is 10 microns or less in diameter and 2.5 microns or less in diameter, respectively (a micron is one-millionth of a meter). PM₁₀ and PM_{2.5} represent fractions of particulate matter that can be inhaled into the air passages and the lungs and can cause adverse health effects. Acute and chronic health effects associated with high particulate levels include the aggravation of chronic respiratory diseases, heart and lung disease, and coughing, bronchitis and respiratory illnesses in children. Particulate matter can also damage materials and reduce visibility. One common source of PM_{2.5} is diesel exhaust emissions.

PM₁₀ consists of particulate matter emitted directly into the air (e.g., fugitive dust, soot, and smoke from mobile and stationary sources, construction operations, fires, and natural windblown dust) and particulate matter formed in the atmosphere by condensation and/or transformation of SO₂ and ROG. Traffic generate particulate matter emissions through entrainment of dust and dirt particles that settle onto roadways and parking lots. PM₁₀ and PM_{2.5} are also emitted by burning wood in residential wood stoves and fireplaces and open agricultural burning. PM_{2.5} can also be formed through secondary processes such as airborne reactions with certain pollutant precursors, including ROGs, ammonia (NH₃), NO_x, and SO_x.

Lead

Lead is a metal found naturally in the environment and present in some manufactured products. There are a variety of activities that can contribute to lead emissions, which are grouped into two general categories, stationary and mobile sources. On-road mobile sources include light-duty automobiles; light-, medium-, and heavy-duty trucks; and motorcycles.

Emissions of lead have dropped substantially over the past 40 years. The reduction before 1990 is largely due to the phase-out of lead as an anti-knock agent in gasoline for on-road automobiles. Substantial emission reductions have also been achieved due to enhanced controls in the metals processing industry. In the Basin, atmospheric lead is generated almost entirely by the combustion of leaded gasoline and contributes less than one percent of the material collected as total suspended particulates.

Toxic Air Contaminants

Concentrations of TACs, or in federal parlance, HAPs, are also used as indicators of ambient air quality conditions. A TAC is defined as an air pollutant that may cause or contribute to an increase in mortality or in serious illness, or that may pose a hazard to human health. TACs are usually present in minute quantities in the ambient air; however, their high toxicity or health risk may pose a threat to public health even at low concentrations.

According to the California Almanac of Emissions and Air Quality, the majority of the estimated health risk from TACs can be attributed to relatively few compounds, the most important being particulate matter from DPM. DPM differs from other TACs in that it is not a single substance, but rather a complex mixture of hundreds of substances. Although DPM is emitted by diesel-fueled internal combustion engines, the composition of the emissions varies depending on engine type, operating conditions, fuel composition, lubricating oil, and whether an emission control system is present.

Unlike the other TACs, no ambient monitoring data are available for DPM because no routine measurement method currently exists. However, CARB has made preliminary concentration estimates based on a particulate matter exposure method. This method uses the CARB emissions inventory's PM₁₀ database, ambient PM₁₀ monitoring data, and the results from several studies to estimate concentrations of diesel PM. In addition to diesel PM, the TACs for which data are available that pose the greatest existing ambient risk in California are benzene, 1,3-butadiene, acetaldehyde, carbon tetrachloride, hexavalent chromium, para-dichlorobenzene, formaldehyde, methylene chloride, and perchloroethylene.

CO Hotspots

An adverse CO concentration, known as a "hot spot" is an exceedance of the state one-hour standard of 20 ppm or the eight-hour standard of 9 ppm. It has long been recognized that CO hotspots are caused by vehicular emissions, primarily when idling at congested intersections. In response, vehicle emissions standards have become increasingly stringent in the last twenty years. Currently, the allowable CO emissions standard in California is a maximum of 3.4 grams/mile for passenger cars (there are requirements for certain vehicles that are more stringent). With the turnover of older vehicles, introduction of cleaner fuels, and implementation of increasingly sophisticated and efficient emissions control technologies, CO concentration in the Basin is now designated as attainment, and CO concentrations in the Project vicinity have steadily declined (AQ 2022).

Odorous Emissions

Odors are generally regarded as an annoyance rather than a health hazard. However, manifestations of a person's reaction to foul odors can range from psychological (e.g., irritation, anger, or anxiety) to physiological (e.g., circulatory and respiratory effects, nausea, vomiting, and headache). Offensive odors are unpleasant and can lead to public distress generating citizen complaints to local governments. Although unpleasant, offensive odors rarely cause physical harm. The occurrence and severity of odor impacts depend on the nature, frequency, and intensity of the source, wind speed, direction, and the sensitivity of receptors.

Diesel Regulations

The CARB and the Ports of Los Angeles and Long Beach have adopted several iterations of regulations for diesel trucks that are aimed at reducing diesel particulate matter (DPM). More specifically, the CARB Drayage Truck Regulation, the CARB statewide On-road Truck and Bus Regulation, and the Ports of Los Angeles and Long Beach "Clean Truck Program" (CTP) require accelerated implementation of "clean trucks" into the statewide truck fleet. In other words, older more polluting trucks will be replaced with newer, cleaner trucks as a function of these regulatory requirements. CARB's Statewide Truck and Bus Regulation specifically required that by January 1, 2023, nearly all trucks and buses would need to have 2010 model-year engines or equivalent. As a result of these standards, the average statewide DPM emissions for Heavy Duty Trucks (HDT), in terms of grams of DPM generated per mile traveled, will be dramatically

lower than the assumptions used in the modeling for the Project's air quality impacts analysis. Therefore, Diesel emissions identified in this analysis overstate future DPM emissions because these regulatory requirements are not reflected in the modeling.

Toxic Air Contaminants

Air quality regulations also focus on toxic air contaminants (TACs). In general, for those TACs that may cause cancer, there is no concentration that does not present some risk. In other words, there is no safe level of exposure. This contrasts with the criteria air pollutants, for which acceptable levels of exposure can be determined and for which the ambient standards have been established. Instead, the USEPA and CARB regulate HAPs and TACs, respectively, through statutes and regulations that generally require the use of the MACT or best available control technology (BACT) for toxics and to limit emissions. These statutes and regulations, in conjunction with additional rules set forth by the districts, establish the regulatory framework for TACs.

TACs in California are regulated primarily through the Tanner Air Toxics Act (Assembly Bill (AB) 1807 [Chapter 1047, Statutes of 1983]) (Health and Safety Code Section 39650 *et seq.*) and the Air Toxics Hot Spots Information and Assessment Act (Hot Spots Act) (AB 2588) [Chapter 1252, Statutes of 1987]) (Health and Safety Code Section 44300 *et seq.*). AB 1807 sets forth a formal procedure for CARB to designate substances as TACs. This includes research, public participation, and scientific peer review before CARB can designate a substance as a TAC. To date, CARB has identified more than 21 TACs and adopted the USEPA's list of HAPs as TACs. Most recently, diesel PM was added to the CARB list of TACs. Once a TAC is identified, CARB then adopts an airborne toxics control measure (ATCM) for sources that emit that particular TAC. If there is a safe threshold for a substance at which there is no toxic effect, the control measure must reduce exposure below that threshold. If there is no safe threshold, the measure must incorporate BACT to minimize emissions.

The Air Toxics Hot Spots Information and Assessment Act requires existing facilities emitting toxic substances above a specified level to prepare a toxic-emission inventory, prepare a risk assessment if emissions are significant, notify the public of significant risk levels, and prepare and implement risk reduction measures.

CARB published the Air Quality and Land Use Handbook: A Community Health Perspective (Handbook), which provides guidance concerning land use compatibility with TAC sources. Although it is not a law or adopted policy, the Handbook offers advisory recommendations for the siting of sensitive receptors near uses associated with TACs, such as freeways and high-traffic roads, commercial distribution centers, rail yards, ports, refineries, dry cleaners, gasoline stations, and industrial facilities, to help keep children and other sensitive populations out of harm's way. Based on CARB's Community Health Air Pollution Information System (CHAPIS), no major TAC sources are located in proximity to the Project area. In addition, CARB has promulgated the following specific rules to limit TAC emissions:

- **CARB Rule 2485** (13 CCR, Chapter 10 Section 2485), Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.
- **CARB Rule 2480** (13 CCR Chapter 10 Section 2480), Airborne Toxic Control Measure to Limit School Bus Idling and Idling at Schools.
- **CARB Rule 2477** (13 CCR Section 2477 and Article 8), Airborne Toxic Control Measure for In-Use Diesel Fueled Transport Refrigeration Units (TRU) and TRU Generator Sets and Facilities Where TRUs Operate.

California Assembly Bill 1493– Pavley

In 2002, the California Legislature adopted AB 1493 requiring the adoption of regulations to develop

fuel economy standards for the transportation sector. In September 2004, pursuant to AB 1493, the CARB approved regulations to reduce fuel use and emissions from new motor vehicles beginning with the 2009 model year (Pavley Regulations). CARB, EPA, and the U.S. Department of Transportation's National Highway Traffic and Safety Administration (NHTSA) have coordinated efforts to develop fuel economy standards for model 2017-2025 vehicles, which are incorporated into the "Low Emission Vehicle" (LEV) Regulations.

California Code of Regulations (CCR) Title 13, Motor Vehicles, Section 2449(d)(3)

No vehicle or engines subject to this regulation may idle for more than 5 consecutive minutes. The idling limit does not apply to:

- idling when queuing,
- idling to verify that the vehicle is in safe operating condition,
- idling for testing, servicing, repairing or diagnostic purposes,
- idling necessary to accomplish work for which the vehicle was designed (such as operating a crane),
- idling required to bring the machine system to operating temperature, and idling necessary to ensure safe operation of the vehicle.

Title 24 Energy Efficiency Standards and California Green Building Standards

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code (CalGreen) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2019 California Green Building Code Standards that became effective January 1, 2020. The 2022 CalGreen Building Standards Code has been adopted by the City of Hesperia as Municipal Code Chapter 15.04.

Senate Bill 1000 Environmental Justice in Local Land Use Planning

In an effort to address the inequitable distribution of pollution and associated health effects in low-income communities and communities of color, the Legislature passed and Governor Brown signed Senate Bill 1000 (SB 1000) in 2016, requiring local governments to identify environmental justice communities (called "disadvantaged communities") in their jurisdictions and address environmental justice in their general plans. This new law has several purposes, including to facilitate transparency and public engagement in local governments' planning and decision-making processes, reduce harmful pollutants and the associated health risks in environmental justice communities, and promote equitable access to health-inducing benefits, such as healthy food options, housing, public facilities, and recreation. SB 1000 requires environmental justice elements to identify objectives and policies to reduce unique or compounded health risks in disadvantaged communities. Generally, environmental justice elements will include policies to reduce the community's exposure to pollution through air quality improvement. SB 1000 affirms the need to integrate environmental justice principles into the planning process to prioritize improvements and programs that address the needs of disadvantaged communities.

5.2.2.3 Regional Regulations

Mojave Desert Air Quality Management District

Criteria Air Pollutants

The Mojave Desert Air Quality Management District (MDAQMD) attains and maintains air quality conditions in the Mojave Desert Air Basin (Basin) through a comprehensive program of planning, regulation, enforcement, technical innovation, and promotion of the understanding of air quality issues. The clean air strategy of MDAQMD includes preparation of plans for attainment of ambient air quality standards, adoption and enforcement of rules and regulations concerning sources of air pollution, and

issuance of permits for stationary sources of air pollution. MDAQMD also inspects stationary sources of air pollution and responds to citizen complaints; monitors ambient air quality and meteorological conditions; and implements programs and regulations required by the CAA, CAAA, and CCAA. Air quality plans applicable to the proposed Project are discussed below.

Air Quality Management Plan

MDAQMD and the Southern California Association of Governments (SCAG) are responsible for preparing the air quality management plan (AQMP), which addresses federal and state CAA requirements. The AQMP details goals, policies, and programs for improving air quality in the Basin. The MDAQMD's most recent air quality plans are the PM10 attainment demonstration and maintenance plan (MDAQMD 1995) and the O3 attainment plan (MDAQMD 2008).

MDAQMD Rules and Regulations

All projects are subject to MDAQMD rules and regulations. Specific rules applicable to the proposed Project include the following:

- **Rule 401 – Visible Emissions:** This rule establishes the limit for visible emissions from stationary sources.
- **Rule 402 – Nuisance:** This rule prohibits the discharge of air contaminants or other material that cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or that endanger the comfort, repose, health, or safety of any such persons or the public, or that cause, or have a natural tendency to cause, injury or damage to business or property.
- **Rule 403.2 – Fugitive Dust Control for the Mojave Desert Planning Area:** This rule ensures that the NAAQS for PM10 will not be exceeded due to anthropogenic sources of fugitive dust within the Mojave Desert Planning Area and implements the control measures contained in the Mojave Desert Planning Area Federal PM10 Attainment Plan.
- **Rule 442 – Usage of Solvents:** The purpose of this rule is to reduce VOC emissions from VOC-containing materials or equipment that is not subject to limits of any rule found in District Regulation XI – Source Specific Standards.
- **Rule 1113 – Architectural Coatings:** This rule requires manufacturers, distributors, and end users of architectural and industrial maintenance coatings to reduce VOC emissions from the use of these coatings, primarily by placing limits on the VOC content of various coating categories.

5.2.2.4 Local Regulations

City of Hesperia General Plan

The City of Hesperia General Plan Conservation Element contains the following policies related to air quality that are applicable to the Project:

Policy CN-8.1 Implement measures to reduce fugitive dust from unpaved areas, parking lots, and construction sites.

Policy CN-8.2 Implement measures to reduce exhaust emissions from construction equipment.

Policy CN-8.4 Limit new sensitive receptor land uses in proximity to significant sources of air pollution

Policy CN-8.5 Minimize exposure of sensitive receptor land uses and sites to health risks related to air pollution.

5.2.3 ENVIRONMENTAL SETTING

Climate and Meteorology

The Project area is located within the Basin, which is under the jurisdiction of the MDAQMD. The Basin includes

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

The ambient concentrations of air pollutants are determined by the amount of emissions released by sources and the atmosphere's ability to transport and dilute such emissions. Natural factors that affect transport and dilution include terrain, wind, atmospheric stability, and sunlight. Therefore, existing air quality conditions in the area are determined by such natural factors as topography, meteorology, and climate, in addition to the amount of emissions released by existing air pollutant sources.

During the summer, the Basin is generally influenced by a Pacific subtropical high cell that sits off the coast, inhibiting cloud formation and encouraging daytime solar heating. The Basin is rarely influenced by cold air masses moving south from Canada and Alaska, as these frontal systems are weak and diffuse by the time, they reach the desert. Most desert moisture arrives from infrequent warm, moist, and unstable air masses from the south. The Basin averages between 3 and 7 inches of precipitation per year (from 16 to 30 days with at least 0.01 inch of precipitation). The Basin is classified as a dry-hot desert climate (BWh), with portions classified as dry-very hot desert climate (BWwh), to indicate that at least 3 months have maximum average temperatures over 100.4 degrees Fahrenheit (°F).

Snow is common above 5,000 ft in elevation, resulting in moderate snowpack and limited spring runoff. Below 5,000 ft, any precipitation normally occurs as rainfall. Pacific storm fronts normally move into the area from the west, driven by prevailing winds from the west and southwest. During late summer, moist high-pressure systems from the Pacific Ocean collide with rising heated air from desert areas, resulting in brief, high-intensity thunderstorms that can cause high winds and localized flash flooding. During the fall and winter months, strong, dry Santa Ana winds from the northeast can cause rapid temperature variations of significant magnitude.

Existing Air Quality Conditions

Air quality monitoring stations are located throughout the nation and are maintained by the local air pollution control district and State air quality regulating agencies. The MDAQMD, together with the CARB, maintains ambient air quality monitoring stations in the Basin. The air quality monitoring stations closest to the Project site located at 17288 Olive Street in Hesperia and 14306 Park Avenue in Victorville, California.

Pollutant monitoring results for years 2019 to 2021 at the Hesperia and Victorville ambient air quality monitoring stations, shown in Table 5.2-2, indicate that air quality in the area has generally been moderate. As indicated in the monitoring results, the federal PM₁₀ standard had one exceedance for 2019, 2020, and 2021. The State PM₁₀ standard was exceeded an unknown number of times during the three-year period. The PM_{2.5} federal standard had no exceedances in 2019, 4 exceedances in 2020, and an unknown number of exceedances in 2021. The 1-hour ozone State standard was exceeded 9 times in 2019 and in 2020, and an unknown number of times in 2021. The 8-hour ozone State standard was exceeded 52 times in 2019, 48 times in 2020, and an unknown number of times in 2021. The 8-hour ozone federal standard was 47 times in 2019, 48 times in 2020, and 55 times in 2021. In addition, the CO, SO₂, and NO₂ standards were not exceeded in this area during the 3-year period.

Table 5.2-2: Air Quality Monitoring Summary 2019-2021

Pollutant	Standard	2019	2020	2021
Carbon Monoxide (CO)¹				
Maximum 1-hour concentration (ppm)		1.5	1.6	1.5
Number of days exceeded:	State: > 20 ppm	0	0	0
	Federal: > 35 ppm	0	0	0
Maximum 8-hour concentration (ppm)		1.1	1.4	1.0
Number of days exceeded:	State: > 9 ppm	0	0	0
	Federal: > 9 ppm	0	0	0
Ozone (O₃)²				
Maximum 1-hour concentration (ppm)		0.108	0.118	0.114
Number of days exceeded:	State: > 0.09 ppm	9	9	ND
Maximum 8-hour concentration (ppm)		0.088	0.095	0.101
Number of days exceeded:	State: > 0.07 ppm	52	48	ND
	Federal: > 0.07 ppm	47	48	55
Coarse Particulates (PM₁₀)²				
Maximum 24-hour concentration (µg/m ³)		157	224	426
Number of days exceeded:	State: > 50 µg/m ³	ND	ND	ND
	Federal: > 150 µg/m ³	1	1	1
Annual arithmetic average concentration (µg/m ³)		ND	ND	ND
Exceeded for the year:	State: > 20 µg/m ³	ND	ND	ND
	Federal: > 50 µg/m ³	ND	ND	ND
Fine Particulates (PM_{2.5})¹				
Maximum 24-hour concentration (µg/m ³)		20.0	48.7	87.1
Number of days exceeded:	Federal: > 35 µg/m ³	0	4	ND
Annual arithmetic average concentration (µg/m ³)		7.0	10.4	10.3
Exceeded for the year:	State: > 12 µg/m ³	No	No	No
	Federal: > 15 µg/m ³	No	No	No
Nitrogen Dioxide (NO₂)¹				
Maximum 1-hour concentration (ppm)		0.056	0.059	0.057
Number of days exceeded:	State: > 0.250 ppm	0	0	0
Annual arithmetic average concentration (ppm)		0.011	0.012	0.0126
Exceeded for the year:	Federal: > 0.053 ppm	No	No	No
Sulfur Dioxide (SO₂)¹				
Maximum 1-hour concentration (ppm)		0.0043	0.0036	0.0034
Number of days exceeded:	State: > 0.25 ppm	0	0	0
Maximum 24-hour concentration (ppm)		0.0034	0.0022	0.0018
Number of days exceeded:	State: > 0.04 ppm	0	0	0
	Federal: > 0.14 ppm	0	0	0
Annual arithmetic average concentration (ppm)		0.00174	0.00101	0.0009
Exceeded for the year:	Federal: > 0.030 ppm	No	No	No

Sources: CARB (2021) and USEPA (2022).

¹ Data taken from the 14306 Park Avenue, Victorville Monitoring Station.² Data taken from the 17288 Olive Street, Hesperia Monitoring Station.µg/m³ = micrograms per cubic meterµg/m³ = micrograms per cubic meter

CARB = California Air Resources Board

ND = No data. There were insufficient (or no) data to determine the value.

ppm = parts per million

USEPA = United States Environmental Protection Agency

Table 5.2-3: Attainment Status of Criteria Pollutants in the Mojave Desert Air Basin (Basin)

Pollutant	State	Federal
O ₃ 1 hour	Proposed Attainment in 2014	Revoked June 2005
O ₃ 8 hour	Nonattainment: Severe	Nonattainment: Severe
PM ₁₀	Nonattainment	Nonattainment: Moderate
PM _{2.5}	Nonattainment	Unclassified/attainment
CO	Attainment/unclassified	Attainment/unclassified
NO ₂	Attainment/unclassified	Attainment/unclassified
SO ₂	Attainment/unclassified	Attainment/unclassified
Lead	Attainment/unclassified	Attainment/unclassified

Source: MDAQMD. CEQA and Federal Conformity Guidelines (2020) (Website: <https://www.mdaqmd.ca.gov/rules/overview>; accessed March 2023.

CO = carbon monoxide

N/A = not applicable

NO₂ = nitrogen dioxide

O₃ = ozone

PM₁₀ = particulate matter less than 10 microns in size

PM_{2.5} = particulate matter less than 2.5 microns in size

SO₂ = sulfur dioxide

The Project site consists of approximately 29.61 acres of land that is currently vacant and is transected by Caliente Road, an unpaved road.

Sensitive Land Uses

Land uses such as schools, children's daycare centers, hospitals, and convalescent homes are considered to be more sensitive to poor air quality than the general public because the population groups associated with these uses have increased susceptibility to respiratory distress. In addition, residential uses are considered more sensitive to air quality conditions than commercial and industrial uses, because people generally spend longer periods of time at their residences, resulting in greater exposure to ambient air quality conditions.

Recreational land uses are considered moderately sensitive to air pollution. Exercise places a high demand on respiratory functions, which can be impaired by air pollution, even though exposure periods during exercise are generally short. In addition, noticeable air pollution can detract from the enjoyment of recreation. Existing sensitive receptors in the vicinity of the Project area consist of residences and a school.

The closest sensitive receptors include office and single-family residential uses located approximately 900 feet north of the Project site; single-family residential uses located approximately 1,100 feet southwest of the Project site across Phelan Road; and multifamily residential uses located approximately 1,600 feet east of the Project site across Highway 395.

5.2.4 THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the CEQA Guidelines, a project could have a significant adverse effect on air quality resources if it would:

- AQ-1 Conflict with or obstruct implementation of the applicable air quality plan;
- AQ-2 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;
- AQ-3 Expose sensitive receptors to substantial pollutant concentrations; or
- AQ-4 Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

MDAQMD recently updated its *CEQA and Federal Conformity Guidelines* in 2020. (MDAQMD 2020). MDAQMD's guidelines provide that "[a]ny project is significant if it triggers or exceeds the most appropriate evaluation criteria." The MDAQMD guidelines explain that the emissions comparison under criteria number one is generally the most appropriate evaluation and is usually sufficient to determine whether the Project would result in a significant impact. Nevertheless, the analysis below reviews all of the possible evaluation criteria. The evaluation criteria includes the following:

1. Would generate total emissions (direct and indirect) in excess of the established significance thresholds (presented as Table 5.2-4).
2. Would generate a violation of any ambient air quality standard when added to the local background.
3. Does not conform with the applicable attainment or maintenance plan.
4. Would expose sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million (10×10^{-6}) and/or a hazard index (noncarcinogenic) greater than or equal to 1.

Regional Thresholds

MDAQMD has established daily emissions thresholds for construction and operation of a proposed project in the Basin. Specific criteria for determining whether the potential air quality impacts of a project are significant are set forth in the MDAQMD's *CEQA and Federal Conformity Guidelines*. The criteria include emissions thresholds, compliance with State and national air quality standards, and consistency with the current air quality plans. The emissions thresholds were established based on the attainment status of the Basin with regard to air quality standards for specific criteria pollutants. Because the concentration standards were set at a level that protects public health with an adequate margin of safety, these emissions thresholds are regarded as conservative and would overstate an individual project's contribution to health risks.

Table 5.2-4 lists the CEQA significance thresholds for construction and operational emissions established for the Basin. Projects in the Basin with construction- or operation-related emissions that exceed any of their respective emission thresholds would be considered significant under MDAQMD guidelines. These thresholds, which MDAQMD developed and that apply throughout the Basin, apply as both project and cumulative thresholds. If a project exceeds these standards, it is considered to have a project-specific and cumulative impact.

Table 5.2-4: MDAQMD Regional Air Quality Thresholds

Emissions Source	Pollutant Emissions Threshold					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Tons Per Year						
Construction	25	25	100	25	15	12
Operations	25	25	100	25	15	12
Pounds Per Day						
Construction	137	137	548	137	82	65
Operations	137	137	548	137	82	65

Source: MDAQMD, 2020. (Website: <https://www.mdaqmd.ca.gov/rules/overview>; accessed March 2023).

CO = carbon monoxide

lbs/day = pounds per day

MDAQMD = Mojave Desert Air Quality Management District

NO_x = nitrogen oxides

PM_{2.5} = particulate matter less than 2.5 microns in size

PM₁₀ = particulate matter less than 10 microns in size

SO_x = sulfur oxides

VOC = volatile organic compounds

Health Risk Thresholds

The following limits for maximum individual cancer risk (MICR) and noncancer acute and chronic Hazard Index (HI) from project emissions of TACs are considered appropriate for use in determining the health risk for projects in the Basin:

- **MICR:** MICR is the estimated probability of a maximally exposed individual (MEI) contracting cancer

as a result of exposure to TACs over a period of 30 years for adults and 9 years for children in residential locations and over a period of 25 years for workers. The MICR calculations include multipathway consideration, when applicable. The cumulative increase in MICR that is the sum of the calculated MICR values for all TACs would be considered significant if it would result in an increased MICR greater than 10 in 1 million (1×10^{-5}) at any receptor location.

- **Chronic HI:** Chronic HI is the ratio of the estimated long-term level of exposure to a TAC for a potential MEI to its chronic reference exposure level. The chronic HI calculations include multipathway consideration, when applicable. The project would be considered significant if the cumulative increase in total chronic HI for any target organ system would exceed 1.0 at any receptor location.
- **Acute HI:** Acute HI is the ratio of the estimated maximum 1-hour concentration of a TAC for a potential MEI to its acute reference exposure level. The project would be considered significant if the cumulative increase in total acute HI for any target organ system would exceed 1.0 at any receptor location.

The MDAQMD CEQA and Federal Conformity Guidelines states that emissions of TACs are considered significant if an industrial project within 1,000 feet of a sensitive receptor exposes those sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1.0.

Localized Microscale Concentration Standards

The significance of localized project impacts under CEQA depends on whether ambient CO levels in the vicinity of the project are above or below State and federal CO standards. Because ambient CO levels are below the standards throughout the Basin, a project would be considered to have a significant CO impact if project emissions result in an exceedance of one or more of the 1-hour or 8-hour standards. The following are applicable local emission concentration standards for CO:

- California State 1-hour CO standard of 20 parts per million (ppm)
- California State 8-hour CO standard of 9 ppm

5.2.5 METHODOLOGY

This analysis focuses on the nature and magnitude of the change in the air quality environment due to implementation of the proposed Project, based on the maximum development assumptions that are outlined in Section 3.0, *Project Description*.

Air pollutant emissions associated with the proposed Project would result from construction equipment usage and from construction-related traffic. Additionally, emissions would be generated from operations of the proposed warehouse/distribution uses and from traffic volumes generated by these new uses. The net increase in emissions generated by these activities and other secondary sources have been quantitatively estimated and compared to the applicable thresholds of significance recommended by MDAQMD. Note that the air quality emissions modeling does not include the CARB DPM regulations discussed above and therefore the analysis contained herein is conservative as it overstates future DPM emissions of the Project.

AQMP Consistency

The Federal Particulate Matter Attainment Plan and Ozone Attainment Plan for the Mojave Desert set forth a comprehensive set of programs that will lead the Basin into compliance with federal and state air quality standards. The control measures and related emission reduction estimates within the Federal Particulate Matter Attainment Plan and Ozone Attainment Plan are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. A project is non-conforming with an air quality plan if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable MDAQMD rules and regulations, complies with all proposed control measures

that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan). Zoning changes, specific plans, general plan amendments and similar land use plan changes that do not increase dwelling unit density, do not increase vehicle trips, and do not increase VMT are also deemed to comply with the applicable air quality plan (MDAQMD 2020).

Construction

Short-term construction-generated emissions of criteria air pollutants and ozone precursors from development of the Project were assessed in accordance with methods recommended by MDAQMD. The Project's regional emissions were modeled using the California Emissions Estimator Model version 2022.1 (CalEEMod), as recommended by MDAQMD. CalEEMod was used to determine whether short-term construction-related emissions of criteria air pollutants associated with the proposed Project would exceed applicable regional thresholds and where mitigation would be required. Modeling was based on Project-specific data, and predicted short-term construction-generated emissions associated with the Project were compared with applicable MDAQMD regional thresholds for determination of significance.

Operations

Long-term (i.e., operational) regional emissions of criteria air pollutants and precursors, including mobile- and area-source emissions from the Project, were also quantified using the CalEEMod computer model. Area-source emissions were modeled according to the size and type of the land uses proposed. Mass mobile-source emissions were modeled based on the increase in daily vehicle trips that would result from the proposed Project. Trip generation rates were available from the VMT Analysis prepared for the proposed Project (see Appendix K of this EIR). Predicted long-term operational emissions were compared with applicable MDAQMD thresholds for determination of significance.

5.2.6 ENVIRONMENTAL IMPACTS

IMPACT AQ-1: WOULD THE PROJECT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF AN APPLICABLE AIR QUALITY PLAN?

Less than Significant Impact. The Federal Particulate Matter Attainment Plan and Ozone Attainment Plan for the Mojave Desert set forth a comprehensive set of programs that will lead the Basin into compliance with federal and state air quality standards. The control measures and related emission reduction estimates within the Federal Particulate Matter Attainment Plan and Ozone Attainment Plan are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments.

A project is non-conforming with an air quality plan if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable MDAQMD rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the relevant existing land use plan. Zoning changes, specific plans, general plan amendments and similar land use plan changes that do not increase dwelling unit density, do not increase vehicle trips, and do not increase VMT are also deemed to comply with the applicable air quality plan (MDAQMD 2020).

The Project site has a General Plan Land Use designation of Main Street and Freeway Corridor Specific Plan (MSFC SP) per the City's 2010 General Plan. Within the MSFC SP, the two northerly parcels of the site (APNs 3064-401-03 and -04) are zoned as Commercial/Industrial Park (CIBP). The MSFC SP states that the purpose of the CIBP zone is to provide service for commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings. Within the MSFC SP, the southerly parcel of the site (APN 3064-401-05) is designated as Neighborhood Commercial (NC). The MSFC SP states that the

NC is intended for immediate day-to-day convenience shopping and services for the residents of nearby neighborhoods. NC does not permit industrial and warehousing uses; therefore, the proposed Project would require a Specific Plan amendment.

Additionally, conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast. An example of a non-conforming project would be one that increases the gross number of dwelling units, increases the number of trips, and/or increases the overall vehicle miles traveled in an affected area. Even though the Project requires a Specific Plan amendment, the Project will still conform with the applicable attainment and maintenance plans. The proposed CIB land use would ultimately be anticipated to result in a lower trip and/or VMT than compared to the NC land use currently existing in the southern portion of the Project site, because commercial uses typically generate a higher number of overall trips and VMT than industrial uses.

The proposed change to the Specific Plan designation is consistent with the surrounding properties and uses. Furthermore, as demonstrated in Tables 5.2-5 and 5.2-6 below, the Project would not exceed the numerical thresholds of significance that apply to all projects, including residential, commercial, and industrial projects. Therefore, the proposed Project would not conflict with or obstruct the implementation of an applicable air quality plan (MDAQMD 2020 CEQA Guidelines) since Project emissions would not exceed the standards listed in Table 5.2-4. Impacts would be less than significant.

IMPACT AQ-2: WOULD THE PROJECT RESULT IN A CUMULATIVELY CONSIDERABLE NET INCREASE OF A CRITERIA POLLUTANT FOR WHICH THE PROJECT REGION IS NON-ATTAINMENT UNDER AN APPLICABLE FEDERAL OR STATE AMBIENT AIR QUALITY STANDARD?

Less than Significant Impact.

Construction

Construction activities associated with the proposed Project would result in emissions of CO, VOCs, NO_x, SO_x, PM₁₀, and PM_{2.5}. Pollutant emissions associated with construction would be generated from the following construction activities: (1) grading and excavation; (2) construction workers traveling to and from the Project site; (3) delivery and hauling of construction supplies to, and debris from, the Project site; (4) fuel combustion by onsite construction equipment; (5) building construction; application of architectural coatings; and paving. These construction activities would temporarily create emissions of dust, fumes, equipment exhaust, and other air contaminants.

Construction emissions are short-term and temporary. The maximum daily construction emissions for the proposed Project were estimated using CalEEMod version 2022.1. Table 5.2-5 provides the maximum daily emissions of criteria air pollutants from construction of the Project. As shown in Table 5.2-5, emissions resulting from construction would not exceed criteria pollutant thresholds. Therefore, impacts would be less than significant, and no mitigation measures are required.

Table 5.2-5: Maximum Peak Construction Emissions

Project Construction	Pollutant Emissions					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Maximum Pounds Per Day						
Site Preparation	1.2	40.0	29.5	<0.1	8.1	4.1
Grading	1.4	49.0	36.7	0.1	4.1	1.2
Building Construction	2.3	24.4	40.7	<0.1	5.3	1.8
Paving	1.4	13.4	11.5	<0.1	0.8	0.6
Architectural Coating	24.2	1.4	5.9	<0.1	0.8	0.2
Maximum (lbs/day)	26.5	49.0	46.7	0.1	8.1	4.2
MDAQMD Thresholds	137.0	137.0	548.0	137.0	82.0	65.0
Exceeds?	No	No	No	No	No	No
Tons Per Year						
2023	<0.1	0.9	0.8	<0.1	0.1	0.1
2024	1.8	2.9	4.2	<0.1	0.6	0.2
Maximum (tons/year)	1.8	2.9	4.2	<0.1	0.6	0.2
MDAQMD Thresholds	25	25	100	25	15	12
Exceeds?	No	No	No	No	No	No
Source: Compiled by LSA (April 2023).						
Note: Maximum emissions of VOC and CO occurred during the overlapping building construction and architectural coating phases.						
CO = carbon monoxide			PM _{2.5} = particulate matter less than 2.5 microns in size			
lbs/day = pounds per day			PM ₁₀ = particulate matter less than 10 microns in size			
MDAQMD = Mojave Desert Air Quality Management District			SO _x = sulfur oxides			
NO _x = nitrogen oxides			VOC = volatile organic compounds			

Operation

Implementation of the proposed Project would result in long-term emissions of criteria air pollutants from area sources generated by the proposed warehouse and manufacturing building and related vehicular emissions, landscaping, and use of consumer products. As shown in Table 5.2-6, the Project's operational activities would not exceed the numerical thresholds of significance established by the MDAQMD. Therefore, impacts would be less than significant.

Table 5.2-6: Summary of Peak Operational Emissions

Emission Type	Pollutant Emissions					
	VOC	NO _x	CO	SO _x	PM ₁₀	PM _{2.5}
Pounds Per Day						
Area Sources	19.6	0.2	28.5	<0.1	<0.1	0.1
Energy Sources	0.0	0.0	0.0	0.0	0.0	0.0
Mobile Sources – Vehicles and Light Duty Trucks	6.9	12.8	109.0	0.3	8.2	1.6
Mobile Sources – Heavy Heavy Duty Trucks	0.5	34.8	4.7	0.3	5.1	1.7
Stationary Sources	<0.1	<0.1	<0.1	<0.1	<0.1	<0.1
Total Project Emissions	27.0	47.8	142.2	0.6	13.3	3.4
MDAQMD Thresholds	137.0	137.0	548.0	137.0	82.0	65.0
Significant?	No	No	No	No	No	No
Tons Per Year						
Area Sources	3.1	<0.1	2.6	<0.1	<0.1	<0.1
Energy Sources	0.0	0.0	0.0	0.0	0.0	0.0
Mobile Sources – Vehicles and Light Duty Trucks	1.2	2.4	16.1	0.1	1.5	0.3
Mobile Sources – Heavy	0.1	6.4	0.9	0.1	0.9	0.3

Heavy Duty Trucks						
Stationary Emissions	<0.1	0.2	0.1	<0.1	<0.1	<0.1
Total Emissions	4.4	9.0	19.7	0.2	2.4	0.6
MDAQMD Thresholds	25	25	100	25	15	15
Significant?	No	No	No	No	No	No
Source: Compiled by LSA (April 2023).						
CO = carbon monoxide lbs/day = pounds per day MDAQMD = Mojave Desert Air Quality Management District NO _x = nitrogen oxides			PM _{2.5} = particulate matter less than 2.5 microns in size PM ₁₀ = particulate matter less than 10 microns in size SO _x = sulfur oxides VOC = volatile organic compounds			

IMPACT AQ-3: WOULD THE PROJECT EXPOSE SENSITIVE RECEPTORS TO SUBSTANTIAL POLLUTANT CONCENTRATIONS?

Construction Mobile Source Health Risk

Less than Significant Impact. MDAQMD requires that any proposed industrial project within 1,000 feet of an existing or planned (zoned) sensitive receptor land use must be evaluated to determine whether the proposed industrial project would expose sensitive receptors to substantial pollutant concentrations. A Construction Health Risk Assessment, included as part of Appendix B, was prepared to evaluate the health risk impacts as a result of exposure to DPM as a result of heavy-duty diesel trucks and equipment activities from Project construction. MDAQMD recommends using a 10 in one million cancer risk threshold. A risk level of 10 in one million implies a likelihood that up to 10 people, out of one million equally exposed people would contract cancer if exposed continuously (24 hours per day) to the levels of toxic air contaminants over a specified duration of time. The closest sensitive receptor to the Project site include residential uses located approximately 1,100 feet southwest of the Project site along Phelan Road. As shown in Table 5.2-7, the maximum cancer risk for the sensitive receptor maximally effected individual (MEI) would be 4.60 in one million, which would not exceed the MDAQMD cancer risk threshold of 10 in one million. The worker receptor risk would be lower at 0.08 in one million, which would also not exceed the threshold. The total chronic hazard index would be 0.005 for both the worker receptor MEI and sensitive receptor MEI, which is below the threshold of 1.0. In addition, the total acute hazard index would be nominal (0.000), which would also not exceed the threshold of 1.0. As such, the Project would not cause a significant human health or cancer risk to adjacent land uses as a result of Project construction activity, and impacts would be less than significant.

Table 5.2-7: Project Construction Health Risks at Nearby Sensitive Receptors

Location	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index
Worker Receptor Risk	0.08	0.005	0.000
Sensitive Receptor Risk	4.60	0.005	0.000
MDAQMD Significance Threshold	10.0 in one million	1.0	1.0
Significant?	No	No	No
Source: LSA (April 2023). MDAQMD = Mojave Desert Air Quality Management District			

Operational Diesel Mobile Source Health Risk

Less than Significant Impact. An Operational Health Risk Analysis, included as part of Appendix B, was prepared to evaluate the operational health risk impacts as a result of exposure to DPM as a result of

heavy-duty diesel trucks traveling to and from the Project site, maneuvering onsite, and entering and leaving the site during operation of the proposed industrial uses. Onsite truck idling was estimated to occur as trucks enter and travel through the facility. Although the proposed uses are required to comply with CARB's idling limit of five minutes, MDAQMD recommends that the onsite idling emissions should be estimated for 15 minutes of truck idling, which takes into account onsite idling that occurs while the trucks are waiting to pull up to the truck bays, idling at the bays, idling at check-in and check-out, etc. As such, this analysis estimated truck idling at 15 minutes, consistent with MDAQMD's recommendation.

The residential risk incorporates both the risk for a child living in a nearby residence for 9 years (the standard period of time for child risk) and an adult living in a nearby residence for 30 years (considered a conservative period of time for an individual to live in any one residence). As shown in Table 5.2-8, the maximum cancer risk for the sensitive receptor MEI would be 1.84 in one million, less than the threshold of 10 in one million. The worker receptor risk would be lower at 0.25 in one million. The total chronic hazard index would be less than 0.002 for both the worker receptor MEI and the sensitive receptor MEI, which is below the threshold of 1.0. In addition, the total acute hazard index would be nominal (<0.001), which would also not exceed the threshold of 1.0. As these results show, all health risk levels to nearby residents from operation-related emissions of TACs would be well below the MDAQMD's HRA thresholds. Therefore, impacts related to operational TAC emissions would be less than significant.

Table 5.2-8: Project Operational Health Risks at Nearby Sensitive Receptors

Location	Carcinogenic Inhalation Health Risk in One Million	Chronic Inhalation Hazard Index	Acute Inhalation Hazard Index
Worker Receptor Risk	0.25	0.001	<0.001
Sensitive Receptor Risk	1.84	0.001	<0.001
MDAQMD Significance Threshold	10.0 in one million	1.0	1.0
Significant?	No	No	No
Source: LSA (April 2023). MDAQMD = Mojave Desert Air Quality Management District			

Frant Ranch Case

Less than Significant Impact. In December 2018, in the case of *Sierra Club v. County of Fresno* (2018) 6 Cal.5th 502, the California Supreme Court held that an EIR's air quality analysis must meaningfully connect the identified air quality impacts to the human health consequences of those impacts, or meaningfully explain why that analysis cannot be provided. The MDAQMD does not currently have a methodology that would correlate the expected air quality emissions of a project to the likely health consequences of those emissions. However, the MDAQMD does recommend the use of specific tools which are available (such as CalEEMod) for the purposes of project evaluation. Outside of existing tools, the MDAQMD does not currently have methodologies that would provide lead agencies and the public with a consistent, reliable and meaningful analysis to correlate specific health impacts that may result from a proposed project's air emissions.

However, as noted in the *Brief of Amicus Curiae* filed by the SCAQMD in the Frant Ranch case (April 6, 2015, Appendix 10.1), SCAQMD has among the most sophisticated air quality modeling and health impact evaluation capability of any of the air districts in the State, and thus it is uniquely situated to express an opinion on how lead agencies should correlate air quality impacts with specific health outcomes.

The SCAQMD discusses that it may be infeasible to quantify health risks caused by projects similar to the proposed Project, due to many factors. It is necessary to have data regarding the sources and types of air

toxic contaminants, location of emission points, velocity of emissions, the meteorology and topography of the area, and the location of receptors (worker and residence). The *Brief* states that it may not be feasible to perform a health risk assessment for airborne toxics that will be emitted by a generic industrial building that was built on "speculation" (i.e., without knowing the future tenant(s). Even where a health risk assessment can be prepared, however, the resulting maximum health risk value is only a calculation of risk--it does not necessarily mean anyone will contract cancer as a result of the Project. The *Brief* also cites the author of the CARB methodology, which reported that a PM_{2.5} methodology is not suited for small projects and may yield unreliable results. Similarly, SCAQMD staff does not currently know of a way to accurately quantify O₃-related health impacts caused by NO_x or VOC emissions from relatively small projects, due to photochemistry and regional model limitations. The *Brief* concludes, with respect to the Friant Ranch EIR, that although it may have been technically possible to plug the data into a methodology, the results would not have been reliable or meaningful.

On the other hand, for extremely large regional projects (unlike the proposed Project), SCAQMD states that it has been able to correlate potential health outcomes for very large emissions sources – as part of their rulemaking activity, specifically 6,620 lbs./day of NO_x and 89,180 lbs./day of VOC were expected to result in approximately 20 premature deaths per year and 89,947 school absences due to O₃.

The proposed Project does not generate anywhere near 6,620 lbs/day of NO_x or 89,190 lbs/day of VOC emissions. As shown previously on Tables 5.2-5 and 5.2-6, the proposed Project would generate up to 49.0 lbs/day of NO_x during construction and 47.8 lbs/day of NO_x during operations. The VOC emissions would be a maximum of 26.5 lbs/day during construction and 27.0 lbs/day of during operations.

Therefore, the emissions are not sufficiently high enough to use a regional modeling program to correlate health effects on a basin-wide level. Notwithstanding, a Mobile Source Health Risk Assessment was prepared, as detailed below, and the proposed Project would not result in emissions that exceeded the MDAQMD's health risk thresholds. Therefore, the proposed Project would not be expected to exceed the most stringent applicable federal or state ambient air quality standards for emissions.

Long-Term Microscale (CO Hot Spot) Analysis

Vehicular trips associated with the proposed Project would contribute to congestion at intersections and along roadway segments in the Project vicinity. Localized air quality impacts would occur when emissions from vehicular traffic increase as a result of the proposed Project. The primary mobile-source pollutant of local concern is CO, a direct function of vehicle idling time and, thus, of traffic flow conditions. CO transport is extremely limited; under normal meteorological conditions, CO disperses rapidly with distance from the source. However, under certain extreme meteorological conditions, CO concentrations near a congested roadway or intersection may reach unhealthful levels, affecting local sensitive receptors (e.g., residents, schoolchildren, the elderly, and hospital patients). Typically, high CO concentrations are associated with roadways or intersections operating at unacceptable levels of service or with extremely high traffic volumes. In areas with high ambient background CO concentrations, modeling is recommended to determine a project's effect on local CO levels.

In 2003, SCAB conducted a CO "hot spot" analysis which studied four busy intersections in Los Angeles at the peak morning and afternoon time periods. However, the analysis did not predict any violation of CO standards, as shown in Table 5.2-9.

Table 5.2-9: 2003 CO Hot Spot Analysis Results

Intersection Location	CO Concentrations (ppm)		
	Morning 1-hour	Afternoon 1-hour	8-hour
Wilshire Boulevard/Veteran Avenue	4.6	3.5	3.7
Sunset Boulevard/Highland Avenue	4.0	4.5	3.5
La Cienega Boulevard/Century Boulevard	3.7	3.1	5.2
Long Beach Boulevard/Imperial Highway	3.0	3.1	8.4
Source: 2003 AQMP, Appendix V: Modeling and Attainment Demonstrations			
Note: Federal 1-hour standard is 35 ppm and the deferral 8-hour standard is 9.0 ppm			

Based on the SCAQMD's 2003 AQMP and the 1992 Federal Attainment Plan for Carbon Monoxide (1992 CO Plan), it was determined that peak CO concentrations in the SCAB were a result of unusual meteorological and topographical conditions and not a result of traffic volumes and congestion at a particular intersection. For example, only 0.7 ppm of the total 8.4 ppm 8-hr CO concentration measured at the Long Beach Boulevard and Imperial Highway intersection was attributable to the traffic volumes and congestion at this intersection. It was determined that the remaining 7.7 ppm were due to the ambient air measurements at the time the 2003 AQMP was prepared. In contrast, an adverse CO concentration, known as a "hot spot", would occur if an exceedance of the state one-hour standard of 20 parts per million (ppm) or the eight-hour standard of 9 ppm were to occur.

An assessment of Project-related impacts on localized ambient air quality requires that future ambient air quality levels be projected. Existing CO concentrations in the immediate Project vicinity are not available. Ambient CO levels monitored at the Victorville station, the closest station to the Project site, showed a highest recorded 1-hour concentration of 1.6 ppm (the State standard is 20 ppm) and a highest 8-hour concentration of 1.4 ppm (the State standard is 9 ppm) during the past 3 years (Table 5.2-2). The highest CO concentrations would normally occur during peak traffic hours; hence, CO impacts calculated under peak traffic conditions represent a worst-case analysis.

As described in the Project's Traffic Impact Analysis, the proposed Project would generate 131 AM peak hour trips and 149 PM peak-hour trips. Conversely, the busiest intersection evaluated in the 2003 analysis was at Wilshire Boulevard and Veteran Avenue, which had a daily traffic volume of approximately 100,000 trips and AM/PM traffic volumes of 8,062 trips and 7,719 trips respectively. As shown in Table 5.2-9, the 2003 AQMP estimated that the 1-hour concentration for this intersection was 4.6 ppm. Therefore, this indicates that, should the daily traffic volume increase four times to 400,000 vehicles per day, CO concentrations ($4.6 \text{ ppm} \times 4 = 18.4 \text{ ppm}$) would still not likely exceed the most stringent 1-hour CO standard (20.0 ppm). Therefore, given the extremely low level of CO concentrations in the Project area, and significantly lower volumes of Project related trips at any intersections, Project-related vehicles are not expected to contribute significantly to result in the CO concentrations exceeding the State or federal CO standards. As such, impacts related to CO would be less than significant.

IMPACT AQ-4: WOULD THE PROJECT RESULT IN OTHER EMISSIONS (SUCH AS THOSE LEADING TO ODORS) ADVERSELY AFFECTING A SUBSTANTIAL NUMBER OF PEOPLE?

Less Than Significant Impact. The proposed Project would not emit other emissions, such as those generating objectionable odors, that would affect a substantial number of people. The threshold for odor is identified by 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 result in other emissions, such as 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 proposed Project would implement industrial development within the Project site. This land use does not involve the types of uses that would emit objectionable odors affecting a substantial number of people. Odors generated by industrial land uses are generated from uses such as manufacturing facilities, paint/coating operations, refineries, chemical manufacturing, and food manufacturing facilities. The proposed tenant would not include any manufacturing activities that would result in objectionable odors. Further, the proposed tenant would be required to comply with MDAQMD Rule 402, which would limit the potential for emissions leading to odors.

During construction, emissions from construction equipment, architectural coatings, and paving activities may generate odors. However, these odors would be temporary, intermittent in nature, and would not affect a substantial number of people. The noxious odors would be confined to the immediate vicinity of the construction equipment. Also, the short-term construction-related odors would cease upon the drying or hardening of the odor-producing materials.

In addition, all Project-generated solid waste would be stored in covered containers and removed at regular intervals in compliance with solid waste regulations and would not generate objectionable odors. Therefore, impacts associated with other operation- and construction-generated emissions, such as odors, would be less than significant.

5.2.7 CUMULATIVE IMPACTS

The geographic area for analysis of cumulative air quality impacts is the Basin. As discussed under Impact AQ-1, the proposed Project is consistent with the assumptions in SCAG's 2020-2045 RTP/SCS and would not conflict with MDAQMD's attainment plans. Other cumulative projects would also be required to demonstrate consistency with the MDAQMD attainment plans as part of the CEQA review process and/or provide mitigation, as appropriate.

As described previously, MDAQMD uses the same significance thresholds for project specific and cumulative impacts. Projects that exceed MDAQMD's threshold have both project specific and cumulative impacts. Conversely, Projects that fall below the threshold do not have project specific impacts and are generally not considered to be cumulatively significant.

As described in Impacts AQ-2 and AQ-3 above, emissions from operation of the proposed Project would not exceed MDAQMD's thresholds for any criteria pollutants or TACs and would not expose sensitive receptors to substantial pollutant concentrations. Because emissions from implementation of the proposed Project would not exceed applicable thresholds, they would not be cumulatively considerable, and cumulative air quality impacts would be less than significant.

As described in Impact AQ-4, emissions from construction and operation of the Project would not lead to odors. Therefore, the Project would not result in cumulatively considerable impacts related to odors.

5.2.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

State

- Airborne Toxic Control Measure to Limit Diesel-Fuel Commercial Vehicle Idling (13 CCR 2485)
- In-Use Off-Road Diesel Idling Restriction (13 CCR 2449)
- California Green Building Standards Code (Code of Regulations, Title 24 Part 6)

Regional

- Rule 401 – Visible Emissions.
- Rule 402 – Nuisance.
- Rule 403.2 – Fugitive Dust Control for the Mojave Desert Planning Area.
- Rule 442 – Usage of Solvents.
- Rule 1113 – Architectural Coatings.

5.2.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements, Impacts AQ-1 through AQ-4 would be less than significant.

5.2.10 MITIGATION MEASURES

None.

5.2.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts AQ-1 through AQ-4 would be less than significant.

REFERENCES

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5.3 Biological Resources

5.3.1 INTRODUCTION

This section addresses potential environmental effects of the Project related to biological resources. Information within this section includes data from the Biological Resources Technical Report, KISS Logistics Center (Dudek 2023), which was prepared for the Project by Dudek, and is provided as Appendix C. This assessment is based on information compiled through field reconnaissance and database searches. Analysis from the Biological Resources Technical Report has been incorporated into the discussion below.

5.3.2 REGULATORY SETTING

5.3.2.1 Federal Regulations

Federal Endangered Species Act

The Federal Endangered Species Act (FESA) of 1973 defines an endangered species as “any species which is in danger of extinction throughout all or a significant portion of its range.” A threatened species is defined as “any species which is likely to become an Endangered species within the foreseeable future throughout all or a significant portion of its range.” Under provisions of Section 9(a)(1)(B) of the FESA, unless properly permitted, it is unlawful to “take” any endangered or threatened listed species. “Take” is defined in Section 3(18) of FESA as: “harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.” Further, the United States Fish & Wildlife Service (USFWS), through regulation, has interpreted the terms “harm” and “harass” to include certain types of habitat modification as forms of “take.” These interpretations, however, are generally considered and applied on a case-by-case basis and often vary from species to species. In a case where a property owner seeks permission from a federal agency for an action that could affect a federally-listed plant or animal species, the property owner and agency are required to consult with USFWS pursuant to Section 7 of the FESA if there is a federal nexus, or consult with USFWS and potentially obtain a permit pursuant to Section 10 of the FESA in the absence of a federal nexus. Section 9(a)(2)(b) of the FESA addresses the protections afforded to listed plants. Within this EIR, the following acronyms are used to identify federal status species:

- FE: Federally-listed as Endangered
- FT: Federally-listed as Threatened
- FPE: Federally proposed for listing as Endangered
- FPT: Federally proposed for listing as Threatened
- FPD: Federally proposed for delisting
- FC: Federal candidate species (former C1 species)

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) protects individuals as well as any part, nest, or eggs of any bird listed as migratory. In practice, federal permits issued for activities that potentially impact migratory birds typically have conditions that require pre-disturbance surveys for nesting birds. In the event nesting is

observed, a buffer area with a specified radius must be established, within which no disturbance or intrusion is allowed until the young have fledged and left the nest, or it has been determined that the nest has failed. If not otherwise specified in the permit, the size of the buffer area varies with species and local circumstances (e.g., presence of busy roads, intervening topography, etc.), and is based on the professional judgment of a monitoring biologist. A list of migratory bird species protected under the MBTA is published by USFWS.

5.3.2.2 State Regulatory Setting

California Endangered Species Act

Under the California's Endangered Species Act (CESA), California Species of Special Concern are species designated as vulnerable to extinction due to declining population levels, limited ranges, and/or continuing threats. Informally listed species are not protected per se, but warrant consideration in the preparation of biological resource assessments. For some species, the CNDDDB is only concerned with specific portions of the life history, such as roosts, rookeries, or nest areas. Within this EIR, the following acronyms are used to identify state special-status species:

- SE: State-listed as Endangered
- ST: State-listed as Threatened
- SR: State-listed as Rare
- SCE: State candidate for listing as Endangered
- SCT: State candidate for listing as Threatened
- SFP: State Fully Protected
- SSC: California Species of Special Concern

The western Joshua tree was designated as SCT under CESA, as defined by Section 2068 of the Fish and Game Code, in October 2020. This triggered scientific review and interim protections for the species. The California Fish and Game Commission (CFGC) has met several times to discuss the status of the western Joshua tree designation. As of August 2023, the species remains designated as SCT. The CFGC has ordered CDFW to provide an update on the status of Western Joshua trees by January 2024.

Additionally, the Western Joshua Tree Conservation Act was passed on June 27, 2023. The act provides a streamlined mitigation option for payment of in lieu fees for the removal of Joshua trees as protected under the act and under CESA. The Western Joshua Tree Conservation Act has a direct nexus to the conservation of Western Joshua trees and the costs have been established by the CFGC and CDFW to capture adequate costs for acquiring, conserving, and managing western Joshua tree conservation lands and completing other activities to conserve the western Joshua tree. All in-lieu fees collected will be deposited into the Western Joshua Tree Conservation Fund for appropriation to CDFW solely for the purposes of acquiring, conserving, and managing western Joshua tree conservation lands and completing other activities to conserve the western Joshua tree.

Additionally, Crotch bumble bee (*Bombus crotchii*) was advanced to SCT by the Fish and Game Commission on June 18, 2021. The candidacy determination was challenged in court. Candidacy was temporarily stayed beginning February 2021 following an adverse trial court judgment. The Third District Court of Appeal reversed the trial court judgment. Candidacy was reinstated on September 30, 2022. As of August 2023, the species remains designated as SCT.

State of California Fish and Game Code, Sections 3503.5, 3511, 3515

Section 3503.5 of the California Fish and Game Code states that it is “unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto.” Activities that result in the abandonment of an active bird of prey nest may also be considered in violation of this code. In addition, California Fish and Game Code, Section 3511 prohibits the taking of any bird listed as fully protected, and California Fish and Game Code, Section 3515 states that it is unlawful to take any non-game migratory bird protected under the MBTA.

California Rare Plant Rank

Although not technically listed as a special status species, CDFW has concluded that plant species listed as California Rare Plant Rank (CRPR) 1 and 2 by the California Native Plant Society (CNPS), and potentially some CRPR 3 plants, are covered by CEQA Guidelines Section 15380.

5.3.2.3 Local & Regional Regulatory Setting**West Mojave Plan**

The purpose of the West Mojave Plan is to develop management strategies for the desert tortoise, Mohave ground squirrel and over 100 other sensitive plants and animals that would conserve those species throughout the western Mojave Desert, while at the same time establishing a streamlined program for compliance with the regulatory requirements of Federal Endangered Species Act (FESA) and California Endangered Species Act (CESA). The plan is applicable to public lands managed by federal, private, and military entities. Agencies, local jurisdictions and others with a stake in the future of the western Mojave Desert have collaborated in the development of the West Mojave Plan. The City of Hesperia is a local jurisdiction collaborator in the plan. The plan allows streamlined project permitting at the local level, equitable sharing of costs among participants, and shared stewardship of biotic resources. The 2006 ROD was litigated by eleven organizations. Subsequently, the United States District Court issued summary judgment in 2009 and an order on remedy in 2011 that directed BLM to re-analyze specific issues in the 2006 WEMO Plan. The West Mojave Route Network Project (WMRNP) was adopted in 2019 and amends the California Desert Conservation Area Plan to include a travel and transportation route network with nine travel management plans. The WMRNP was developed in response to litigation associated with the 2006 WEMO Plan, as well as recent BLM transportation and travel management guidance.

City of Hesperia General Plan

- Goal CN-3** Minimize development and set aside necessary open space near and along the surface waters as well as those washes and other water passageways located in the City to preserve and protect plant and animal species and their natural habitat dependent on such surface waters and waterways.
- Policy CN-3.1** Monitor the development impacts to these surface water resources within the city.
- Policy CN 3.2** Preserve areas within the Oro Grande wash and un-named wash #1 that exhibit ideal native habitat in a natural state.
- Goal CN 4** Establish policies and regulations to protect the natural environment and habitat of the City's biological resources.
- Policy CN-4.1** Preserve pristine open space areas and known wildlife corridors areas for conservation to protect sensitive species and their habitats.
- Policy CN-4.2** Encourage the protection, preservation and long-term viability of environmentally sensitive habitats and species in the City.
- Policy CN-4.3** Identify lands that are suitable for preservation for sensitive species and their habitats.
- Policy CN-4.4** In those areas known as possible habitat for endangered and sensitive species,

require proper assessments before authorizing development.

Policy CN-4.5 Where such assessments indicate the presence of endangered or sensitive species, require appropriate actions to preserve the habitat and protect the identified species.

City of Hesperia Municipal Code, Chapter 16.24 – Protected Plant Policy

Chapter 16.24 of the Hesperia Municipal Code includes policies to protect native plant species and implement the California Desert Native Plant Protection Act. The act prohibits take of endangered or rare native plants but includes some exceptions for agricultural and nursery operations; emergencies; and after properly notifying California Department of Fish and Wildlife (CDFW) for vegetation removal from canals, roads, and other sites, changes in land use, and in certain other situations. Additionally, this chapter includes the City's requirements for removal of any regulated native tree or desert native plant with a tree removal permit authorized by the City. The City's protections apply to the following native plants:

1. The following regulated desert native plants with stems two inches or greater in diameter or six feet or greater in height:
 - a. *Dalea spinosa* (smoketree);
 - b. All species of the family Agavaceae (century plants, nolin, yuccas);
 - c. All species of the genus *Prosopis* (mesquites).
2. Creosote rings, ten feet or greater in diameter.
3. All Joshua trees (mature and immature).
4. All plants protected or regulated by the California Desert Native Plants Act .

Section 16.24.050 includes several criteria for authorization of native tree or plant removal, such as ensuring that the native tree or plant does not have a significant adverse impact on any proposed mitigation measures, soil retention, soil erosion and sediment control measures, scenic routes, flood and surface water runoff and wildlife habitats. The section requires Joshua trees to be transplanted or stockpiled for future transplanting wherever possible.

5.3.3 ENVIRONMENTAL SETTING

The 29.6-acre Project site is undeveloped and undisturbed and consists of disturbed native desert scrub. The site reflects arid conditions, limited rainfall, and generally poor soils of the Mojave Desert. A dirt road bisects the site from the southwest corner to the northeast corner. Additionally, the 8.9 acres of offsite Project area includes a combination of vacant, undeveloped land and existing transportation infrastructure. The Project site is immediately surrounded by vacant, undeveloped land in all directions. The Oro Grande Wash extends southwest to northeast directly southeast of the Project site at the intersection of Phelan Road and I-395. The Project site is flat with elevations ranging from 3,340 to 3,365 above mean sea level (AMSL).

Vegetation Communities

Six vegetation communities were mapped within the biological study area (BSA) (includes the Project site, offsite improvement area, and a 100-foot buffer), including 28.5 acres of Desert Almond-Mexican Bladdersage Scrub, 29.6 acres of Joshua Tree Woodland, 1.0 acre of California Buckwheat Scrub, 16.8 acres of Rubber Rabbitbrush Scrub, 8.1 acres of urban/developed area, and 13.5 acres of disturbed habitat (see Figure 5.3-1). The Project site contains 11.0 acres of Joshua Tree Woodland (excluding buffer areas). State rankings of 1, 2, or 3 are considered high priority for inventory or special-status and impacts to these communities typically require mitigation. Joshua Tree Woodland is ranked as S3, or "vulnerable to extirpation or extinction", by the California Natural Community List. All other communities listed are ranked as S4 or S5, or unranked, which are not considered sensitive vegetation communities.

Approximately 29.6 acres of Joshua tree woodland alliance habitat occurs within the Project site (onsite and offsite) and 100-foot buffer. This habitat type is characterized by the Joshua tree (*Yucca brevifolia*) that

emerges over a shrub or grass layer. This alliance consists of Joshua trees evenly distributed of at least one percent cover with *Juniperus* and/or *Pinus* spp. of at least more than one percent absolute cover in tree canopy. The Joshua tree woodland alliance occurs on gentle alluvial fans, ridges, and gentle to moderate slopes. Joshua tree woodland may occupy coarse sands, very fine silts, gravel, or sandy loams. The canopy and shrub layer are open. Additionally, western Joshua trees are protected under CESA as a candidate species.

Special-Status Plant Species

Special-status species are species that have been identified by federal, state, or local resource conservation agencies as threatened or endangered, under provisions of the federal and state Endangered Species Acts (FESA and CESA, respectively), because they have declining or limited population sizes, usually resulting from habitat loss.

A review of literature, existing documentation, and GIS data was conducted to determine the potential for special status species to occur within the BSA, including those species listed or candidates for listing by the USFWS, CDFW, and CNPS and Bureau of Land Management (BLM). A total of 41 species of native and naturalized plants, 34 native and 7 non-native were found within the BSA. Eight special-status species, Mojave milkweed, white-bracted spineflower, Mojave monkeyflower, sagebrush *Loeflingia*, short-joint beavertail, Beaver Dam breadroot, Latimer's woodland-gilia, and western Joshua tree were found to have moderate or high potential within the BSA and were subject to focused surveys. One special-status plant species, western Joshua tree, was observed within the BSA.

In total, 97 Joshua trees are located within the Project site and off-site improvement area. Trees in the tree survey area vary in size and stature according to age and location. Some trees within the Project site and buffer area overlap with developments proposed surrounding the Project site, as shown in Figure 5.3-2. Additional trees are located outside of and adjacent to the Project site.

Special-Status Wildlife Species

Based on the results of the literature review and database searches, four special-status wildlife species, burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), LeConte's thrasher (*Toxostoma lecontei*), and Mohave ground squirrel (*Spermophilus (Xerospermophilus) mohavensis*) had a moderate potential to occur within the BSA. In addition, two special-status wildlife species, Mojave desert tortoise and Crotch bumble bee (*Bombus crotchii*), have a low potential to occur within the BSA. Focused surveys conducted for Mohave ground squirrel and Mojave desert tortoise were negative and therefore these species are not expected to occur and will not be analyzed further. Focused surveys for burrowing owl were negative as well; however, burrowing owl is a transient species and may still incidentally occur within the BSA. One special-status, loggerhead shrike, was incidentally observed during biological surveys. In addition, there is no USFWS-designated critical habitat for listed wildlife species overlapping the BSA.

Jurisdictional Waters

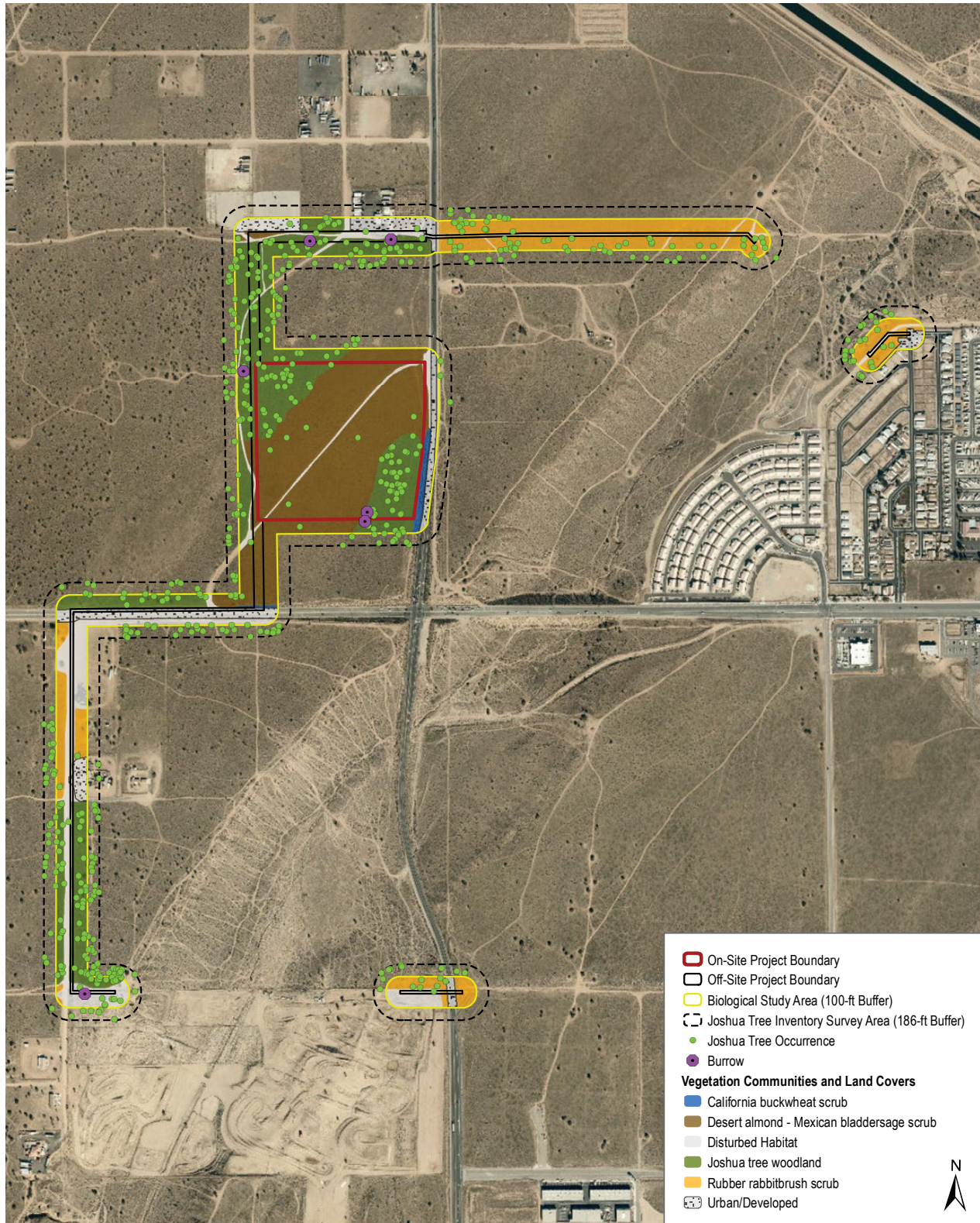
The Mojave River is approximately nine miles to the east. The Oro Grande Wash is a tributary to the Mojave River and is located directly southeast of the BSA. No state or federal wetlands or waters are present within the BSA.

Wildlife Movement

The Project site lacks migratory wildlife corridors, as it does not contain the structural topography and vegetative cover that facilitate regional wildlife movement, the site is flat and surrounded by paved and dirt roads and vacant land. No wildlife movement corridors were found to be present.

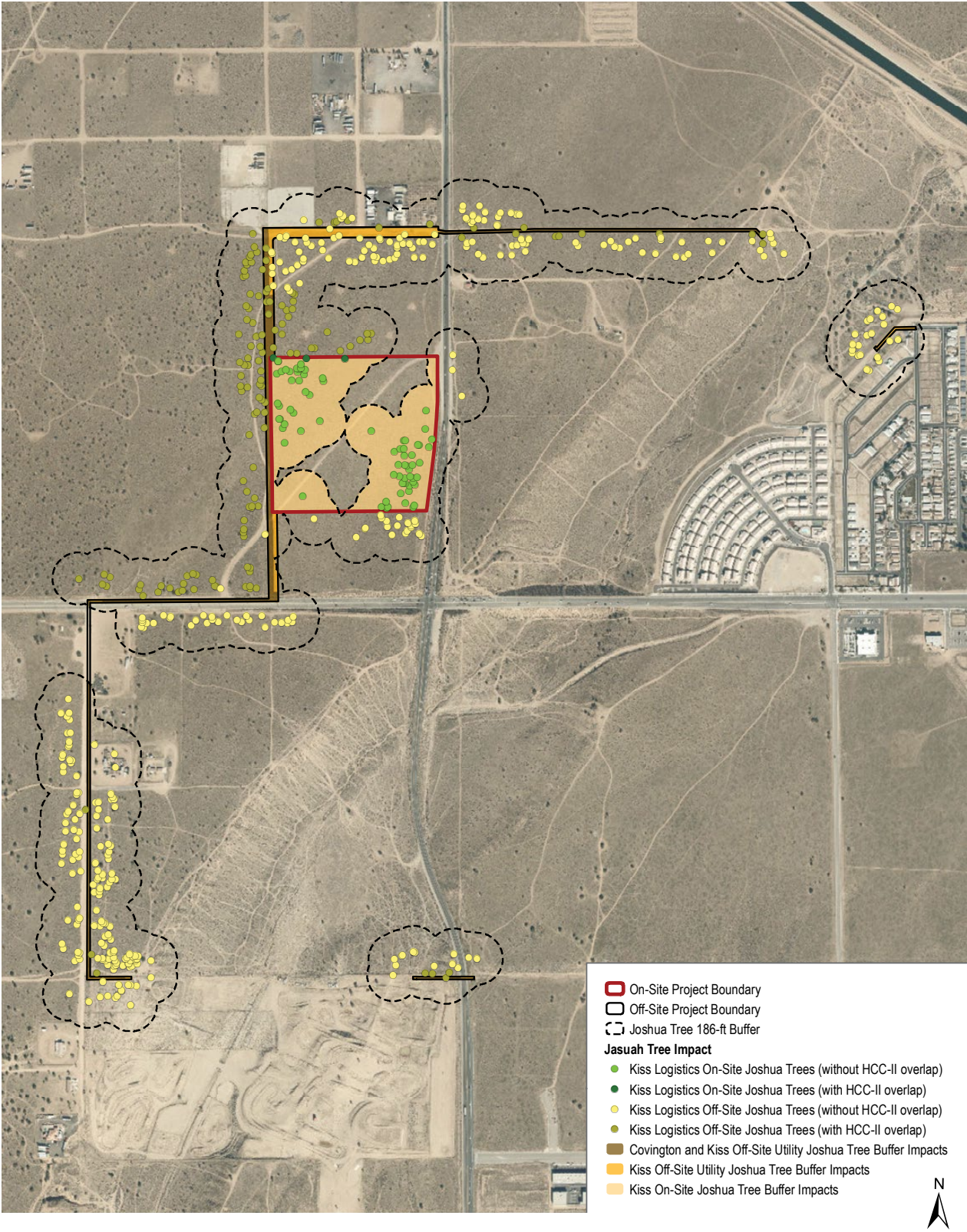
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Vegetation Communities



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Joshua Tree Locations



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5.3.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- BIO-1 Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- BIO-2 Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service.
- BIO-3 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.
- BIO-4 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.
- BIO-5 Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- BIO-6 Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

5.3.5 METHODOLOGY

The analysis within this EIR section and the biological reports prepared for the Project site is based on information compiled through a literature review and several field surveys.

Dudek conducted a review of literature, and of aerial photographs and topographic maps of the Project site and surrounding areas. The *Fontana* 7.5' USGS topographic quadrangle and eight surrounding quadrangles were used to identify sensitive species in the California Natural Diversity Data Base (CNDDB). In addition, the United States Fish and Wildlife Endangered Species Lists and the California Native Plant Society's Rare plant lists were reviewed. Several Biological Site Surveys were conducted for the Project, as listed below in Table 5.3-1.

In addition, a 100-foot buffer surrounding the Project site was surveyed to document existing habitat, obtain plant and animal species information, view surrounding uses, assess potential for State and Federal waters, assess potential for wildlife movement corridors and, if critical habitat is present, assess for presence of constituent elements. All species observed were recorded and GPS way points were taken to delineate specific habitat types, species locations, State or Federal waters, and other useful information. The Appendices to the General Biological Assessment (Appendix C) contain a comprehensive list of all plant and wildlife species detected during the field survey.

Table 5.3-1: Biological Site Surveys

Date(s)	Type of Survey	Times	Weather Conditions
03/08/2022	General Biological Survey (On- Site)	9:45 a.m.– 2:30 p.m.	51°F -57°F; 0% cc; 1–4 mph wind
04/06/2022 to 04/10/2022	Mohave Ground Squirrel Protocol Survey #1	Varied1	Varied1
04/08/2022	Burrowing Owl Protocol Survey #1	6:26 a.m.– 9:02 a.m.	53°F–72°F; 0% cc; 1-4 mph wind
04/29/2022	Desert Tortoise Protocol Survey	7:29 a.m.– 1:53 p.m.	48°F -74°F; 0% cc; 2-6 mph wind
05/08/2022 to 05/12/2022	Mohave Ground Squirrel Protocol Survey #2	Varied1	Varied1
05/10/2022	Rare Plant Survey	7:46 a.m.– 6:06 p.m.	54°F–62°F; 10% cc; 0-4 mph wind
05/13/2022	Burrowing Owl Protocol Survey #2	6:27 a.m.– 9:23 a.m.	51°F–65°F; 0% cc; 1-4 mph wind
05/20/22	Western Joshua Tree Survey	6:00 a.m. – 3:00 p.m.	NA
06/07/2022	Burrowing Owl Protocol Survey #3	6:15 a.m.– 9:28 a.m.	62°F–78°F; 0% cc; 2–5 mph wind
06/28/2022	Burrowing Owl Protocol Survey #4	6:19 a.m.– 8:35 a.m.	73°F–86°F; 0% cc; 1–5 mph wind
07/04/2022 to 07/08/2022	Mohave Ground Squirrel Protocol Survey #3	Varied1	Varied1
09/07/2022	General Biological Survey (Off- Site)	9:12 a.m.– 5:50 p.m.	87°F -94°F; 0% cc; 0–5 mph wind
10/18/22	Western Joshua Tree Survey	7:00 a.m.– 12:00 p.m.	NA

5.3.6 ENVIRONMENTAL IMPACTS

IMPACT BIO-1: WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT, EITHER DIRECTLY OR THROUGH HABITAT MODIFICATIONS, ON ANY SPECIES IDENTIFIED AS A CANDIDATE, SENSITIVE, OR SPECIAL STATUS SPECIES IN LOCAL OR REGIONAL PLANS, POLICIES, OR REGULATIONS, OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR U.S. FISH AND WILDLIFE SERVICE?

Less Than Significant Impact With Mitigation.

The proposed Project would include development of a single-story, 655,468-square foot (SF) industrial building on the 29.61-acre site. The proposed building would have a building footprint of 650,468 SF and a mezzanine of 5,000 SF for total of 655,468 SF. Additional improvements proposed include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and drive aisles. Approximately 8.9 acres of offsite improvements would be required for necessary roadway and utility infrastructure to support the Project.

Plant Species

As described above, no non-listed special-status plant species were observed or have high or moderate potential to occur within the BSA; therefore, the Project would have no direct or indirect impacts to non-listed special-status plant species. In addition, the BSA does not occur within a federally designated critical habitat for special-status plant species, and there would be no direct impacts to critical habitats.

One listed special-status plant species was observed within the BSA: western Joshua tree.

Western Joshua Trees

Direct Impacts

Western Joshua tree, a candidate species for state listing under CESA, was observed and would be directly impacted by the Project. The Project would result in direct impacts to 97 western Joshua tree individuals. All ground-disturbing activities are considered permanent impacts to western Joshua trees. Direct impacts to western Joshua tree are considered significant absent mitigation under CEQA.

Based on a literature review completed by CDFW (Vander Wall et al. 2006), research suggests the western Joshua tree locations should be buffered by 186 feet to account for the impacts of seed bank for western Joshua tree and their associated habitat. Therefore, a 186-foot buffer (or radius) was applied to each western Joshua tree location. The direct impacts to this 186-foot buffer were analyzed, including impacts to their seed bank and their associated habitat. Of the 97 western Joshua tree individuals, a total of 13 overlap the Hesperia Commerce Center II project (ITP No. 2021-038-06) (see Figure 5.3-2). The project that takes those trees first would be responsible for the mitigation of those subject trees and the latter project would not be required to mitigate for the take of the trees.

Western Joshua trees remain listed as a Candidate; therefore, the impacted 97 trees would require mitigation pursuant to CESA. As required by Mitigation Measure (MM) BIO-2 (Conservation of Western Joshua Tree Lands), mitigation for direct impacts to western Joshua trees, their seed bank, and associated habitat will be fulfilled through conservation of western Joshua trees through a payment of fees consistent with The Western Joshua Tree Conservation Act or through payment to a CDFW-approved mitigation bank as approved by the City of Hesperia and CDFW. In addition, implementation of MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Programs), and MM BIO-5 (Construction Monitoring Notebook) would reduce potential direct impacts during Project construction to a less-than significant level.

In addition, project applicants are required to submit an application and pay applicable fees to the City of Hesperia for removal or relocation of protected native desert plants under Hesperia Municipal Code Chapter 16.24. Requirements also include a preconstruction Project site inspection with the Planning Division and the Building Division. The application shall include certification from a qualified Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the City of Hesperia Municipal Code. Protected plants subject to Hesperia Municipal Code Chapter 16.24 may be relocated on-site, or within an area designated as an area for species to be adopted later. The application shall include a detailed plan for the removal of all protected plants on the Project site. The plan shall be prepared by a qualified Joshua tree and native desert plant expert(s) (MM BIO-1). Per City policy, obtainment of an Incidental Take Permit (ITP), and corresponding mitigations, through CDFW would satisfy the City's requirements under Chapter 16.24 of the City Municipal Code, and therefore, a relocation plan as included under MM BIO-1 would not be required so long as the requirements of CESA and/or the Western Joshua Tree Conservation Act are met.

Indirect Impacts

Indirect impacts are considered any reasonably foreseeable effects caused by a project's implementation on remaining or adjacent biological resources outside the direct disturbance zone. CDFW considers any western Joshua tree within 186 feet of a direct impact to be indirectly impacted. Construction-related, short-term indirect impacts may include inadvertent spillover impacts outside of the construction footprint, dust accumulation on Joshua trees, chemical spills, stormwater erosion and sedimentation, and increased wildfire risk.

Potential long-term (post-construction) indirect impacts from operation and maintenance activities may include effects of herbicides, changes in water quality, increased wildfire risk, induced demand of the surrounding area, increased traffic and vehicle emissions, and accidental chemical spills. Indirect impacts to Joshua trees are considered significant absent mitigation.

MM BIO-3 (Compliance Monitoring) requires that an experienced biologist oversee compliance with the protective measures, including limiting impacts to the Project impact footprint. MM BIO-4 (Education Program) would provide construction personnel with training related to western Joshua trees that are present on and adjacent to the impact footprint. MM BIO-5 (Construction Monitoring Notebook) provides for documentation that the education program was administered to applicable personnel. MM BIO-6 (Delineation of Property Boundaries) requires that impacts occur within the fenced, staked, or flagged area that is clearly delineated within the Project impact footprint. The construction crew will be responsible for unauthorized impacts from construction activities to western Joshua trees that are outside the permitted Project footprint. Thus, implementation of MM BIO-3 through MM BIO-6 will enable the Project to avoid and minimize inadvertent spillover impacts outside of the Project footprint.

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

MM BIO-7 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills will be implemented, and that repair and clean-up of any hazardous waste occurs. Thus, implementation of MM BIO-7 (Hazardous Waste) would help to avoid and minimize impacts to western Joshua tree from any construction-related chemical spills.

A Stormwater Pollution Prevention Plan (SWPPP) would be prepared and implemented to prevent all construction pollutants from contacting stormwater during construction activities (PPP HYD-2 of Section 5.9, Hydrology and Water Quality), with the intent of keeping sediment and any other pollutants from moving off site and into receiving waters. Best management practice categories employed on site would include erosion control, sediment control, and non-stormwater good housekeeping. Preparation and implementation of a SWPPP would help to avoid and minimize the potential effects of stormwater erosion during construction.

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

MM BIO-8 (Herbicides) would limit herbicide use to instances where hand or mechanical efforts are infeasible and would only be applied when wind speeds are less than 7 miles per hour to prevent drift into off-site western Joshua trees.

Implementation of low-impact-development features and best management practices, as specified under the Project WQMP (PPP HYD-3, Section 5.9 Hydrology and Water Quality) would, to the maximum extent practicable, reduce the discharge of pollutants into receiving waters, including inadvertent release of pollutants (e.g., hydraulic fluids and petroleum); the improper management of hazardous materials; trash and debris; and the improper management of portable restroom facilities (e.g., regular service) in accordance with all relevant local and state development standards. In addition, in accordance with CALGreen requirements (California Green Building Standards Code, CCR, Title 24, Part 11), Project source controls to improve water quality would be provided for outdoor material storage areas, outdoor trash storage/waste handling areas, and outdoor loading/unloading areas. Therefore, impacts to western Joshua trees due to changes in water quality would be avoided and minimized through implementation of low-impact-development features and best management practices.

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

Conclusion

Implementation of MM BIO-1 (Relocation of Desert Native Plants), MM BIO-2 (Conservation of Western Joshua Tree Lands), MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Programs), and MM BIO-5 (Construction Monitoring Notebook) would reduce potential direct impacts to western Joshua trees to less than significant. Implementation of MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Program), MM BIO-5 (Construction Monitoring Notebook), MM BIO-6 (Delineation of Property Boundaries), MM BIO-7 (Hazardous Waste), and MM BIO-8 (Herbicides), would reduce potential indirect impacts to western Joshua tree to less than significant. Therefore, the Project would result in less than significant impacts with mitigation on special status plant species.

Wildlife Species

As described above, four special-status wildlife species, burrowing owl (*Athene cunicularia*), loggerhead shrike (*Lanius ludovicianus*), LeConte's thrasher (*Toxostoma lecontei*), and Mohave ground squirrel (*Spermophilus (Xerospermophilus) mohavensis*) had a moderate potential to occur within the BSA. In addition, two special-status wildlife species, Mojave desert tortoise and Crotch bumble bee (*Bombus crotchii*), have a low potential to occur within the BSA. Focused surveys conducted for Mohave ground squirrel and Mojave desert tortoise were negative and therefore these species are not expected to occur and will not be analyzed further.

Construction

Indirect impacts to special-status wildlife species are those that occur during construction to species present near the site, but not within the construction zone. These include fugitive dust that can degrade habitat and result in health implications for wildlife species; noise and vibration that can stress wildlife species or cause them to leave an area of otherwise suitable habitat, or that can result in disruption of bird nesting and abandonment of nests; increased human presence, which can also disrupt daily activities of wildlife and cause them to leave an area; night-time lighting, which can disrupt the activity patterns of nocturnal species, including many mammals and some birds, amphibians, and reptiles; and release of chemical pollutants, such as from oil leaks from construction vehicles and machinery.

Project construction could result in significant, indirect impacts to four special-status wildlife species: loggerhead shrike, LeConte's thrasher, burrowing owl, and Crotch bumble bee. Those impacts could include dust, noise and vibration, increased human presence, vehicle collisions, chemical spills, and night-time lighting.

Loggerhead shrike and LeConte's thrasher

In the event that construction is required to occur during bird nesting season, MM BIO-9 (Pre-construction Nesting Bird Surveys and Avoidance) would require nesting bird surveys. In the event nests are not found, no further mitigation would be required. In the event that nests are found, a qualified biologist will implement construction buffers around nests, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, night-time lighting, and vehicle collisions. MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Program), and MM BIO-5 (Construction Monitoring Notebook) would require that all workers complete a WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM BIO-7 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction. MM BIO-12 (Lighting) would require night-time lighting during construction within 50 feet of habitat for special-status species to be shielded downward.

Potential long-term indirect impacts that could result from development within or adjacent to loggerhead shrike and LeConte's thrasher habitat include nighttime lighting and increased invasive plant species that may degrade habitat. MM BIO-12 (Lighting) would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM BIO-13 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the Cal-IPC California Invasive Plant Inventory (<http://www.cal-ipc.org/ip/inventory/index.php>).

Implementation of MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Program), MM BIO-5 (Construction Monitoring Notebook), MM BIO-7 (Hazardous Waste), MM BIO-9 (Preconstruction Nesting Bird

Surveys), MM BIO-12 (Lighting), and MM BIO-13 (Invasive Plant Management) would reduce potential construction impacts to loggerhead shrike and LeConte's thrasher to less than significant.

Burrowing Owl

Based on the results of focused surveys within the BSA, burrowing owls are considered absent from the site. However, this species may colonize an area quickly and continue to have a moderate potential to occur before construction begins. A pre-construction survey is needed to confirm their absence prior to construction. MM BIO-10 (Pre-construction Surveys for Burrowing Owl and Avoidance) would require pre-construction burrowing owl surveys and result in establishment of construction buffers around any burrowing owl burrows found, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, night-time lighting, and vehicle collisions. Project construction during bird nesting season would be avoided.

MM BIO-10 (Pre-construction Surveys for Burrowing Owl and Avoidance) would require pre-construction burrowing owl surveys and result in establishment of construction buffers around any burrowing owl burrows found, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, night-time lighting, and vehicle collisions. MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Program), and MM BIO-5 (Construction Monitoring Notebook) would require that all workers complete a WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM BIO-7 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction. MM BIO-12 (Lighting) would require night-time lighting during construction within 50 feet of habitat for special-status species to be shielded downward.

Potential long-term indirect impacts that could result from development within or adjacent to burrowing owl habitat include nighttime lighting and increased invasive plant species that may degrade habitat. MM BIO-12 (Lighting) would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM BIO-13 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the Cal-IPC California Invasive Plant Inventory (<http://www.cal-ipc.org/ip/inventory/index.php>).

Implementation of MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Program), MM BIO-5 (Construction Monitoring Notebook), MM BIO-7 (Hazardous Waste), MM BIO-9 (Preconstruction Nesting Bird Surveys), MM BIO-12 (Lighting), and MM BIO-13 (Invasive Plant Management) would reduce potential construction impacts to burrowing owl to less than significant.

Crotch bumble bee

MM BIO-11 (Pre-construction Survey for Crotch Bumble Bee) would require pre-construction Crotch bumble bee surveys and result in establishment of construction buffers around any active nests, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, night-time lighting, and vehicle collisions. MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Program), and MM BIO-5 (Construction Monitoring Notebook) would require that all workers complete a WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM BIO-7 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert Air Quality Management District's

Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction. MM BIO-12 (Lighting) would require night-time lighting during construction within 50 feet of habitat for special-status species to be shielded downward.

Potential long-term indirect impacts that could result from development within or adjacent to burrowing owl habitat include nighttime lighting and increased invasive plant species that may degrade habitat. MM BIO-12 (Lighting) would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM BIO-13 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the Cal-IPC California Invasive Plant Inventory (<http://www.cal-ipc.org/ip/inventory/index.php>).

Implementation of MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Program), MM BIO-5 (Construction Monitoring Notebook), MM BIO-7 (Hazardous Waste), MM BIO-9 (Preconstruction Nesting Bird Surveys), MM BIO-12 (Lighting), and MM BIO-13 (Invasive Plant Management) would reduce potential construction impacts to Crotch bumble bee to less than significant.

Operation

Loggerhead shrike

Extensive suitable nesting habitat, particularly western Joshua trees, is present within the BSA. The Project would result in the loss of 34.3 acres of suitable habitat for loggerhead shrike, including impacts to desert almond—Mexican bladdersage scrub, Joshua tree woodland, California buckwheat scrub, and rubber rabbitbrush scrub. These potential direct impacts to loggerhead shrike could be considered significant.

To avoid potential impacts to nesting loggerhead shrike, vegetation removal activities would be conducted outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey would be conducted by a qualified biologist prior to vegetation removal. This requirement is outlined in MM BIO-9 (Pre-construction Nesting Bird Surveys).

As required by MM BIO-2, mitigation for direct impacts to 11 acres of western Joshua trees, their seed bank, and their associated habitat will be fulfilled through conservation of western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or payment of in-lieu fees per the Western Joshua Tree Conservation Act as approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree would focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree would also mitigate impacts to loss of suitable habitat for loggerhead shrike.

Potential long-term indirect impacts that could result from development within or adjacent to loggerhead shrike habitat include night-time lighting and increased invasive plant species that may degrade habitat. MM BIO-12 (Lighting) would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM BIO-13 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (<http://www.cal-ipc.org/ip/inventory/index.php>).

Implementation of MM BIO-2 (Conservation of Western Joshua Tree Lands), MM BIO-9 (Pre-construction Nesting Bird Surveys and Avoidance), MM BIO-12, and MM BIO-13 would reduce potential operational impacts to loggerhead shrike to less than significant.

LeConte's Thrasher

The Project would result in the loss of approximately 23.4 acres of suitable habitat for LeConte's thrasher, including impacts to desert almond—Mexican bladdersage scrub, California buckwheat scrub, and rubber rabbitbrush scrub. These potential direct impacts to LeConte's thrasher could be considered significant.

To avoid potential impacts to nesting LeConte's thrasher, vegetation removal activities would be conducted outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey would be conducted by a qualified biologist prior to vegetation removal. This requirement is outlined in MM BIO-9 (Pre-construction Nesting Bird Surveys).

As required by MM BIO-2, mitigation for direct impacts to 11 acres of western Joshua trees, their seed bank, and their associated habitat will be fulfilled through conservation of western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree would focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree would also mitigate impacts to loss of suitable habitat for LeConte's thrasher.

Potential long-term indirect impacts that could result from development within or adjacent to LeConte's thrasher habitat include night-time lighting and increased invasive plant species that may degrade habitat. MM BIO-12 (Lighting) would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM BIO-13 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (<http://www.cal-ipc.org/ip/inventory/index.php>).

Implementation of MM BIO-2 (Conservation of Western Joshua Tree Lands) and MM BIO-9 (Pre-construction Nesting Bird Surveys) would reduce potential operational impacts to LeConte's thrasher to less than significant.

Burrowing Owl

The Project would result in the loss of 37.5 acres of suitable habitat for burrowing owl, including impacts to desert almond—Mexican bladdersage scrub, Joshua tree woodland, California buckwheat scrub, and rubber rabbitbrush scrub, and disturbed habitat. These potential direct impacts to burrowing owls could be considered significant. Focused surveys for burrowing owl conducted in 2022 (see Table 5.3-1, Biological Site Surveys). Based on the results of focused surveys within the study area, burrowing owls are considered absent from the site. However, this species may colonize an area quickly and continue to have a moderate potential to occur before construction begins. A pre-construction survey is needed to confirm their absence prior to construction.

Pursuant to the California Fish and Game Code and the MBTA, a pre-construction survey in compliance with Staff Report on Burrowing Owl Mitigation, State of California Natural Resource Agency, Department of Fish and Game, May 7, 2012 (CDFW 2012) would be necessary to reevaluate the locations of potential burrowing owl burrows located within the Project limits so take of owls or active owl nests can be avoided. Consistent with MM BIO-10 (Preconstruction Surveys for Burrowing Owl), a pre-construction survey for burrowing owl shall be conducted in areas supporting potentially suitable habitat and within 14 days prior to the start of construction activities. A Burrowing Owl Relocation Plan has been prepared to facilitate implementation of this mitigation measure (included under Appendix C). In addition, implementation of MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Programs), and MM BIO-5 (Construction Monitoring Notebook) would reduce potential direct impacts to a less-than significant level.

Joshua tree woodland is considered suitable habitat for burrowing owl. As required by MM BIO-2, mitigation for direct impacts to 11 acres of western Joshua trees, their seed bank, and their associated habitat will be fulfilled through conservation of western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree will focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree will double as mitigation for impacts to loss of suitable habitat for burrowing owl, which use similar habitat.

Potential long-term indirect impacts that could result from development within or adjacent to burrowing owl habitat include night-time lighting and increased invasive plant species that may degrade habitat. MM BIO-12 (Lighting) would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM BIO-13 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (<http://www.cal-ipc.org/ip/inventory/index.php>).

Implementation of MM BIO-2 (Conservation of Western Joshua Tree Lands) and MM BIO-10 (Pre-construction Surveys for Burrowing Owl) would reduce potential operational impacts to burrowing owl to less than significant.

Crotch bumble bee

To avoid potential impacts to nesting Crotch bumble bee, ground disturbing activities would be conducted outside the Colony Active Period (April 1 through August 31). If vegetation cannot be removed outside the Colony Active Period, a pre-construction survey by a qualified biologist is required prior to ground disturbance. This requirement is outlined in MM BIO-11 (Pre-construction Survey for Crotch Bumble Bee).

If nest resources occupied by Crotch bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the construction zone, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources will be avoided for the duration of the Crotch bumble bee nesting period (February 1 through October 31).

If the above measures are followed, it is assumed that the Project shall not need to obtain authorization from CDFW through the California Endangered Species Act ITP process.

If the nest resources cannot be avoided, as outlined in this measure, the project applicant will consult with CDFW regarding the need to obtain an ITP. Any measures determined to be necessary through the ITP process to offset impacts to Crotch bumble bee may supersede measures provided in this CEQA document and shall be incorporated into the habitat mitigation and monitoring plan. In the event an ITP is needed, mitigation for direct impacts to Crotch bumble bee will be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the ITP process. Mitigation will be accomplished either through off-site conservation or through a CDFW-approved mitigation bank.

As required by MM BIO-1 (Western Joshua Tree Fee Payment), mitigation for direct impacts to 97 western Joshua trees will be fulfilled through payment of applicable fees consistent with The Western Joshua Tree Conservation Plan or through payment to a CDFW-approved mitigation bank. The fees will contribute to conservation of western Joshua tree, which will also provide habitat for Crotch bumble bee. Thus, mitigation for impacts to western Joshua tree would also mitigate for impacts to loss of potential habitat for Crotch bumble bee.

Implementation of MM BIO-1 (Western Joshua Tree Fee Payment) and MM BIO-11 (Pre-construction Survey for Crotch Bumble Bee) would reduce potential direct impacts to Crotch bumble bee to less than significant.

Conclusion

Therefore, the Project would result in less than significant direct or indirect impacts on species identified as candidate, sensitive, or special status in local or regional plans, policies, or regulations, or by CDFW, or USFWS with the implementation of MM BIO-1 through BIO-13.

IMPACT BIO-2: WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT ON ANY RIPARIAN HABITAT OR OTHER SENSITIVE NATURAL COMMUNITY IDENTIFIED IN LOCAL OR REGIONAL PLANS, POLICIES, REGULATIONS OR BY THE CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE OR US FISH AND WILDLIFE SERVICE?

Less Than Significant Impact With Mitigation. Six vegetation communities were mapped within the BSA (includes the Project site, offsite improvement area, and a 100-foot buffer), including 28.5 acres of Desert Almond-Mexican Bladdersage Scrub, 29.6 acres of Joshua Tree Woodland, 1.0 acre of California Buckwheat Scrub, 16.8 acres of Rubber Rabbitbrush Scrub, 8.1 acres of urban/developed area, and 13.5 acres of disturbed habitat (see Figure 5.3-1). State rankings of 1, 2, or 3 are considered high priority for inventory or special-status and impacts to these communities typically require mitigation Joshua Tree Woodland is ranked as S3, or “vulnerable to extirpation or extinction”, by the California Natural Community List. All other communities listed are ranked as S4 or S5, or unranked, which are not considered sensitive vegetation communities.

As discussed above, the Project would result in the disturbance of 29.5-acre within the Project site and 8.9 acres of off-site area. Biological research and site surveys conducted for the Project identified six vegetation communities BSA (and 100-foot buffer around the Project site), including 28.5 acres of Desert Almond-Mexican Bladdersage Scrub, 29.6 acres of Joshua Tree Woodland, 1.0 acre of California Buckwheat Scrub, 16.8 acres of Rubber Rabbitbrush Scrub, 8.1 acres of urban/developed area, and 13.5 acres of disturbed habitat. State rankings of 1, 2, or 3 are considered high priority for inventory or special-status and impacts to these communities typically require mitigation Joshua Tree Woodland is ranked as S3, or “vulnerable to extirpation or extinction”, by the California Natural Community List. All other communities listed are ranked as S4 or S5, or unranked, which are not considered sensitive vegetation communities.

All ground-disturbing activities are considered permanent impacts to Joshua tree woodland. The Project would result in permanent impacts to 11.0 acres of the 29.6 total acres of Joshua tree woodland within the BSA. The Project would also result in permanent impacts to 27.3 acres of vegetation communities and land cover types that are not considered sensitive by CDFW, including desert almond—Mexican bladdersage scrub, California buckwheat scrub, and rubber rabbitbrush scrub, and disturbed habitat, and urban/developed lands.

In the event that western Joshua trees remain listed as a candidate species or are elevated to “threatened” status, the impacted 97 trees would require mitigation pursuant to CESA and/or the Western Joshua Tree Conservation Act. Mitigation for direct impacts to 97 western Joshua tree individuals will also mitigate for impacts to 11.0 acres of Joshua tree woodland. As required by MM BIO-2 (Conservation of Western Joshua Tree Lands), mitigation for direct impacts to 97 western Joshua trees will be fulfilled through conservation of Western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree will focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree will also mitigate for impacts to 11.0 acres of Joshua tree woodland.

In the event that western Joshua trees are delisted from being a State candidate species as Threatened, the City of Hesperia local protections applicable to western Joshua trees would be applied. Protected plants subject to Hesperia Municipal Code Chapter 16.24 would be relocated on-site, or within an area designated as an area for species to be adopted later. Pursuant to City requirements, a plan shall be prepared and implemented by a qualified Joshua tree and native desert plant expert(s) for the removal and replacement of all protected plants on the Project site (MM BIO-1). Per City policy, obtainment of an ITP, and corresponding mitigations, through CDFW would satisfy the City's requirements under Chapter 16.24 of the City Municipal Code. Therefore, in the event that western Joshua Tree is not listed as Threatened per determination by the California Fish and Game Commission, the Project would be required to comply with the City's Relocation of Desert Native Plants policy instead. Replacement habitat would mitigate impacts to 11.0 acres of Joshua tree woodland.

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

IMPACT BIO-3: WOULD THE PROJECT HAVE A SUBSTANTIAL ADVERSE EFFECT ON STATE OR FEDERALLY PROTECTED WETLANDS (INCLUDING, BUT NOT LIMITED TO, MARSH, VERNAL POOL, COASTAL, ETC.) THROUGH DIRECT REMOVAL, FILLING, HYDROLOGICAL INTERRUPTION, OR OTHER MEANS

No Impact. The Oro Grande Wash is located approximately 300 feet southeast of the Project site, and the proposed sewer line includes jack and bore pits that would be used to align the sewer would run beneath Oro Grande Wash. The Mojave River is located approximately nine miles east of the Project site. The Project site does not contain any state or federally protected wetlands or waters. Therefore, Project construction and operation would not have any impacts on State- or Federally-protected wetlands, including vernal pools or marsh areas as a result of direct removal, filling, hydrological interruption, or other means.

IMPACT BIO-4: WOULD THE PROJECT POTENTIALLY 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. 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 is flat and surrounded by paved and dirt roads and vacant land. No wildlife corridors are located on the Project site. However, the Project site contains trees and shrubs that can support nesting song birds or raptors protected under the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code during the nesting season. Nearby corridors that could support wildlife movement in the region, include the Oro Grande Wash and La Bureau of Power and Light Road immediately to the west, would not be impacted by the Project. Further, the Project site does not contain nursery sites, such as bat colony roosting sites or colonial bird nesting areas.

The General Biological Assessment prepared for the Project indicates that grading activities or vegetation removal during between February 1 and August 31 bird nesting season might result in potential impacts to nesting birds. However, compliance with the Migratory Bird Treaty Act, which includes preconstruction nesting bird surveys during the nesting bird season, will ensure that potential impacts to nesting birds would be less than significant (MM BIO-9). Reduction of the potential impacts to nesting birds would be reduced to a less than significant level with implementation of MM BIO-9.

Potential long-term (post-construction) indirect impacts from operations and maintenance activities could disrupt wildlife movement around the Project due to increased lighting from buildings. MM BIO-12 (Lighting)

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

Therefore, the Project with implementation of MM BIO-9 and MM BIO-12, the Project would result in less than significant impacts with mitigation on the movement of native resident, migratory fish, or wildlife species.

IMPACT BIO-5: THE PROJECT WOULD NOT CONFLICT WITH ANY LOCAL POLICIES OR ORDINANCES PROTECTING BIOLOGICAL RESOURCES, SUCH AS A TREE PRESERVATION ORDINANCE.

Less than Significant Impact with Mitigation.

Pursuant to the City of Hesperia Municipal Code chapter 16.24, Protected Plants, all species of the Agavaceae family (Yuccas, Nolinias, Century Plants.), all species of cactus, including chollas (*Cylindropuntia* spp.), smoketree (*Dalea spinosa*), all species of the mesquites (*Prosopis*), creosote rings 10 feet or more in diameter, all Joshua trees, and all plants protected or regulated by the California Desert Native Plants Act (California Food and Agricultural Code 80001 et. seq.) shall not be removed except under a removal permit issued by the agricultural commissioner.

As stated above, the Project site includes 97 Joshua trees are located within the project site. The western Joshua tree is currently listed as a Candidate Threatened Species under the California Endangered Species Act (CESA). As a listed species under CESA, the Project applicant would be required to obtain an ITP under Section 2081 of the Fish and Game Code (MM BIO-2). Additionally, the applicant will apply for mitigation land credits from a CDFW-approved mitigation bank established to protect Joshua trees or pay fees according to the Western Joshua Tree Conservation Act at a minimum of a 1:1 ratio of equal or better function.

Project construction would necessitate completion of a native plant removal permit application for the removal of existing Joshua trees from the Project site. The City requires a detailed plan for the removal of all protected plants on the Project site to be prepared with the application (MM BIO-1). Per City policy, obtainment of an ITP and corresponding mitigations through CDFW would satisfy the City's requirements under Chapter 16.24 of the City Municipal Code. Therefore, no further mitigation would be required in fulfillment of Chapter 16.24 of the City Municipal Code. The City does not include any additional biological local policies or ordinances that the Project could conflict with. Therefore, the Project would result in a less than significant impact with mitigation.

IMPACT BIO-6: WOULD THE PROJECT CONFLICT WITH THE PROVISIONS OF AN ADOPTED HABITAT CONSERVATION PLAN, NATURAL COMMUNITY CONSERVATION PLAN, OR OTHER APPROVED LOCAL, REGIONAL, OR STATE HABITAT CONSERVATION PLAN?

No Impact. The Project is located within the California Desert Conservation Area Plan (BLM 1980) planning area, which includes plan amendments: Draft California Desert Conservation Area Plan, and subsequent amendments, and the Desert Renewable Energy Conservation Plan (BLM 2016). The Project would not conflict with the conservation criteria associated with the California Desert Conservation Area Plan or Desert Renewable Energy Conservation Plan. The California Desert Conservation Area Plan is applicable to the management of public lands, and therefore, would not be applicable to the project. The Project site is privately owned, and therefore, the Project would result in no impact.

5.3.7 CUMULATIVE IMPACTS

The cumulative study area for purposes of biological resources would be the area surrounding the Project site, as well as the larger City of Hesperia. This cumulative impact analysis for biological resources considers

development of the proposed Project in conjunction with other development projects as well as the projects identified in Section 5.0, Environmental Impact Analysis, Table 5-1, Cumulative Projects. Projects identified in Table 5-1 are proposed adjacent to the Project site and within the larger Hesperia area.

Special-Status Species.

The Project could result in impacts to burrowing owls, Loggerhead shrike, Le Conte's thrasher, and Joshua trees. Joshua tree woodlands are considered a sensitive natural community by CDFW (CDFW 2020).

As required by MM BIO-2, mitigation for direct impacts to 97 western Joshua trees will be fulfilled through purchase of credits at a CDFW-approved mitigation bank or payment of in-lieu fees per the Western Joshua Tree Conservation Act, as approved by the City of Hesperia and CDFW.

Additionally, the Project could result in potentially significant impacts on burrowing owls, Loggerhead shrike, Le Conte's thrasher through the loss of suitable habitat and degradation of suitable habitat surrounding the Project site. Implementation of MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Program), MM BIO-5 (Construction Monitoring Notebook), MM BIO-7 (Hazardous Waste), MM BIO-9 (Preconstruction Nesting Bird Surveys and Avoidance), MM BIO-12 (Lighting), and MM BIO-13 (Invasive Plant Management) would reduce potential construction impacts to loggerhead shrike, LeConte's thrasher, and burrowing owl to less than significant. Implementation of MM BIO-2 (Conservation of Western Joshua Tree Lands), MM BIO-9 (Pre-construction Nesting Bird Surveys and Avoidance), MM BIO-12, and MM BIO-13 would reduce potential operational impacts to less than significant. Additionally, MM BIO-10 (Pre-construction Surveys for Burrowing Owl) would be implemented to reduce potential operational impacts to burrowing owl to less than significant and MM BIO-11 (Pre-construction Surveys for Crotch Bumble Bee) would be implemented to reduce potential operations impacts to Crotch bumble bee to less than significant.

The less than significant impacts, with MM BIO-1 through BIO-13, from the Project are not anticipated to combine with other development projects to substantially affect these species to a point where their survival in the region is threatened. Mitigation implemented for the Project would ensure the adequate preservation and/or replacement of special status species and habitat, so to not diminish the larger population and regional habitat availability. Therefore, Project impacts would not be cumulatively considerable.

Sensitive Habitat.

The Project site is currently undeveloped and does not contain any riparian habitat or jurisdictional waters. Therefore, cumulative impacts related to riparian habitat and jurisdictional waters would be less than cumulatively significant.

The Project would result in permanent impacts to 11.0 acres of Joshua tree woodland. Mitigation for direct impacts to 97 western Joshua tree individuals will also mitigate for impacts to 11.0 acres of Joshua tree woodland. In the event that western Joshua trees remain listed as a Candidate species or are elevated to "Threatened" status, as required by MM BIO-2 (Conservation of Western Joshua Tree Lands), mitigation for direct impacts to 97 western Joshua trees will be fulfilled through conservation of Western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or other conservation mechanism approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree will focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree will also mitigate for impacts to 11.0 acres of Joshua tree woodland. In the event that western Joshua trees are delisted as a Candidate threatened species, the Hesperia Municipal Code Chapter 16.24 would apply, which would require the development and implementation of a desert native plants relocation plan to plan for the removal and replacement of impacted Joshua trees (MM BIO-1). The less than significant impacts, with implementation of MM BIO-1

and/or MM BIO-2, from the Project are not anticipated to combine with other development projects to substantially affect this sensitive habitat to a point where availability in the region is substantially diminished. Therefore, Project impacts would not be cumulatively considerable.

Nesting and Migratory Birds.

Mitigation is included to avoid impacts to nesting bird species through compliance with the Migratory Bird Treaty Act. As described above, the Project site contains trees and shrubs that can support nesting song birds or raptors protected under the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code during the nesting season. The less than significant impacts, with MM BIO-9, from the Project are not anticipated to combine with other development projects to substantially affect these species to a point where their survival in the region is threatened. Therefore, Project impacts would not be cumulatively considerable.

Ordinances/Adopted Conservation Plans.

The City Municipal Code chapter 16.24, Protected Plants, all species of the Agavaceae family (Yuccas, Nolinias, Century Plants.), all species of cactus, including chollas (*Cylindropuntia* spp.), smoketree (*Dalea spinosa*), all species of the mesquites (*Prosopis*), creosote rings 10 feet or more in diameter, all Joshua trees, and all plants protected or regulated by the California Desert Native Plants Act (California Food and Agricultural Code 80001 et. seq.) shall not be removed except under a removal permit issued by the agricultural commissioner. The Project would result in the removal of Joshua trees from the site. All past, current, and probable future projects, including the proposed Project, would be required to comply with the City's native plant ordinance and provide preservation/mitigation as determined by the City. The less than significant impacts, with implementation of MM BIO-1, from the Project are not anticipated to combine with other development projects to substantially affect these species to a point where their survival in the region is threatened. Therefore, Project impacts would not be cumulatively considerable.

Cumulatively considerable impacts to these limited biological resources would not occur from implementation of the proposed Project with implementation of the mitigation measures described above and listed below.

5.3.8 EXISTING Standard Conditions and Plans, Programs, or Policies

Existing Regulations

Federal

- Federal Endangered Species Act
- Clean Water Act
- Migratory Bird Treaty Act

State

- California's Endangered Species Act
- California Fish and Game Code

Local

- Hesperia Municipal Code Chapter 16.24

5.3.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

No impacts would occur to Impact BIO-3 or BIO-6. Impacts BIO-1, BIO-2, BIO-4 and BIO-5 would be potentially significant without mitigation.

5.3.10 MITIGATION MEASURES

Mitigation Measure BIO-1: Relocation of Desert Native Plants (Hesperia Municipal Code Chapter 16.24).

Prior to the issuance of grading permits, the Project Applicant shall submit an application and applicable fee paid to the City of Hesperia for removal or relocation of protected native desert plants under Hesperia Municipal Code Chapter 16.24 as required and schedule a preconstruction site inspection with the Planning Division and the Building Division. The application shall include certification from a qualified Joshua tree and native desert plant expert(s) to determine that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the City of Hesperia Municipal Code. Protected plants subject to Hesperia Municipal Code Chapter 16.24 may be relocated on-site, or within an area designated as an area for species to be adopted later. The application shall include a detailed plan for the removal of all protected plants on the Project site. The plan shall be prepared by a qualified Joshua tree and native desert plant expert(s). The plan shall include, but not be limited to, the following measures:

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

Mitigation Measure BIO-2: Conservation of Western Joshua Tree Lands (CESA)

In the case that the California Fish and Game Commission lists western Joshua trees as threatened under the California Endangered Species Act, the following measure will be implemented:

- Prior to the initiation of Joshua tree removal, obtain California Endangered Species Act (CESA) ITP under Section 2081 of the Fish and Game Code. The Project Applicant will adhere to measures and conditions set forth within the ITP.
- Mitigation for direct impacts to western Joshua trees shall be fulfilled through conservation of western Joshua trees at a 1:1 habitat replacement ratio, of equal or better functions and values to those impacted by the Project. Mitigation can be through purchases of credits at a California Department of Fish and Wildlife (CDFW)-approved mitigation bank for western Joshua tree. Additionally, no take of western Joshua tree will occur without authorization from CDFW in the form of an ITP pursuant to Fish and Game Code 2081.
- Name, qualifications, business address, and contact information of a biological monitor (designated botanist) shall be submitted to CDFW at least 30 days prior to Project activities.

- The designated botanist shall be responsible for monitoring Project activities to help minimize and fully mitigate or avoid incidental take of Joshua trees.
- The designated botanist shall have authority to immediately stop any activity that does not comply with the ITP, and/or to order any reasonable measure to avoid unauthorized take of an individual Joshua tree.
 - The Project analyzed impacts to western Joshua trees by applying the 186-foot buffer zone overlap with the adjacent proposed developments. Any impacts to overlapping Joshua trees will be analyzed by CDFW to ensure no Joshua trees are mitigated twice.
 - The Western Joshua Tree Conservation Act is currently under consideration by the California Fish and Game Commission. In the event that the Western Joshua Tree Conservation Act is implemented, effectively replacing the function of species protection under CESA, alternative habitat replacement mechanisms, providing equal or better function and value to existing mechanisms under CESA, will be implemented as required under state law.

MM BIO-3 Compliance Monitoring.

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

MM BIO-4 Education Program.

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

MM BIO-5 Construction Monitoring Notebook.

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

MM BIO-6 Delineation of Property Boundaries.

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

MM BIO-7 Hazardous Waste.

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

MM BIO-8 Herbicides.

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

MM BIO-9: Pre-construction Nesting Bird Survey.

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

MM BIO-10: Pre-construction Surveys for Burrowing Owl.

One pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the Project site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (prepared by the California Department of Fish and Game [now California Department of Fish and Wildlife] in 2012) or current version.

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

Outside of the nesting season, passive owl relocation techniques approved by CDFW shall be implemented. Owls shall be excluded from burrows in the immediate Project area and within a buffer zone by installing one-way doors in burrow entrances. These doors will be placed at least 48 hours prior to ground-disturbing activities. The Project area shall be monitored daily for one week to confirm owl departure from burrows.

prior to any ground-disturbing activities. Compensatory mitigation for permanent loss of owl habitat will be provided following the guidance in the Staff Report on Burrowing Owl Mitigation or current version.

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

MM BIO-11: Pre-construction Surveys for Crotch Bumble Bee. In the event that grading starts between April and August, a pre-construction survey for Crotch bumble bee shall be conducted by a qualified biologist within the construction area during the primary flight period (April through August) prior to the start of construction activities. The survey shall ensure that no nests for Crotch bumble bee are located within the construction area. Crotch bumble bee is a habitat generalist, ground-nesting bee. For the purposes of this mitigation measure, nest resources are defined as small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, rock walls, and brush piles.

On June 6, 2023, the California Department of Fish and Wildlife (CDFW) released the “Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species”. The pre-construction survey shall follow the guidance included within “Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species”.

If nest resources occupied by Crotch bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the construction zone, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources will be avoided for the duration of the Crotch bumble bee nesting period (February 1 through October 31).

If the above measures are followed, it is assumed that the Project shall not need to obtain authorization from CDFW through the California Endangered Species Act ITP process.

If the nest resources cannot be avoided, as outlined in this measure, the project applicant will consult with CDFW regarding the need to obtain an ITP. Any measures determined to be necessary through the ITP process to offset impacts to Crotch bumble bee may supersede measures provided in this CEQA document and shall be incorporated into the habitat mitigation and monitoring plan. In the event an ITP is needed, mitigation for direct impacts to Crotch bumble bee will be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to those impacted by the Project, or as otherwise determined through the ITP process. Mitigation will be accomplished either through off-site conservation or through a CDFW-approved mitigation bank.

MM BIO-12: Lighting.

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

MM BIO-13: Invasive Plant Management.

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

5.3.10 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The mitigation measure listed above, and existing regulations would reduce potential impacts associated with biological resources for Impacts BIO-1 through BIO-6 to a level that is less than significant. Therefore, no significant unavoidable adverse impacts related to biological resources would occur.

REFERENCES

City of Hesperia. 2010. The City of Hesperia General Plan Update, Conservation Element. Accessed December 2022. <https://www.cityofhesperia.us/409/Hesperia-General-Plan>.

Dudek. 2023. Biological Resources Technical Report, KISS Logistics Center.

5.4 Cultural Resources

5.4.1 INTRODUCTION

This section addresses potential environmental effects of the Project related to cultural resources, which include built and subsurface historic, and archaeological resources. The analysis in this section is based in part, on the following documents and resources:

- City of Hesperia General Plan, 2010
- City of Hesperia General Plan 2010 Final Environmental Impact Report, Michael Brandman Associates, December 2010
- City of Hesperia Municipal Code
- Cultural Resources Study for the KISS Logistics Center Project, Brian F. Smith and Associates, July 2022 (BFSA 2022a) (Appendix D)

In accordance with Public Resources Code Section 15120(d), certain information and communications that disclose the location of archaeological sites and sacred lands are allowed to be exempt from public disclosure.

5.4.2 REGULATORY SETTING

5.4.2.1 Federal Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) established the National Register of Historic Places (National Register), which is the official register of designated historic places. The National Register is administered by the National Park Service, and includes listings of buildings, structures, sites, objects, and districts that possess historical, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

To be eligible for the National Register, a property must be significant under one or more of the following criteria per 36 Code of Federal Regulations Part 60:

- a) Properties that are associated with events that have made a significant contribution to the broad patterns of our history;
- b) Properties that are associated with the lives of persons significant in our past;
- c) Properties that embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) Properties that have yielded, or may be likely to yield, information important in prehistory or history.

In addition to meeting one or more of the aforementioned criteria, an eligible property must also possess historic “integrity,” which is “the ability of a property to convey its significance.” The National Register criteria recognize seven qualities that define integrity: location, design, setting, materials, workmanship, feeling, and association.

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the National Register as significant historical resources. Properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the National Register.

Properties listed in or eligible for listing in the National Register are also eligible for listing in the California Register, and as such, are considered historical resources for CEQA purposes.

5.4.2.2 State Regulations

California Register of Historical Resources

Eligibility for inclusion in the California Register is determined by applying the following criteria:

- 1) It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- 2) It is associated with the lives of persons important in California's past;
- 3) 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 value; or
- 4) It has yielded or is likely to yield information important in prehistory or history. The Register includes properties which are listed or have been formally determined to be eligible for listing in the National Register, State Historical Landmarks, and eligible Points of Historical Interest (PRC §5024.1).

In addition to meeting one or more of the above criteria, the California Register requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resources." (CCR 4852 [d][2]). The California Register also requires that a resource possess integrity. This is defined as the ability for the resource to convey its significance through seven aspects: location, setting, design, materials, workmanship, feeling, and association.

California Health and Safety Code Section 7050.5

Health and Safety Code Section 7050.5(b) and (c) provides that if human remains are discovered, excavation or disturbance in the vicinity of human remains shall cease until the County Coroner is contacted and has reviewed the remains. If the Coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, the Coroner is required to contact the Native American Heritage Commission (NAHC) by telephone within 24 hours.

Public Resources Code Section 5097.98

Public Resources Code Section 5097.98 provides guidance on the appropriate handling of Native American remains. Once the NAHC receives notification from the Coroner of a discovery of Native American human remains, the NAHC is required to notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site. According to Public Resources Code Section 5097.98(k), the NAHC is authorized to mediate disputes arising between landowners and known descendants relating to the treatment and disposition of Native American human burials, skeletal remains, and items associated with Native American burials.

CEQA Guidelines Section 15064.5

Section 15064.5 provides guidelines for determining the significance of impacts to archaeological and historical resources. The section provides the definition of historical resources, and how to analyze impacts to resources that are designated or eligible for designation as a historical resource. Section 15064.5 additionally provides provisions for the accidental discovery or recognition of human remains in any location other than a dedicated cemetery.

5.4.2.3 Local Regulations**City of Hesperia General Plan**

The City of Hesperia 2010 General Plan contains the following policies related to cultural, archaeological, and historical resources that are applicable to the proposed Project:

Conservation Element

Goal CN-5: The City shall establish policies and procedures in compliance with state and Federal laws and regulations to identify and properly protect found historical, cultural and paleontological artifacts and resources.

Policy CN-5.1: Encourage the preservation of historical, paleontological and cultural resources.

Policy CN-5.2: In those areas where surveys and records indicate historical, cultural or paleontological resources may be found, appropriate surveys and record searches shall be undertaken to determine the presence of such resources, if any.

Policy CN-5.3: All historical, paleontological and cultural resources discovered shall be inventoried and evaluated according to CEQA regulations and the California Office of Historic Preservation.

Policy CN-5.4: The City shall coordinate with the Archeological Information Center at the San Bernardino County Museum in reviewing potential records and in preserving such artifacts as may be found.

City of Hesperia Municipal Code

Article VIII. Historical Resources Designation and Protection, Section 16.20.290 – Landmark Designation Review Criteria. When designating a landmark, the city council shall consider the following criteria in making its determination:

A. Historical and Cultural Significance.

1. The proposed landmark is particularly representative of an historical period, type, style, region, or way of life;
2. The proposed landmark is an example of a type of building which was once common but is now rare;
3. The proposed landmark is of greater age than most of its kind;
4. The proposed landmark was connected with someone who is or was renowned, important, or a local personality;
5. The proposed landmark is connected with a business or use which was once common but is now rare;
6. The architect or builder was significant; or
7. The site is the location of an important historic event or building.

B. Historic Architectural and Engineering Significance.

1. The construction materials or engineering methods used in the proposed landmark are unusual, significant, or uniquely effective.
2. The design of the proposed landmark contains details and materials that possess extraordinary or unique aesthetic qualities.

C. Neighborhood and Geographic

1. The proposed landmark materially benefits the historic character of the neighborhood.
2. The proposed landmark in its location represents an established and familiar visual feature of the neighborhood, community or city.

5.4.3 ENVIRONMENTAL SETTING

Historic

In 1869, the transcontinental railroad was completed in California and expanded agricultural settlement. The Southern Pacific Route connected Los Angeles and northern California and monopolized the rail system until the arrival of Atchison, Topeka, and Santa Fe (AT&SF) railroad. The AT&SF line connected the larger Southern California region to the City of Los Angeles. At the end of the 1800s, the social dynamics changed in the City of San Bernardino as railroads brought thousands of settlers from Europe and the eastern states. The railway system and influx of population accelerated the economic trades in San Bernardino.

U.S. Highway 66 (Route 66) was the main means of access between the City of Los Angeles and San Bernardino County. The road was created to give better access for transporting goods produced in San Bernardino to the Los Angeles market. Members of the Los Angeles and San Bernardino highway commissions marketed the road to be used for recreational travel to see the countryside. The commissions promoted the idea that improvements to the road would create an “attractive foothill boulevard linking Redlands to the Pacific Ocean”. In 1909, the State Legislature authorized bonds for road building and improvement programs, which included the new Foothill Boulevard. By 1913, the road was integrated into the National Old Trails Road, linking the roads from Los Angeles to Washington, D.C. In 1926, the road was designated U.S. 60, later changed to U.S. 66 (Route 66), after a uniform system of interstate highways was adopted.

Throughout the early 20th century, Hesperia’s local businesses catered to travelers on Route 66. Hesperia was the final stop before the Cajon Pass, and its location along this area of Route 66 became a prosperous area for businesses. In 1924, the route was moved to the west of Hesperia, and businesses suffered as a result. Hesperia was officially incorporated as a city in 1988. Presently, it is situated along Interstate 15 (I-15) Freeway, a heavily traveled route that brings various travelers into town benefiting the local economy.

An archaeological and historical records search was completed at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. A total of 32 previously conducted cultural resources studies were identified during the course of the SCCIC records search. Of the 32 previous cultural resources studies, four were conducted within or adjacent to the Project site. The records search did not identify any resources within the Project site; however, it did identify 53 resources (two prehistoric and 51 historic) within one mile of the Project site. The prehistoric resources consist of a lithic scatter and a single isolate. The historic resources consist of nine roads, one highway, various segments of the Spanish Trail, a transmission line, one residence, one homestead property, 25 trash scatters, and 12 isolates.

Archaeological

The Project site is located in the City of Hesperia on an alluvial fan in the southwestern portion of San Bernardino County, California. As described in the Cultural Resources Assessment (Appendix D), most researchers agree that the earliest occupation for the San Bernardino County area dates to the early Holocene (11,000 to 8,000 years ago). The cultural history of San Bernardino County includes the San Dieguito Complex, the Milling Stone Horizon, the Encinitas Tradition, the La Jolla Complex, the Pauma Complex, and the San Luis Rey Complex.

At approximately 1,500 years Before Present (BP), bow and arrow technology started to emerge in the archaeological record, which also indicates new settlement patterns and subsistence systems. The local population retained the subsistence methods of the past but incorporated new materials into their day-to-day existence, as evidenced by the archaeological record. The Palomar Tradition is attributed to this time and is comprised of larger two patterns: The Peninsular Pattern in the inland areas of the northern Peninsular Ranges (e.g., San Jacinto and Santa Rosa mountains) and the northern Coachella Valley, and the San Luis Rey pattern of the Project site. Prior to the arrival of the Spanish missionaries, the San Bernardino area was inhabited by the Cahuilla, Serrano, and potentially the Vanyume Indians. The Project is within an area considered the Traditional Tribal Land of the Serrano people.

As discussed above, the records search identified two prehistoric resources within one mile of the Project site.

5.4.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that a project could have a significant effect if it were to:

- CUL-1 Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5; or
- CUL-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5; or
- CUL-3 Disturb any human remain, including those interred outside of formal cemeteries.

Historic Resources Thresholds

Historic resources are usually 50 years old or older and must meet at least one of the criteria for listing in the California Register (such as association with historical events, important people, or architectural significance), in addition to maintaining a sufficient level of physical integrity (CEQA Guidelines Section 15064.5[a][3]). Additionally, CEQA Guidelines Section 15064.5(b), states that a project with an effect that may cause a substantial adverse change in the significance of a historical resource is a project that would have a significant effect on the environment. A substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired. The significance of a historical resource is materially impaired when a project:

- a) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- b) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of

the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or

- c) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

5.4.5 METHODOLOGY

The cultural resources analysis is based on the Cultural Resources Report, included as Appendix D, which contains information that was compiled through field reconnaissance, record searches, and reference materials.

Archaeological and Historic Records Search. An archaeological and historical records search was completed at the SCCIC at California State University, Fullerton in July 2022 (Appendix D). This search included the Project site with an additional one-mile buffer. The SCCIC search also included a standard review of the National Register of Historic Places (NRHP) and the Office of Historic Preservation (OHP) Historic Property Directory. Land patent records, held by the Bureau of Land Management (BLM) and accessible through the BLM General Land Office (GLO) website, were also reviewed for pertinent Project information.

Archaeological and Historic Field Surveys. Pedestrian and reconnaissance surveys were conducted at the Project site on July 1, 2022 by Brian F Smith and Associates (BFSA). The survey consisted of walking in parallel transects spaced at approximately 10-meter intervals over the Project site while closely inspecting the ground surface. All potentially sensitive areas where historic and archaeological resources might be located were closely inspected. Ground visibility throughout the property was generally good, with about 50 percent of the ground surface visible, the other 50 percent occupied by typical desert vegetation including Joshua trees and scattered shrubs.

5.4.6 ENVIRONMENTAL IMPACTS

IMPACT CUL-1: WOULD THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANT OF A HISTORICAL RESOURCE PURSUANT TO SECTION 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:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. 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;
4. Has yielded, or may be likely to yield, information important in prehistory or history.

As described above, a Project-specific cultural resources assessment was conducted by Brian F. Smith and Associates (BFSA) for the Project site (including offsite impact areas) and included a records search and pedestrian survey (Appendix D). The records search revealed 32 previous cultural resources studies have been conducted within one mile of the Project site, four of which were identified within or adjacent to the Project site. One of the previously conducted studies included a small portion of the western boundary of the

Project site while the three additional studies surveyed properties directly adjacent to the west and north of the Project site and the area of proposed offsite improvements. None of the previous studies identified resources within the Project site or offsite improvement areas.

The records search also revealed 53 previously recorded resources (two prehistoric and 51 historic) within one mile of the Project site. None of the 53 resources were identified as being within the Project site. The prehistoric resources consist of a lithic scatter and a single isolate. The historic resources consist of nine roads, one highway, various segments of the Spanish Trail, a transmission line, one residence, one homestead property, 25 trash scatters, and 12 isolates. The site is vacant and undeveloped with the exception of a dirt road, Caliente Road, which bisects the site from northeast to southwest and a manhole located in the southeast portion of the site. Additionally, the 1902 Hesperia USGS map indicates that the Project site is located adjacent to the west bank of the Oro Grande Wash.

During the field visit, BFSa did not identify evidence of any historic or prehistoric cultural resources within the Project site; however, ground visibility at the time of the survey was poor, with only 50 percent of the Project site visible due to vegetation, which affected the potential to discover any surface scatters of artifacts. Additionally, aerial photographs indicate that the Project site has remained mostly undisturbed by past use. Therefore, since no historical resources have been identified on the Project site, the Project would not cause an adverse change in the significance of a historic resource pursuant to §15064.5.

IMPACT CUL-2: WOULD THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO SECTION 15064.5?

Less than Significant with Mitigation Incorporated. As discussed above, a Project-specific cultural resources assessment was conducted and revealed 53 previously recorded cultural resources within one mile of the Project, none of which occur within the Project site. During the field visit, BFSa did not identify evidence of the archaeological resources on the Project site. Given the proximity of the Project to a freshwater resource (the Oro Grande Wash, adjacent to the east), the high frequency of historic and prehistoric cultural resources within one mile of the site, and based upon the limited visibility during the survey, there is a potential that buried archaeological deposits are present within the Project site and offsite improvement areas. Additionally, the City of Hesperia General Plan Update EIR identifies the Project site as within an area of “medium sensitivity” for the presence of cultural resources (City of Hesperia 2010). As a result, Mitigation Measure CUL-1 is included which requires archaeological monitoring during all ground-disturbance activities, Mitigation Measure CUL-1 also includes procedures to follow in the event a potential resource is uncovered, including that work must be halted within 60 feet of the find in the event that a resource is inadvertently discovered during ground-disturbing activities, and requiring coordination with the Yuhaaviatam of San Manuel Nation if significant pre-contact and/or historic-era cultural resources are discovered. Thus, with implementation of Mitigation Measure CUL-1, potential impacts related to archaeological resources would be reduced to a less than significant level.

IMPACT CUL-3: WOULD THE PROJECT DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES?

Less than Significant Impact. The Project site has not been previously used as a cemetery. Thus, human remains are not anticipated to be uncovered during project construction. In addition, California Health and Safety Code Section 7050.5, CEQA Section 15064.5, and Public Resources Code Section 5097.98, included as PPP CUL-1, mandate the process to be followed in the event of an accidental discovery of any human remains. Specifically, California Health and Safety Code Section 7050.5 requires that if human remains are discovered, disturbance of the site shall remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of death, and made recommendations concerning the treatment and

disposition of the human remains to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. If the coroner determines that the remains are not subject to his or her authority and if the coroner 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. Compliance with existing law would ensure that significant impacts to human remains would not occur. Therefore, impacts from development of the Project on human remains would be less than significant.

5.4.7 CUMULATIVE IMPACTS

Historic Resources: The Project's contribution to cumulative impacts to historical resources was analyzed in context with past projects in southwestern San Bernardino County that were once similarly influenced by the historical agricultural industry in the region. Record searches and field surveys indicate the absence of significant historical resources within the Project site. Thus, the Project would not generate potentially significant impacts that would have the potential to combine and then become cumulatively significant. Therefore, the Project would result in a less than significant cumulatively considerable impact related to historic resources.

Archaeological Resources: The Project's impact to prehistoric archaeological resources was analyzed in the context of past projects in the southwestern San Bernardino County region, which is identified as sensitive for archaeological resources. Construction activities within the Project site – as with other development projects in the region – may uncover subsurface prehistoric archaeological resources that meet the CEQA Guidelines section 15064.5 definition. However, mitigation has been included to reduce the potential impacts to uncovering unknown resources during Project construction, which would reduce potential impacts to a less than significant level.

Additionally, the Project would comply with Policy CN 5.3, which states that all historical, paleontological and cultural resources discovered shall be inventoried and evaluated according to CEQA regulations and the California Office of Historic Preservation. Therefore, the Project would not generate potentially significant impacts that would have the potential to combine and then become cumulatively significant. Thus, the Project would result in a less than significant cumulatively considerable impact related to archaeological resources.

5.4.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

PPP CUL-1: Human Remains. Should human remains or funerary objects be discovered during Project construction, the Project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of notification by the NAHC.

5.4.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impact CUL-1 would have no impact and Impact CUL-3 would be less than significant.

Without mitigation, Impact CUL-2 would be potentially significant because earth-moving construction activities could impact archaeological resources.

5.4.10 MITIGATION MEASURES

Mitigation Measure CUL-1: Archaeological Monitoring. Prior to the issuance of the first grading permit, the applicant shall provide a letter to the City Planning Division, or designee, from a qualified professional archeologist meeting the Secretary of Interior's Professional Qualifications for Archaeology as defined at 36 CFR Part 61, Appendix A, stating that qualified archeologists have been retained and will be present at pre-grade meetings and for all initial ground disturbing activities, up to five feet in depth.

In the event that a resource is inadvertently discovered during ground-disturbing activities, work must be halted within 60 feet of the find until it can be evaluated by the qualified archaeologist. Construction activities could continue in other areas. If the find is considered a "resource" the archaeologist shall pursue either protection in place or recovery, salvage and treatment of the deposits. Recovery, salvage and treatment protocols shall be developed in accordance with applicable provisions of Public Resource Code Section 21083.2 and State CEQA Guidelines 15064.5 and 15126.4 in consultation with the City. Per CEQA Guidelines Section 15126.4(b)(3), preservation in place shall be the preferred means to avoid impacts to archaeological resources qualifying as historical resources. Consistent with CEQA Guidelines Section 15126.4(b)(3)(C), if unique archaeological resources cannot be preserved in place or left in an undisturbed state, recovery, salvage, and treatment shall be required at the developer/applicant's expense. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to Yuhaaviatam of San Manuel Nation (YSMN) for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

5.4.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of Mitigation Measures CUL-1, impacts to cultural resources would be less than significant.

REFERENCES

Brian F Smith and Associates. Cultural Resources Study for the KISS Logistics Project. July 2022. Appendix D.

City of Hesperia. City of Hesperia General Plan Update. Adopted 2010. <https://www.cityofhesperia.us/409/Hesperia-General-Plan>.

Michael Brandman Associates. City of Hesperia General Plan Draft Environmental Impact Report. December 2010. Accessed at: <https://www.cityofhesperia.us/DocumentCenter/View/1588/Hesperia-2010-GPU-Draft-EIR-121610?bidId=>

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5.5 Energy

5.5.1 INTRODUCTION

This section of the Draft EIR assesses the significance of the use of energy, including electricity, and gasoline, and diesel fuels, that would result from implementation of the proposed Project. It discusses existing energy use patterns and examines whether the proposed Project (including development and operation) would result in the consumption of large amounts of fuel or energy or use such resources in a wasteful manner.

Refer to Section 5.6, Greenhouse Gas Emissions, for a discussion of the relationship between energy consumption and greenhouse gas (GHG) emissions, and Section 5.14, Utilities and Service Systems, for a discussion of water consumption. This analysis is based on the Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report prepared by LSA, included as Appendix B.

5.5.2 REGULATORY SETTING

5.5.2.1 Federal Regulations

Energy Independence and Security Act, Corporate Average Fuel Efficiency Standards

On December 19, 2007, the Energy Independence and Security Act of 2007 was signed into law, requiring an increased Corporate Average Fuel Economy (CAFE) standard of 35 miles per gallon (mpg) for the combined fleet of cars and light trucks by the 2020 model year.

In addition to setting increased CAFE standards for motor vehicles, the Energy Independence and Security Act includes the following additional provisions:

- Renewable Fuel Standard (RFS) (Section 202)
- Appliance and Lighting Efficiency Standards (Sections 301–325)
- Building Energy Efficiency (Sections 411–441)

Additional provisions of the Act address energy savings in government and public institutions, promoting research for alternative energy, additional research in carbon capture, international energy programs, and the creation of green jobs.

5.5.2.2 State Regulations

California Code of Regulations (CCR) Title 13, Motor Vehicles, Section 2449(d)(3)

No vehicle or engines subject to this regulation may idle for more than 5 consecutive minutes. The idling limit does not apply to:

- idling when queuing,
- idling to verify that the vehicle is in safe operating condition,
- idling for testing, servicing, repairing or diagnostic purposes,
- idling necessary to accomplish work for which the vehicle was designed (such as operating a crane),
- idling required to bring the machine system to operating temperature, and
- idling necessary to ensure safe operation of the vehicle.

Title 24 Energy Efficiency Standards and California Green Building Standards

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code (CalGreen) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2019 California Green Building Code Standards that became effective January 1, 2020.

The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards, among other requirements. The California Energy Commission anticipates that the 2022 energy code will provide \$1.5 billion in consumer benefits and reduce GHG emissions by 10 million metric tons.

The 2022 CALGreen standards that reduce GHG emissions and are applicable to the proposed Project include, but are not limited to, the following:

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5% of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5% of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).
- Designated parking for clean air vehicles. In new projects or additions to alterations that add 10 or more vehicular parking spaces, provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table 5.106.5.2 (5.106.5.2).
- EV charging stations. New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided for is contained in Table 5.106.5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty electric vehicle supply equipment for warehouses, grocery stores, and retail stores.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight and glare ratings per Table 5.106.8 (5.106.8).
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1, 5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).
- Excavated soil and land clearing debris. 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reuse or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:
 - Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1)
 - Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).

- Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
- Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).
- Outdoor potable water uses in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent (5.304.1).
- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 SF or for excess consumption where any tenant within a new building or within an addition that is project to consume more than 1,000 gallons per day (GPD) (5.303.1.1 and 5.303.1.2).
- Outdoor water uses in rehabilitated landscape projects equal or greater than 2,500 SF. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 SF requiring a building or landscape permit (5.304.3).
- Commissioning. For new buildings 10,000 SF and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (5.410.2).

The 2022 CalGreen Building Standards Code has been adopted by the City of Hesperia as Municipal Code Chapter 15.04.

5.5.2.3 Local Regulations

City of Hesperia General Plan

The City of Hesperia 2010 General Plan contains the following policies related to energy that are applicable to the Project:

Conservation Element

Policy CN-6.2 Encourage the use of green building standards and Leadership in Energy and Environmental Design (LEED) or similar programs in both private and public projects.

Policy CN-6.5 Coordinate with the local energy provider in developing policies and procedures to reduce energy consumption in existing and future developments.

5.5.3 ENVIRONMENTAL SETTING

Electricity

The Southern California Edison Company (SCE) is the electrical purveyor in the City of Hesperia. SCE provides electricity service to more than 14 million people in a 50,000 square-mile area of central, coastal and Southern California. California utilities are experiencing increasing demands that require modernization of the electric distribution grid to, among other things, accommodate two-way flows of electricity and increase

the grid's capacity. SCE is in the process of implementing infrastructure upgrades to ensure the ability to meet future demands. In addition, as described by the Edison International 2021 Annual Report, the SCE electrical grid modernization effort supports implementation of California Senate Bill 32 that requires the state to cut greenhouse gas emissions 40 percent below 1990 levels by 2030 and 80 percent from the same baseline by 2050 in order to help achieve carbon neutrality by 2045. It describes that in 2021 approximately 42 percent of power that SCE delivered to customers came from carbon-free resources (SCE 2021).

The Project site is currently served by the electricity distribution system that exists along the roadways adjacent to the Project site.

Natural Gas

Southwest Gas is the natural gas purveyor in the City of Hesperia. Southwest Gas provides natural gas to approximately 2 million people in Arizona, Nevada and portions of California. According to the California Energy Commission, total natural gas consumption in the Southwest Gas Corporation service area in 2021 was 6,755.6 million therms (2,308.9 million therms for the residential sector) (LSA 2023).

The Project site is currently served by the natural gas distribution system that exists within the roadways that are adjacent to the site. However, no natural gas use is planned as part of the Project.

5.5.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines indicates that a project could have a significant effect if it were to:

- E-1 Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation; or
- E-2 Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

5.5.5 METHODOLOGY

A number of factors are considered when weighing whether a project would use a proportionately large amount of energy or whether the use of energy would be wasteful in comparison to other projects. Factors such as the use of on-site renewable energy features, energy conservation features or programs, and relative use of transit are considered.

According to Appendix F of the CEQA Guidelines, conserving energy is defined as decreasing overall per capita energy consumption, decreasing reliance on natural gas and oil, and increasing reliance on renewable energy sources. Neither Appendix F of the CEQA Guidelines nor Public Resources Code Section 21100(b)(3) offer a numerical threshold of significance that might be used to evaluate the potential significance of energy consumption of a project. Rather, the emphasis is on reducing "the wasteful, inefficient, and unnecessary consumption of energy."

Construction activities would result in wasteful, inefficient, or unnecessary use of energy if construction equipment is old or not well maintained, if equipment is left to idle when not in use, if travel routes are not planned to minimize vehicle miles traveled, or if excess lighting or water is used during construction activities. Energy usage during project operation would be considered "wasteful, inefficient, and unnecessary" if the project were to violate federal, state, and/or local energy standards, including Title 24 of the California Code of Regulations, inhibit pedestrian or bicycle mobility, inhibit access to transit, or inhibit feasible opportunities to use alternative energy sources, such as solar energy, or otherwise inhibit the conservation of energy.

5.5.6 ENVIRONMENTAL IMPACTS

IMPACT E-1: WOULD THE PROJECT RESULT IN POTENTIALLY SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO WASTEFUL, INEFFICIENT, OR UNNECESSARY CONSUMPTION OF ENERGY RESOURCES, DURING PROJECT CONSTRUCTION OR OPERATION?

Construction

Less than Significant Impact. Construction of the proposed Project would consume energy in three general forms:

1. Petroleum-based fuels used to power off-road construction vehicles and equipment, construction worker travel to and from the Project site, as well as delivery truck trips;
2. Electricity associated with providing temporary power for lighting and electric equipment; and
3. Energy used in the production of construction materials, such as asphalt, steel, concrete, pipes, and manufactured or processed materials such as lumber and glass.

Construction activities related to the proposed Project and the associated infrastructure are not expected to result in a greater demand for fuel on a per-unit-of-development basis than other development projects in Southern California. Also, CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes, thereby precluding unnecessary and wasteful consumption of fuel due to unproductive idling of construction equipment. The energy analysis modeling for the proposed Project (included as Appendix B) details that construction-related use of off-road equipment would utilize 66,462.3 gallons of diesel fuel and 100,308.7 gallons of gasoline, as detailed in Table 5.5-1. Percentage increases represent the annual construction-generated fuel use in San Bernardino County.

Table 5.5-1: Estimated Construction Fuel Consumption

Energy Type	Total Energy Consumption	Percentage Increase Countywide
Diesel Fuel (total gallons)	66,462.3	<0.01
Gasoline (total gallons)	100,308.7	<0.01

Source: Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B).

Construction contractors are required to demonstrate compliance with applicable California Air Resources Board (CARB) regulations governing the accelerated retrofitting, repowering, or replacement of heavy-duty diesel on- and off-road equipment. In addition, compliance with existing CARB idling restrictions and the use of newer engines and equipment would reduce fuel combustion and energy consumption.

Overall, construction activities would require limited energy consumption, would comply with all existing regulations, and would therefore not be expected to use large amounts of energy or fuel in a wasteful manner. Thus, impacts related to construction energy usage would be less than significant.

Operation

Less than Significant Impact. Once operational, the Project building would generate demand for electricity, as well as gasoline for motor vehicle trips. Operational use of energy includes the heating, cooling, lighting of buildings, water heating, operation of electrical systems and plug-in appliances within buildings, parking lot and outdoor lighting, and the transport of electricity, and water to the areas where they would be consumed. Additionally, the Project includes five percent of floor space dedicated to cold storage, which has been included in the analysis below. This use of energy is typical for urban development, and no operational activities or land uses would occur that would result in extraordinary energy consumption.

As detailed in Table 5.5-2, operation of the Project is estimated to annually use 676,198.1 gallons of diesel fuel and 371,755.7 gallons of gasoline. CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling, limits idling times of construction vehicles to no more than 5 minutes. The idling restrictions would preclude unnecessary and wasteful consumption of fuel due to unproductive idling of trucks. However, in order to provide a conservative analysis, idling was modeled for 15 minutes.

Table 5.5-2: Estimated Operational Energy Consumption

Energy Type	Annual Energy Consumption	Percentage Increase Countywide
Electricity Consumption (kWh/year)	4,417,821	0.03
Automotive Fuel Consumption		
Gasoline (gallons/year)	371,755.7	0.04
Diesel Fuel (gallons/year)	676,198.1	0.21

Source: Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B).
kWh = kilowatt-hours

Table 5.5-2 details that operation of the Project would use approximately 4,417,821 kilowatts (kWh) per year of electricity. Because this use of energy is typical for urban development, no operational activities or land uses would occur that would result in extraordinary energy consumption, and through City permitting assurance would be provided that existing regulations related to energy efficiency and consumption, such as Title 24 regulations and CCR Title 13, Motor Vehicles, section 2449(d)(3) related to idling, would be implemented. Therefore, impacts related to operational energy consumption would be less than significant.

IMPACT E-2: WOULD THE PROJECT CONFLICT WITH OR OBSTRUCT A STATE OR LOCAL PLAN FOR RENEWABLE ENERGY OR ENERGY EFFICIENCY?

Less than Significant Impact. As described previously, the proposed Project would be required to meet the CCR Title 24 energy efficiency standards in effect during permitting of the proposed Project. The City's administration of the CCR Title 24 requirements includes review of design components and energy conservation measures that occurs during the permitting process, which ensures that all requirements are met. In addition, the Project would not conflict with the idling limits imposed by CCR Title 13, Motor Vehicles, section 2449(d)(3) Idling. Furthermore, the Project would not conflict with or obstruct opportunities to use renewable energy, such as solar energy. In addition, the Project would provide a solar-ready roof. Future building tenants could install solar panels in order to offset the Project's energy demands. Thus, the Project would not obstruct use of renewable energy or energy efficiency.

The CEC's 2021 *Integrated Energy Policy Report* and 2022 *Integrated Energy Policy Report Update* provides the results of the CEC's assessments of a variety of energy issues facing California. As discussed in Threshold E-1, energy usage on the Project site during construction would be temporary in nature and would be relatively small in comparison to the overall use in the County. In addition, energy usage associated with operation of the proposed Project would be relatively small in comparison to the overall use in San Bernardino County, and the State's available energy resources. Therefore, energy impacts at the regional level would be negligible. Because California's energy conservation planning actions are conducted at a regional level, and because the proposed project's total impact on regional energy supplies would be minor, the proposed Project would not conflict with or obstruct California's energy conservation plans as described in the CEC's Integrated Energy Policy Report.

The San Bernardino County Regional Greenhouse Gas Reduction Plan identifies the County's vision and goals on reducing greenhouse gas emissions throughout the County. Table 5.6-3 *Project Consistency with Hesperia Greenhouse Gas Reduction Plan Measures* in Section 5.6, *Greenhouse Gas Emissions*, discusses the proposed Project's consistency with energy reduction measures included in the City's CAP.

Overall, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

5.5.7 CUMULATIVE IMPACTS

The geographic context for analysis of cumulative impacts regarding energy includes past, present, and future development within southern California because energy supplies (including electricity, and petroleum) are generated and distributed throughout the southern California region.

All development projects throughout the region would be required to comply with the energy efficiency standards in the Title 24 requirements. Additionally, some of the developments could provide for additional reductions in energy consumption by use of solar panels, sky lights, or other LEED-type energy efficiency infrastructure. With implementation of the existing energy conservation regulations, cumulative electricity consumption would not be cumulatively wasteful, inefficient, or unnecessary.

Petroleum consumption associated with the proposed uses and cumulative development projects would be primarily attributable to transportation, especially vehicular use. However, state fuel efficiency standards and alternative fuels policies (per AB 1007 Pavely (2005)) would contribute to a reduction in fuel use, and the federal Energy Independence and Security Act and the state Long Term Energy Efficiency Strategic Plan would reduce reliance on non-renewable energy resources. For these reasons, the consumption of petroleum would not occur in a wasteful, inefficient, or unnecessary manner and impacts would be less than cumulatively considerable.

5.5.8 EXISTING REGULATIONS AND PLANS, PROGRAMS OR POLICIES

The following standard regulations would reduce potential impacts related to energy:

- California Energy Code (Code of Regulations, Title 24 Part 6).
- CalGreen Building Standards Code as adopted in City of Hesperia Municipal Code Chapter 15.04.

5.5.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements, Impacts E-1 and E-2 would be less than significant.

5.5.10 MITIGATION MEASURES

Impacts related to energy would be less than significant and no mitigation measures are required.

5.5.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts related to energy would be less than significant.

REFERENCES

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Michael Brandman Associates. City of Hesperia General Plan Draft Environmental Impact Report. December 2010. Accessed at: <https://www.cityofhesperia.us/DocumentCenter/View/1588/Hesperia-2010-GPU-Draft-EIR-121610?bidId=>

5.6 Geology and Soils

5.6.1 INTRODUCTION

This section addresses potential environmental effects of the Project related to geology, soils, seismicity, and paleontological resources. The impacts examined include risks related to geologic hazards such as earthquakes, liquefaction, expansive soils; impacts on the environment related to soil erosion and sedimentation; and impacts related to paleontological resources. The analysis in this section is based, in part, on the following documents and resources:

- City of Hesperia Development Code (Title 16 of the Hesperia Municipal Code)
- City of Hesperia General Plan, 2010
- City of Hesperia General Plan 2010 Final Environmental Impact Report, Michael Brandman Associates, December 2010
- City of Hesperia Municipal Code
- Geotechnical Investigation Proposed Industrial Development, APNs 3064-401-03, -04, -05, West Side of Highway 395, Hesperia, California, Advanced Geotechnical Solutions, Inc., 22 March 2022 (AGS 2022) (Appendix F)
- Infiltration Feasibility Level Study, Proposed Industrial Development, APNs 3064-401-03, -04, -05, West Side of Highway 395, Hesperia, California, Advanced Geotechnical Solutions, Inc., 23 March 2022 (AGS 2022) (Appendix G)
- Paleontological Assessment for the KISS Logistics Center Project, Brian F. Smith and Associates, Inc., July 2022 (BFSA 2022b) (Appendix E)

5.6.2 REGULATORY SETTING

5.6.2.1 Federal Regulations

Earthquake Hazards Reduction Act

The Earthquake Hazards Reduction Act was enacted in 1997 to “reduce the risks to life and property from future earthquakes in the United States through the establishment and maintenance of an effective earthquake hazards and reduction program.” To accomplish this, the Act established the National Earthquake Hazards Reduction Program that provides characterization, and prediction of hazards and vulnerabilities; improvement of building codes and land use practices; risk reduction through post-earthquake investigations and education; development and improvement of design and construction techniques; improvement of mitigation capacity; and accelerated application of research results. Programs under this Act provide building code requirements such as emergency evacuation responsibilities and seismic code standards such as those to which development under the proposed Project would be required to adhere to.

5.6.2.2 State Regulations

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act requires the State Geologist to establish “Earthquake Fault Zones” and publish appropriate maps that depict these zones. The boundary of an Earthquake Fault Zone is generally about 500 feet from major active faults and 200 to 300 feet from well-defined minor faults. The Act also requires local agencies to regulate development within Earthquake Fault Zones. Before a development project can be permitted within an Earthquake Fault Zone, a geologic investigation is required to demonstrate that proposed buildings would not be constructed across active faults. A site-specific evaluation and written report must be prepared by a licensed geologist. If an active fault is found, a structure for human occupancy cannot be placed over the trace of the fault and must be set back a minimum of 50 feet from the fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act addresses earthquake hazards related to liquefaction and seismically induced landslides. Under the Act, seismic hazard zones are mapped by the State Geologist to assist local governments in land use planning. The Act states “it is necessary to identify and map seismic hazard zones in order for cities and counties to adequately prepare the safety element of their general plans and to encourage land use management policies and regulations to reduce and mitigate those hazards to protect public health and safety.” Section 2697(a) of the Act states that “cities and counties shall require, prior to the approval of a project located in a seismic hazard zone, a geotechnical report defining and delineating any seismic hazard.”

California Building Code

The California Building Code (CBC) is included in Title 24 of the California Code of Regulations. The current CBC was adopted by the City of Hesperia and is included in Chapter 15.04 of the Municipal Code. The code provides standards to protect property and public safety. The CBC regulates the design and construction of excavations, foundations, building frames, retaining walls, and other building elements, and thereby mitigate the effects of seismic shaking and adverse soil conditions. The code also regulates grading activities, including drainage and erosion control.

California Construction General Permit

The State of California adopted a Statewide National Pollutant Discharge Elimination System (NPDES) Permit for General Construction Activity (Construction General Permit) that regulates construction site storm water management. Dischargers whose projects disturb one or more acres of soil, or whose projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the general permit for discharges of storm water associated with construction activity.

To obtain coverage under this permit, project operators must electronically file Permit Registration Documents, which include a Notice of Intent, a Storm Water Pollution Prevention Plan (SWPPP), and other compliance-related documents, including a risk-level assessment for construction sites, an active storm water effluent monitoring and reporting program during construction, rain event action plans, and numeric action levels (NALs) for pH and turbidity, as well as requirements for qualified professionals to prepare and implement the plan. The Construction General Permit requires the SWPPP to identify Best Management Practices (BMPs) that will be implemented to reduce soil erosion. Types of BMPs include preservation of vegetation and sediment control (e.g., fiber rolls). The SWPPP must contain a visual monitoring program; a chemical monitoring program for “non-visible” pollutants to be implemented if there is a failure of BMPs;

and a monitoring plan if the site discharges directly to a water body listed on the state's 303(d) list of impaired waters.

Requirements for Geotechnical Investigations

Requirements for geotechnical investigations are included in CBC Appendix J, Grading, Section J104; additional requirements for subdivisions requiring tentative and final maps and for other specified types of structures are in the California Health and Safety Code Sections 17953 to 17955 and in CBC Section 1803. Testing of samples from subsurface investigations is required, such as from borings or test pits. Studies must be done as needed to evaluate site geology, slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness. CBC Section J105 sets forth requirements for inspection and observation during and after grading.

Public Resources Code (PRC) Section 5097.5

Requirements for paleontological resource management are included in the PRC Division 5, Chapter 1.7, Section 5097.5, and Division 20, Chapter 3, Section 30244, which states: No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor. These statutes prohibit the removal, without permission, of any paleontological site or feature from lands under the jurisdiction of the state or any city, county, district, authority, or public corporation, or any agency thereof. As a result, local agencies are required to comply with PRC 5097.5 for their own activities, including construction and maintenance, as well as for permit actions (e.g., encroachment permits) undertaken by others. PRC Section 5097.5 also establishes the removal of paleontological resources as a misdemeanor and requires reasonable mitigation of adverse impacts to paleontological resources from developments on public (state, county, city, and district) lands.

5.6.2.3 Regional Regulations

MDAQMD Rule 403

Mojave Desert Air Quality Management District (MDAQMD) Rule 403 requires actions to prevent, reduce, or mitigate fugitive dust in order to reduce the amount of PM10 entrained in the ambient air from anthropogenic fugitive dust sources within the MDAQMD.

5.6.2.4 Local Regulations

City of Hesperia General Plan

The City of Hesperia 2010 General Plan contains the following policies related to geology, soils, and paleontological resources that are applicable to the Project:

Safety Element

Goal SF-1: Minimize injury, loss of life, property damage and economic and social disruption caused by seismic shaking and other earthquake-induced hazards, and by geologic hazards such as slope instability, compressible and collapsible soils, and subsidence.

Policy SF-1.1 Require that all new habitable structures be designed and built in accordance with the most recent California Building Code adopted by the City, including the provisions regarding lateral forces and grading.

Policy SF-1.2 Require all development proposals in the City to conduct, as a condition of approval, geotechnical and engineering geological investigations, prepared by State certified professionals (geotechnical engineers and engineering geologists, as appropriate) following the most recent guidelines by the California Geological Survey and similar organizations, that address, at a minimum, the site-specific seismic and geologic hazards identified in the Technical Background Report. These reports shall provide mitigation measures to reduce those hazards identified at a site to an acceptable level.

Policy SF-1.3 City Staff or City representatives will conduct routine inspection of grading operations to ensure site safety and compliance with approved plans and specifications.

Policy SF-1.4 City Staff that review geotechnical, geological and structural reports submitted by development applicants, and that review grading operations, shall have the necessary professional credentials and certifications within their area of expertise to conduct these reviews.

Policy SF-1.6 If and when the California Geological Survey issues a Seismic Hazards Zonation Map that includes the City, the Planning and Building Departments will adopt this map as a replacement for the Seismic Hazards Map that is currently part of the Technical Background Report. Similarly, if new or revised Alquist-Priolo Earthquake Fault Zone maps that include the City or its Sphere are issued, these maps will be adopted and enforced in conformance with the requirements of the Alquist-Priolo Earthquake Fault Zone Act.

Policy SF-1.9 The City shall develop and make available to all residents and businesses literature on hazard prevention and disaster response, including information on how to earthquake-proof residences and places of business, and information on what to do before, during and after an earthquake. Reminders should be issued periodically to encourage the review and renewal of earthquake-preparedness kits and other emergency preparedness materials and procedures.

Policy SF-1.11 The City will initiate and/or participate in regional efforts to ensure that the local medical care facilities will remain functional after a large regional earthquake and can provide emergency medical care to all residents and workers that need medical attention following a disaster. This includes conducting an inventory of regional hospitals to identify potential alternate medical providers and assess the need for new facilities to service the increasingly larger population in the region. Based on these results, collaborate with neighboring cities and the Southern California Association of Governments to identify those areas with insufficient medical coverage and engage medical service providers to consider establishing new medical care facilities in those areas, as needed.

Goal SF-5: Plan for emergency response and recovery from natural disasters, especially from flooding, fire, and earthquakes, and from civil unrest that may occur following a natural disaster.

Policy SF-5.1 The City will maintain, update and adopt on a regular basis, as mandated by FEMA, a Local Hazard Mitigation Plan.

Policy SF-5.2 The City will continue to maintain and update its emergency response organization consisting of representatives from all City departments, the San Bernardino County Fire and Sheriff Departments, local quasi-governmental agencies, private businesses, citizens, and other community partners involved in emergency relief and/or community-wide services.

Policy SF-5.3 The City will continue to maintain mutual aid agreements with neighboring cities and the San Bernardino County Operational Area.

Policy SF-5.4 The City will participate in regional and local emergency exercises, such as the Great California Shake Out, an annual statewide earthquake drill that is generally held in October.

Policy SF-5.5 The City will ensure to the fullest possible extent that, in the event of a major disaster, critical, dependent care and high-occupancy facilities remain functional. The San Bernardino County Fire Department, in their annual review of these facilities, will encourage owners and operators to maintain alternate emergency exits, emergency evacuation plans, emergency generators, and to anchor computers, shelving, and other nonstructural elements.

Policy SF-5.6 The City will compile and maintain a list of facilities that because of population demands (such as mobility issues), construction type, location relative to a high hazard area, or other factors, may have a high risk and specific needs requiring special response during a disaster.

Policy SF-5.7 The City will enhance public awareness and preparedness by encouraging residents and businesses to store supplies for self-reliance following a disaster. Emergency preparedness kits should include, at a minimum, a three-day supply of drinking water and food for all members of the household or business, including pets. Seven-day supplies of water are better.

Policy SF-5.8 The City will offer educational programs for residents and businesses regarding mitigation measures to take prior to, during, and after an emergency, and will involve the public in the awareness of City emergency response plans, resources, risk reduction, and mitigation measures.

Policy SF-5.10 The City will continue to support the development of local preparedness plans and multi-jurisdictional cooperation and communication for emergency situations consistent with regional, state (SIMS), and Federal standards, guidelines and/or recommendations (NIMS).

Conservation Element

Goal CN-5: The City shall establish policies and procedures in compliance with state and Federal laws and regulations to identify and properly protect found historical, cultural and paleontological artifacts and resources.

Policy CN-5.1 Encourage the preservation of historical, paleontological and cultural resources.

Policy CN-5.2 In those areas where surveys and records indicate historical, cultural or paleontological resources may be found, appropriate surveys and record searches shall be undertaken to determine the presence of such resources, if any.

Policy CN-5.3 All historical, paleontological and cultural resources discovered shall be inventoried and evaluated according to CEQA regulations and the California Office of Historic Preservation.

Policy CN-5.4 The City shall coordinate with the Archeological Information Center at the San Bernardino County Museum in reviewing potential records and in preserving such artifacts as may be found.

City of Hesperia Municipal Code

Chapter 15.04: Building Codes. The City of Hesperia adopts the California Building Standards Code (CCR Title 24) with some adaptations. These codes set site-specific investigation requirements, construction

standards and inspection procedures to ensure that development projects within the City do not pose a threat to the public. The California Building Standards Code contains baseline standards to prevent unsafe building development.

City of Hesperia Local Hazard Mitigation Plan, 2017

The purpose of the Hesperia's Local Hazard Mitigation Plan (LHMP) is to demonstrate the plan for reducing and/or eliminating risk of hazards in City of Hesperia. The LHMP process encourages communities to develop goals and projects that will reduce risk and build a more disaster resilient community by analyzing potential hazards. The LHMP update is a "living document" that should be reviewed, monitored, and updated to reflect changing conditions and new information. As required, the LHMP must be updated every five (5) years to remain in compliance with regulations and Federal mitigation grant conditions. Additionally, with an approved (and adopted) LHMP, City of Hesperia is eligible for federal disaster mitigation funds/grants (Hazard Mitigation Grant Program, Pre-Disaster Mitigation, and Flood Management Assistance) aimed to reduce and/or eliminate risk.

5.6.3 ENVIRONMENTAL SETTING

Regional Setting

The City of Hesperia lies across the boundary of two distinct geomorphic provinces: the Transverse Ranges Province and the Mojave Desert Province. The southern edge of the City encroaches into the Transverse Ranges Province, a region whose characteristic features are a series of east-west trending ranges that include the San Gabriel and San Bernardino Mountains. The northern part of Hesperia lies within the Mojave Desert Province, an arid region of overlapping alluvial fans, desert plains, dry lakebeds and scattered mountain ranges.

Faults in the Mojave Desert Province have a predominant northwesterly trend; however, some faults aligned with the Transverse Ranges are present. The east-west trending Garlock Fault defines the northern boundary of the province, whereas the northwest-trending San Andreas Fault roughly defines its western boundary. Hesperia is near the San Andreas Fault and other seismically active earthquake sources including the North Frontal, Cleghorn, Helendale and San Jacinto Faults.

Faults and Ground Shaking

The Project site is not within an Alquist-Priolo Earthquake Fault Zone. There are no known active faults within 500 feet of the Project site. According to the Geotechnical Investigation, no known active faults have been mapped at or near the Project site. The nearest active fault zone is the San Andreas Fault Zone, located approximately 10.9 miles south west of the Project site. The San Andreas Fault, as well as other faults in the southern California region could cause moderate to intense ground shaking during the lifetime of the Project.

Ground Rupture

Ground rupture occurs when movement on a fault breaks the rough to the surface. Surface rupture usually occurs along pre-existing fault traces where zones of weakness exist. The State has established Earthquake Fault Zones for the purpose of mitigating the hazard of fault rupture by prohibiting the location of most human occupancy structures across the traces of active faults. Earthquake fault zones are regulatory zones that encompass surface traces of active faults with a potential for future surface fault rupture. The nearest Earthquake Fault Zone is the San Andreas Fault Zone. There are no fault zones within vicinity of the Project site. Therefore, ground rupture is considered to be low at the Project site.

Soils

The Geotechnical Investigation describes that the majority of the site is covered by topsoil approximately 0.3 to one foot thick, consisting of dry to slightly moist, fine- to coarse-grained, silty sand in a loose condition. The topsoil is underlain by alluvium consisting of dry to slightly moist, loose to medium dense, porous, fine- to coarse-grained, silty sand with trace gravel ranging between 1.7 and 3.3 feet deep. Older alluvium underlies the alluvium on the Project site. The older alluvium consists of slightly moist to moist, medium dense to very dense, fine- to coarse-grained, silty sand and sand with silt; which is slightly indurated and cemented, and contains gravel and cobbles. The older alluvium extended to the maximum depth of exploration of 51.5 feet (AGS 2022).

Expansive Soils

Expansive soils are soils containing water-absorbing minerals that expand as they take in water. These soils can damage buildings due to the force they exert as they expand. Expansive soils contain certain types of clay minerals that shrink or swell as the moisture content changes; the shrinking or swelling can shift, crack, or break structures built on such soils. Arid or semiarid areas with seasonal changes of soil moisture experience a much higher frequency of problems from expansive soils than areas with higher rainfall and more constant soil moisture. The Geotechnical Investigation describes that Project site soils are expected to have very low to low expansion potential (AGS 2022).

Groundwater

Groundwater was not encountered during the subsurface exploration conducted as part of the Geotechnical Investigation. Further, according to the Geotechnical Investigation, nearby groundwater wells indicate groundwater depths are several hundred feet below the surface (AGS 2022).

Liquefaction, Lateral Spreading, and Settlement

Liquefaction occurs when vibrations or water pressure within a mass of soil cause the soil particles to lose contact with one another. As a result, the soil behaves like a liquid, has an inability to support weight, and can flow down very gentle slopes. This condition is usually temporary and is most often caused by an earthquake vibrating water-saturated fill or unconsolidated soil. Soils that are most susceptible to liquefaction are clean, loose, saturated, and uniformly graded fine-grained sands that lie below the groundwater table within approximately 50 feet below ground surface. Clayey (cohesive) soils or soils which possess clay particles in excess of 20 percent are generally not considered to be susceptible to liquefaction, nor are those soils which are above the historic static groundwater table.

Different phenomena associated with liquefaction are described below:

Lateral Spreading: Lateral spreading is the lateral movement of stiff, surficial blocks of sediments as a result of a subsurface layer liquefying. The lateral movements can cause ground fissures or extensional, open cracks at the surface as the blocks move toward a slope face, such as a stream bank or in the direction of a gentle slope. When the shaking stops, these isolated blocks of sediments come to rest in a place different from their original location and may be tilted.

Ground Oscillation: Ground oscillation occurs when liquefaction occurs at depth but the slopes are too gentle to permit lateral displacement. In this case, individual blocks may separate and oscillate on a liquefied layer. Sand boils and fissures are often associated with this phenomenon.

Bearing Strength Loss: Bearing strength decreases with a decrease in effective stress. Loss of bearing strength occurs when the effective stresses are reduced due to the cyclic loading caused by an earthquake. Even if the soil does not liquefy, the bearing of the soil may be reduced below its value either prior to or after the earthquake. If the bearing strength is sufficiently reduced, structures supported on the sediments can settle, tilt, or even float upward in the case of lightly loaded structures such as gas pipelines.

Ground Fissuring and Sand Boils: Ground fissuring and sand boils are surface manifestations associated with liquefaction and lateral spreading, ground oscillation and flow failure. As apparent from the above descriptions, the likelihood of ground fissures developing is high when lateral spreading, ground oscillations, and flow failure occur. Sand boils occur when the high water pressures are relieved by drainage to the surface along weak spots that may have been created by fissuring. As the water flows to the surface, it can carry sediments, and if the pore water pressures are high enough create a gusher (sand boils) at the point of exit.

- Sediments must be relatively young in age and must not have developed large amounts of cementation;
- Sediments must consist mainly of cohesionless sands and silts;
- The sediment must not have a high relative density;
- Free groundwater must exist in the sediment; and
- The site must be exposed to seismic events of a magnitude large enough to induce straining of soil particles.

As discussed previously, the subsurface exploration conducted as part of the site-specific geotechnical report for the Project site did not encounter groundwater. Due to the absence of groundwater and dense nature of the underlying older alluvium, the potential for seismically induced liquefaction is anticipated to be very low. The Geotechnical Investigation concluded that since the site is fairly flat and the potential for liquefaction is low, the potential for lateral spreading is also low. The Geotechnical Investigation concluded that post-construction soils within the Project site have an estimated differential settlement of 0.5 inch over a 20-foot span.

Subsidence

Ground subsidence is the gradual settling or sinking of the ground surface with little or no horizontal movement, and occurs in areas with subterranean oil, gas, or groundwater. Effects of subsidence include fissures, sinkholes, depressions, and disruption of surface drainage. According to the Geotechnical Investigation, subsidence was not detected within the Project site during a recent United States Geological Survey (USGS) study period between 2014 and 2019 (AGS 2022).

Landslides

Earthquake-induced landsliding often occurs in areas where previous landslides have moved and in areas where the topographic, geologic, geotechnical and subsurface groundwater conditions are conducive to permanent ground displacements. As discussed in the Geotechnical Investigation, the site and surrounding vicinity is relatively flat and would not be susceptible to landslides (AGS 2022).

Unique Geologic Feature

The project is situated over the Victorville Basin, a structural depression about 40 kilometers wide and filled with sediments up to 1,300 meters thick consisting of a succession of deposits ranging in age from middle Miocene through late Pleistocene time. The Project site overlies middle Holocene young alluvial fan deposits

(Qyf₃). The Holocene alluvial deposits are reportedly as little as three feet thick in the area and are underlain by Pleistocene-aged alluvial deposits (Qvof) that may contain fossils (BFSA 2022b).

Paleontological Resources

Paleontological resources include fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth. Significant paleontological resources are defined as fossils or assemblages of fossils that are unique, unusual, rare, uncommon, or important to define a particular time frame or geologic strata, or that add to an existing body of knowledge in specific areas, in local formations, or regionally.

The Project site overlies middle Holocene young alluvial fan deposits (Qyf₃). These deposits are underlain by Pleistocene-aged alluvial deposits (Qvof). The surficial Holocene deposits are considered to have a low potential to yield paleontological resources while the underlying Pleistocene-aged alluvial fan deposits are considered to have a high potential to yield paleontological resources (BFSA 2022b).

A paleontological resource locality search was conducted at the San Bernardino County Museum (SBCM) for a project located approximately four miles north of the Project site. The locality search indicated that the closest fossil locality to the Project site is located approximately 2.5 miles north-northeast and consists of Pleistocene rodent teeth and indeterminate mammalian remains. Additional rodent teeth with large mammal bones, along with land and freshwater snails were also discovered approximately five and six miles northeast of the Project site.

A review of published and unpublished literature was reviewed for potential paleontological resources that are known in the vicinity of the Project. The literature review did not reveal the presence of any known fossil localities within the Project site. However, in the greater Victorville area, many Pleistocene vertebrate fossil localities have been recorded. Most of the localities from these sources are derived from the alluvium of the ancestral Mojave River and are several miles east and north of the Project (BFSA 2022b).

5.6.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- GEO-1 Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:
 - GEO-1i 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); or
 - GEO-1ii Strong seismic ground shaking; or
 - GEO-1iii Seismic-related ground failure, including liquefaction; or
 - GEO-1iv Landslides.
- GEO-2 Result in substantial soil erosion or the loss of topsoil.

- GEO-3 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.
- GEO-4 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.
- GEO-5 Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- GEO-6 Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

5.6.5 METHODOLOGY

Geology and Soils. A site-specific Geotechnical Investigation was prepared for the Project site (AGS 2022). The following were conducted as part of the site-specific Geotechnical Investigation: visual site reconnaissance, subsurface exploration, field and laboratory testing, and geotechnical engineering analysis to provide criteria for preparing the design of the building foundations, building floor slab, and parking lot pavements along with site preparation recommendations and construction considerations for the proposed development.

In determining whether a geotechnical related impact would result from the Project, the analysis includes consideration of state law, including the California Building Code that is integrated into the City of Hesperia Municipal Code, and implemented/verified during permitting approvals. In general, existing state law, building codes, and ordinances that are implemented by the approving agency provide for an adequate level of safety or reduction of potential effects such that projects developed and operated to code reduce potential of impacts.

Paleontological Records Search. The literature review included an examination of geological maps of the Project site and a review of relevant published and unpublished geological and paleontological literature to determine which geologic units are present within the Project site and whether fossils have been recovered from those geologic units elsewhere in the region. As geologic units may extend over large geographic areas and contain similar lithologies and fossils, the literature review included areas well beyond the Project site. A paleontological resource locality search was performed at the San Bernardino County Museum (SBCM) in May 2022 (Appendix E). This search identified any fossil localities in the SBCM records that exist near the Project site in the same or similar deposits.

Archaeological, Historic, and Paleontological Field Surveys. Pedestrian and reconnaissance surveys were conducted at the Project site on July 1, 2022, by Brian F Smith and Associates (BFSA). The survey consisted of walking in parallel transects spaced at approximately 10-meter intervals over the Project site while closely inspecting the ground surface. All potentially sensitive areas where historic, archaeological or paleontological resources might be located were closely inspected. Ground visibility throughout the property was generally good, with about 50 percent of the ground surface visible, the other 50.00 percent occupied by typical desert vegetation including Joshua trees and scattered shrubs.

5.6.6 ENVIRONMENTAL IMPACTS

IMPACT GEO-1i: WOULD THE PROJECT DIRECTLY OR INDIRECTLY CAUSE POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING RUPTURE OF A KNOWN EARTHQUAKE FAULT, AS DELINEATED ON THE MOST RECENT ALQUIST-PRIOLO EARTHQUAKE FAULT ZONING MAP ISSUED BY THE STATE GEOLOGIST FOR THE AREA OR BASED ON OTHER SUBSTANTIAL EVIDENCE OF A KNOWN FAULT?

No Impact. The Project site is not within an Alquist Earthquake Fault Zone, and there are no known active faults within 500 feet. The nearest active fault zone is the San Andreas Fault Zone, located approximately 10.9 miles southwest of the Project site (California Department of Conservation 2021). Since no known faults exist within a mile of the Project site, and the site is not located within an Alquist-Priolo Earthquake Fault Zone, impacts related to rupture of a known earthquake fault would not occur.

IMPACT GEO-1ii: WOULD THE PROJECT DIRECTLY OR INDIRECTLY CAUSE POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING STRONG SEISMIC GROUND SHAKING?

Less than Significant Impact. The Project site is located within a seismically active region, with numerous faults capable of producing significant ground motions. Project development could subject people and structures to hazards from ground shaking. However, seismic shaking is a risk throughout southern California, and the Project site is not at greater risks of seismic activity or impacts as compared to other areas within the region.

The California Building Code (CBC) includes provisions to reduce impacts caused by major structural failures or loss of life resulting from earthquakes or other geologic hazards. Chapter 16 of the CBC contains requirements for design and construction of structures to resist loads, including earthquake loads. The CBC provides procedures for earthquake resistant structural design that include consideration for onsite soil conditions, occupancy, and the configuration of the structure, including the structural system and height.

The City has adopted the CBC as part of the Municipal Code (Chapter 15.04), which regulates all building and construction projects within the City and implements a minimum standard for building design and construction that includes specific requirements for seismic safety, excavation, foundations, retaining walls, and site demolition. All structures within the City are required to be built in compliance with the CBC. Because the Project would be required to be constructed in compliance with the CBC and the Municipal Code, which would be verified through the City's plan check and permitting process and is included as PPP GEO-1, the Project would result in a less than significant impact related to strong seismic ground shaking.

IMPACT GEO-1iii: WOULD THE PROJECT DIRECTLY OR INDIRECTLY CAUSE POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING SEISMIC-RELATED GROUND FAILURE, INCLUDING LIQUEFACTION?

Less than Significant with Mitigation. Liquefaction occurs when vibrations or water pressure causes soil particles to lose its friction properties. As a result, soil behaves like a liquid, has an inability to support weight, and can flow down very gentle slopes. This condition is usually temporary and is most often caused by an earthquake vibrating water-saturated fill or unconsolidated soil. However, effects of liquefaction can include sand boils, settlement, and structural foundation failures. Soils that are most susceptible to liquefaction are

clean, loose, saturated, and uniformly graded fine-grained sands in areas where the groundwater table is within approximately 50 feet below ground surface.

The Geotechnical Investigation did not encounter groundwater during its subsurface exploration and estimates that groundwater depths are several hundred feet below ground surface (bgs) (AGS 2022). Therefore, the Geotechnical Investigation concluded that the Project site is not susceptible to liquefaction. However, all structures built in the City are required to be developed in compliance with the CBC (California Code of Regulations, Title 24, Part 2), which is adopted as City of Hesperia Municipal Code Chapter 15.04. Compliance with the CBC would require proper construction of building footings and foundations so that it would withstand the effects of potential ground movement, including liquefaction. Furthermore, the Geotechnical Investigation prepared for the Project includes recommendations for grading and foundation strength that would ensure that the Project would be consistent with CBC requirements for reducing risk related to liquefaction. Therefore, Mitigation Measure GEO-1 has been incorporated into the Project to require that the Project follow the recommendations included the Geotechnical Investigation.

The City of Hesperia Building and Safety Department reviews structural plans and geotechnical data prior to issuance of a grading permit and conducts inspections during construction, which would ensure that all required CBC measures are incorporated. Compliance with the CBC as included as a condition of approval and verified by the City's review process would ensure that impacts related to liquefaction are less than significant. Therefore, with implementation of Mitigation Measure GEO-1 and compliance with the CBC as verified by City review, impacts related to seismic related ground failure including liquefaction would be less than significant.

IMPACT GEO-1iv: WOULD THE PROJECT DIRECTLY OR INDIRECTLY CAUSE POTENTIAL SUBSTANTIAL ADVERSE EFFECTS, INCLUDING THE RISK OF LOSS, INJURY, OR DEATH INVOLVING LANDSLIDES?

No Impact. Landslides are the downhill movement of masses of earth and rock and are often associated with earthquakes. However, other factors such as slope, moisture content of the soil, composition of the subsurface geology, heavy rains, and improper grading can influence the occurrence of landslides. According to the Geotechnical Investigation, the Project site and the adjacent parcels are relatively flat, and do not contain any hills or steep slopes. As such, no landslides on or adjacent to the Project site would occur. Therefore, no impact related to landslides would occur.

IMPACT GEO-2: WOULD THE PROJECT WOULD RESULT IN SUBSTANTIAL SOIL EROSION OR THE LOSS OF TOPSOIL?

Less than Significant Impact.

Construction

Construction of the proposed Project has the potential to contribute to soil erosion and the loss of topsoil. Grading activities that would be required for the Project would expose and loosen topsoil, which could be eroded by wind or water. Hesperia Municipal Code Chapter 15.06.110, *National Pollutant Discharge Elimination System Compliance*, implements the requirements of the California Regional Water Quality Control Board (RWQCB) National Pollutant Discharge Elimination System (NPDES) Storm Water Permit Order No. R8-2002-0011 (MS4 Permit) which establishes minimum stormwater management requirements and controls that are required to be implemented for the Project.

To reduce the potential for soil erosion and the loss of topsoil, a Stormwater Pollution Prevention Plan (SWPPP) is required by these City and RWQCB regulations to be developed by a QSD (Qualified SWPPP Developer), which would be implemented by the City's conditions of approval. The SWPPP is required to address site-specific conditions related to specific grading and construction activities that could cause erosion and the loss of topsoil and provide erosion control BMPs to reduce or eliminate the erosion and loss of topsoil. Erosion control BMPs include use of silt fencing, fiber rolls, or gravel bags, stabilized construction entrance/exit, hydroseeding, etc. With compliance with the Municipal Code Chapter 15.06.110 stormwater management requirements, RWQCB SWPPP requirements, and installation of BMPs, which would be implemented by the City's Project review by the Building and Safety Division, construction impacts related to erosion and loss of topsoil would be less than significant.

Operation

The proposed Project includes installation of landscaping adjacent to the proposed building and throughout the proposed parking areas. With this landscaping, areas of loose topsoil that could erode by wind or water, would not exist upon operation of the proposed Project. In addition, as described in Draft EIR Section 5.9, *Hydrology and Water Quality*, the hydrologic features of the proposed Project have been designed to slow, filter, and retain stormwater within landscaping and the proposed underground infiltration basins, which would also reduce the potential for stormwater to erode topsoil. Furthermore, implementation of the Project requires City approval of a Water Quality Management Plan (WQMP) (Appendix K), which would ensure that RWQCB requirements and appropriate operational BMPs would be implemented to minimize or eliminate the potential for soil erosion or loss of topsoil to occur. As a result, with implementation of existing requirements, impacts related to substantial soil erosion or loss of topsoil would be less than significant.

IMPACT GEO-3: WOULD THE PROJECT BE LOCATED ON A GEOLOGIC UNIT OR SOIL THAT IS UNSTABLE, OR THAT WOULD BECOME UNSTABLE AS A RESULT OF THE PROJECT, AND POTENTIALLY RESULT IN ON- OR OFF-SITE LANDSLIDE, LATERAL SPREADING, SUBSIDENCE, LIQUEFACTION OR COLLAPSE?

Less than Significant with Mitigation. Landslides are the downhill movement of masses of earth and rock and are often associated with earthquakes; but other factors, such as the slope, moisture content of the soil, composition of the subsurface geology, heavy rains, and improper grading can influence the occurrence of landslides. As discussed previously, the Project site and the adjacent parcels are relatively flat and do not contain any hills or steep slopes. As such, no landslides on or adjacent to the Project site would occur. Therefore, impacts related to landslides or rock falls would not occur from implementation of the proposed Project.

Lateral spreading is a type of liquefaction induced ground failure associated with the lateral displacement of surficial blocks of sediment resulting from liquefaction in a subsurface layer. Once liquefaction transforms the subsurface layer into a fluid mass, gravity plus the earthquake inertial forces may cause the mass to move downslope towards a free face (such as a river channel or an embankment). Lateral spreading may cause large horizontal displacements and such movement typically damages pipelines, utilities, bridges, and structures. Groundwater was not encountered during subsurface exploration and is estimated to exist at depths several hundred feet bgs. Due to the absence of groundwater and dense nature of the underlying older alluvium, the potential for seismically induced liquefaction is anticipated to be very low. The Geotechnical Investigation concluded that since the site is fairly flat and the potential for liquefaction is low, the potential for lateral spreading is also low. In addition, the Project would be required to adhere to CBC requirements to limit risk associated with lateral spreading. As such, compliance with CBC requirements, as ensured through the City's permitting process, would ensure that lateral spreading and liquefaction impacts would be less than significant.

Ground subsidence is the gradual settling or sinking of the ground surface with little or no horizontal movement, and occur in areas with subterranean oil, gas, or groundwater. Effects of subsidence include fissures, sinkholes, depressions, and disruption of surface drainage. According to the Geotechnical Investigation, subsidence was not detected within the Project site during a recent USGS study period between 2014 and 2019. Additionally, risk of subsidence would be lowered through adherence to CBC grading and earthwork operation recommendations. Compliance with the CBC would be required by the Hesperia Building and Safety Division, as implemented as a condition of approval. Compliance with the requirements of the CBC as part of the building plan check and development review process, would ensure that impacts related to subsidence would be less than significant.

In order to measure collapse potential of Project site soils, the Geotechnical Investigation performed consolidation testing. The hydro-consolidation process is a singular response to the introduction of water into collapse-prone alluvial soils. Upon initial wetting, the soil structure and apparent strength are altered, and an immediate settlement response occurs. Based on the results of consolidation testing, site soils were found to have a slight to moderate potential for collapse. The Geotechnical Investigation describes that the recommended removal and recompaction during site grading would reduce impacts related to collapse (AGS 2022). Therefore, Mitigation Measure GEO-1 has been incorporated into the Project to require that the Project follow the recommendations included the Geotechnical Investigation. Thus, with implementation of Mitigation Measure GEO-1 any potential impacts related to collapsible soils would be minimized to a less than significant level. As such, excavation and recompaction of the artificial fill soils in compliance with the CBC as required through the City's permitting process would ensure that collapse related impacts would be less than significant.

IMPACT GEO-4: WOULD THE PROJECT BE LOCATED ON EXPANSIVE SOIL, AS DEFINED IN TABLE 18-1-B OF THE UNIFORM BUILDING CODE (1994), CREATING SUBSTANTIAL DIRECT OR INDIRECT RISKS TO LIFE OR PROPERTY?

No Impact. Expansive soils contain significant amounts of fine-grained silt and clay particles that swell when wet and shrink when dry. The amount of swelling and contracting is subject to the amount of fine-grained clay materials present in the soils, and the amount of moisture that the soil is exposed to. Foundations constructed on expansive soils are subjected to forces caused by the swelling and shrinkage of the soils, which can cause physical distress on the structure. Without proper measures taken, heaving and cracking of both building foundations and slabs-on-grade could result. Table 18-1-B of the Uniform Building Code mandates that special foundation design consideration be employed if the Expansion Index of soils is 20 or greater.

The Geotechnical Investigation describes that the Project site's near-surface soils consist of fine- to coarse-grained, silty sand with some roots that is in a loose condition. According to the Geotechnical Investigation, these materials have an Expansion Index of 0 and therefore are expected to have very low to low expansion potential (AGS 2022). Accordingly, the Project site does not contain expansive soils and as such, would not create substantial direct or indirect risks to life or property associated with the presence of expansive soils. No impact would occur.

IMPACT GEO-5: WOULD THE PROJECT HAVE SOILS INCAPABLE OF ADEQUATELY SUPPORTING THE USE OF SEPTIC TANKS OR ALTERNATIVE WASTEWATER DISPOSAL SYSTEMS WHERE SEWERS ARE NOT AVAILABLE FOR THE DISPOSAL OF WASTEWATER?

No Impact. The Project includes installation of new onsite and offsite sewer lines. The Project would not use septic tanks or alternative wastewater disposal systems. As a result, no impacts related to septic tanks or alternative wastewater disposal systems would occur from implementation of the proposed Project.

IMPACT GEO-6: WOULD THE PROJECT DIRECTLY OR INDIRECTLY DESTROY A UNIQUE PALEONTOLOGICAL RESOURCE OR SITE OR UNIQUE GEOLOGIC FEATURE?

Less than Significant with Mitigation Incorporated. The Project consists of development of an industrial warehouse building, parking lot, landscaping, and associated onsite and offsite infrastructure improvements. Earthmoving activities, including grading and trenching activities, have the potential to disturb previously unknown paleontological resources. The Paleontological Assessment describes that the Project site is underlain by Holocene deposits that have a low potential to contain paleontological resources, while the underlying Pleistocene-aged alluvial fan deposits may be considered to have an undetermined to high potential to yield paleontological resources (BFSA 2022b).

The records search completed as part of the Paleontological Resources Assessment did not reveal any previously recorded fossil localities within the Project site. However, it did reveal previously recorded fossil localities located approximately 2.5 miles north-northeast of the Project site consisting of Pleistocene rodent teeth and indeterminate mammalian remains and additional localities consisting of rodent teeth with large mammal bones, along with land and freshwater snails located approximately 5 and 6 miles northeast of the Project site (BFSA 2022b). Although the records search did not indicate the presence of known fossil localities within the Project site, it demonstrated that many Pleistocene vertebrate fossil localities have been recorded in the greater Victorville area.

The potential for encountering significant paleontological resources within the Project site is considered high due to the presence of potentially fossiliferous Pleistocene-aged alluvial fan deposits that are likely present in the shallow subsurface of the Project, and the known occurrence of significant terrestrial vertebrate fossils at shallow depths from the Pleistocene deposits in the vicinity of the Project. As such, Mitigation Measure PAL-1 shall be implemented as part of the Project to require preparation of a Paleontological Resources Management Plan (PRMP) prior to construction activities. Implementation of Mitigation Measure PAL-1 would ensure that any potential impacts to undiscovered paleontological resources would not be impacted by the Project. Grading or excavation activities in undisturbed alluvial deposits would require fulltime paleontological monitoring starting at the surface. monitoring would be conducted fulltime in areas of. In the case that resources are inadvertently discovered during ground-disturbing activities, work shall be halted within 50 feet of the find until it can be evaluated by a qualified paleontologist. Thus, with implementation of Mitigation Measure PAL-1, potential impacts related to paleontological resources would be reduced to a less than significant level.

5.6.7 CUMULATIVE IMPACTS

Geology and Soils: Geotechnical impacts are site-specific rather than cumulative in nature. Direct and indirect impacts related to geology and soils would be mitigated through mandatory conformance with the California Building Code, City of Hesperia Municipal Code, and site-specific geotechnical recommendations, which will be incorporated as part of the Project's design and construction efforts. With the exception of erosion hazards, potential hazardous effects related to geologic and soil conditions are unique to each project site, and inherently restricted to the developments proposed. That is, issues including fault rupture, seismic ground shaking, liquefaction, landslides, and expansive soils would involve effects to (and not from) the development, are specific to conditions on the property, and are not influenced by or additive with the geologic and/or soils hazards that may occur on other, off-site properties. Because of the site-specific nature

of these potential hazards and the measures to address them, there would be no direct or indirect connection to similar potential issues or cumulative effects at the Project site.

Impacts related to erosion and loss of topsoil could be cumulatively considerable. However, as discussed in Impact GEO-2, mandates related to the NPDES permit, preparation of a WQMP, and SWPPP, as well as compliance with SCAQMD Rule 403 (Fugitive Dust) incorporate measures during construction activities to ensure that significant erosion impacts do not occur. Other development projects in the vicinity of the Project site would be required to comply with the same regulatory requirements as the Project to preclude substantial adverse water and wind erosion impacts. Because the Project and related projects within the cumulative study area would be subject to similar mandatory regulatory requirements to control erosion hazards during construction and long-term operation, cumulative impacts associated with wind and water erosion hazards would be less than significant.

Paleontological Resources: The geographic area of potential cumulative impacts related to paleontological resources includes areas that are underlain by similar geologic units from the same time period. A cumulative impact could occur if development projects incrementally result in the loss of the same types of unique paleontological resources. As detailed previously, the southwestern San Bernardino County Region, including the Project site, is underlain by deep sediments that are sensitive to paleontological resources. However, with incorporation of Mitigation Measure PAL-1 and compliance with Policy CN 5.3, which states that all historical, paleontological and cultural resources discovered shall be inventoried and evaluated according to CEQA regulations and the California Office of Historic Preservation, the potential for cumulatively considerable impacts to paleontological resources would be reduced to a less than significant level.

5.6.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

- Public Resources Code (PRC) Section 5097.5
- City of Hesperia Municipal Code, Chapter 15.04

Plans, Programs, or Policies (PPPs)

PPP GEO-1: CBC Compliance. The Project is required to comply with the California Building Standards Code as included in Chapter 15.04 of the Hesperia Municipal Code to preclude significant adverse effects associated with seismic and soils hazards. CBC related and geologist and/or civil engineer specifications for the proposed Project are required to be incorporated into grading plans and building specifications as a condition of construction permit approval.

5.6.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements Impacts GEO-1i and iv, GEO-4, and GEO-5 would have no impact. Impacts GEO-1ii and GEO-2 would be less than significant. Without mitigation, Impacts GEO-1iii, GEO-3 and GEO-6 would be potentially significant.

5.6.10 MITIGATION MEASURES

Mitigation Measure GEO-1: Incorporation of and Compliance with the Recommendations in the Geotechnical Investigation. Prior to issuance of grading and building permits, the Hesperia Building Department shall verify all recommendations included in the Geotechnical Investigation prepared for the

project by Advanced Geotechnical Solutions, Inc., in March 2022 are incorporated into all design and engineering plans including, but not limited to site preparation, grading, fill placement, foundations, pavement design, seismic design, etc.

Mitigation Measure PAL-1: Paleontological Resource Management Plan. Prior to the start of construction, a Paleontological Resources Management Plan (PRMP) shall be prepared by a qualified Paleontologist and include the following procedures:

- Monitoring of mass grading and excavation activities in areas identified as likely to contain paleontological resources shall be performed by a qualified paleontologist or paleontological monitor. Starting at the surface, monitoring will be conducted fulltime in areas of grading or excavation in undisturbed alluvial deposits.
- Development of an inadvertent discovery plan to expediently address treatment of paleontological resources should any be encountered during development associated with the Project. If these resources are inadvertently discovered during ground-disturbing activities, work must be halted within 50 feet of the find until it can be evaluated by a qualified paleontologist. Construction activities could continue in other areas. If the discovery proves to be significant, additional work, such as fossil collection and curation, may be warranted and would be discussed in consultation with the appropriate regulatory agency(ies).

5.6.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Compliance with existing regulatory programs would reduce potential impacts associated with potential geotechnical hazards to a level that is less than significant. Therefore, no significant unavoidable adverse impacts related to geology and soil resources would occur.

With implementation of Mitigation Measures PAL-1, impacts to paleontological resources would be less than significant.

REFERENCES

Advanced Geotechnical Solutions, Inc. "EIR Level Geotechnical Study, Proposed Industrial Development, APNs 3064-401-03, -04, -05, West Side of Highway 395, Hesperia, California" March 2022 (AGS 2022). Appendix F.

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5.7 Greenhouse Gas Emissions

5.7.1 INTRODUCTION

This section of the Draft EIR evaluates greenhouse gas (GHG) emissions associated with the proposed Project and its contribution to global climate change. Specifically, this section evaluates the extent to which GHG emissions from the Project contribute to elevated levels of GHGs in the Earth's atmosphere and consequently contributes to climate change. This section also addresses the Project's consistency with applicable plans, policies, and public agency regulations adopted for the purpose of reducing the emissions of GHGs. This analysis is based on the Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report prepared by LSA, included as Appendix B.

5.7.2 REGULATORY SETTING

5.7.2.1 State Regulations

California Assembly Bill 1493– Pavley

In 2002, the California Legislature adopted AB 1493 requiring the adoption of regulations to reduce GHG emissions in the transportation sector. In September 2004, pursuant to AB 1493, the California Air Resources Board (CARB) approved regulations to reduce GHG emissions from new motor vehicles beginning with the 2009 model year (Pavley Regulations). In September 2009, CARB adopted amendments to the Pavley Regulations to reduce GHG from 2009 to 2016. CARB, EPA, and the U.S. Department of Transportation's National Highway Traffic and Safety Administration (NHTSA) have coordinated efforts to develop fuel economy and GHG standards for model 2017-2025 vehicles. The GHG standards are incorporated into the "Low Emission Vehicle" (LEV) Regulations.

California Executive Order S-3-05 – Statewide Emission Reduction Targets

Executive Order S-3-05 was signed by Governor Arnold Schwarzenegger in June 2005. Executive Order S-3-05 establishes statewide emission reduction targets through the year 2050:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

California Assembly Bill 32 (AB 32), Global Warming Solutions Act of 2006 (Chapter 488, Statutes of 2006)

In 2006, the Legislature passed the California Global Warming Solutions Act of 2006 [Assembly Bill 32 ([AB 32](#))], which created a comprehensive, multi-year program to reduce greenhouse gas (GHG) emissions in California. AB 32 required the California Air Resources Board (CARB or Board) to develop a Scoping Plan that describes the approach California will take to reduce GHGs to achieve the goal of reducing emissions to 1990 levels by 2020. The Scoping Plan was first approved by the Board in 2008 and must be updated at least every five years. Since 2008, there have been two updates to the Scoping Plan. Each of the Scoping Plans have included a suite of policies to help the State achieve its GHG targets, in large part leveraging existing programs whose primary goal is to reduce harmful air pollution. The 2017 Scoping Plan identifies how the State can reach the 2030 climate target to reduce greenhouse gas (GHG) emissions by 40 percent

from 1990 levels, and substantially advance toward the 2050 climate goal to reduce GHG emissions by 80 percent below 1990 levels.

The AB 32 Scoping Plan also anticipates that local government actions will result in reduced GHG emissions because local governments have the primary authority to plan, zone, approve, and permit development to accommodate population growth and the changing needs of their jurisdictions. The Scoping Plan also relies on the requirements of Senate Bill 375 (discussed below) to align local land use and transportation planning for achieving GHG reductions.

The Scoping Plan must be updated every five years to evaluate AB 32 policies and ensure that California is on track to achieve the 2020 GHG reduction goal. In 2017, CARB released the proposed Second Update to the Scoping Plan, which identifies the State's post-2020 reduction strategy. The Second Update would reflect the 2030 target of a 40 percent reduction below 1990 levels, set by Executive Order B-30-15 and codified by SB 32. In 2014, CARB released the First Update to the Scoping Plan, which builds upon the Initial Scoping Plan with new strategies and recommendations. The First Update identifies opportunities to leverage existing and new funds to further drive GHG emission reductions through strategic planning and targeted low carbon investments. This update defines CARB's climate change priorities for the next five years and sets the groundwork to reach long-term goals set forth in Executive Order S-3-05. The update highlights California's progress toward meeting the "near-term" 2020 GHG emission reduction goals in the original 2008 Scoping Plan. It also evaluates how to align the state's "longer-term" GHG reduction strategies with other state policy priorities for water, waste, natural resources, clean energy, transportation, and land use.

On December 15, 2022, CARB adopted the 2022 Scoping Plan. The 2022 Scoping Plan builds on the 2017 Scoping Plan as well as the requirements set forth by AB 1279, which directs the state to become carbon neutral no later than 2045. To achieve this statutory objective, the 2022 Scoping Plan lays out how California can reduce GHG emissions by 85% below 1990 levels and achieve carbon neutrality by 2045. The Scoping Plan scenario to do this is to "deploy a broad portfolio of existing and emerging fossil fuel alternatives and clean technologies, and align with statutes, Executive Orders, Board direction, and direction from the governor." The 2022 Scoping Plan sets one of the most aggressive approaches to reach carbon neutrality in the world. Unlike the 2017 Scoping Plan, CARB advocates for compliance with a local GHG reduction strategy (CAP) consistent with CEQA Guidelines section 15183.5.

Senate Bill 97 (Chapter 185, Statutes of 2007)

Senate Bill 97 (SB 97) (Health and Safety Code Section 21083.5) was adopted in 2007 and required the Office of Planning and Research to prepare amendments to the CEQA Guidelines for the mitigation of GHG impacts. The amendments became effective on March 18, 2010 and provided initial guidance to public agencies regarding the analysis and mitigation of the effects of GHG emissions in CEQA documents.

CEQA Guidelines Section 15064.4, was further amended in 2018 to assist agencies in determining the significance of GHG emissions. This Section gives discretion to the lead agency whether to: (1) use a model or methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. CEQA does not provide guidance to determine whether the project's estimated GHG emissions are significant or cumulatively considerable.

CEQA Guidelines Sections 15126.4 and 15130 address mitigation measures and cumulative impacts, respectively. GHG mitigation measures are referenced in general terms, and no specific measures are identified. However, the 2018 amendments to Section 15126.4 provide that compliance with a regulatory permit or other similar process may be identified as mitigation if compliance would result in implementation of measures that would be reasonably expected, based on substantial evidence in the record, to reduce the significant impact to the specified performance standards. Additionally, Section 15130 simply directs agencies to analyze GHG emissions in an EIR when a project's incremental contribution of emissions may be

cumulatively considerable; however, it does not answer the question of when emissions are cumulatively considerable.

Section 15183.5 permits programmatic GHG analysis and later project-specific tiering, as well as the preparation of Greenhouse Gas Reduction Plans. Compliance with such plans can support a determination that a project's cumulative effect is not cumulatively considerable, according to Section 15183.5(b).

Senate Bill 375 (Chapter 728, Statutes of 2008)

In August 2008, the Legislature passed, and on September 30, 2008, Governor Schwarzenegger signed, Senate Bill 375 (SB 375), which addresses GHG emissions associated with the transportation sector through regional transportation and sustainability plans. Regional GHG reduction targets for the automobile and light-truck sector for 2020 and 2035, as determined by CARB, are required to consider the emission reductions associated with vehicle emission standards (see SB 1493), the composition of fuels (see Executive Order S-1-07), and other CARB-approved measures to reduce GHG emissions. Regional metropolitan planning organizations (MPOs) will be responsible for preparing a Sustainable Communities Strategy (SCS) within their Regional Transportation Plan (RTP). The goal of the SCS is to establish a development plan for the region, which, after considering transportation measures and policies, will achieve, if feasible, the GHG reduction targets. If an SCS is unable to achieve the GHG reduction target, an MPO must prepare an Alternative Planning Strategy demonstrating how the GHG reduction target would be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies. SB 375 provides incentives for streamlining CEQA requirements by substantially reducing the requirements for "transit priority projects," as specified in SB 375, and eliminating the analysis of the impacts of certain residential projects on global warming and the growth-inducing impacts of those projects when the projects are consistent with the SCS or Alternative Planning Strategy. On September 23, 2010, CARB adopted the SB 375 targets for the regional MPOs.

Executive Order B-30-15 – 2030 Statewide Emission Reduction Target

Executive Order B-30-15 was signed by Governor Jerry Brown on April 29, 2015, establishing an interim statewide GHG reduction target of 40 percent below 1990 levels by 2030, which is necessary to guide regulatory policy and investments in California in the midterm, and put California on the most cost-effective path for long-term emission reductions. Under this Executive Order, all state agencies with jurisdiction over sources of GHG emissions are required to continue to develop and implement emissions reduction programs to reach the state's 2050 target and attain a level of emissions necessary to avoid dangerous climate change. According to the Governor's Office, this Executive Order is in line with the scientifically established levels needed in the United States to limit global warming below 2°C - the warming threshold at which scientists say there will likely be major climate disruptions such as super droughts and rising sea levels.

Senate Bill 32 (Chapter 249, Statutes of 2016)

Senate Bill 32 (SB 32) was signed on September 8, 2016 by Governor Jerry Brown. SB 32 requires the state to reduce statewide GHG emissions to 40 percent below 1990 levels by 2030, a reduction target that was first introduced in Executive Order B-30-15. The new legislation builds upon the AB 32 goal of 1990 levels by 2020 and provides an intermediate goal to achieving S-3-05, which sets a statewide GHG reduction target of 80 percent below 1990 levels by 2050. A related bill that was also approved in 2016, Assembly Bill 197 (AB 197) (Chapter 250, Statutes of 2016) creates a legislative committee to oversee regulators to ensure that CARB is not only responsive to the Governor, but also the Legislature.

Assembly Bill 398 – Extension of Cap and Trade Program to 2030 (Chapter 617, Statutes of 2017)

Assembly Bill (AB 398) was signed by Governor Brown on July 25, 2017 and became effective immediately as urgency legislation. AB 398, among other things, extended the cap and trade program through 2030.

Title 24 Energy Efficiency Standards and California Green Building Standards

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code (CalGreen) was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. CALGreen is updated on a regular basis, with the most recent approved update consisting of the 2019 California Green Building Code Standards that became effective January 1, 2020.

The 2022 Energy Code encourages efficient electric heat pumps, establishes electric-ready requirements for new homes, expands solar photovoltaic and battery storage standards, and strengthens ventilation standards, among other requirements. The California Energy Commission anticipates that the 2022 energy code will provide \$1.5 billion in consumer benefits and reduce GHG emissions by 10 million metric tons.

The 2022 CALGreen standards that reduce GHG emissions and are applicable to the proposed Project include, but are not limited to, the following:

- Short-term bicycle parking. If the new project or an additional alteration is anticipated to generate visitor traffic, provide permanently anchored bicycle racks within 200 feet of the visitors' entrance, readily visible to passers-by, for 5% of new visitor motorized vehicle parking spaces being added, with a minimum of one two-bike capacity rack (5.106.4.1.1).
- Long-term bicycle parking. For new buildings with tenant spaces that have 10 or more tenant-occupants, provide secure bicycle parking for 5% of the tenant-occupant vehicular parking spaces with a minimum of one bicycle parking facility (5.106.4.1.2).
- Designated parking for clean air vehicles. In new projects or additions to alterations that add 10 or more vehicular parking spaces, provide designated parking for any combination of low-emitting, fuel-efficient and carpool/van pool vehicles as shown in Table 5.106.5.2 (5.106.5.2).
- EV charging stations. New construction shall facilitate the future installation of EV supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load. The number of spaces to be provided for is contained in Table 5.106.5.3.3 (5.106.5.3). Additionally, Table 5.106.5.4.1 specifies requirements for the installation of raceway conduit and panel power requirements for medium- and heavy-duty electric vehicle supply equipment for warehouses, grocery stores, and retail stores.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, upright and glare ratings per Table 5.106.8 (5.106.8).
- Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1, 5.405.1.2, or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent (5.408.1).
- Excavated soil and land clearing debris. 100% of trees, stumps, rocks and associated vegetation and soils resulting primarily from land clearing shall be reuse or recycled. For a phased project, such material may be stockpiled on site until the storage site is developed (5.408.3).
- Recycling by Occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals or meet a lawfully enacted local recycling ordinance, if more restrictive (5.410.1).
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads) shall comply with the following:

- Water Closets. The effective flush volume of all water closets shall not exceed 1.28 gallons per flush (5.303.3.1)
- Urinals. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gallons per flush (5.303.3.2.1). The effective flush volume of floor-mounted or other urinals shall not exceed 0.5 gallons per flush (5.303.3.2.2).
- Showerheads. Single showerheads shall have a minimum flow rate of not more than 1.8 gallons per minute and 80 psi (5.303.3.3.1). When a shower is served by more than one showerhead, the combine flow rate of all showerheads and/or other shower outlets controlled by a single valve shall not exceed 1.8 gallons per minute at 80 psi (5.303.3.3.2).
- Faucets and fountains. Nonresidential lavatory faucets shall have a maximum flow rate of not more than 0.5 gallons per minute at 60 psi (5.303.3.4.1). Kitchen faucets shall have a maximum flow rate of not more than 1.8 gallons per minute of 60 psi (5.303.3.4.2). Wash fountains shall have a maximum flow rate of not more than 1.8 gallons per minute (5.303.3.4.3). Metering faucets shall not deliver more than 0.20 gallons per cycle (5.303.3.4.4). Metering faucets for wash fountains shall have a maximum flow rate not more than 0.20 gallons per cycle (5.303.3.4.5).
- Outdoor potable water uses in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient Landscape Ordinance (MWELO), whichever is more stringent (5.304.1).
- Water meters. Separate submeters or metering devices shall be installed for new buildings or additions in excess of 50,000 SF or for excess consumption where any tenant within a new building or within an addition that is project to consume more than 1,000 gallons per day (GPD) (5.303.1.1 and 5.303.1.2).
- Outdoor water uses in rehabilitated landscape projects equal or greater than 2,500 SF. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than 2,500 SF requiring a building or landscape permit (5.304.3).
- Commissioning. For new buildings 10,000 SF and over, building commissioning shall be included in the design and construction processes of the building project to verify that the building systems and components meet the owner's or owner representative's project requirements (5.410.2).

The 2022 CalGreen Building Standards Code has been adopted by the City of Hesperia as Municipal Code Chapter 15.04.

Assembly Bill 1279

Assembly Bill (AB) 1279 was signed in 2022 and requires the state to achieve net zero greenhouse gas emissions (GHG) as soon as possible, but no later than 2045, and achieve and maintain net negative greenhouse gas emissions thereafter. The bill also requires California to reduce statewide GHG emissions by 85 percent compared to 1990 levels, and directs the California Air Resources Board to work with relevant state agencies to achieve these goals.

5.7.2.2 Local Regulations

City of Hesperia General Plan

The City of Hesperia 2010 General Plan contains the following policies related to greenhouse gas emissions that are applicable to the Project:

Conservation Element

Policy CN-7.4 Promote the utilization of alternative energy resources such as wind and solar in new

development.

Policy CN 7.5 Promote the utilization of environmentally sensitive construction materials to limit impacts on the ozone, global climate change and mineral resources.

County of San Bernardino Greenhouse Gas Emissions Reduction Plan

In compliance with SB 97, the County of San Bernardino and participating jurisdictions, including the City of Hesperia, adopted a Greenhouse Gas Reduction Plan in September 2011, and has since updated it in 2015 and 2021. Multiple regulations exist at the state level that provide requirements for reducing GHG emissions and meeting renewable energy requirements. The Greenhouse Gas Reduction Plan provides a means of implementing state regulations, including AB 32, AB 1493, Executive Order S-3-05, SB 375, Executive Order B-30-15, SB 32, AB 398, and SB 97, at the local level within the County. The Regional Greenhouse Gas Reduction Plan serves as the basis for the participating jurisdictions in the County to develop their own, more detailed community level CAP.

The Greenhouse Gas Reduction Plan from 2015 provided a comprehensive set of actions to reduce the County's internal and external GHG emissions to 15% below current levels by 2020, consistent with the AB 32 Scoping Plan. This equates to a reduction of 159,423 Metric Tons of Carbon Dioxide Equivalents (MTCO_{2e}) per year from new development by 2020 as compared to the 2020 unmitigated conditions. San Bernardino County achieved this 2020 GHG reduction target.

The 2021 Greenhouse Gas Reduction Plan Update provides a target for GHG emission reductions for the year 2030, which is to reduce emissions to 40 percent below 2007 levels. This reduction is consistent with the State's long-term goal to achieve statewide carbon neutrality (zero net emissions) by 2045.

Hesperia Climate Action Plan

The City of Hesperia adopted the City of Hesperia Climate Action Plan (CAP) in June of 2010. The Hesperia CAP is the City's primary strategy for ensuring that the buildout of the General Plan Update will not conflict with the implementation of Assembly Bill 32 – the Global Warming Solutions Act of 2006 and its goal of reducing California's greenhouse gas emissions to 1990 levels by the year 2020. The CAP provides strategies and implementation actions that will reduce community related and City operations-related greenhouse gas emissions by amounts that are consistent with AB 32 goals. The CAP is a companion document to the General Plan Update and implements the General Plan's greenhouse gas reduction policies.

The Hesperia CAP outlines a course of action for the City government and the community of Hesperia to reduce per capita GHG emissions 29 percent below 2010 levels by 2020 and to adapt to the effects of climate change. Additionally, the CAP provides guidance to City staff regarding when and how to implement key provisions of the CAP. The CAP includes an implementation and monitoring framework to monitor its GHG reduction strategies. Some of the GHG reduction measures in the CAP include actions such as reducing emissions from new development through CEQA, increasing bicycle use through a safe and well-connected system of bicycle paths and end of trip facilities, reducing energy use from the transport and treatment of water, and improving the City's recycling and source reduction programs to make continued progress in minimizing waste.

The CAP addresses both City emissions and community emissions. The CAP is meant to be a companion document to the General Plan that builds on the framework of the General Plan with more specific actions that will be applied to achieve emission reduction targets consistent with California legislation.

5.7.3 ENVIRONMENTAL SETTING

Gases that trap heat in the atmosphere are called GHGs. The major concern with GHGs is that increases in their concentrations are contributing to global climate change. Global climate change is a change in the average weather on Earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as to the rate of global climate change and the extent of the impacts attributable to human activities, most in the scientific community agree that there is a direct link between increased emissions of GHGs and long-term global temperature increases.

The principal GHGs are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), perfluorocarbons (PFCs), and hydrofluorocarbons (HFCs). Because different GHGs have different warming potential, and CO₂ is the most common reference gas for climate change, GHG emissions are often quantified and reported as CO₂ equivalents (CO₂e). For example, SF₆ is a GHG commonly used in the utility industry as an insulating gas in circuit breakers and other electronic equipment. SF₆, while comprising a small fraction of the total GHGs emitted annually world-wide, is a much more potent GHG, with 22,800 times the global warming potential as CO₂. Therefore, an emission of one metric ton (MT) of SF₆ could be reported as an emission of 22,800 MT of CO₂e. Large emission sources are reported in million metric tons (MMT) of CO₂e. The principal GHGs are described below, along with their global warming potential.

Carbon dioxide: Carbon dioxide (CO₂) is an odorless, colorless, natural GHG. Carbon dioxide's global warming potential is 1. Natural sources include decomposition of dead organic matter; respiration of bacteria, plants, animals, and fungus; evaporation from oceans; and volcanic outgassing. Anthropogenic (manmade) sources are from burning coal, oil, natural gas, and wood.

Methane: Methane (CH₄) is a flammable gas and is the main component of natural gas. It has a lifetime of 12 years, and its global warming potential is 28. Methane is extracted from geological deposits (natural gas fields). Other sources are landfills, fermentation of manure, and decay of organic matter.

Nitrous oxide: Nitrous oxide (N₂O) (laughing gas) is a colorless GHG that has a lifetime of 121 years, and its global warming potential is 265. Sources include microbial processes in soil and water, fuel combustion, and industrial processes.

Sulfur hexafluoride: Sulfur hexafluoride (SF₆) is an inorganic, odorless, colorless, and nontoxic nonflammable gas that has a lifetime of 3,200 years and a high global warming potential of 23,500. This gas is manmade and used for insulation in electric power transmission equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas.

Perfluorocarbons: Perfluorocarbons (PFCs) have stable molecular structures and only break down by ultraviolet rays about 60 kilometers above Earth's surface. Because of this, they have long lifetimes, between 10,000 and 50,000 years. Their global warming potential ranges from 7,000 to 11,000. Two main sources of perfluorocarbons are primary aluminum production and semiconductor manufacturing.

Hydrofluorocarbons: Hydrofluorocarbons (HFCs) are a group of GHGs containing carbon, chlorine, and at least one hydrogen atom. HFCs have atmospheric lifetimes of 1-260 years and their global warming potential ranges from 100 to 12,000. Hydrofluorocarbons are synthetic manmade chemicals used as a substitute for chlorofluorocarbons in applications such as automobile air conditioners and refrigerants.

Some of the potential effects in California of global warming may include loss in snow pack, sea level rise, more extreme heat days per year, more high ozone days, more forest fires, and more drought years. Globally, climate change has the potential to impact numerous environmental resources through potential, though uncertain, impacts related to future air temperatures and precipitation patterns. The projected effects

of global warming on weather and climate are likely to vary regionally, but are expected to include the following direct effects:

- Higher maximum temperatures and more hot days over nearly all land areas;
- Higher minimum temperatures, fewer cold days and frost days over nearly all land areas;
- Reduced diurnal temperature range over most land areas;
- Increase of heat index over land areas; and
- More intense precipitation events.

Also, there are many secondary effects that are projected to result from global warming, including global rise in sea level, impacts to agriculture, changes in disease vectors, and changes in habitat and biodiversity. While the possible outcomes and the feedback mechanisms involved are not fully understood and much research remains to be done, the potential for substantial environmental, social, and economic consequences over the long term may be great.

GHGs are produced by both direct and indirect emissions sources. Direct emissions include consumption of natural gas, heating and cooling of buildings, landscaping activities and other equipment used directly by land uses. Indirect emissions include the consumption of fossil fuels for vehicle trips, electricity generation, water usage, and solid waste disposal.

According to *California Greenhouse Gas Emissions for 2000 to 2019 Trends of Emissions and Other Indicators*, prepared by CARB, July 28, 2021, the State of California created 418.2 million metric tons of carbon dioxide equivalent (MMTCO_{2e}) in 2019. The 2019 emissions were 7.2 MMTCO_{2e} lower than 2018 levels and almost 13 MMTCO_{2e} below the State adopted year 2020 GHG limit of 431 MMTCO_{2e}. The breakdown of California GHG emissions by sector consists of: 39.7 percent from transportation; 21.1 percent from industrial; 14.1 percent from electricity generation; 7.6 percent from agriculture; 10.5 percent from residential and commercial buildings; 4.9 percent from high global warming potential sources, and 2.1 percent from waste.

Existing Project Site Conditions

The Project site consists of approximately 29.61 acres of land that is currently vacant and is transected by Caliente Road, an unpaved road.

5.6.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- GHG-1 Generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment; or
- GHG-2 Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs.

CEQA Guidelines Section 15064.4 provides discretion to the lead agency whether to: (1) use a model of methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. In addition, CEQA does not provide guidance to determine whether the project's estimated GHG emissions are significant, but recommends that lead agencies consider several factors that may be used in the determination of significance of project related GHG emissions, including:

- The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

CEQA Guidelines Section 15130(f) describes that the effects of GHG emissions are by their very nature cumulative and should be analyzed in the context of CEQA's requirements for cumulative impact analysis. Additionally, CEQA Guidelines Section 15064(h)(3) states that a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides requirements to avoid or lessen the cumulative problem.

The MDAQMD has established thresholds of significance for GHG emissions, applicable to both construction and operations regardless of whether they are stationary or mobile sources. The MDAQMD's GHG emissions thresholds are 548,000 pounds per day (lbs/day) CO₂e or 100,000 MT/year CO₂e. However, in order to provide a more conservative analysis, the City recommends evaluating the Project's GHG emissions based on the South Coast Air Quality Management District (SCAQMD) GHG thresholds.

To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, SCAQMD has convened a GHG CEQA Significance Threshold Working Group (Working Group). Based on the last Working Group meeting held in September 2010 (Meeting No. 15), SCAQMD proposed to adopt a tiered approach for evaluating GHG emissions for development projects where SCAQMD is not the lead agency:

- Tier 1. Exemptions: If a project is exempt from CEQA, project-level and cumulative GHG emissions are less than significant.
- Tier 2. Consistency with a Locally Adopted GHG Reduction Plan: If the project complies with a GHG emissions reduction plan or mitigation program that avoids or substantially reduces GHG emissions in the project's geographic area (i.e., city or county), project-level and cumulative GHG emissions are less than significant.
- Tier 3. Numerical Screening Threshold: If GHG emissions are less than the numerical screening level threshold, project-level and cumulative GHG emissions are less than significant. For projects that are not exempt or where no qualifying GHG reduction plans are directly applicable, SCAQMD requires an assessment of GHG emissions. SCAQMD, under Option 1, is proposing a "bright-line" screening-level threshold of 3,000 metric tons (MT) of CO₂e (or MT CO₂e) per year (or MT CO₂e/year) for all land use types or, under Option 2, the following land use-specific thresholds: 1,400 MT CO₂e commercial projects; 3,500 MT CO₂e for residential projects; or 3,000 MT CO₂e for mixed-use projects. This bright-line threshold is based on a review of the OPR database of CEQA projects. Based on their review of 711 CEQA projects, 90 percent of CEQA projects would exceed the bright-line thresholds identified above. Therefore, projects that do not exceed the bright-line threshold would have a nominal and therefore less than cumulatively considerable impact on GHG emissions.
- Tier 4. Performance Standards: If emissions exceed the numerical screening threshold, a more detailed review of the project's GHG emissions is warranted. The SCAQMD has proposed an efficiency target for projects that exceed the bright-line threshold. The current recommended approach is per-capita efficiency targets. The SCAQMD is not recommending use of a percentage

emissions reduction target. Instead, the SCAQMD proposed a 2020 efficiency target of 4.8 MT CO₂e per year per service population for project-level analyses and 6.6 MT CO₂e per year per service population for plan-level projects (e.g., program-level projects such as General Plans).

The SCAQMD's interim thresholds used the Executive Order S-3-05-year 2050 goal as the basis for the Tier 3 screening level. Achieving the Executive Order's objective would contribute to worldwide efforts to cap CO₂ concentrations at 450 ppm, thus stabilizing global climate.

Based on the foregoing guidance, the City of Hesperia has elected to rely on compliance with a local air district threshold in the determination of significance of Project-related GHG emissions. Specifically, the City has selected the interim 3,000 MTCO₂e/yr threshold recommended by SCAQMD staff for residential and commercial sector projects against which to compare Project-related GHG emissions.

The 3,000 MTCO₂e per year threshold is based on a 90 percent emission "capture" rate methodology. Prior to its use by the SCAQMD, the 90 percent emissions capture approach was one of the options suggested by the California Air Pollution Control Officers Association (CAPCOA) in their CEQA & Climate Change white paper (2008). A 90 percent emission capture rate means that unmitigated GHG emissions from the top 90 percent of all GHG-producing projects within a geographic area – the Basin in this instance – would be subject to a detailed analysis of potential environmental impacts from GHG emissions, while the bottom 10 percent of all GHG-producing projects would be excluded from detailed analysis. A GHG significance threshold based on a 90 percent emission capture rate is appropriate to address the long-term adverse impacts associated with global climate change because medium and large projects will be required to implement measures to reduce GHG emissions, while small projects, which are generally infill development projects that are not the focus of the State's GHG reduction targets, are allowed to proceed. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial proportion of future development projects and demonstrate that cumulative emissions reductions are being achieved while setting the emission threshold high enough to exclude small projects that will, in aggregate, contribute approximate one percent of projected statewide GHG emissions in the Year 2050.

In setting the threshold at 3,000 MTCO₂e per year, SCAQMD researched a database of projects kept by the Governor's Office of Planning and Research (OPR). That database contained 798 projects, 87 of which were removed because they were very large projects and/or outliers that would skew emissions values too high, leaving 711 as the sample population to use in determining the 90th percentile capture rate. The SCAQMD analysis of the 711 projects within the sample population combined commercial, residential, and mixed-use projects. It should be noted that the sample of projects included warehouses and other light industrial land uses but did not include industrial processes (i.e., oil refineries, heavy manufacturing, electric generating stations, mining operations, etc.). Emissions from each of these projects were calculated by SCAQMD to provide a consistent method of emissions calculations across the sample population and from projects within the sample population. In calculating the emissions, the SCAQMD analysis determined that the 90th percentile ranged between 2,983 to 3,143 MTCO₂e per year. The SCAQMD set their significance threshold at the low-end value of the range when rounded to the nearest hundred tons of emissions (i.e., 3,000 MTCO₂e per year) to define small projects that are considered less than significant and do not need to provide further analysis.

The City understands that the 3,000 MTCO₂e/yr threshold for residential/commercial uses was proposed by SCAQMD a decade ago and was adopted as an interim policy; however, no permanent, superseding policy or threshold has since been adopted. The 3,000 MTCO₂e/yr threshold was developed and recommended by SCAQMD, an expert agency, based on substantial evidence as

provided in the *Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold* (2008) document and subsequent Working Group meetings (latest of which occurred in 2010). SCAQMD has not withdrawn its support of the interim threshold and all documentation supporting the interim threshold remains on the SCAQMD website on a page that provides guidance to CEQA practitioners for air quality analysis (and where all SCAQMD significance thresholds for regional and local criteria pollutants and toxic air contaminants also are listed). Further, as stated by SCAQMD, this threshold “uses the Executive Order S-3-05 goal [80% below 1990 levels by 2050] as the basis for deriving the screening level” and, thus, remains valid for use in 2022. Lastly, this threshold has been used for hundreds, if not thousands of GHG analyses performed for projects located within the SCAQMD jurisdiction.

Thus, for purposes of analysis in this analysis, if Project-related GHG emissions do not exceed the 3,000 MTCO_{2e}/yr threshold, then Project-related GHG emissions would clearly have a less-than-significant impact pursuant to Threshold GHG-1. On the other hand, if Project-related GHG emissions exceed 3,000 MTCO_{2e}/yr, the Project would be considered a substantial source of GHG emissions.

The Project is also evaluated for compliance with the County’s Regional Greenhouse Gas Reduction Plan (GHGRP), the Scoping Plan, and SCAG’s RTP/SCS.

5.6.5 METHODOLOGY

The California Emissions Estimator Model (CalEEMod) v2022.1 has been used to determine construction and operational GHG emissions for buildout of the proposed Project, based on the maximum development assumptions outlined in Section 3.0, *Project Description*.

The purpose of this model is to calculate construction-source and operational-source GHG emissions from direct and indirect sources; and quantify applicable air quality and GHG reductions achieved from measures incorporated into the Project to reduce or minimize GHG emissions. For construction phase Project emissions, GHGs are quantified and, per South Coast Air Quality Management District (MDAQMD) methodology.

In addition, CEQA requires the lead agency to consider the extent to which the Project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions. Therefore, this section addresses whether the Project complies with various programs and measures designed to reduce GHG emissions. There is no Statewide program or regional program or plan that has been adopted with project-specific GHG thresholds which all new development must comply; thus, this analysis has identified the regulations and requirements most relevant to the City of Hesperia and the proposed Project.

5.6.6 ENVIRONMENTAL IMPACTS

IMPACT GHG-1: WOULD THE PROJECT GENERATE GREENHOUSE GAS EMISSIONS, EITHER DIRECTLY OR INDIRECTLY, THAT MAY HAVE A SIGNIFICANT IMPACT ON THE ENVIRONMENT?

Construction

Less than Significant Impact. Construction activities associated with the Project would result in GHG emissions from various sources. During construction, GHGs would be emitted through the operation of construction equipment and from worker and builder supply vendor vehicles, each of which typically use fossil-based fuels to operate. The combustion of fossil-based fuels creates GHGs such as CO₂, CH₄, and N₂O. Furthermore, CH₄ is emitted during the fueling of heavy equipment. Exhaust emissions from on-site construction activities would vary daily as construction activity levels change.

As indicated above, neither the MDAQMD nor SCAQMD has an adopted threshold of significance for construction-related GHG emissions. However, lead agencies are required to quantify and disclose GHG emissions that would occur during construction. As discussed above and further in the Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report prepared for the Project, the proposed Project is compared to the GHG threshold of 3,000 MT/year CO₂e. The SCAQMD also requires construction GHG emissions to be amortized over the life of the project, defined by SCAQMD as 30 years, added to the operational emissions, and compared to the applicable interim GHG significance threshold tier.

It is estimated that the Project would generate approximately 1,184 MT/year CO₂e during construction of the Project. When amortized over the 30-year life of the Project, annual emissions would be 39.5 MT/year CO₂e (Appendix B).

Operations

Significant and Unavoidable Impact. Long-term operations of uses proposed by the Project would generate GHG emissions from the following primary sources:

- **Area Source Emissions.** Landscape maintenance equipment would generate emissions from fuel combustion and evaporation of unburned fuel. Equipment in this category would include lawnmowers, shredders/grinders, blowers, trimmers, chain saws, and hedge trimmers used to maintain the landscaping.
- **Energy Source Emissions.** GHGs are emitted from buildings as a result of activities for which electricity and natural gas are typically used as energy sources. Combustion of any type of fuel emits CO₂ and other GHGs directly into the atmosphere; these emissions are considered direct emissions associated with a building. GHGs are also emitted during the generation of electricity from fossil fuels; these emissions are considered to be indirect emissions.
- **Mobile Source Emissions.** The Project-related GHG emissions are derived primarily from vehicle trips generated by the Project, including employee trips to and from the site and truck trips associated with the proposed uses. Trip characteristics from the KISS Warehouse Traffic Impact Analysis (Appendix K) were utilized to quantify the GHGs from operation of the Project at buildout. To determine emissions from passenger car vehicles and truck trips, the CalEEMod defaults were utilized for trip lengths for passenger car vehicles and 2 to 3-axle trucks, while 4+ axle trucks were assumed to travel approximately 40 miles.
- **Water Supply, Treatment, and Distribution.** Indirect GHG emissions result from the production of electricity used to convey, treat, and distribute water and wastewater. The amount of electricity required depends on the volume of water as well as the sources of the water. For purposes of analysis, water usage is based on the estimated water demand.
- **Solid Waste.** The proposed land uses would result in the generation and disposal of solid waste. A percentage of this waste would be diverted from landfills by a variety of means, such as reducing the amount of waste generated, recycling, and/or composting. The remainder of the waste not diverted would be disposed of at a landfill. GHG emissions from landfills are associated with the anaerobic breakdown of material.

As shown in Table 5.7-1, the annual GHG emissions associated with construction and operation of the proposed Project would result in annual emissions of 11,679.6 MTCO₂e/yr, which is above the screening threshold of 3,000 MTCO₂e/yr. Therefore, the following discussion compares the proposed Project to the efficiency-based threshold.

Table 5.7-1: Proposed Project Generated Greenhouse Emissions

Source		Greenhouse Gas Emissions, CO ₂ e
		Metric Tons per Year
Project Operational Emissions		
Area Sources		9.6
Energy Sources		1,070.0
Mobile Sources – Vehicles and Light Duty Trucks		4,317.0
Mobile Sources – Heavy Heavy Duty Trucks		5,598.0
Stationary Sources		20.5
Waste Sources		204.0
Water Sources		421.0
Total Project Emissions		11,640.1
Amortized Construction Emissions		39.5
Total Annual Emissions		11,679.6
SCAQMD Threshold		3,000
Significant?		Yes

Source: Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B).

CO₂e = carbon dioxide equivalent

According to the Southern California Association of Governments (SCAG), the generation rate for employees required for operation of an industrial project is 1 employee for every 1,195 SF of industrial space. As the Project would build and operate a 655,468 SF industrial facility, operation of the Project would require approximately 549 employees. The proposed Project would not accommodate new residents; therefore, the total service population would be 549 people (residents plus employees). As such, the proposed Project would result in a per service population of 21.3 MT CO₂e per year per service population, which exceeds the SCAQMD's threshold of 4.8 MT CO₂e per year per service population. Therefore, the proposed Project would have the potential to generate significant GHG emissions. As such, Mitigation Measure GHG-1 is included in the Project which requires that the Project incorporate sustainable transportation technologies and practices appropriate for the proposed use.

Table 5.7-2 shows Project operation GHG emissions with implementation of Mitigation Measure GHG-1. As shown, with implementation of Mitigation Measure GHG-1, the proposed Project would result in approximately 10,614.0 MT/year CO₂e. Thus, emissions would be reduced to the extent feasible; however, emissions would continue to exceed the SCAQMD threshold. Therefore, with implementation of Mitigation Measure GHG-1, operation of the proposed Project would have the potential to generate significant GHG emissions that would have a significant effect on the environment. Impacts would be significant and unavoidable.

Table 5.7-2: Mitigated Project Generated Greenhouse Emissions

Source	Greenhouse Gas Emissions, CO ₂ e
	Metric Tons per Year
Project Operational Emissions	
Area Sources	9.6
Energy Sources	43.4
Mobile Sources – Vehicles and Light Duty Trucks	4,317.0
Mobile Sources – Heavy Heavy Duty Trucks	5,598.0
Stationary Sources	20.5
Waste Sources	204.0
Water Sources	382.0
Total Project Emissions	10,614.0
Amortized Construction Emissions	39.5
Total Annual Emissions	10,614.0
SCAQMD Threshold	3,000
Significant?	Yes

Source: Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report, 2023 (Appendix B).

CO₂e = carbon dioxide equivalent

IMPACT GHG-2: WOULD THE PROJECT CONFLICT WITH AN APPLICABLE PLAN, POLICY OR REGULATION ADOPTED FOR THE PURPOSE OF REDUCING THE EMISSIONS OF GREENHOUSE GASES?

Less than Significant Impact. The Project would provide contemporary, energy-efficient/energy-conserving design features and operational procedures. The proposed Project would not interfere with the state's implementation of AB 1279's target of 85 percent below 1990 levels and carbon neutrality by 2045 because it does not interfere with implementation of the GHG reduction measures listed in CARB's Updated Scoping Plan (2022), as demonstrated in Tables 5.7-2. CARB's 2022 Scoping Plan reflects the 2045 target of a, 85 percent reduction below 1990 levels, set by Executive Order B-55-18, and codified by AB 1279. In addition, the Project would be consistent with the following state policies that were adopted for the purpose of reducing GHG emissions.

- **Pavley emissions standard and Low Carbon Fuel Standard:** Pavley emissions standards (AB 1493) apply to all new passenger vehicles starting with model year 2009, and the Low Carbon Fuel Standard became effective in 2010 and regulates the transportation fuel used. The second phase of implementation of the Pavley regulations per AB 1493 is referred to as the Advanced Clean Car program, which combines the control of smog-causing pollutants and GHG emissions into a single coordinated package of requirements for model years 2017 through 2025. The regulation will reduce GHGs from new cars by 34 percent from 2016 levels by 2025. The proposed Project is consistent with these requirements as they apply to all new passenger vehicles and vehicle fuel purchased in California.
- **Medium/Heavy-Duty Vehicle Regulations:** Medium/heavy-duty vehicle regulations are implemented by the State to reduce emissions from trucks. Since the proposed Project has a large truck component, these regulations would aid in reducing GHG emissions from the Project. The proposed Project is consistent with this measure and its implementation as medium and heavy-duty vehicles associated with construction and operation of the Project would be required to comply with the requirements of this regulation.

- **Tractor-Trailer Greenhouse Gas Regulation:** Tractor-trailers subject to this State regulation are primarily 53-foot or longer box-type trailers, and are required to either use EPA SmartWay certified tractors and trailers or retrofit their existing fleet with SmartWay verified technologies. The proposed Project is consistent with this regulation, as it applies to specific trucks that are used throughout the State.
- **Energy Efficiency – Title 24/CALGreen:** The proposed Project is subject to the CALGreen Code Title 24 building energy efficiency requirements that offer builders better windows, insulation, lighting, ventilation systems, and other features as listed in Section 5.7.2, *Regulatory Setting* that reduce energy consumption. Compliance with the CALGreen standards would be verified by the City during the building permitting process.
- **Renewable Portfolio Standard.** As a customer of Southern California Edison (SCE), the proposed Project would purchase from an increasing supply of renewable energy sources and more efficient baseload generations which reduce GHG emissions and would be consistent with this requirement.
- **Million Solar Roofs Program:** The proposed Project is consistent with this scoping plan measure as the Project structure would include a solar-ready roof.
- **Water Efficiency and Waste Diversion:** Development and operation of the proposed Project would be implemented in consistency with water conservation requirements (as included in Title 24) and solid waste recycling and landfill diversion requirements of the State.

Table 5.7-3: Project Consistency with the CARB 2022 Scoping Plan

Action	Consistency
GHG Emissions Reductions Relative to the SB 32 Target	
40% Below 1990 levels by 2030.	Consistent. The Project would comply with the 2022 Title 24, Part 6 building energy requirements along with other local and state initiatives that aim to achieve the 40% below 1990 levels by 2030 goal.
Smart Growth/Vehicle Miles Traveled VMT	
VMT per capita reduced 25% below 2019 levels by 2030, and 30% below 2019 levels by 2045.	Consistent. As discussed in Chapter 5.12, <i>Transportation</i> , of this Draft EIR, the Project would include implementation of Mitigation Measure T-1, which requires a mandatory Commute Trip Reduction Program. With implementation of Mitigation Measure T-1, impacts related to VMT would be significant and unavoidable because the success of the Commute Trip Reduction Program cannot be guaranteed. However, with implementation of Mitigation Measure T-1, the Project's mitigation would not inhibit the State from achieving this goal.
Light-Duty Vehicle (LDV) Zero-Emission Vehicles (ZEVs)	
100% of LDV sales are ZEV by 2035.	Consistent. The proposed Project would be designed and constructed in accordance with the 2022 Title 24 Part 6 and Part 11 requirements, which includes ZEV

Action	Consistency
	designated parking spaces and charging stations.
Truck ZEVs	
100% of medium-duty (MDV)/HDC sales are ZEV by 2040 (AB 74 University of California Institute of Transportation Studies [ITS] report).	Consistent. The proposed Project would be designed and constructed in accordance with the 2022 Title 24 Part 6 and Part 11 requirements, which includes prewiring for Truck ZEV charging stations at designated loading docks.
Aviation	
20% of aviation fuel demand is met by electricity (batteries) or hydrogen (fuel cells) in 2045. Sustainable aviation fuel meets most or the rest of the aviation fuel demand that has not already transitioned to hydrogen or batteries.	Not Applicable. The proposed Project would not utilize aviation fuel.
Ocean-going Vessels (OGV)	
2020 OGV At-Berth regulation fully implemented, with most OGVs utilizing shore power by 2027. 25% of OGVs utilize hydrogen fuel cell electric technology by 2045.	Not Applicable. The proposed Project would not utilize any OGVs.
Port Operations	
100% of cargo handling equipment is zero-emission by 2037. 100% of drayage trucks are zero emission by 2035.	Not Applicable. The proposed Project would not impact any operations at any ports.
Freight and Passenger Rail	
100% of passenger and other locomotive sales are ZEV by 2030. 100% of line haul locomotive sales are ZEV by 2035. Line haul and passenger rail rely primarily on hydrogen fuel cell technology, and others primarily utilize electricity.	Not Applicable. The proposed Project would not involve any freight or passenger rail operations.
Oil and Gas Extraction	
Reduce oil and gas extraction operations in line with petroleum demand by 2045.	Not Applicable. The proposed Project would not involve any oil or gas extraction.
Petroleum Refining	
CCS on majority of operations by 2030, beginning in 2028. Production reduced in line with petroleum demand.	Not Applicable. The proposed Project would not involve any petroleum refining.
Electricity Generation	
Sector GHG target of 38 million metric tons of carbon dioxide equivalent (MMTCO _{2e}) in 2030 and 30 MMTCO _{2e} in 2035. Retail sales load coverage 20 gigawatts (GW) of offshore wind by 2045. Meet increased demand for electrification without new fossil gas-fired resources.	Not Applicable. The Project would not preclude achievement of this goal.

Action	Consistency
New Residential and Commercial Buildings	
All electric appliances beginning 2026 (residential) and 2029 (commercial), contributing to 6 million heat pumps installed statewide by 2030.	Not Applicable. The Project proposes industrial use. The Project would not preclude achievement of this goal.
Existing Residential Buildings	
80% of appliance sales are electric by 2030 and 100% of appliance sales are electric by 2035. Appliances are replaced at end of life such that by 2030 there are 3 million all-electric and electric-ready homes—and by 2035, 7 million homes—as well as contributing to 6 million heat pumps installed statewide by 2030.	Not Applicable. The proposed Project would not involve any existing residential buildings.
Existing Commercial Buildings	
80% of appliance sales are electric by 2030, and 100% of appliance sales are electric by 2045. Appliances are replaced at end of life, contributing to 6 million heat pumps installed statewide by 2030.	Not Applicable. The proposed Project would not involve any existing commercial buildings.
Food Products	
7.5% of energy demand electrified directly and/or indirectly by 2030; 75% by 2045.	Not Applicable. The proposed Project would include 5 percent cold storage. However, no perishable food products would be associated with the operation of the proposed warehouse. The Project would not preclude achievement of this goal.
Construction Equipment	
25% of energy demand electrified by 2030 and 75% electrified by 2045.	Consistent. The proposed Project would be required to use construction equipment that are registered by CARB and meet CARB's standards. CARB sets its standards to be in line with the goal of reducing energy demand by 25% in 2030 and 75% electrified in 2045.
Chemicals and Allied Products; Pulp and Paper	
Electrify 0% of boilers by 2030 and 100% of boilers by 2045. Hydrogen for 25% of process heat by 2035 and 100% by 2045. Electrify 100% of other energy demand by 2045.	Not Applicable. The proposed Project would not be utilized for pulp and/or paper products food products. The Project would not preclude achievement of this goal.
Stone, Clay, Glass, and Cement	
CCS on 40% of operations by 2035 and on all facilities by 2045. Process emissions reduced through alternative materials and CCS.	Not Applicable. The proposed Project would not include manufacturing of stone, clay, glass or cement. The Project would not preclude achievement of this goal.
Other Industrial Manufacturing	
0% energy demand electrified by 2030 and 50% by 2045.	Not Applicable. The proposed Project does not preclude achievement of this goal.
Combined Heat and Power	

Action	Consistency
Facilities retire by 2040.	Not Applicable. The proposed Project would not involve any existing combined heat and power facilities.
Agriculture Energy Use	
25% energy demand electrified by 2030 and 75% by 2045.	Not Applicable. The proposed Project would not involve any agricultural uses.
Low Carbon Fuels for Transportation	
Biomass supply is used to produce conventional and advanced biofuels, as well as hydrogen.	Not Applicable. The proposed Project would not involve any production of biofuels.
Low Carbon Fuels for Buildings and Industry	
In 2030s, biomethane135 blended in pipeline Renewable hydrogen blended in fossil gas pipeline at 7% energy (~20% by volume), ramping up between 2030 and 2040. In 2030s, dedicated hydrogen pipelines constructed to serve certain industrial clusters	Not Applicable. The proposed Project would not involve any production of fuels for buildings and industry.
Non-combustion Methane Emissions	
Increase landfill and dairy digester methane capture. Some alternative manure management deployed for smaller dairies. Moderate adoption of enteric strategies by 2030. Divert 75% of organic waste from landfills by 2025. Oil and gas fugitive methane emissions reduced 50% by 2030 and further reductions as infrastructure components retire in line with reduced fossil gas demand	Not Applicable. The proposed Project would not involve any landfill and/or dairy uses.
High GWP Potential Emissions	
Low GWP refrigerants introduced as building electrification increases, mitigating HFC emissions.	Consistent. The proposed Project would include 5 percent cold storage. Low GWP refrigerants would be implemented as the City of Hesperia transitions warehouse buildings to electrification. The Project would not preclude achievement of this goal.

Source: California's 2022 Climate Change Scoping Plan Table 2-1: Actions for the Scoping Plan Scenario: AB 32 GHG Inventory Sectors

Further, the proposed Project is consistent with AB 32 and SB 32 through implementation of measures that address GHG emissions related to building energy, solid waste management, wastewater, and water conveyance. Thus, the Project would be consistent with the State's requirements for GHG reductions.

As discussed above, the City was a participant in the San Bernardino County Regional Greenhouse Gas Reduction Plan, which identifies the County's vision and goals on reducing greenhouse gas emissions throughout the County. Table 6.5-4 presents the proposed Project's consistency with each reduction measure evaluated for the City of Hesperia, as identified in the San Bernardino County Regional Greenhouse Gas Reduction Plan.

Table 5.7-4: Project Consistency with Hesperia Greenhouse Gas Reduction Plan Measures

Measure	Description	Project Consistency
Building Energy		
Energy-1. Building Energy Efficiency	• Implementation Policy CN-7.4. Educate the public about energy conservation techniques. • Implementation Policy CN-7.5. Coordinate with the local energy provider in developing policies and procedures to reduce energy consumption in existing and future developments. • Implementation Policy CN-7.3. Provide incentives like technical assistance and low interest loans for projects that are energy efficient and contain energy conservation measures. • Implementation Policy CN-7.6. Encourage residents and businesses to utilize the incentives provided by the local energy providers to retrofit their buildings and businesses for energy efficiency and conservation. • Implementation Policy LU-6.2. Promote sustainable building practices that go beyond the requirements of Title 24 of the California Administrative Code, and encourage energy-efficient design elements, consistent with Policy LU-6.1. • Implementation Policy CN-7.2. Encourage the use of green building standards and LEED or similar programs in both private and public projects • Implementation Policy CN-8.7. Promote energy conservation through site layout, building design, natural light, and efficient mechanical and electrical products in development.	Not Applicable. These measures are not applicable as the City would be responsible for implementing them. However, the proposed Project would comply with the CALGreen Code, regarding building energy efficiency and other green building standards.
Energy-2. Lighting Efficiency	• Implementation Policy LU-6.1. Promote the use of green building standards and LEED, or other equivalent programs, in both private and public projects. • Implementation Policy CN-7.4. Educate the public about energy conservation techniques. • Implementation Policy CN-8.9. Promote sustainable principles in development that conserves such natural resources as air quality and energy resources.	Consistent. The proposed Project would comply with the CALGreen Code, regarding energy conservation and green building standards.
Energy-10. Urban Tree Planting for Shading and Energy Savings	• Implementation Policy CN-7.5. Coordinate with the local energy provider in developing policies and procedures to reduce energy consumption in existing and future developments. • Implementation Policy LU-3.4. Encourage the beautification of pedestrian areas, particularly through the use of landscaping. • Implementation Policy LU-3.8. Incorporate landscape plantings into commercial	Consistent. Implementation Policy CN-7.5 is directed to the City, and is not intended to be implemented at the Project level. In consistency with Policy LU-4.7, the proposed Project would include landscaping along the perimeter of the project site, consistent with the City's

Measure	Description	Project Consistency
	developments to define and emphasize entrances, inclusive of those areas along the front of a building facing a parking lot. ● Implementation Policy LU-4.7. Incorporate landscape plantings into industrial projects to define and emphasize entrances, inclusive of those areas along the front of a building facing a parking lot. ● Implementation Policy LU-6.5. Encourage development that incorporates green building practices to conserve natural resources as part of sustainable development practices.	landscaping requirements, which would define and emphasize entrances, inclusive of those areas along the front of a building facing a parking lot. Additionally, in compliance with LU-6.5, the proposed Project would comply with the CALGreen Code, regarding building energy efficiency and other green building standards.
On-Road		
On Road	● Implementation Policy CI-5.3. Continue to participate with the Victor Valley Transit Authority to ensure there are adequate routes to provide efficient, adequate, safe service for the community. ● Implementation Policy CI-5.4. Continue to work with and support the Victor Valley Transit Authority in providing transit facilities for elderly and handicapped residents. ● Implementation Policy LU-6.7. Encourage the development of public facilities in a manner which assures adequate levels of service, while remaining compatible with existing and future land uses. ● Implementation Policy CI-1.11. Encourage alternative modes of transportation including bus, bicycle, pedestrian, and equestrian through street design. ● Implementation Policy CI-1.12. Provide for a safe and efficient pedestrian network. ● Implementation Policy CI-1.13. Where feasible, create opportunities for recreation through the establishment of interconnected trail systems throughout the community. ● Implementation Policy CI-1.14. Coordinate with San Bernardino County Flood Control District and Southern California Edison Company to promote utilization of easements for the trail system. ● Implementation Policy CI-2.8. Reduce trip generation through development and implementation of Transportation Demand Management Programs. ● Implementation Policy CI-5.1. Provide a wide range of travel alternatives to the use of single occupancy vehicles. ● Implementation Policy CI-5.2. Work with Caltrans and SBCOG to provide additional park and ride lots at key locations. ● Implementation Policy OS-6.1. Provide an interconnecting plan in conjunction with	Not Applicable. These policies are predominately directed for City implementation. The proposed Project consists of a warehouse building and would not include transit fleet vehicles. In compliance with Policy CI-1.11, 1.12 and 5.1, the Project would include implementation of sidewalks, and the future tenant would provide a commuter program service (see Section 5.12, Transportation). The commuter program would also be considered a modality for implementation of a TDM under the CI-2.8. Additionally, in compliance with LU-6.4, the proposed Project would comply with the CALGreen Code, regarding building energy efficiency and other green building standards.

Measure	Description	Project Consistency
	surrounding agencies to provide regional trails. ● Implementation Policy LU-2.4. Utilize mixed-use development to create unique and varied housing ● Implementation Policy LU-6.4. Encourage sustainable development that incorporates green building best practices and involves the reuse of previously developed property and/or vacant sites within a built-up area.	
Off-Road		
Off-Road-2. Idling Ordinance	● Implementation Policy CN-7.4. Educate the public about energy conservation techniques.	Not Applicable: This measure is not applicable as the City would be responsible for implementing this measure.
Off-Road-3. Electric Landscaping Equipment	● Implementation Policy CN-7.4. Educate the public about energy conservation techniques.	Not Applicable: This measure is not applicable as the City would be responsible for implementing this measure.
Solid Waste Management		
Waste-2. Waste Diversion and Reduction	● Implementation Policy CN-8.8. Continue the existing recycling program and utilization of the material recovery facility program while exploring additional methods of reducing waste. ● Implementation Policy LU-6.3. Support sustainable building practices that encourage the use of recycled or other building materials that promote environmental quality, economic vitality, and social benefits. Support construction, and operational practices that limit impacts to the environment.	Consistent. The proposed Project would be consistent with City and County Solid Waste and State requirements for waste reduction.
Wastewater Treatment		
Wastewater Treatment	● Implementation Policy CN-8.4. Promote the utilization of alternative energy resources such as wind and solar in new development. ● Implementation Policy CN 8.9. Promote sustainable principles in development that conserves such natural resources as air quality and energy resources.	Consistent: The proposed Project would comply with the CALGreen Code regarding water and energy conservation.
Water Conveyance		
Water-1. Require Tier 1 Voluntary CALGreen Standards for new construction	● Implementation Policy CN-1.6. Encourage the use of low-water consumption fixtures in homes and businesses. ● Implementation Policy CN-1.7. Require new development to use new technology, features, equipment, and other methods to reduce water consumption.	Consistent: The proposed Project would comply with the CALGreen Code regarding water conservation.
Water-2. Renovate Existing Buildings to Achieve Higher Levels of Water Efficiency	● Implementation Policy CN-1.2. Educate residents on water conservation methods with best practices and tips. ● Implementation Policy CN-1.6. Encourage the use of low-water consumption fixtures in homes and businesses.	Not Applicable: This measure is not applicable as the proposed Project would include a speculative warehouse building and would not retrofit an existing

Measure	Description	Project Consistency
		building.
Water-3. Water-Efficient Landscaping Practices	● Implementation Policy CN-1.1. Promote the use of desert vegetation with low water usage and drought tolerant materials in landscaped areas ● Implementation Policy CN-1.2. Educate residents on water conservation methods with best practices and tips. ● Implementation Policy CN-1.6. Encourage the use of low-water consumption fixtures in homes and businesses. ● Implementation Policy CN-1.7. Require new development to use new technology, features, equipment, and other methods to reduce water consumption.	Consistent: The proposed Project would include drought-tolerant landscaping and irrigation.

Source: Air Quality, Health Risk, Greenhouse Gas, and Energy Impact Report (Appendix B).

CALGreen Code = California Green Building Standards Code

LEED = Leadership in Energy and Environmental Design

In addition, the City has included the efficient use of energy resources as a goal in the General Plan Conservation Element. As detailed in Table 5.7-5, the Project would not conflict with the relevant General Plan goals and policies related to GHGs.

Table 5.7-5: Project Consistency with Hesperia General Plan Conservation Element Policies

General Plan Goal/Policy	Consistency
Policy CN-7.4 Promote the utilization of alternative energy resources such as wind and solar in new development.	Consistent. The Project would provide a solar-ready roof in order to promote utilization of solar energy.
Policy CN 7.5 Promote the utilization of environmentally sensitive construction materials to limit impacts on the ozone, global climate change and mineral resources.	Consistent. Where appropriate, Project design would incorporate wood or wood products. The Project would not obstruct or interfere with State efforts to encourage use of wood and agricultural products to increase the amount of carbon stored in the natural and built environments.

Overall, the proposed Project would not result in a conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs. The Project would be implemented in compliance with state energy standards provided in Title 24, in addition to provision of sustainable design features. On December 15, 2022, CARB adopted the 2022 Scoping Plan. The 2022 Scoping Plan builds on the 2017 Scoping Plan as well as the requirements set forth by AB 1279, which directs the state to become carbon neutral no later than 2045. The Project would not interfere with the state's implementation of AB 1279's target of 85 percent below 1990 levels and carbon neutrality by 2045 because it would be consistent with the CARB 2022 Scoping Plan, which is intended to achieve the reduction targets required by the state. In addition, the proposed Project would be consistent with the relevant City General Plan goal and policies. Thus, the proposed Project would not result in a conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of GHGs, and impacts would be less than significant.

5.6.7 CUMULATIVE IMPACTS

GHG emissions impacts are inherently cumulative, since no single project can cause a discernible change to climate. Climate change impacts are the result of incremental contributions from natural processes, and past and present human-related activities. Therefore, the area in which a proposed Project in combination with other past, present, or future projects, could contribute to a significant cumulative climate change impact would not be defined by a geographical boundary such as a project site or combination of sites, city or air basin. GHG emissions have high atmospheric lifetimes and can travel across the globe over a period of 50 to 100 years or more. Even though the emissions of GHGs cannot be defined by a geographic boundary and are effectively part of the global issue of climate change, CEQA places a boundary for the analysis of impacts at the state's borders. Thus, the geographic area for analysis of cumulative GHG emissions impacts is the State of California.

Executive Order S-3-05, Executive Order B-30-15, Executive Order B-55-18, AB 1279, AB 32, and SB 32 recognize that California is a source of substantial amounts of GHG emissions; recognize the significance of the cumulative impact of GHG emissions from sources throughout the state; and set performance standards for reduction of GHGs.

The analysis of GHG emission impacts required under CEQA and contained in this EIR effectively constitutes an analysis of a project's contribution to the cumulative impact of GHG emissions. CEQA Guidelines Section 15183.5(b) states that compliance with GHG-related plans can support a determination that a project's cumulative effect is not cumulatively considerable. Although the Project would be implemented in compliance with applicable plans for the reduction of GHG emissions, detailed previously, the Project would result in a project-specific significant and unavoidable impact, and therefore, contribution of the Project to significant cumulative GHG impacts would also be cumulatively considerable. Also, it is presumed that future projects in the City shall similarly be required to comply with the Hesperia CAP, San Bernardino GHG Reduction Plan and other applicable state and local GHG reduction regulations and policies.

5.6.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

State

- Clean Car Standards – Pavley AB 1493
- California Executive Order S-3-05
- AB 32 (Global Warming Solutions Act of 2006)
- SB 375
- California Executive Order B-30-15
- SB 32
- California Green Building Standards Code (Code of Regulations, Title 24 Part 6)

Local

- County of San Bernardino Greenhouse Gas Emissions Reduction Plan Update (2021)
- City of Hesperia Climate Action Plan

5.6.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impact GHG-1 is potentially significant before mitigation as the proposed Project would have the potential to generate significant operational GHG emissions. As a result of compliance with existing regulatory requirements, impact GHG-2 would be less than significant.

5.6.10 MITIGATION MEASURES

Mitigation Measure GHG-1: Prior to issuance of a building permit, the City of Hesperia shall identify project design details and specifications to document implementation and compliance with the following emission reduction measures. Implementation of the following measures will be required prior to building permits and is considered to be applicable, feasible, and effective in reducing greenhouse gas emissions generated by the project:

- Use the cleanest technologies available and provide the necessary infrastructure to support zero-emission vehicles and equipment that will be operating on site.
- All loading/unloading docks and trailer spaces shall be equipped with electrical hookups for trucks with transport refrigeration units (TRU) or auxiliary power units. This requirement will substantially decrease the amount of time that a TRU powered by a fossil-fueled internal combustion engine can operate at the project site. Use of zero-emission all-electric plug-in TRUs, hydrogen fuel cell transport refrigeration, and cryogenic transport refrigeration shall be encouraged for operational fleets.
- All TRUs entering the project site shall be plug-in capable.
- Operational fleets shall exclusively use zero-emission light and medium-duty delivery trucks and vans when feasible.
- All heavy-duty trucks entering or on the project site shall be model year 2014 or later, expedite a transition to zero-emission vehicles, and be fully zero-emission beginning in 2030 if feasible.
- The Project Applicant shall be in, and monitor compliance with, all current air quality regulations for on-road trucks including
- CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation.
- Trucks and support equipment shall be prohibited from idling longer than five minutes while on site.
- On-site TRU diesel engine runtime shall be limited to no longer than 15 minutes.
- Include rooftop solar panels that supply 100 percent of electricity from renewable energy resources.
- Implement a transportation demand program. Program measures may include free transit passes for employees, electric rideshare vehicles for employees, and construction of additional transit infrastructure at the project site.
- Implement a zero-waste program or other feasible waste reduction measures such as composting waste food scraps from employee activities and food waste processing.
- Install water-efficient fixtures (toilets, faucets, showers), water efficient landscape irrigation systems (drip irrigation with control panel and soil moisture sensors), and water efficient landscaping.

5.6.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts GHG-1 would be significant and unavoidable even with the implementation of Mitigation Measure GHG-1. The vast majority of GHG is generated by mobile source emissions of vehicles, which cannot be controlled by the City or the applicant. Therefore, mitigation to reduce impacts is infeasible.

Impact GHG-2 would be less than significant.

REFERENCES

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5.8 Hazards and Hazardous Materials

5.8.1 INTRODUCTION

This section considers the nature and range of foreseeable hazardous materials, airport hazards, and physical hazards and impacts that would result from implementation of the Project. It identifies the ways that hazardous materials, airport hazards, and other types of hazards could expose people and the environment to various health and safety risks during construction activities and operation of Project.

This section also describes routine hazardous materials that are likely to be used, handled, or processed within the Project area, and the potential for upset and accident conditions in which hazardous materials could be released. The impact analysis identifies ways in which hazardous materials might be routinely used, stored, handled, processed, or transported, and evaluates the extent to which existing and future populations could be exposed to hazardous materials. This analysis also addresses ways in which the Project may result in safety hazards for the public or future employees onsite. The analysis in this section is based, in part, on the following documents and resources:

- City of Hesperia General Plan, 2010
- City of Hesperia General Plan 2010 Final Environmental Impact Report, Michael Brandman Associates, December 2010
- City of Hesperia Municipal Code
- Hesperia Water District 2020 Urban Water Management Plan (UWMP)
- Phase I Environmental Site Assessment, McAlister GeoScience, February 2022 (Appendix H)

Hazardous Waste

According to ASTM International:

- A **recognized environmental condition** is defined as “...the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property...”
- A **historical recognized environmental condition** is defined 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).”
- A **controlled recognized environmental condition** is defined 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)”
- A **de minimis condition** is defined as “a condition that generally does not present a threat to human health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies. Conditions determined to be de minimis

conditions are not recognized environmental conditions nor controlled recognized environmental conditions."

5.8.2 REGULATORY SETTING

5.8.2.1 Federal Regulations

Resource Conservation and Recovery Act of 1976

Federal hazardous waste regulations are generally promulgated under the Resource Conservation and Recovery Act (RCRA). Pursuant to RCRA, the U.S. Environmental Protection Agency (USEPA) regulates the generation, transportation, treatment, storage, and disposal of hazardous waste in a "cradle to grave" manner. RCRA was designed to protect human health and the environment, reduce/eliminate the generation of hazardous waste, and conserve energy and natural resources. The USEPA has largely delegated responsibility for implementing the RCRA program in California to the State, which implements this program through the California Hazardous Waste Control Law.

RCRA regulates landfill siting, design, operation, and closure (including identifying liner and capping requirements) for licensed landfills. In California, RCRA landfill requirements are delegated to the California Department of Resources Recycling and Recovery (CalRecycle), which is discussed in detail below.

RCRA allows the USEPA to oversee the closure and post-closure of landfills. Additionally, the federal Safe Drinking Water Act, 40 CFR Part 141, gives the USEPA the power to establish water quality standards and beneficial uses for waters from below- or above-ground sources of contamination. For the Project area, water quality standards are administered by the Regional Water Quality Control Board (RWQCB).

RCRA also allows the USEPA to control risk to human health at contaminated sites. Vapor intrusion presents a significant risk to human populations overlying contaminated soil and groundwater and is considered when conducting human health risk assessments and developing Remedial Action Objectives.

Occupational Safety and Health Act of 1970

Federal and state occupational health and safety regulations also contain provisions regarding hazardous waste management through the Occupational Safety and Health Act of 1970 (amended), which is implemented by the U.S. Department of Labor Occupational Safety and Health Administration (OSHA). Title 29 of the Code of Federal Regulations (29 CFR) requires special training of handlers of hazardous materials; notification to employees who work in the vicinity of hazardous materials; acquisition from the manufacturer of material safety data sheets (MSDS), which describe the proper use of hazardous materials; and training of employees to remediate any hazardous material accidental releases. OSHA regulates the administration of 29 CFR.

OSHA also establishes standards regarding safe exposure limits for chemicals to which construction workers may be exposed. Safety and Health Regulations for Construction (29 CFR Part 1926.65 Appendix C) contains requirements for construction activities, which include occupational health and environmental controls to protect worker health and safety. The guidelines describe the health and safety plan(s) that must be developed and implemented during construction, including associated training, protective equipment, evacuation plans, chains of command, and emergency response procedures.

Adherence to applicable hazard-specific OSHA standards is required to maintain worker safety. For example, methane is regulated by OSHA under 29 CFR Part 1910.146 with regard to worker exposure to a "hazardous atmosphere" within confined spaces where the presence of flammable gas vapor or mist is in

excess of 10 percent of the lower explosive limit. Title 49 of the CFR governs the manufacture of packaging and transport containers, packing and repacking, labeling, and the marking of hazardous material transport. Title 42, Part 82 governs solid waste disposal and resource recovery.

Hazardous Materials Transportation Act

The transportation of hazardous materials is regulated by the Hazardous Materials Transportation Act (HMTA), which is administered by the Research and Special Programs Administration (RSPA) of the US Department of Transportation (USDOT). The Hazardous Materials Transportation Act provides USDOT with a broad mandate to regulate the transport of hazardous materials, with the purpose of adequately protecting the nation against risk to life and property, which is inherent in the commercial transportation of hazardous materials. USDOT has regulations that govern the transportation of hazardous materials are applicable to any person who transports, ships, causes to be transported or shipped, or are involved in any way with the manufacture or testing of hazardous materials packaging or containers. USDOT regulations pertaining to the actual movement govern every aspect of the movement, including packaging, handling, labeling, marking, placarding, operational standards, and highway routing. Additionally, USDOT is responsible for developing curriculum to train for emergency response and administers grants to states and Indian tribes for ensuring the proper training of emergency responders. Hazardous Materials Transportation Act was enacted in 1975 and was amended and reauthorized in 1990, 1994, and 2005.

Title 49, Code of Federal Regulations, Chapter I

Under Code of Federal Regulations (CFR) Title 49, Chapter I, USDOT's Pipeline and Hazardous Materials Safety Administration regulates the transport of hazardous materials. Title 49, Chapter I sets forth regulations for response to hazardous materials spills or incidents during transport and requirements for shipping and packaging of hazardous materials.

Emergency Planning and Community Right-to-Know Act

Title III of SARA authorized the Emergency Planning and Community Right-to-Know Act (EPCRA)(42 USC § 11001 et seq.) to inform communities and citizens of chemical hazards in their areas by requiring businesses to report the locations and quantities of chemicals stored onsite to state and local agencies; releases to the environment of more than 600 designated toxic chemicals; offsite transfers of waste; and pollution prevention measures and activities and to participate in chemical recycling. The EPA maintains and publishes an online, publicly available, national database of toxic chemical releases and other waste management activities by certain industry groups and federal facilities—the Toxics Release Inventory. To implement EPCRA, each state appointed a state emergency response commission to coordinate planning and implementation activities associated with hazardous materials. The commissions divided their states into emergency planning districts and named a local emergency planning committee for each district. The federal EPCRA program is implemented and administered in California Governor's Office of Emergency Services (Cal OES), a state commission, 6 local committees, and 81 Certified Unified Program agencies. Cal OES coordinates and provides staff support for the commission and local committees.

Toxic Substances Control Act

The Toxic Substances Control Act (TSCA) of 1976 (15 USC § 2601 et seq.) gave the EPA the ability to track the 75,000 industrial chemicals produced or imported into the United States. The EPA repeatedly screens these chemicals; can require reporting or testing of any that may pose an environmental or human health hazard; and can ban the manufacture and import of chemicals that pose an unreasonable risk. The EPA tracks the thousands of new chemicals each year with unknown or dangerous characteristics. The act supplements other federal statutes, including the Clean Air Act and the Toxics Release Inventory under EPCRA.

Code of Federal Regulations Title 29, Section 1926.62

CFR Title 29, Section 1926.62 provides federal regulations for construction work where an employee may be occupationally exposed to lead. It includes standards for exposure assessment, worker protection, methods of compliance, biological monitoring, and medical surveillance.

Code of Federal Regulations Title 40, Part 761

CFR Title 40, Part 761 provides federal regulations for the manufacturing, processing, distribution, use, and clean up of polychlorinated biphenyls (PCBs). It provides remediation standards for the clean up of PCB waste in soils.

5.8.2.2 State Regulations**Hazardous Materials Management and Waste Handling**

In the regulation of hazardous waste management, California law often mirrors or is more stringent than federal law. The California Environmental Protection Agency (CalEPA) and California Occupational Safety and Health Administration (CalOSHA) are the primary state agencies responsible for hazardous materials management. Additionally, the California Emergency Management Agency (CalEMA) administers the California Accidental Release Prevention (CalARP) program. The California Department of Toxic Substances Control (DTSC), which is a branch of CalEPA, regulates the generation, transportation, treatment, storage, and disposal hazardous waste, as well as the investigation and remediation of hazardous waste sites. The California DTSC program incorporates the provisions of both federal (RCRA) and State hazardous waste laws. The California Department of Pesticide Regulation, which is a branch of CalEPA, regulates the sale, use, and cleanup of pesticides (CCR, Title 3).

Excavated soil containing hazardous substances and hazardous building materials would be classified as a hazardous waste if they exhibit the characteristics of ignitability, corrosivity, reactivity, or toxicity (CCR, Title 22, Division 4.5, Chapter 11, Article 3). State and federal laws require detailed planning to ensure that hazardous materials are properly handled, used, stored, and disposed of, and in the event that such materials are accidentally released, to prevent or to mitigate injury to health or the environment. These laws and regulations are overseen by a variety of state and local agencies. The California Integrated Waste Management Board and the RWQCB specifically address management of hazardous materials and waste handling in their adopted regulations (CCR, Title 14 and CCR, Title 27).

The primary local agency, known as the Certified Unified Program Agency (CUPA), with responsibility for implementing federal and State laws and regulations pertaining to hazardous materials management is the San Bernardino County Fire Department. The Unified Program is the consolidation of six state environmental regulatory programs into one program under the authority of a CUPA. A CUPA is a local agency that has been certified by Cal-EPA to implement the six state environmental programs within the local agency's jurisdiction. This program was established under the amendments to the California Health and Safety Code made by SB 1082 in 1994. The six consolidated programs are:

- Hazardous Materials Release Response Plan and Inventory (Business Plans)
- California Accidental Release Prevention (CalARP)
- Hazardous Waste (including Tiered Permitting)
- Underground Storage Tanks (USTs)
- Above Ground Storage Tanks (Spill Prevention Control and Countermeasures (SPCC) requirements)
- Uniform Fire Code (UFC) Article 80 Hazardous Material Management Program (HMMP) and Hazardous Material Identification System (HMIS)

As CUPA, San Bernardino County Fire manages six hazardous material and hazardous waste programs, described below. The CUPA program is designed to consolidate, coordinate, and uniformly and consistently administer permits, inspection activities, and enforcement activities throughout San Bernardino County. This approach strives to reduce overlapping and sometimes conflicting requirements of different governmental agencies independently managing these programs.

California Accidental Release Prevention Program

This program aims to reduce risks involving regulated substances through the evaluation of hazards and consequences and the development of risk management plans and prevention programs. The program requires certain facilities (referred to as "stationary sources") that handle specified chemicals (termed "regulated substances") to take specified actions to prevent and prepare for chemical accidents.

Underground Storage Tank Program

The Hazardous Materials Division oversees the Underground Storage Tank (UST) Program throughout San Bernardino County, with the exception of the City of Victorville. The purpose of this program is to ensure that hazardous substances are not released into the groundwater and/or the environment from UST systems. Specialists annually inspect tank system components, associated monitoring equipment, and inventory records to ensure that the UST systems comply with applicable laws and regulations.

Aboveground Petroleum Storage Act /Spill Prevention, Control, and Countermeasure Plan

Facilities that have cumulative aboveground storage capacities of petroleum products at or exceeding 1,320 gallons are subject to the Aboveground Petroleum Storage Act. Facilities that are subject to this act must prepare a Spill Prevention, Control, and Countermeasure Plan. Facilities handling petroleum or any other hazardous material require a business emergency/contingency plan. Both petroleum and nonpetroleum aboveground storage tanks are subject to the fire code requirements of the authority having fire code jurisdiction.

Hazardous Waste Generation and Onsite Treatment

The Hazardous Waste Inspection Program works to ensure that all hazardous wastes generated by San Bernardino County facilities are properly managed. Specialists in this program inspect facilities that generate hazardous waste, investigate complaints of unlawful hazardous waste disposal, and participate in public education. These programs are designed to provide information about laws and regulations relating to safe management of hazardous waste.

Hazardous Materials Management Plans (HMMPs) and Hazardous Materials Inventory Statements (HMISs)

The Uniform Fire Code has a provision for the local fire agency to collect information regarding hazardous materials at facilities for purposes of fire code implementation. A fire chief may require additional information for a Business Plan to meet the California Fire Code HMMP/HMIS requirements.

Hazardous Waste Control Act

The Hazardous Waste Control Act was passed in 1972 and established the California Hazardous Waste Control Program within the Department of Health Services. California's hazardous waste regulatory effort became the model for the federal RCRA. California's program, however, was broader and more comprehensive than the federal system, regulating wastes and activities not covered by the federal program. California's Hazardous Waste Control Law was followed by emergency regulations in 1973 that clarified and defined the hazardous waste program.

California Government Code Section 65962.5

Government Code Section 65962.5 (commonly referred to as the Cortese List) includes DTSC-listed hazardous waste facilities and sites, Department of Health Services (DHS) lists of contaminated drinking water wells, sites listed by the State Water Resources Control Board as having underground storage tank (UST) leaks and which have had a discharge of hazardous wastes or materials into the water or groundwater, and lists from local regulatory agencies of sites that have had a known migration of hazardous waste/material.

California Code of Regulations (CCR), Title 22 - Hazardous Waste Control Law, Chapter 6.5

The Department of Toxic Substances Control regulates the generation, transportation, treatment, storage, and disposal of hazardous waste under RCRA and the California Hazardous Waste Control Law. Both laws impose “cradle-to-grave” regulatory systems for handling hazardous waste in a manner that protects human health and the environment. CalEPA has delegated some of its authority under the Hazardous Waste Control Law to county health departments and other Certified Unified Program Agencies.

CCR, Title 27 - Solid Waste

Title 27 of the CCR contains a waste classification system that applies to solid wastes that cannot be discharged directly or indirectly to waters of the State and which therefore must be discharged to waste management sites for treatment, storage, or disposal. CalRecycle and its certified Local Enforcement Agency regulate the operation, inspection, permitting, and oversight of maintenance activities at active and closed solid waste management sites and operations.

California Human Health Screening Levels

The California Human Health Screening Levels (CHHSLs or “Chisels”) are concentrations of 54 hazardous chemicals in soil or soil gas that CalEPA considers to be below thresholds of concern for risks to human health. The CHHSLs were developed by the Office of Environmental Health Hazard Assessment on behalf of CalEPA. The CHHSLs were developed using standard exposure assumptions and chemical toxicity values published by the EPA and CalEPA. The CHHSLs can be used to screen sites for potential human health concerns where releases of hazardous chemicals to soils have occurred. Under most circumstances, the presence of a chemical in soil, soil gas, or indoor air at concentrations below the corresponding CHHSL can be assumed to not pose a significant health risk to people who may live or work at the site. There are separate CHHSLs for residential and commercial/industrial sites.

CCR, Title 8 – Occupational Safety

CalOSHA administers federal occupational safety requirements and additional state requirements in accordance with CCR, Title 8. CalOSHA requires preparation of an Injury and Illness Prevention Program (IIPP), which is an employee safety program of inspections, procedures to correct unsafe conditions, employee training, and occupational safety communication. This program is administered via inspections by the local CalOSHA enforcement unit.

CalOSHA regulates lead exposure during construction activities under CCR Title 8, Section 1532.1, Lead, which establishes the rules and procedures for conducting demolition and construction activities such that worker exposure to lead contamination is minimized or avoided.

Compliance with CalOSHA regulations and associated programs would be required for the Project due to the potential hazards posed by onsite construction activities and contamination from former uses.

Emergency Response to Hazardous Materials Incidents

California has developed an emergency response plan to coordinate emergency services provided by federal, state, local government, and private agencies. The plan is administered by the California Emergency Management Agency and includes response to hazardous materials incidents. The California Emergency Management Agency coordinates the response of other agencies, including CalEPA, California Highway Patrol, California Department of Fish and Wildlife, Regional Water Quality Control Board, South Coast Air Quality Management District, County Fire Department, and the County Department of Environmental Health.

California Emergency Services Act

The California Emergency Services Act (Government Code Section 8550 et seq.) was adopted to establish the State's roles and responsibilities during human-made or natural emergencies that result in conditions of disaster and/or extreme peril to life, property, or the resources of the State. This act is intended to protect health and safety by preserving the lives and property of the people of the State.

5.8.2.3 Regional Regulations

AB 617, Community Air Protection Program In response to Assembly Bill

(AB) 617 (C. Garcia, Chapter 136, Statutes of 2017), CARB has established the Community Air Protection Program. AB 617 requires local air districts to monitor and implement air pollution control strategies that reduce localized air pollution in communities that bear the greatest burdens. Air districts are required to host workshops in order to help identify disadvantaged communities disproportionately affected by poor air quality. Once the criteria for identifying the highest priority locations has been identified and the communities have been selected, new community monitoring systems would be installed to track and monitor community-specific air pollution goals. Under AB 617, CARB must prepare an air monitoring plan by October 1, 2018, that evaluates the availability and effectiveness of air monitoring technologies and existing community air monitoring networks. Under AB 617, CARB is also required to prepare a statewide strategy to reduce TACs and criteria pollutants in impacted communities; provide a statewide clearinghouse for best available retrofit control technology (BARCT), adopt new rules requiring the latest BARCT for all criteria pollutants for which an area has not achieved attainment of California AAQS, and provide uniform state-wide reporting of emissions inventories. Air districts are required to adopt a community emissions reduction program to achieve reductions for the air pollution impacted communities identified by CARB.

5.8.2.4 Local Regulations

Hesperia Airport Comprehensive Land Use Plan

The Hesperia Airport Comprehensive Land Use Plan (HESP ACLUP) was prepared for and adopted by the San Bernardino County Airport Land Use Commission and includes compatibility policies for Hesperia Airport. In accordance with provisions of the California State Aeronautics Act (Public Utilities Code Section 21670 et seq.), the San Bernardino County Airport Land Use Commission has the responsibility of airport land use compatibility planning for 15 airports in San Bernardino County. The Hesperia Airport CLUP sets forth policies that apply to airport planning and developments within the vicinity of the airport.

San Bernardino County Emergency Operations Plan

San Bernardino County Fire's Office of Emergency Services (OES) is responsible for countywide emergency planning, mitigation, response and recovery activities. OES manages the County's emergency operations center and develops and maintains the County's emergency operations plan and hazard mitigation plan. The current emergency operations plan, adopted by the County Board of Supervisors in 2013, specifies

roles and responsibilities of various County and other local agencies in each of the four phases of emergency management: preparedness/planning, response, recovery, and mitigation. The San Bernardino County Multi-Jurisdictional Hazard Mitigation Plan, approved by FEMA in July 2017, includes risk assessments for many types of hazards, both natural and man-made; an assessment of community capabilities for hazard mitigation; and mitigation strategies. County-identified evacuation routes consist of major and secondary highways.

San Bernardino County implements an extensive emergency preparedness system that adheres to the National Incident Management System (NIMS), which provides a comprehensive and standardized incident management system. Because San Bernardino County is NIMS compliant, it is eligible for federal preparedness grants. The County also follows the Standardized Emergency Management System (SEMS) adopted by California, which makes it eligible for reimbursement of response-related costs under state disaster assistance programs.

City of Hesperia Emergency Operations Plan

The City of Hesperia has developed and adopted an Emergency Operations Plan (EOP), which describes how the City of Hesperia will respond to large-scale emergencies and disasters in the community. In response to an emergency, the City uses the EOP to implement operational procedures and protocols that concentrate on public welfare. The plan is intended to be for extraordinary situations and is not intended for use in response to typical, day-to-day emergency situations. Hazards addressed in the plan include Earthquakes, Dam Failure, Flooding, Severe Thunderstorm, Wildfires and others. Further, the City's EOP has been designed to complement the San Bernardino County Operational Area Emergency Operations Plan (County-EOP), Cal EMA State Emergency Plan (SEP), and Federal Emergency Management Agency's (FEMA) National Response Framework (NRF) which identifies critical tasks needed to support a wide range of response activities.

City of Hesperia Local Hazard Mitigation Plan

The City of Hesperia has developed and adopted a Local Hazard Mitigation Plan (LHMP), which allows for federal grant funding eligibility to mitigate many of the natural hazards identified in the City. The plan sets strategies for earthquake hazards, flood hazards, fire hazards, and hazardous materials.

City of Hesperia General Plan

The City of Hesperia 2010 General Plan contains the following policies related to hazards and hazardous materials that are applicable to the Project:

Noise Element

Goal: NS-1: To achieve and maintain an environment which is free from excessive or harmful noise through identification, control and abatement.

Policy: NS-1.1: Incorporate noise reduction features during site planning and into land use planning decisions to mitigate anticipated noise impacts on affected noise-sensitive land uses.

Policy: NS-1.14: Encourage noise compatible land uses within airport influence areas in accordance with federal and state noise standards and guidelines.

Safety Element

Goal: SF-1: Minimize injury, loss of life, property damage and economic and social disruption caused by seismic shaking and other earthquake-induced hazards, and by geologic hazards such as slope instability, compressible and collapsible soils, and subsidence.

Policy SF-1.1 Require that all new habitable structures be designed and built in accordance with the most recent California Building Code adopted by the City, including the provisions regarding lateral forces and grading.

Policy SF-1.2 Require all development proposals in the City to conduct, as a condition of approval, geotechnical and engineering geological investigations, prepared by State-certified professionals (geotechnical engineers and engineering geologists, as appropriate) following the most recent guidelines by the California Geological Survey and similar organizations, that address, at a minimum, the site-specific seismic and geologic hazards identified in the Technical Background Report. These reports shall provide mitigation measures to reduce those hazards identified at a site to an acceptable level.

Policy SF-1.3 City Staff or City representatives will conduct routine inspection of grading operations to ensure site safety and compliance with approved plans and specifications.

Policy SF-1.4 City Staff that review geotechnical, geological and structural reports submitted by development applicants, and that review grading operations, shall have the necessary professional credentials and certifications within their area of expertise to conduct these reviews.

Policy SF-1.6 If and when the California Geological Survey issues a Seismic Hazards Zonation Map the includes the City, the Planning and Building Departments will adopt this map as a replacement for the Seismic Hazards Map that is currently part of the Technical Background Report. Similarly, if new or revised Alquist-Priolo Earthquake Fault Zone maps that include the City or its Sphere are issued, these maps will be adopted and enforced in conformance with the requirements of the Alquist-Priolo Earthquake Fault Zone Act.

Policy SF-1.8 The City's Building Department will encourage owners of potentially hazardous buildings, including pre-1952 wood frame structures, concrete tilt-ups, pre-1971 reinforced masonry, soft-story, and the one unreinforced masonry building, to assess the seismic vulnerability of their structures and conduct seismic retrofitting as necessary to improve the buildings' resistance to seismic shaking. Earthquake Fault Zone maps that include the City or its Sphere are issued, these maps will be adopted and enforced in conformance with the requirements of the Alquist-Priolo Earthquake Fault Zone Act.

Policy SF-1.9 The City shall develop and make available to all residents and businesses literature on hazard prevention and disaster response, including information on how to earthquake proof residences and places of business, and information on what to do before, during and after an earthquake. Reminders should be issued periodically to encourage the review and renewal of earthquake-preparedness kits and other emergency preparedness materials and procedures.

Policy SF-1.10 The Public Works Department will encourage the City's utility service providers to continue upgrading their facilities and infrastructure in Hesperia, to improve their survivability in the event of an earthquake in the area. The aboveground water storage tanks will be evaluated to assess their potential inundation hazard in the event of catastrophic failure, and those not yet

seismically retrofitted will be fitted with shut-off valves, flexible fittings and/or other seismic safeguards as appropriate and in accordance with the most recent water tank design guidelines.

Policy SF-1.11 The City will initiate and/or participate in regional efforts to ensure that the local medical care facilities will remain functional after a large regional earthquake and can provide emergency medical care to all residents and workers that need medical attention following a disaster. This includes conducting an inventory of regional hospitals to identify potential alternate medical providers and assess the need for new facilities to service the increasingly larger population in the region. Based on these results, collaborate with neighboring cities and the Southern California Association of Governments to identify those areas with insufficient medical coverage and engage medical service providers to consider establishing new medical care facilities in those areas, as needed.

Goal: SF-2: Minimize injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.

Policy: SF-2.1: The City shall continue enforcing the City's Municipal Code provisions for flood hazard reduction (Title 8: Safety, Chapter 8.28: Flood Hazard Protection and Regulations). This code, which applies to new construction and existing projects undergoing substantial improvements, provides constructions standards that address the major causes of flood damage, and includes provisions for anchoring, placement of utilities, raising floor elevations, using flood resistant construction materials, and other methods to reduce flood damage.

Policy: SF-2.2: The City will require that new discretionary development proposals include, as a condition of approval, hydrological studies prepared by a State-certified engineer with expertise in this area, that assess the impact that the new development will have on the flooding potential of existing development down-gradient. The studies shall provide mitigation measures to reduce this impact to an acceptable level. Single-family residences on existing lots shall be exempt.

Policy: SF-2.3: The City shall continue participation in the National Flood Insurance Program and require that all owners of properties located within the 100-year floodplain (Zones A and AE), and repeat-flood properties in Zone X purchase and keep flood insurance for those properties.

Policy: SF-2.4: The City will continue to participate in the Storm Ready Program with the National Weather Service, including the monitoring of precipitation and snow levels on the mountains to the south, providing storm watches and warnings in real-time, and issuing evacuation notices for affected neighborhoods in a timely manner, such as with a citizen notification or similar system.

Policy: SF-2.5: The City will not permit any new facilities that use or store hazardous materials in quantities that would place them in the State's TRI or SQG databases to be located in the flood zone (Zones A, AE, and X), unless all standards of elevation, anchoring and flood proofing have been implemented to the satisfaction of the City's Building Department and the San Bernardino County Fire Department. The hazardous materials shall be stored in watertight containers that are not capable of floating or similar flood-proof receptacles or tanks.

Policy: SF-2.6: The City will require all essential and critical facilities (including but not limited to essential City offices and buildings, medical facilities, schools, child care centers, and nursing homes) in or within 200 feet of Flood Zones A, AE and X, or the dam inundation pathways, to develop

disaster response and evacuation plans that address the actions that will be taken in the event of flooding or inundation due to catastrophic failure of a dam.

Policy: SF-2.7: The City will regulate development in drainages, especially in Flood Zones A and AE, pursuant to FEMA regulations.

Policy: SF-2.8: The City will continue to maintain, and improve where needed, the storm drain systems, with an emphasis on those areas of the City that flood repeatedly. This entails maintaining and regularly cleaning the storm drains and other flood-control structures in low-lying areas, as necessary, such that floodwaters can be effectively conveyed away from structures.

Policy: SF-2.9: The City will identify repetitive flood properties in the City and develop feasible mitigation options for these sites. Funding to implement the mitigation measures may be available through FEMA's Hazard Mitigation Grant and Flood Mitigation Assistance Programs and their Pre-disaster Mitigation Program.

Policy: SF-2.10: The City will encourage the development of areas in the floodplains as parks, nature trails, equestrian parks, golf courses, or other types of recreational facilities that can withstand periodic inundation, and will offer incentives to developers to retain these areas as open space.

Goal: SF-3: Reduce the risk of death, injury, property damage and economic loss due to vegetation and structure fires.

Policy: SF-3.1: The City shall continue to require that all new habitable structures be designed in accordance with the most recent California Fire Code with local amendments adopted by the City, including the use of fire sprinklers in residential structures.

Policy: SF-3.2: The City will continue to conduct regular inspections of parcels throughout the city, and will direct property owners to bring their property into compliance with fire inspection standards. This includes enforcing the weed abatement and notification program, to reduce the potential for vegetation fires to occur in vacant or poorly maintained lots, and encouraging homeowners to follow fire-safe practices, including maintaining a fire-safe landscape, and keeping combustibles (such as fire wood) a safe distance away from all structures.

Policy: SF-3.3: Select City staff will coordinate with the San Bernardino County Fire Department and train in NIMS-compliant emergency response procedures to provide assistance as needed during emergency situations. This includes conducting emergency response exercises, including mock earthquake-induced fire-scenario exercises, to evaluate and improve, as needed, the City's ability to respond to the multiple ignitions that an earthquake is likely to generate.

Policy: SF-3.4: In conformance with Assembly Bill 2140 (2006) the City will adopt its Hazard Mitigation Plan (HMP) as an addendum to the Safety Element of the General Plan. The HMP needs to be updated every 5 years, per the requirements of the Federal Disaster Mitigation Act of 2000.

Policy: SF-3.5: The City, in cooperation with the San Bernardino County Fire Department, will evaluate public notification systems (such as a reverse 911 system) that can be used to warn residents of an approaching wildfire and to provide evacuation instructions.

Policy: SF-3.6: The City will encourage owners of non-sprinklered high occupancy structures to retrofit their buildings to include internal sprinklers.

Policy: SF-3.7: The City, in cooperation with the San Bernardino County Fire Department, will ensure, to the maximum extent possible, that fire services, such as fire fighting equipment and personnel, infrastructure, and response times, are adequate for all sections of the City. To that end, the City will continue to regularly evaluate specific fire hazard areas, and adopt reasonable safety standards, such as adequacy of nearby water supplies, fire-retardant roofing materials, fire-equipment accessible routes, clarity of addresses, street signage, and street maintenance.

Policy: SF-3.8: The City, in cooperation with the San Bernardino County Fire Department, will ensure that the Hesperia Water District conducts annual fire flow tests and addresses any deficiencies found as soon as possible.

Policy: SF-3.9: The City, in cooperation with the San Bernardino County Fire Department, will develop and hold regular training exercises that involve residents as much as possible, such as through the City's Community Emergency Response Team (CERT) program, to empower individuals and neighborhoods to be self-reliant in the aftermath of a natural or man-made disaster.

Policy: SF-3.10: The City will adopt the most recent version of the Wildland-Urban Interface Code and Chapter 7A of the California Building Code for use in the City where the Insurance Services Offices (ISO) number exceeds 5 (greater than 5).

Goal: SF-4: Reduce the potential for hazardous materials contamination in Hesperia.

Policy: SF-4.1: The City, in cooperation with the San Bernardino County Fire Department, Hazardous Materials Division, will continue to enforce disclosure laws that require all users, generators, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use or transport, and to notify the appropriate City, County, State and Federal agencies of a change in quantity or type of materials, and in the event of a violation.

Policy: SF-4.2: The City, in cooperation with the San Bernardino County Fire Department, will ensure that they can continue to respond safely and effectively to a hazardous materials incident in the City, whether it is a spill at a permitted facility, or the result of an accident along a section of the freeway or railroads that extend across the City. To do this, the City will continue to coordinate with regional providers of emergency services, including the County's Fire and Sheriff Departments, to ensure that all residents, workers and visitors to Hesperia are protected from exposure to hazardous materials and wastes.

Policy: SF-4.3: The City will identify roadways along which hazardous materials are routinely transported. If critical facilities, such as schools, medical facilities, child care centers or other facilities with special evacuation needs are located along these routes, the City, together with these facilities, will identify emergency response plans that can be implemented in the event of an roadway accident nearby that results in the unauthorized release of hazardous materials.

Policy: SF-4.4: The City will continue to reduce or eliminate the use of hazardous materials by using instead non-toxic, safer alternatives that do not pose a threat to the environment, or buying and using only the smallest amount of a hazardous substance to get the intended job done. The City will encourage residents and businesses in the City to do the same.

Policy: SF-4.5: Proposed new facilities that will be involved in the production, use, storage, transport or disposal of hazardous materials will not be allowed within the 100-year floodplain, or near existing land uses that may be adversely impacted by such activities. Conversely, new sensitive facilities (like schools, child care centers, nursing homes) will not be allowed to be located near existing sites that use, store, or generate hazardous materials.

Policy: SF-4.6: The City will continue to support the operation of programs and recycling centers that accept hazardous substances, such as paint, paint thinner, used waste oil, etc., such as the City's Drop-Off facility.

Goal: SF-5: Plan for emergency response and recovery from natural disasters, especially from flooding, fire, and earthquakes, and from civil unrest that may occur following a natural disaster.

Policy: SF-5.1: The City will maintain, update and adopt on a regular basis, as mandated by FEMA, a Local Hazard Mitigation Plan.

Policy: SF-5.2: The City will continue to maintain and update its emergency response organization consisting of representatives from all City departments, the San Bernardino County Fire and Sheriff Departments, local quasi-governmental agencies, private businesses, citizens, and other community partners involved in emergency relief and/or community-wide services.

Policy: SF-5.10: The City will continue to support the development of local preparedness plans and multi-jurisdictional cooperation and communication for emergency situations consistent with regional, state (SIMS), and Federal standards, guidelines and/or recommendations (NIMS).

City of Hesperia Municipal Code

Chapter 8.08; Hazardous Materials. Chapter 8 of the Hesperia Municipal Code sets forth provisions and standards for the handling and compliance of hazardous materials and release response plans and inventory such as establishing fees to be paid by persons handling hazardous waste.. All land use decisions, whether determined by City staff, City consultants, the various boards and commission of the City, or the City Council shall conform to the County of San Bernardino Hazardous Waste Management Plan as approved by the state of California Department of Health Services.

5.8.3 ENVIRONMENTAL SETTING

Environmental Site Conditions

The Project site is currently undeveloped and contains moderate coverage of ruderal vegetation, such as natural grasses and weeds.

- **South:** Undeveloped and rural single family residential approximately 0.2 mile southwest.
- **North:** Undeveloped.
- **East:** I-395/Undeveloped and West Main Villas multifamily residential community approximately 0.3 mile east.
- **West:** Undeveloped.

Historically, the Phase I Environmental Site Assessment describes the Project site has remained unimproved and that the surrounding properties have consisted of undeveloped land or semirural residential homes since at least 1902.

The Phase I Environmental Site Assessment did not identify any recognized environmental conditions (RECs) associated with the Project site.

No gasoline service stations or dry cleaners are in the immediate vicinity (approximately 500 feet) of the Project site. There are no off-site hazardous material sources of environmental concern surrounding the Project site.

Other Environmental Conditions

According to the City of Hesperia General Plan and the Department of Conservation California Earthquake Hazards Zone Application ("EQ Zapp"), the Project site is not within:

- Geologic: Alquist Priolo earthquake fault zone; County-identified fault zone; rockfall/debris-flow hazard area, medium or high liquefaction area (low to high and localized).
- Fire: high or very high fire hazard severity zone.

According to the Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA) (06071C6475H), the Project site is primarily located in "Zone X", an area of minimal flood hazard. According to the Hydrology Report for the Project (Appendix I), the Project site is not be located within an existing FEMA floodplain.

Evacuation Routes

According to the Hesperia General Plan Safety Element, U.S. Route 395 is designated as a City evacuation route.

5.8.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- | | |
|-------|---|
| HAZ-1 | Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials; or |
| HAZ-2 | 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; or |
| HAZ-3 | Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; or |
| HAZ-4 | Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment; or |
| HAZ-5 | 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, result in a safety hazard or excessive noise for people residing or working in the project area; or |
| HAZ-6 | Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; or |
| HAZ-7 | Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. |

5.8.5 METHODOLOGY

This evaluation of the significance of potential impacts related to hazards and hazardous materials considers both direct effects to the resource and indirect effects in a local or regional context. Potentially significant impacts would generally result in the loss or degradation of public health and safety or conflict with local, state, or federal agency regulations. Information for this section was obtained, in part, from the Phase I ESA prepared for Project (Appendix H). The Phase I ESA is based on reviews of historical aerial photographs, historical topographic maps, Environmental Data Resources (EDR) database records, city directories, historical site occupants, historical site ownership records, site visits, and/or interviews of owners and tenants of the Project site.

5.8.6 ENVIRONMENTAL IMPACTS

IMPACT HAZ-1: WOULD THE PROJECT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH THE ROUTINE TRANSPORT, USE OR DISPOSAL OF HAZARDOUS MATERIALS?

Less than Significant Impact. Development and long-term operation of the Project would require standard transport, use, and disposal of hazardous materials and wastes. If the use of these materials does not adhere to established federal, state, and local laws and regulations, workers, building occupants and residents, the public, and/or the environment could be exposed to hazards at the Project site.

Construction

Heavy construction equipment (e.g., dozers, excavators, tractors) would be operated for development of the Project site. The equipment would be fueled and maintained by petroleum-based substances such as diesel fuel, gasoline, oil, and hydraulic fluid, which are considered hazardous if improperly stored, handled, or transported. Other materials used—such as paints, adhesives, and solvents—could also result in accidental releases or spills that could pose risks to people and the environment.

However, construction contractors would be required to comply with federal, state, and local laws and regulations regarding the transport, use, and storage of hazardous materials. Applicable laws and regulations include CCR, Title 8 Section 1529 (pertaining to ACM) and Section 1532.1 (pertaining to LBP); CFR, Title 40, Part 61, Subpart M (pertaining to ACM); CCR, Title 23, Chapter 16 (pertaining to UST); CFR, Title 29 - Hazardous Waste Control Act; CFR, Title 49, Chapter I; and Hazardous Materials Transportation Act requirements as imposed by the USDOT, CalOSHA, CalEPA, and DTSC. Additionally, construction activities would require a Stormwater Pollution Prevention Plan (SWPPP), which is mandated by the National Pollution Discharge Elimination System General Construction Permit (included as WQ-1: NPDES/SWPPP herein) and enforced by the Lahontan Water Quality Control Board (RWQCB). The SWPPP will include strict onsite handling rules and BMPs to minimize potential adverse effects to workers, the public, and the environment during construction, including, but not limited to:

- Establishing a dedicated area for fuel storage and refueling activities that includes secondary containment protection measures and spill control supplies;
- Following manufacturers' recommendations on the use, storage, and disposal of chemical products used in construction;
- Avoiding overtopping construction equipment fuel tanks;
- Properly containing and removing grease and oils during routine maintenance of equipment; and
- Properly disposing of discarded containers of fuels and other chemicals.

Mandatory compliance with applicable laws and regulations related to the routine transport, use, and

disposal of hazardous materials during construction activities at the Project site would limit potentially significant hazards to construction workers, the public, and the environment. Impacts would be less than significant.

Operation

The Project site would be developed with a new industrial building that would support high-cube warehousing, manufacturing, and office uses utilizing up to five percent cold storage. Operations would include the manufacturing and storage of make-up products which may contain the use of various types and quantities of hazardous materials, including lubricants, solvents, cleaning agents, wastes, paints and related wastes, petroleum, wastewater, and batteries (lead acid, nickel cadmium, nickel, iron, carbonate). These hazardous materials would be used, stored, and disposed of in accordance with applicable regulations and standards (such as CFR, Title 49, Chapter I; CCR, Title 8; CFR, Title 40, Part 263; and San Bernardino County Code Sections 23.0602 and 23.0107) that are enforced by the USEPA, USDOT, CalEPA, CalOSHA, and DTSC. Additionally, prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the Public Works Department, included as PPP WQ-2. BMPs would be incorporated in the WQMP that would protect human health and the environment should any accidental spills or releases of hazardous materials occur during operation of the Project, including onsite collection and treatment of potentially polluted runoff, as well as nonstructural maintenance implemented to prevent potentially hazardous spills or leaks of stored materials.

Under California Health and Safety Code Section 25531 et seq., CalEPA requires businesses operating with a regulated substance that exceeds a specified threshold quantity to register with a managing local agency, known as the Certified Unified Program Agency (CUPA). In Hesperia, the San Bernardino County Fire Department is the CUPA. If the operations of future tenants of the proposed warehouse facility exceed established thresholds, CUPA permits would be required. The County requires businesses subject to any of the CUPA permits to file a Business Emergency/Contingency Plan. Additionally, businesses would be required to provide workers with training on the safe use, handling, and storage of hazardous materials. Additionally, businesses would be required to maintain equipment and supplies for containing and cleaning up spills of hazardous materials that can be safely contained and cleaned by onsite workers and to immediately notify emergency response agencies in the event of a hazardous materials release that cannot be safely contained and cleaned up by onsite personnel. Compliance with existing laws and regulations governing hazard and hazardous materials would reduce potential impacts related to the routine transport, use, and disposal of the hazardous materials to less than significant.

IMPACT HAZ-2: WOULD THE PROJECT CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT THROUGH REASONABLY FORESEEABLE UPSET OR ACCIDENT CONDITIONS INVOLVING THE RELEASE OF HAZARDOUS MATERIALS INTO THE ENVIRONMENT?

Less than Significant.

Construction

As described previously, construction of the proposed Project would involve the limited use and disposal of hazardous materials. Equipment that would be used in construction of the project has the potential to release gas, oils, greases, solvents, and spills of paint and other finishing substances. However, the amount of hazardous materials onsite would be limited, and construction activities would be required to adhere to all applicable regulations regarding hazardous materials storage and handling, as well as to implement construction BMPs (through implementation of a required SWPPP implemented by City conditions of approval, and included as PPP WQ-1) to prevent a hazardous materials release and to promptly contain

and clean up any spills, which would minimize the potential for harmful exposures. With compliance to existing laws and regulations, which is mandated by the City through construction permitting, the Project's construction-related impacts would be less than significant.

Operation

As discussed in Impact HAZ-1, the future tenants within the Project site may use, store, and dispose of various types and quantities of hazardous materials that would be required to comply with regulations and standards (such as CFR, Title 49, Chapter I; CCR, Title 8; CFR, Title 40, Part 263; San Bernardino County regulations; and City of Hesperia regulations enforced by the USEPA, USDOT, CalEPA, CalOSHA, DTSC, and San Bernardino County Fire Department). The San Bernardino County Fire Department, as CUPA would require that future tenants prepare Business Emergency/Contingency Plans, which provide information to emergency responders and the general public regarding hazardous materials, and coordinates reporting of releases and spill response among businesses and local, state, and federal government authorities. Moreover, the proposed development Project would include a WQMP, included as PPP WQ-2. BMPs would be incorporated in the WQMP that would protect human health and the environment should any accidental spills or releases of hazardous materials occur during operation of the Project, including onsite collection and treatment of potentially polluted runoff, as well as nonstructural maintenance implemented to prevent potentially hazardous spills or leaks of stored materials. Therefore, operations within the Project site would not result in a significant hazard to the public or the environment through reasonably foreseeable upset and accident involving hazardous material. Impacts related to hazardous materials from operation would be less than significant.

IMPACT HAZ-3: WOULD THE PROJECT EMIT HAZARDOUS EMISSIONS OR HANDLE HAZARDOUS OR ACUTELY HAZARDOUS MATERIALS, SUBSTANCES OR WASTE WITHIN 0.25 MILE OF AN EXISTING OR PROPOSED SCHOOL?

No Impact. The closest school site, Canyon Ridge High School located at 12850 Muscatel St #5566, Hesperia, CA 92344, is approximately 1.5-miles southwest of the Project site. Therefore, there are no schools located within a 0.25 mile of the Project site. In addition, trucks traveling to and from the Project site would stay on designated truck routes, which are not within a 0.25 mile proximity of any existing school in the City of Hesperia. As such, there would be no impacts that would occur to any schools in the vicinity of the Project.

As described previously, the use of hazardous materials related to the proposed industrial warehouse uses would be limited and used and disposed of in compliance with federal, state, and local regulations, which would reduce the potential of accidental release into the environment. Also, the emissions that would be generated from construction and operation of the proposed Project were evaluated in the air quality analysis presented in Section 5.2 of this Draft EIR, and the emissions generated from the proposed Project would not cause or contribute to an exceedance of the federal or state air quality standards. Thus, the proposed Project would not emit hazardous or handle acutely hazardous materials, substances, or waste within 0.25 mile of school, and no impacts would occur.

IMPACT HAZ-4: WOULD THE PROJECT BE LOCATED ON A SITE THAT IS INCLUDED ON A LIST OF HAZARDOUS MATERIALS SITES COMPILED PURSUANT TO GOVERNMENT CODE SECTION 65962.5 AND, AS A RESULT, CREATE A SIGNIFICANT HAZARD TO THE PUBLIC OR THE ENVIRONMENT?

No Impact. The Phase I ESA prepared for the Project site included database searches of federal, state, and local databases to determine whether hazardous materials sites were within and/or surrounding the Project. According to the record searches conducted by the Phase I, there were no mapped sites found in the search

of available ("reasonably ascertainable") government records either on the target property or within the search radius around the target property for any databases. Thus, the Project site and surrounding properties are not included on a list of hazardous materials sites pursuant to Government Code Section 65962.5 (McAlister Geoscience 2022). As such, there would be no impacts related to hazardous materials sites.

IMPACT HAZ-5: WOULD THE PROJECT RESULT IN A SAFETY HAZARD OR EXCESSIVE NOISE FOR PEOPLE RESIDING OR WORKING IN THE PROJECT AREA FOR A PROJECT LOCATED WITHIN AN AIRPORT LAND USE PLAN OR, WHERE SUCH A PLAN HAS NOT BEEN ADOPTED, BE WITHIN TWO MILES OF A PUBLIC AIRPORT OR PUBLIC USE AIRPORT?

No Impact. The Project Site is approximately six miles northwest of Hesperia Airport. According to the Hesperia Airport Comprehensive Land Use Plan, the site is outside of the 60-65 dBA CNEL noise contour and would not be subject to excessive noise levels due to operations at the Hesperia Airport. The site is also outside of the established airport safety zones. Thus, the Project would not result in a safety hazard or excessive noise for people residing or working in the area. As such, no impact would occur.

IMPACT HAZ-6: WOULD THE PROJECT IMPAIR IMPLEMENTATION OF, OR PHYSICALLY INTERFERE WITH, AN ADOPTED EMERGENCY RESPONSE PLAN OR EMERGENCY EVACUATION PLAN?

Less than Significant Impact. The intent of the City of Hesperia's Emergency Operations Plan (EOP) is to provide comprehensive procedures and guidance for the City to prepare and respond to large-scale emergencies and disasters in the community. In addition, the City of Hesperia is part of the San Bernardino County Operational Area and therefore has created a plan that complements the San Bernardino County Operational Area Emergency Operations Plan. The City's EOP is reviewed and updated every four years with the most current information and procedures. It is currently under review to be updated. Emergency responses are coordinated through various offices within City and County government and aligned agencies. The City of Hesperia, San Bernardino County Fire, and Sheriff's office provide emergency response.

Construction

The proposed construction activities, including equipment and supply staging and storage, would occur within the Project site and would not restrict access of emergency vehicles to the Project site or adjacent areas. During construction of the Project, driveways, and connections to existing infrastructure along Phelan Road and Caliente Road, the roadways would remain open to ensure adequate emergency access to the Project area and vicinity. Construction activities within the Project site that may temporarily restrict vehicular traffic would be required to implement adequate measures to facilitate the safe passage of persons and vehicles during required temporary road restrictions. In accordance with Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9), prior to any activity that would encroach into a right-of-way, the area of encroachment must be safeguarded through the installation of safety devices to ensure that construction activities would not physically interfere with emergency access or evacuation. Compliance with Section 503 of the California Fire Code would be specified by the City's Building and Safety Division during the construction permitting process. Therefore, the Project would not block any evacuation routes or conflict with an emergency response plan, and impacts related to interference with an adopted emergency response of evacuation plan during construction activities would be less than significant.

Operation

The Project would include vehicular access to the Project site from surrounding roadways including Caliente Road and Phelan Road. As described in Section 5.12, *Transportation*, these driveways and roadways would provide adequate and safe circulation to, from, and through the Project site and would provide a variety of

routes for emergency responders to access the site and surrounding areas. Development would comply with Municipal Code standards, which will require design and construction specifications to allow adequate emergency access to the site and ensure that roadway improvements would meet public safety requirements. Furthermore, drivers are expected to comply with all state driving laws, roadway signage, as well as restrictions related to vehicle stopping and parking. Therefore, the Project would not impair implementation or interfere with adopted emergency response or evacuation plans. Impacts would be less than significant.

IMPACT HAZ-7: WOULD THE PROJECT EXPOSE PEOPLE OR STRUCTURES TO A SIGNIFICANT RISK OF LOSS, INJURY OR DEATH INVOLVING WILDLAND FIRES, INCLUDING WHERE WILDLANDS ARE ADJACENT TO URBANIZED AREAS OR WHERE RESIDENCES ARE INTERMIXED WITH WILDLANDS?

No Impact. The Project site is located in an undeveloped area that is not within an identified wildland fire hazard area or an area where residences are intermixed with wildlands. According to the CAL Fire Hazard Severity Zone Map, the Project site is categorized as a Local Responsibility Area (LRA) (CALFire, 2023). Further, Project implementation would require adherence to Chapter 15.04 Building Codes of the City Development Code which contain the adoption of the California Fire Codes to reduce potential fire hazards. The Project would also be required to comply with guidelines from San Bernardino County Fire related to fire prevention and subject to review during the plan check process by the City Building Division. Therefore, the Project would not expose people or structures to a significant risk of loss, injury, or death from wildfires, and there would be no impacts.

5.8.7 CUMULATIVE IMPACTS

The cumulative study area for the purposes of hazardous materials and waste would be considered the City of Hesperia. This cumulative impact analysis for hazards and hazardous materials considers development of the proposed Project in conjunction with other development projects as well as the projects identified in Section 5.0, *Environmental Impact Analysis*, Table 5-1, *Cumulative Projects*. None of the projects identified in Table 5-1 are proposed adjacent to the Project site. However, there are multiple cumulative projects within the Hesperia area, in the general vicinity of the Project.

Cumulative land use changes within the City of Hesperia would have the potential to expose future area residents, employees, and visitors to chemical hazards through the transport, storage, or use of hazardous materials. The severity of potential hazards for individual projects would depend upon the location, type, and size of development and the specific hazards associated with individual sites. All hazardous materials users and transporters, as well as hazardous waste generators and disposers are subject to regulations that require proper transport, handling, use, storage, and disposal of such materials to ensure public safety. Thus, if hazardous materials are found to be present on future project sites, appropriate remediation activities would be required pursuant to standard federal, state, and regional regulations. Compliance with the relevant federal, state, and local regulations, during the operation and construction throughout the Project site, as well as during the construction and operation of related projects would ensure that cumulative impacts from hazardous materials would be less than significant.

5.8.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

Federal

- United States Code of Federal Regulations Title 42, Sections 6901 et seq.: Resource Conservation and Recovery Act

- United States Code of Federal Regulations Title 42, Sections 11001 et seq.: Emergency Planning & Community Right to Know Act
- United States Code of Federal Regulations Title 49, Parts 101 et seq.: Regulations implementing the Hazardous Materials Transportation Act (United States Code of Federal Regulations Title 49 Sections 5101 et seq.)
- United States Code of Federal Regulations Title 15, Sections 2601 et seq.: Toxic Substances Control Act
- United States Code of Federal Regulations Title 49, Chapter I
- United States Code of Federal Regulations Title 29, Section 1926.62
- United States Code of Federal Regulations Title 40, Part 761
- United States Code of Federal Regulations Title 29, Section 1910.120

State

- California Occupational Safety and Health Administration Regulation 29, CFR Standard 1926.62
- California Code of Regulations Title 24, Part 2: California Building Code
- California Code of Regulations Title 24, Part 9: California Fire Code
- California Code of Regulations Title 8, Section 1532.1: Lead in Construction Standard
- California Health and Safety Code Division 20, Chapter 6.9.1, Sections 25400.10 through 25400.47
- California Health and Safety Code Section 39650 et seq.

Local

- SBCDC, Section 83.01.060, Fire Hazards
- SBCDC, Section 23.0107, Storage of Hazardous Materials
- SBCDC, Section 23.0602, Current CUPA Operational Permit Required
- HMC, Section 8.08, Hazardous Materials

Plans, Programs, or Policies (PPPs)

The following Plans, Programs, and Policies (PPP) related to hazards and hazardous materials are incorporated into the Project and would reduce impacts related to hazards and hazardous materials. These actions will be included in the Project's approved Demolition Permit, Grading Permit, Building Permit and/or Certificate of Occupancy, as appropriate.

PPP HAZ-1: Transportation of Hazardous Waste. Hazardous materials and hazardous wastes will be transported to and/or from the project developed as required by the County of San Bernardino's Hazardous Materials Division in compliance with any applicable state and federal requirements, including the U.S. Department of Transportation regulations listed in the Code of Federal Regulations (CFR) (Title 49, Hazardous Materials Transportation Act); California Department of Transportation standards; and the California Occupational Safety and Health Administration standards.

PPP HAZ-2: Resource Conservation and Recovery Act. Hazardous waste generation, transportation, treatment, storage, and disposal will be conducted in compliance with the Subtitle C of the Resource Conservation and Recovery Act (RCRA) (Code of Federal Regulations, Title 40, Part 263), including the management of nonhazardous solid wastes and underground tanks storing petroleum and other hazardous substances. The San Bernardino County Fire Department serves as the designated Certified Unified Program Agency (CUPA) which implements state and federal regulations for the following programs: (1) Hazardous Materials Release Response Plans and Inventory Program, (2) California Accidental Release Prevention (CalARP) Program, (3) Aboveground Petroleum Storage Act Program, and (4) UST Program (5) Hazardous

Waste Generator and Onsite Hazardous Waste Treatment Programs (6) Hazardous Materials Management Plan and Hazardous Material Inventory Statement Program.

PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading permits, the applicant shall provide the City Building and Safety Department evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.

PPP WQ-2: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the Public Works Department. The WQMP shall be submitted using the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans and shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.

5.8.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements, impacts HAZ-1, HAZ-2, and HAZ-6 would be less than significant. Impacts HAZ-3 through HAZ-5, and HAZ-7 would have no impact.

5.8.10 MITIGATION MEASURES

No mitigation measures are required.

5.8.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

The Project would result in less than significant impacts. Through compliance with existing regulatory programs, the already less than significant impacts associated with potential hazards and hazardous materials would further be reduced. Therefore, no significant unavoidable adverse impacts related to Hazards and Hazardous materials would occur.

REFERENCES

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5.9 Hydrology and Water Quality

5.9.1 INTRODUCTION

This section describes the existing hydrology and water quality conditions and potential impacts from implementation of the Project. The analysis in this section is based, in part, on the following:

- City of Hesperia General Plan, 2010
- City of Hesperia General Plan 2010 Final Environmental Impact Report, Michael Brandman Associates, December 2010
- City of Hesperia Municipal Code
- Hesperia Water District 2020 Urban Water Management Plan (UWMP)
- Preliminary Hydrology Study, Alliance Land Planning & Engineering, Inc., June 2022, (Appendix I)
- Preliminary Water Quality Management Plan, Alliance Land Planning & Engineering, Inc., June 2022 (Appendix K)

5.9.2 REGULATORY SETTING

5.9.2.1 Federal Regulations

Clean Water Act

The Clean Water Act (CWA) established the basic structure for regulating discharges of pollutants into “waters of the U.S.” The Act specifies a variety of regulatory and non-regulatory tools to sharply reduce direct pollutant discharges into waterways, finance municipal wastewater treatment facilities, and manage polluted runoff. Key components of the Clean Water Act that are relevant to the proposed Project are:

- Sections 303 and 304, which provide for water quality standards, criteria, and guidelines. Section 303(d) requires the state to develop lists of water bodies that do not attain water quality objectives (are impaired) after implementation of required levels of treatment by point-source dischargers (municipalities and industries). Section 303(d) also requires that the state develop Total Maximum Daily Loads (TMDLs) for each of the listed pollutants. The TMDL is the amount of pollutant loading that the water body can receive and still be in compliance with water quality objectives. After implementation of the TMDL, it is anticipated that the contamination that led to the 303(d) listing would be remediated. Preparation and management of the Section 303(d) list is administered by the Regional Water Quality Control Boards (RWQCBs).
- Section 401 requires activities that may result in a discharge to a federal water body to obtain a water quality certification to ensure that the proposed activity would comply with applicable water quality standards.
- Section 402 regulates point- and nonpoint-source discharges to surface waters through the National Pollutant Discharge Elimination System (NPDES) program. In California, the State Water Resources Control Board (SWRCB) oversees the NPDES program, which is administered by the local RWQCBs. The NPDES program provides both general permits (those that cover a number of similar or related activities) and individual permits.

National Pollutant Discharge Elimination System Permit Program

The NPDES permit program under the CWA controls water pollution by regulating point- and nonpoint-sources that discharge pollutants into “waters of the U.S.” California has an approved state NPDES program. The United States Environmental Protection Agency has delegated authority for NPDES permitting to the SWRCB, which has nine regional boards. The Lahontan RWQCB regulates water quality in Hesperia for the Mojave River. Discharge of stormwater runoff from construction areas of one acre or more requires either an individual permit issued by the RWQCB or coverage under the statewide Construction General Stormwater Permit for stormwater discharges (discussed below). Specific industries and public facilities, including wastewater treatment plants that have direct stormwater discharges to navigable waters, are also required to obtain either an individual permit or obtain coverage under the statewide General Industrial Stormwater Permit.

5.9.2.2 State Regulations

Porter-Cologne Act

The Porter-Cologne Water Quality Control Act of 1969, codified as Division 7 of the California Water Code, authorizes the SWRCB to provide comprehensive protection for California’s waters through water allocation and water quality protection. The SWRCB implements the requirement of CWA Section 303, establishing that water quality standards have to be set for certain waters by adopting water quality control plans under the Porter-Cologne Act. The Porter-Cologne Act establishes the responsibilities and authorities of the nine RWQCBs, including preparing water quality plans for areas in the region, and identifying water quality objectives and waste discharge requirements (WDRs). Water quality objectives are defined as limits or levels of water quality constituents and characteristics established for reasonable protection of beneficial uses or prevention of nuisance. Beneficial uses consist of all the various ways that water can be used for the benefit of people and/or wildlife. The Porter-Cologne Act has been amended to provide the authority delegated from the USEPA to issue NPDES permits regulating discharges to surface waters of the U.S.

California Anti-Degradation Policy

A key policy of California’s water quality program is the State’s Anti-Degradation Policy. This policy, formally known as the Statement of Policy with Respect to Maintaining High Quality Waters in California (SWRCB Resolution No. 68-16), restricts degradation of surface and ground waters. In particular, this policy protects water bodies where existing quality is higher than necessary for the protection of beneficial uses. Under the Anti-Degradation Policy, any actions that can adversely affect water quality in all surface and ground waters must (1) be consistent with maximum benefit to the people of the state; (2) not unreasonably affect present and anticipated beneficial use of the water; and (3) not result in water quality less than that prescribed in water quality plans and policies (i.e., will not result in exceedances of water quality objectives).

California Construction General Permit

The State of California adopted a Statewide NPDES Permit for General Construction Activity (Construction General Permit) on September 2, 2009 (Order No. 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ). The last Construction General Permit amendment became effective on July 17, 2012. The Construction General Permit regulates construction site stormwater management. Dischargers whose projects disturb one or more acres of soil, or whose projects disturb less than one acre, but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for discharges of stormwater associated with construction activity. Construction activity subject to this permit includes clearing, grading, and disturbances to the ground, such as

stockpiling or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility.

To obtain coverage under this permit, project operators must electronically file Permit Registration Documents, which include a Notice of Intent (NOI), a Stormwater Pollution Prevention Plan (SWPPP), and other compliance-related documents, including a risk-level assessment for construction sites, an active stormwater effluent monitoring and reporting program during construction, rain event action plans, and numeric action levels (NALs) for pH and turbidity, as well as requirements for qualified professionals to prepare and implement the plan.

The SWPPP would include a site map, description of stormwater discharge activities, and best management practices (BMPs) taken from the menu of BMPs set forth in the California Stormwater Quality Association (CASQA) BMP Handbook that will be employed to prevent water pollution. It must describe BMPs that will be used to control soil erosion and discharges of other construction-related pollutants (e.g., petroleum products, solvents, paints, cement) that could contaminate nearby water bodies. It must demonstrate compliance with local and regional erosion and sediment control standards, identify responsible parties, provide a detailed construction timeline, and implement a BMP monitoring and maintenance schedule. The Construction General Permit requires the SWPPP to identify BMPs that will be implemented to reduce controlling potential chemical contaminants from impacting water quality. Types of BMPs include erosion control (e.g., preservation of vegetation), sediment control (e.g., fiber rolls), non-stormwater management (e.g., water conservation), and waste management. The SWPPP also includes descriptions of BMPs to reduce pollutants in stormwater discharges after all construction phases have been completed at the site (post-construction BMPs).

California Water Resources Control Board Low Impact Development Policy

The SWRCB adopted the Low Impact Development (LID) Policy which, at its core, promotes the idea of “sustainability” as a key parameter to be prioritized during the design and planning process for future development. The SWRCB has directed its staff to consider sustainability in all future policies, guidelines, and regulatory actions. LID is a proven approach to manage stormwater. The RWQCBs are advancing LID in California in various ways, including provisions for LID requirements in renewed NPDES Phase I Municipal Separate Storm Sewer System (MS4) permit.

5.9.2.3 Regional/Local Regulations

Lahontan Water Quality Control Plan (Basin Plan)

The City of Hesperia is within the jurisdiction of the Lahontan RWQCB. The RWQCB sets water quality standards for all ground and surface waters within its region through implementation of a Water Quality Control Plan (Basin Plan). The Basin Plan describes existing water quality conditions and establishes water quality goals and policies. The Basin Plan is also the basis for the RWQCB's regulatory programs. To this end, the Basin Plan establishes water quality standards for all the ground and surface waters of the region. The term “water quality standards,” as used in the federal CWA, includes both the beneficial uses of specific water bodies and the levels of quality which must be met and maintained to protect those uses. The Basin Plan includes an implementation plan describing the actions that are necessary to achieve and maintain target water quality standards. The Basin Plan has been in place with the goal of protecting the public health and welfare and maintaining or enhancing water quality and potential beneficial uses of the water.

Municipal Regional Stormwater NPDES Permit

Phase II Small MS4 General Permit for the Mojave River Watershed, Water Quality (WQ) Order 2013-0001-DWQ NPDES NO. CAS000004, regulates the management and control of the municipal separate storm sewer system (MS4), which includes San Bernardino County (unincorporated areas of Phelan, Oak Hills, Spring Valley Lake and Victorville) and the incorporated cities of Hesperia and Victorville and the Town of Apple Valley. This area is overseen by the Lahontan Regional Water Quality Control Board (RWQCB).

On February 5, 2013, the State Water Resources Control Board (SWRCB) issued an area-wide MS4 permit to the above listed County and municipalities in San Bernardino County. Waste discharge requirements for stormwater entering municipal storm drainage systems are set forth in the MS4 permit, Order 2013-0001-DWQ NPDES NO. CAS000004. Since 2013, the Order expired on June 30, 2018 and the SWRCB adopted five amendments to this Permit. The links below provide the adopted permit, which incorporates all the adopted amendments. This combined Permit will remain marked "unofficial" until an Order number is assigned; however, the Permit, as amended, is fully in effect and enforceable.

City of Hesperia Storm Water Management Program

The Technical Guidance Document, *Mojave River Watershed Technical Guidance Document for Water Quality Management Plans*, is the guidance document for the Project's stormwater design compliance with the San Bernardino County Phase II Small MS4 General Permit for the Mojave River Watershed. The MS4 permit requires that a preliminary project-specific WQMP be prepared for review early in the project development process and that a Final WQMP be submitted prior to the start of construction. A project-specific WQMP is required to address the following:

- Develop site design measures using Low Impact Development (LID) principles;
- Evaluate feasibility of on-site LID Best Management Practices (BMPs);
- Maximum hydrologic source control, infiltration, and biotreatment BMPs;
- Select applicable source control BMPs; and
- Address post-construction BMP maintenance requirements.

Additionally, the permit requires that LID infiltration BMPs be used to capture and infiltrate the 85th percentile of a 24-hour precipitation event for all new or significant redevelopment projects.

City of Hesperia General Plan

The City of Hesperia 2010 General Plan contains the following policies related to hydrology and water quality that are applicable to the proposed Project:

Conservation Element

Goal CN-1: Conserve water resources within the Upper Mojave River Groundwater Basin.

Policy CN 1.1 Promote the use of desert vegetation with low water usage and drought-tolerant materials in landscaped areas.

Policy CN 1.2 Educate residents on water conservation methods with best practices and tips.

Policy CN 1.3 Promote reduced use of high nitrate fertilizers, herbicides, pesticides and other chemicals in landscaping areas that can contaminate the quality of the groundwater.

Policy CN 1.4 Limit the disturbance of natural water hydrology by minimizing the creation of impervious surface area and continued utilization of underground retention/detention facilities to recharge groundwater.

Policy CN 1.5 Work with local agencies and jurisdictions to provide a coordinated effort to ensure a safe and constant water supply for the region.

Policy CN 1.6 Encourage the use of low-water consumption fixtures in homes and businesses.

Policy CN 1.7 Require new development to use new technology, features, equipment, and other methods to reduce water consumption.

Goal CN-2: Establish building and development standards to maximize the reclamation of water resources.

Policy CN 2.1 Minimize impacts to washes that convey drainage by prohibiting development within drainage corridors that are not consistent with the Master Plan of Drainage.

Policy CN 2.2 Encourage the use of reclaimed water for irrigation and other non-potable uses.

Policy CN 2.3 Protect open space areas used for recharging groundwater basins.

Policy CN 2.4 Continue to implement the use of reclaimed water through the City's "purple pipe" ordinances and regulations to further the use of reclaimed and treated water.

Policy CN 2.5 Implement the state and City laws and policies to develop retention basins for the replenishment of the underground water supply.

Goal CN-3: Minimize development and set aside necessary open space near and along the surface waters as well as those washes and other water passageways located in the City, to preserve and protect plant and animal species and their natural habitat dependent on such surface waters and waterways.

Policy CN 3.1 Monitor the development impacts on these surface water resources within the City.

Policy CN 3.2 Preserve areas within the Oro Grande Wash and un-named wash #1 that exhibit ideal native habitat in a natural state.

Safety Element

Goal SF-2: Minimize injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.

Policy SF 2.1 The City shall continue enforcing the City's Municipal Code provisions for flood hazard reduction (Title 8: Safety, Chapter 8.28: Flood Hazard Protection and Regulations). This code, which applies to new construction and existing projects undergoing substantial improvements, provides construction standards that address the major causes of flood damage and includes provisions for anchoring, placement of utilities, raising floor elevations, using flood-resistant construction materials, and other methods to reduce flood damage.

Policy SF 2.2 The City will require that new discretionary development proposals include, as a condition of approval, hydrological studies prepared by a state-certified engineer with expertise in this area, that assess the impact that the new development will have on the flooding potential of existing development down-gradient. The studies shall provide mitigation measures to reduce this impact to an acceptable level. Single-family residences on existing lots shall be exempt.

Policy SF 2.3 The City shall continue participation in the National Flood Insurance Program and require that all owners of properties located within the 100-year floodplain (Zones A and AE), and repeat-flood properties in Zone X purchase and keep flood insurance for those properties.

Policy SF 2.4 The City will continue to participate in the Storm Ready Program with the National Weather Service, including the monitoring of precipitation and snow levels on the mountains to the south, providing storm watches and warnings in real-time, and issuing evacuation notices for affected neighborhoods in a timely manner, such as with a citizen notification or similar system.

Policy SF 2.5 The City will not permit any new facilities that use or store hazardous materials in quantities that would place them in the State's TRI or SQG databases to be located in the flood zone (Zones A, AE, and X), unless all standards of elevation, anchoring, and flood-proofing have been implemented to the satisfaction of the City's Building Department and the San Bernardino County Fire Department. The hazardous materials shall be stored in watertight containers that are not capable of floating or similar flood-proof receptacles or tanks.

Policy SF 2.6 The City will require all essential and critical facilities (including but not limited to essential City offices and buildings, medical facilities, schools, child care centers, and nursing homes) in or within 200 feet of Flood Zones A, AE and X, or the dam inundation pathways, to develop disaster response and evacuation plans that address the actions that will be taken in the event of flooding or inundation due to catastrophic failure of a dam.

Policy SF 2.7 The City will regulate development in drainages, especially in Flood Zones A and AE, pursuant to FEMA regulations.

Policy SF 2.8 The City will continue to maintain, and improve where needed, the storm drain systems, with an emphasis on those areas of the City that flood repeatedly. This entails maintaining and regularly cleaning the storm drains and other flood-control structures in low-lying areas, as necessary, such that floodwaters can be effectively conveyed away from structures.

Policy SF 2.9 The City will identify repetitive flood properties in the City and develop feasible mitigation options for these sites. Funding to implement the mitigation measures may be available through FEMA Hazard Mitigation Grant and Flood Mitigation Assistance Programs and their Pre-disaster Mitigation Program.

Policy SF 2.10 The City will encourage the development of areas in the floodplains as parks, nature trails, equestrian parks, golf courses, or other types of recreational facilities that can withstand periodic inundation, and will offer incentives to developers to retain these areas as open space.

Goal: SF-5: Plan for emergency response and recovery from natural disasters, especially from flooding, fire, and earthquakes, and from civil unrest that may occur following a natural disaster.

Policy SF 5.1 The City will maintain, update and adopt on a regular basis, as mandated by FEMA, a Local Hazard Mitigation Plan.

City of Hesperia Development Code

Chapter 8.30 – Surface and Groundwater Protection: NPDES Permit Implementation: The purpose of this Chapter is to consolidate the legal authority necessary to control discharges to and from the City's MS4 as required by the MS4 Permit. This chapter ensures the health, safety and general welfare of the residents of the city by prohibiting unauthorized non-stormwater discharges into the City's MS4, and by establishing legal authority to implement and enforce all stormwater management requirements, and carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this chapter, and the MS4 Permit.

5.9.3 ENVIRONMENTAL SETTING

Regional Hydrology

The City of Hesperia is in the Mojave River Basin, within the Lahontan Region. The jurisdiction of the Lahontan RWQCB extends from the Oregon border to the northern Mojave Desert and includes all of California east of the Sierra Nevada crest (Plates 1A, 1B, 2A and 2B). The South Lahontan Basin includes three major surface water systems (the Mono Lake, Owens River, and Mojave River watersheds) and a number of separate closed ground water basins. Very little quantitative information is available on most of the water bodies in the Region.

Watershed

The Project is located in the Mojave River Watershed. The Mojave River is the primary hydrologic feature in the watershed, formed by the confluence of two smaller streams - the West Fork Mojave River and Deep Creek. The headwaters of the Mojave River begin in the San Bernardino Mountains near Lake Arrowhead and the river terminus is Soda Lake in the Mojave Desert. The watershed encompasses approximately 4,500 square miles and is located entirely within San Bernardino County. The watershed is bounded on the south by the Santa Ana River watershed, on the east by the Lucerne Lake watershed, Ballarat and Trona watershed to the north, and Antelope Valley watershed to the west. The entire Mojave River watershed is divided into smaller sub-basins: (1) Headwaters - tributaries above the Mojave Forks Dam; (2) Upper Basin - Mojave Forks Dam to the Lower Narrows at Victorville; (3) Middle Basin - Lower Narrows to the Waterman Fault at Barstow; (4) Lower Basin - Waterman Fault to Afton Canyon; and (5) Tailwater - Afton Canyon to Silver Lake. This watershed is in an arid region and therefore has little natural perennial surface water.

Groundwater Basin

The Mojave region overlies 36 groundwater basins and subbasins. Groundwater basins along the Mojave River and adjacent areas are referred to collectively as the Mojave River Groundwater Basin and the area is commonly referred to as the "Mojave Basin Area." Within the Mojave River Basin, the Project is within the Upper Mojave River Valley Groundwater Basin underlies an elongate north-south valley, with the Mojave River flowing (occasionally) through the valley from the San Bernardino Mountains on the south, northward into the Middle Mojave River Valley Groundwater Basin at the town of Helendale. The groundwater basin is bounded on the north by a roughly east-west line from basement rock outcrops near Helendale to those in the Shadow Mountains. The southern boundary is the contact between Quaternary sedimentary deposits and unconsolidated basement rocks of the San Bernardino Mountains. The basin is bounded on the southeast

by the Helendale fault and on the east by basement exposures of the mountains surrounding Apple Valley. In the west, the boundary is marked by a surface drainage divide between this basin and El Mirage Valley Basin, and a contact between alluvium and basement rocks that form the Shadow Mountains.

Groundwater is recharged into the basin predominantly by infiltration of water from the Mojave River. Treated wastewater effluent, septic tank effluent, effluent from two fish hatchery operations, and irrigation waters are allowed to percolate into the ground and recharge the groundwater system. Other sources of recharge include infiltration of storm runoff from the mountain, desert washes, and other activities such as irrigation return flows, wastewater discharge, and enhanced recharge with imported water. Groundwater is discharged from the Mojave Basin Area primarily by well pumping, evaporation through soil, transpiration by plants, seepage into dry lakes where accumulated water evaporates, and seepage into the Mojave River.

Determining water rights and how to manage the over-drafted supply and increasing demand, along with factoring the higher cost of imported water from the State Water Project (SWP), initiated the first adjudication efforts for the Mojave Water Agency service area in the 1960s. A second effort at adjudication in the Mojave River Basin starting 1990 proved more successful, resulting in full adjudication of the Mojave Basin Area in 2002 between the five distinct hydrological subareas: Este, Oeste, Alto, Centro, and Baja. The Judgement and Adjudication help maintain proper water balances in the five subareas. The Mojave Water Agency was appointed Watermaster to implement the adjudication and judgment and maintain an ongoing assessment of the basin conditions.

Water Quality

The Mojave River is located approximately nine miles east of the Project site. The Mojave River is separated into three reaches for evaluating water quality. The Project site discharges to the Upper Mojave reach or the Upper Narrows. The Mojave River (Upper Narrows to Lower Narrows) is classified as impaired water bodies and have been placed on the 303(d) list of impaired waters for Fluoride, Manganese, Oxygen (Dissolved), Sodium, Sulfates, and Total Dissolved Solids.

Water Supply and Groundwater

As identified by the California Department of Water Resources in California's Groundwater (Bulletin 118), natural recharge of the basin is from direct precipitation, ephemeral streamflow, infrequent surface flow of the Mojave River, and underflow of the Mojave River into the basin from the southwest. Groundwater in the Mojave River Groundwater Basin have a general trend for declining groundwater levels, particularly in the fan unit, although levels vary each year subject to rainfall. Volatile organic compounds, salts and nitrates have leached into the local groundwater from the Lenwood landfill in the lower part of the basin. Irrigation with effluent from the Barstow wastewater reclamation facility, along with naturally occurring nitrates and salts, may also be affecting the basin. The Mojave Water Agency was appointed Watermaster to implement the adjudication and judgment and maintain an ongoing assessment of the basin conditions.

Water for the community is provided by Hesperia Water District (District), as subsidiary of the Victor Valley County Water District (VVCWD). The Mojave Basin Judgment assigned Base Annual Production (BAP) rights to each producer using 10 acre-feet or more, based on historical production from 1986 to 1990. Hesperia is located in the Alto subarea. Hesperia's BAP is 21,585 acre-feet per year (AFY). The District is categorized as municipal and industrial and therefore is allowed a Free Production Allowance (FPA) of 55 percent of its BAP for the upcoming year, which for 2020-2021 was 11,871 AFY.

Existing Drainage

Stormwater facilities within the Project region are managed by the San Bernardino County Flood Control District. The existing condition of the Project site consists of an open/undeveloped space with very little vegetation. The Oro Grande Wash is a tributary to the Mojave River and is located directly southeast of the Project site. The Project site does not contain any existing wetlands, drainages, or jurisdictional waters. The site is generally flat and sheet flows from south to north on a relatively uniform plane to Yucca Terrace Road. Some run-on flow sheets onto the Project site from the south but is limited by the Phelan Road approximately 300 feet away that acts a barrier to any flow further south. There is no existing public storm drain infrastructure along Phelan Road or within the vicinity of the Project site.

5.9.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- WQ-1 Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality; or
- WQ-2 Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin; or
- WQ-3 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:
 - WQ-3i result in substantial erosion or siltation on- or off-site; or
 - WQ-3ii result in flooding on- or off-site; or
 - WQ-3iii exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or
 - WQ-3iv impede or redirect flood flows; or
- WQ-4 In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation; or
- WQ-5 Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

5.9.5 METHODOLOGY

This evaluation of the significance of potential impacts related to hydrology and water quality is based on a review of published information and reports regarding regional hydrology, groundwater conditions, and surface water quality. The potential impacts on hydrology and water quality were evaluated by considering the general type of pollutants that operation of the Project would generate during construction and operation. In determining the level of significance, the analysis recognizes that development under the proposed Project would be required to comply with relevant federal, state, and regional laws and regulations that are designed to ensure compliance with applicable water quality standards and waste discharge requirements. Because the regional and local regulations related to water quality standards have been developed to reduce the potential of pollutants in the water resources (as described in the Regulatory Setting Section above), and are implemented to specific waterbodies, such as 303(d) TMDL requirements, or development projects such as grading and construction permit regulations, implementation of all relevant water quality and hydrology requirements would limit the potential of the proposed Project to a less than significant impact.

5.9.6 ENVIRONMENTAL IMPACTS

IMPACTS WQ-1: WOULD THE PROJECT VIOLATE ANY WATER QUALITY STANDARDS OR WASTE DISCHARGE REQUIREMENTS OR OTHERWISE SUBSTANTIALLY DEGRADE SURFACE OR GROUND WATER QUALITY?

Construction

Less than Significant Impact. Implementation of the proposed Project includes development involving site preparation, construction of a new building, and infrastructure improvements. Grading, stockpiling of materials, excavation and the import/export of soil and building materials, construction of new structures, and landscaping activities would expose and loosen sediment and building materials, which have the potential to mix with stormwater and urban runoff and degrade surface and receiving water quality.

Additionally, construction generally requires the use of heavy equipment and construction-related materials and chemicals, such as concrete, cement, asphalt, fuels, oils, antifreeze, transmission fluid, grease, solvents, and paints. In the absence of proper controls, these potentially harmful materials could be accidentally spilled or improperly disposed of during construction activities and could wash into and pollute surface waters or groundwater, resulting in a significant impact to water quality.

Pollutants of concern during construction activities generally include sediments, trash, petroleum products, concrete waste (dry and wet), sanitary waste, and chemicals. Each of these pollutants on its own or in combination with other pollutants can have a detrimental effect on water quality. In addition, chemicals, liquid products, petroleum products (such as paints, solvents, and fuels), and concrete-related waste may be spilled or leaked during construction, which would have the potential to be transported via storm runoff into nearby receiving waters and eventually may affect surface or groundwater quality. During construction activities, excavated soil would be exposed, thereby increasing the potential for soil erosion and sedimentation to occur compared to existing conditions. In addition, during construction, vehicles and equipment are prone to tracking soil and/or spoil from work areas to paved roadways, which is another form of erosion that could affect water quality.

Pursuant to Hesperia Municipal Code Section 8.30.170, any person performing construction activities in the city shall implement appropriate BMPs to prevent the discharge of construction wastes, sediments, silts, pollutants, or contaminants from construction activities, materials, tools, and equipment from entering the MS4 or receiving waters in accordance with the standards set forth in this chapter. Construction activity resulting in a land disturbance of one acre or more, or less than one acre but part of a larger common plan of development or sale, must obtain coverage under the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (CGP). The existing NPDES Construction General Permit, as included in the City's Chapter 8.30, requires preparation and implementation of a SWPPP by a Qualified SWPPP Developer (QSD) for construction activities that disturb one-acre or more of soils, as included in PPP WQ-1. The SWPPP is required to address site-specific conditions related to potential sources of sedimentation and erosion and would list the required BMPs that are necessary to reduce or eliminate the potential of erosion or alteration of a drainage pattern during construction activities. Common types of construction BMPs include:

- Silt fencing, fiber rolls, or gravel bags
- Street sweeping and vacuuming
- Storm drain inlet protection
- Stabilized construction entrance/exit

- Vehicle and equipment maintenance, cleaning, and fueling
- Hydroseeding
- Material delivery and storage
- Stockpile management
- Spill prevention and control
- Solid waste management
- Concrete waste management

In addition, a Qualified SWPPP Practitioner (QSP) is required to ensure compliance with the SWPPP through regular monitoring and visual inspections during construction activities. The SWPPP would be amended and BMPs revised, as determined necessary through field inspections, in order to protect against substantial soil erosion, the loss of topsoil, or alteration of the drainage pattern. Compliance with the Construction General Permit and a SWPPP prepared by a QSD and implemented by a QSP would prevent construction-related impacts related to potential alteration of a drainage pattern or erosion from development activities.

Therefore, compliance with the State Construction General Permit, Order No. 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ, the City of Hesperia Municipal Code, and other applicable requirements, which would be verified during the City's construction permitting process, would ensure that Project impacts related to construction activities resulting in a degradation of water quality would be less than significant.

Operation

Less than Significant Impact. As previously mentioned, the Project site is within the Mojave River watershed and drains to the Upper Narrows to Lower Narrows reach via the Oro Grande Wash. The Mojave River (Upper Narrows to Lower Narrows) is classified as impaired water bodies and have been placed on the 303(d) list of impaired waters for Fluoride, Manganese, Oxygen (Dissolved), Sodium, Sulfates, and Total Dissolved Solids.

The proposed Project would include development of a one-story, 655,468 SF warehouse building on the 29.61-acre site and the extension of sewer and water lines over 8.9 linear acres. Additional improvements would include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and driveways. The existing Project is vacant and undeveloped and the proposed building would add 1,149,815 SF of impervious surface area, with approximately 16.5 percent of the Project site would include pervious landscaping.

Increases in impervious surface area would result in an increase in the volume and flow rate of surface runoff and potential pollutants from vehicles. Operation of the proposed land uses could generate pollutants including trash, debris, oil residue, and other residue that could be deposited on streets, sidewalks, driveways, paved areas, and other surfaces and wash into receiving waters. The pollutants that could be released include bacteria, nutrients, oil and grease, metals, organics, and pesticides. Nutrients in post-construction stormwater include nitrogen and phosphorous from fertilizers from landscaping areas. Excess nutrients can impact water quality by promoting excessive and/or rapid growth of aquatic vegetation and algae growth, which reduces water clarity and results in oxygen depletion. Pesticides can be toxic to aquatic organisms and bioaccumulate in larger species such as birds and fish and result in harmful effects. Oil and grease may end up in stormwater from leaking vehicles, and metals may enter stormwater as surfaces corrode, decay, or leach and from roadway runoff. Pollutants have the potential to further exacerbate existing impairments of local water bodies.

Proposed drainage improvements would include construction of onsite conveyance, including catch basins and roof drains that route flows to underground pipes. In the post-project condition, the drainage characteristics would be maintained similar to the pre-Project condition. Runoff from the site will be collected via a proposed on-site private storm drain system (including catch basins and storm drain pipes) and conveyed to the linear detention basin proposed within the northern portion of the Project site. The proposed storm water management system would consist of an above-ground hybrid infiltration/bioinfiltration basin. The stormwater infrastructure would capture and treat the 100-year, 24-hour storm. This proposed system would address the San Bernardino County Phase II Small MS4 General Permit for the Mojave River Watershed requirements and design capture volume (DCV) (85th percentile, 24-hour storm). The City of Hesperia Engineering Department requested that the applicant provide capture of the 100-year, 24-hour storm, which exceeds existing San Bernardino County requirements. A basin overflow outlet would be provided to the northeast corner of the Project site and follow the existing drainage path.

Implementation of the proposed Project would comply with BMPs pursuant to the County's NPDES requirements, and the City Code. The Project would be required to implement a WQMP pursuant to Chapter 8.30 of the City of Hesperia Municipal Code and included as PPP WQ-2. Post construction BMPs and LID included in the WQMP would avoid potential quality degradation of receiving waters resulting from proposed development. As part of the permitting approval process, construction plans would be required to demonstrate compliance with these regulations. Plans for grading, drainage, erosion control and water quality would be reviewed by the City Public Works Department prior to issuance of grading permits to ensure that the applicable and required LID BMPs are constructed during implementation of the Project.

Additionally, BMPs would include non-structural water quality controls to further minimize potential of water quality degradation of receiving waters. Non-structural BMPs would include but are not limited to:

- Education of property operators on stormwater pollutants,
- Enclosed trash receptacle areas,
- Effective landscape design to minimize water use and maximize stormwater treatment,
- BMP maintenance activities,
- California Code of Regulation (CCR) Title 22 compliance,
- Compliance with local water quality ordinances, and
- Implementation of a spill contingency plan.

Overall, adherence to the existing regulations as implemented by the City Code would ensure that Project impacts related to degradation of water quality from operational activities would be less than significant.

IMPACT WQ-2: WOULD THE PROJECT SUBSTANTIALLY DECREASE GROUNDWATER SUPPLIES OR INTERFERE SUBSTANTIALLY WITH GROUNDWATER RECHARGE SUCH THAT THE PROJECT MAY IMPEDE SUSTAINABLE GROUNDWATER MANAGEMENT OF THE BASIN?

Less than Significant Impact. The Project site is underlain by the Upper Mojave River Basin, which is fully adjudicated and managed by the Mojave Water Agency (Watermaster). The Sustainable Groundwater Management Act (SGMA) of 2014 created a statewide framework to help protect groundwater resources over the long-term. SGMA is comprised from a three-bill legislative package, including AB 1739 (Dickinson), SB 1168 (Pavley), and SB 1319 (Pavley), and subsequent statewide Regulations. SGMA requires local agencies to form groundwater sustainability agencies (GSA's) for high and medium priority basins. GSA's are required to then develop and implement groundwater sustainability plans (GSP's) to avoid undesirable

results and mitigate overdraft within 20 years. Low priority basins are not required to form GSA's or GSP's at this time. The Mojave Water Agency is a low priority basin that is not required to form a GSA or GSP. Additionally, Mojave Water Agency is exempt from this requirement due to the adjudication. Therefore, the Project would not conflict with SGMA.

Hesperia has historically relied upon groundwater from the Mojave Basin. Hesperia's primary supply is pumped groundwater from this Alto subarea – one of five subareas created by the Adjudication. Future Hesperia water demands are projected within the Hesperia Water District 2020 Urban Water Management Plan (UWMP) and were based on past growth rate, local economic predictions, and current and projected land use. The UWMP anticipated 140 new nonresidential connections by 2025 and 520 by 2045. The UWMP determined that Hesperia has reliable supplies to meet its retail customer demands in normal, single dry years, and five consecutive dry year conditions through 2045. The Project proposes a Specific Plan Amendment to change the Project site's MSFC-SP designation from NC to CIBP. However, as discussed in the UWMP, Hesperia only extracts as much groundwater as is necessary to meet customer demands. Additionally, the Mojave Basin is adjudicated, and groundwater is pumped and allocated based on the codified allocations. Thus, the proposed Specific Plan Amendment would not result in a substantial decrease water supplies and would not conflict with determinations of the UWMP.

Currently, the Project site is undeveloped and pervious which allows for groundwater recharge. The proposed Project would result in the addition of 1,149,815 SF of impervious surface area. According to the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans and City's, LID infiltration BMPs must be used to capture and infiltrate the 85th percentile, 24-hour precipitation event. Runoff from the site will be collected via a proposed on-site private storm drain system (including catch basins and storm drain pipes) and conveyed to the linear detention basin proposed within the northern portion of the Project site. The proposed storm water management system would consist of an above-ground hybrid infiltration/bioinfiltration basin. The stormwater infrastructure would capture and treat the 100-year, 24-hour storm, an excess of the regional NDPES MS4 Permit requirement to capture and infiltrate the 85th percentile, 24-hour storm. In addition, vegetated landscaping has also been incorporated into the Project design to capture, treat, and infiltrate stormwater. As specified in the Preliminary WQMP (Appendix K), the infiltration capability of the Project site is adequate based on applicable permit requirements. The Project would decrease total pervious area and increase the infiltration rate within proposed pervious areas. The proposed stormwater system would provide similar infiltration and groundwater recharge capabilities to existing conditions. Therefore, the Project would not substantially impede groundwater recharge of the Project site.

Compliance with the MS4 permit requirements, the City Code, and other applicable requirements implemented through the WQMP, which would be verified during the Project permitting process, would ensure that Project impacts related to groundwater depletion and recharge would be less than significant.

IMPACT WQ-3i: WOULD THE PROJECT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, IN A MANNER WHICH WOULD RESULT IN SUBSTANTIAL EROSION OR SILTATION ON- OR OFF-SITE?

Construction

Less than Significant Impact. Construction of the Project would require site clearing and grading. Excavation, grading, and other site preparation activities would loosen soils, which has the potential to result in erosion and the loss of topsoil. Also, the Project site is generally flat and does not contain substantial slopes that could induce erosion or siltation, which refers to the accumulation of silt (fine particles of sand, mud, and

other materials) in a body of water. As discussed above, the existing NPDES Construction General Permit, as included as PPP WQ-1, requires preparation and implementation of a SWPPP by a Qualified SWPPP Developer for construction activities that disturb one-acre or more of soils. The SWPPP is required to address site-specific conditions related to potential sources of sedimentation and erosion and would list the required BMPs that are necessary to reduce or eliminate the potential of erosion or alteration of a drainage pattern during construction activities.

Overall, with implementation of the existing construction regulations that would be verified by the City during the permitting approval process, impacts related to alteration of an existing drainage pattern during construction that could result in substantial erosion or siltation would be less than significant.

Operation

Less than Significant Impact. The existing drainage pattern for the site generally flows from the south to the north. Runoff from the site would be collected via a proposed onsite private storm drain system (including catch basins and storm drain pipes) and conveyed in the northerly direction to a proposed storm water management system. The proposed storm water management system would consist of an above ground linear earthen basin. The treated controlled low-flow would be infiltrated, while the overflow would be pumped to the outlet at the northeast corner of the site where flows would then follow exiting drainage patterns. In the post-project condition, the drainage characteristics would be maintained as similar to the pre-Project condition.

The Project site would be mostly developed with impervious surfaces and undeveloped areas would be vegetated, minimizing the potential for erosion or siltation on site. As previously discussed, the Project would include implementation of BMPs designed to fully capture and infiltrate the Project's DCV, reducing offsite stormwater flows. As part of the permitting approval process, the proposed drainage and water quality design and engineering plans would be reviewed by the City Department of Public Works to ensure that they meet the County's NPDES Permit and limit the potential for erosion and siltation. Therefore, impacts related to alteration of a drainage pattern and erosion/siltation from operational activities would be less than significant.

IMPACT WQ-3ii: WOULD THE PROJECT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER, OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD SUBSTANTIALLY INCREASE THE RATE OR AMOUNT OF SURFACE RUNOFF IN A MANNER WHICH WOULD RESULT IN FLOODING ON- OR OFF-SITE?

Construction

Less than Significant Impact. Construction of the proposed Project would include activities that could temporarily alter the existing drainage pattern of the site, for example by constructing foundations and paved areas, and could result in flooding on- or offsite if drainage is not properly controlled. However, as described previously, implementation of the Project requires a SWPPP that would address site-specific drainage issues related to construction of the Project and include BMPs to eliminate the potential of flooding or alteration of a drainage pattern during construction activities. This includes diverting runoff from rooftops and other impervious surfaces to vegetated areas, when possible, to promote infiltration and controlling the perimeter of site using sandbags, berms, and silt fencing. Therefore, impacts would be less than significant.

Operation

Less than Significant Impact. As described previously, the proposed Project would result in an increase in impervious area onsite. As a result, the Project would increase surface flows compared to existing conditions. However, installation of new stormwater facilities, including an aboveground stormwater basin, pervious landscaped areas, and new storm drains would be installed. The proposed stormwater drainage system would collect onsite flows via a series of catch basins and storm drains.

Proposed onsite stormwater infrastructure has capacity to treat and detain 100 percent of the WQMP DCV. In addition, stormwater runoff would be directed towards landscaped areas wherever possible for treatment and infiltration. The aboveground and underground storage facilities are expected to retain and infiltrate the 100-year 24-hour storm. The use of the detention basin and landscaping would regulate the rate and velocity of stormwater flows and would control the amount of discharge into the offsite drainage system. As determined by the Preliminary WQMP (Appendix K) and Preliminary Hydrology Report (Appendix I), the proposed drainage improvements would slightly increase peak flow rates for a 100-year storm from existing conditions of 59.10 cubic feet per second (cfs) to 91.66 cfs. Proposed hydromodifications would be consistent with County requirements within the San Bernardino County Hydrology Manual flow requirements. As determined by the Preliminary WQMP (Appendix K) and Preliminary Hydrology Report (Appendix I), the proposed Project would not result in flooding conditions to upstream or downstream properties with the proposed improvements. As part of the permitting approval process, the proposed drainage and water quality design and engineering plans would be reviewed by the City Department of Public Works to ensure that they meet the County NPDES Permit requirements and would not result in flood impacts.

Overall, the drainage facilities proposed for the Project have been sized to be consistent with the County MS4 permit requirements. Thus, implementation of the Project would not substantially increase the rate or amount of surface runoff, such that flooding would occur. Impacts would be less than significant.

IMPACT WQ-3iii: WOULD THE PROJECT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD 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 proposed Project would develop an undeveloped site, which would result in the addition of 1,149,815 SF of impervious surface area. The Project site currently sheet flows from the south to the north across the Project site. Flows discharge to the Oro Grande Wash southeast of the Project site.

Use of an aboveground detention basin would regulate the rate and velocity of stormwater flows and would control the amount of discharge into the offsite drainage system. As discussed above, stormwater runoff would be treated via biotreatment and the Project would not result in significant impacts related to water quality. In addition, the drainage facilities proposed for the Project have been sized to adequately accommodate the stormwater flows from the proposed development and are consistent with the County drainage plans and MS4 permit requirements. The proposed stormwater system would accommodate existing stormwater infrastructure capacity by holding the entire DCV and allowing high flows to discharge from the site at a reduced flowrate. The existing drainage pattern would be maintained and peak flow

rates would slightly increase. However, the proposed drainage improvements would be consistent with County standards and permit requirements. Therefore, Project impacts would be less than significant.

IMPACT WQ-3iv: WOULD THE PROJECT SUBSTANTIALLY ALTER THE EXISTING DRAINAGE PATTERN OF THE SITE OR AREA, INCLUDING THROUGH THE ALTERATION OF THE COURSE OF A STREAM OR RIVER OR THROUGH THE ADDITION OF IMPERVIOUS SURFACES, IN A MANNER WHICH WOULD IMPEDE OR REDIRECT FLOOD FLOWS?

Construction

Less than Significant Impact. As described above, the Project site generally slopes south to north. Implementation of the Project would maintain existing drainage patterns of the Project site. Construction of the proposed Project would include activities that could temporarily alter the existing drainage pattern of the site and could result in flooding on- or off-site if drainage is not properly controlled. However, as described previously, implementation of the Project requires a SWPPP that would address site specific drainage issues related to construction of the Project and include BMPs to eliminate the potential of flooding or alteration of a drainage pattern during construction activities. This includes regular monitoring and visual inspections during construction activities. Compliance with the County's NPDES Permit and a SWPPP, as verified by the City through the construction permitting process, would prevent construction-related impacts related to potential impediment or redirection of flood flows. Therefore, Project impacts would be less than significant.

Operation

Less than Significant Impact. Per the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Map (FIRM), the Project is within Zone X, an area determined to be outside of the 0.2 percent annual chance floodplain (Map Number 06071C6475H). As described previously, the proposed Project would result in an increase in impervious areas. As a result, the Project would increase surface flows compared to existing conditions. However, installation of new stormwater drainage facilities, including an aboveground earthen basin, pervious landscaped areas, and new storm drains would be installed. The proposed drainage system would collect onsite flows via a series of catch basins and subsurface storm drains.

Proposed onsite drainage infrastructure has capacity to retain 100 percent of the site's DCV. In addition, landscaped areas would accept runoff water from impervious surfaces. The Project would infiltrate the 24-hour, 100-year storm and stormwater overflow would outlet to the northeast corner of the Project site, similar to the site's existing drainage path. The use of the detention and landscaping would regulate the rate and velocity of stormwater flows and would control the amount of discharge into the offsite drainage system. The proposed flowrate would be slightly greater than the existing flowrate; however, the drainage system would be designed consistent with County standards. As part of the permitting approval process, the proposed drainage and water quality design and engineering plans would be reviewed by the City Department of Public Works to ensure that they meet the County NPDES Permit and would not result in flood impacts.

Overall, the drainage facilities proposed for the Project have been sized to be consistent with the County MS4 permit requirements. The Project site is not within an existing floodplain and would not contribute to increased flooding. Thus, implementation of the Project would not substantially impede or redirect flood flows and impacts would be less than significant.

IMPACT WQ-4: WOULD THE PROJECT BE LOCATED IN FLOOD HAZARD, TSUNAMI, OR SEICHE ZONES, AND RISK RELEASE OF POLLUTANTS DUE TO PROJECT INUNDATION?

No Impact. According to the Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA) (06071C6475H), the Project site is located in “Zone X”, which is an area located outside of the 100-year and 500-year flood plains. Tsunamis are large waves that occur in coastal areas; therefore, since the City is not located in a coastal area, no impacts due to tsunamis would occur. Additionally, the Project site do not contain and are not adjacent to any water bodies that could seiche. The nearest body of water is Mojave River, approximately nine miles to the east, which is not a contained body of water with seiche potential. Therefore, the Project would result in no impacts related to a flood hazard, tsunami, or seiche and release of pollutants due to Project inundation.

IMPACT WQ-5: WOULD THE PROJECT CONFLICT WITH OR OBSTRUCT IMPLEMENTATION OF A WATER QUALITY CONTROL PLAN OR SUSTAINABLE GROUNDWATER MANAGEMENT PLAN?

Less than Significant Impact. The Project site is undeveloped, and the proposed Project would result in a substantial increase of imperviousness. As described above, the proposed storm drain system is sized to adequately accommodate increased stormwater flows from the Project area and would maintain the existing drainage pattern of the site. Runoff would discharge into the onsite detention basin, which would retain and slow runoff before its treated by the proposed biotreatment BMP, infiltrating, or being discharged offsite.

Therefore, the Project would not conflict with SGMA. The City of Hesperia is within the jurisdiction of the Lahontan RWQCB (Region 8). The RWQCB sets water quality standards for all ground and surface waters within its region through implementation of a Water Quality Control Plan (Basin Plan). This Basin Plan gives direction on the beneficial uses of the state waters within Region 8, describes the water quality that must be maintained to support such uses, and provides programs, projects, and other actions necessary to achieve the established standards. The County’s NPDES Storm Water Permit, incorporated in the City of Hesperia Municipal Code Chapter 8.30, would require proposed projects in the Project area to prepare a WQMP, included as PPP WQ-2. WQMPs are required to include BMPs for source control, pollution prevention, site design, and structural treatment control BMPs. As part of the permitting approval process, construction plans would be required to demonstrate compliance with these regulations to minimize the potential of the Project to result in a degradation of water quality. Plans for grading, drainage, erosion control and water quality would be reviewed by the City Public Works Department prior to issuance of grading permits to ensure compliance. As discussed under Impact WQ-2, the Mojave River Basin is adjudicated and therefore is not subject to a sustainable groundwater management plan. Thus, the Project would not conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

5.9.7 CUMULATIVE IMPACTS

The areas considered for cumulative impacts to hydrology and water quality are the Mojave Watershed for drainage and water quality impacts, and the Upper Mojave River Basin for groundwater impacts.

Water Quality: The geographic scope for cumulative impacts related to hydrology and water quality includes the Mojave River Basin watershed because cumulative projects and developments pursuant to the proposed Project could incrementally exacerbate the existing impaired condition and could result in new pollutant-related impairments.

Related developments within the watershed would be required to implement water quality control measures pursuant to the same NPDES General Construction Permit that requires implementation of a SWPPP (for

construction), a WQMP (for operation) and BMPs to eliminate or reduce the discharge of pollutants in stormwater discharges, reduce runoff, reduce erosion and sedimentation, and increase filtration and infiltration. The NPDES permit requirements have been set by the SWRCB and implemented by the RWQCB (and Hesperia Municipal Code) to reduce incremental effects of individual projects so that they would not become cumulatively considerable. Therefore, overall potential impacts to water quality associated with present and future development in the watershed would not be cumulatively considerable upon compliance with all applicable laws, permits, ordinances and plans. As detailed previously, the proposed Project would be implemented in compliance with all regulations, as would be verified during the permitting process. Therefore, cumulative impacts related to water quality would be less than significant.

Drainage: The geographic scope for cumulative impacts related to stormwater drainage includes the geographic area served by the existing stormwater infrastructure for the Project area, from capture of runoff through final discharge points. As described above the proposed Project includes installation of a detention basin that would retain, slow, filter, and infiltrate the 100-year, 24-hour design storm. These facilities would retain runoff and reduce erosion and siltation. In addition, pursuant to state and regional regulations that require development projects to maintain pre-project hydrology, no net increase of off-site stormwater flows would occur. As a result, the proposed Project would not generate runoff that could combine with additional runoff from cumulative projects that could cumulatively combine to impact erosion, siltation, flooding, and water quality. Thus, cumulative impacts related to drainage would be less than significant.

Groundwater Basin: The geographic scope for cumulative impacts related to the groundwater basin is the Upper Mojave River Basin. As described above, the proposed Project includes installation of an infiltration chamber that would recharge stormwater into the groundwater basin. In addition, the volume of water that would be needed by the Project is within the anticipated groundwater pumping volumes since the basin is adjudicated. Therefore, the Project would not result in changes to the projected groundwater pumping that would decrease groundwater supplies. As a result, the proposed Project would not generate impacts related to the groundwater basin that have the potential to combine with effects from other projects to become cumulatively considerable. Therefore, cumulative impacts related to the groundwater basin would be less than significant.

5.9.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

- Construction General Permit, Order No. 2009-0009-DWQ, as amended by 2010-0014-DWQ and 2012-0006-DWQ
- California Water Resources Control Board Low Impact Development (LID) Policy
- Regional MS4 permit (Order No. 013-0001-DWQ)
- City Development Code Chapter 8.30; Surface and Groundwater Protection: NPDES Permit Implementation

Plans Programs and Policies

The following Plans Programs and Policies (PPPs) that are listed below would reduce impacts related to hydrology and water quality. These actions will be included in the project's mitigation monitoring and reporting program:

PPP WQ-1: NPDES/SWPPP. Prior to issuance of any grading permits, the applicant shall provide the City Building and Safety Department evidence of compliance with the NPDES (National Pollutant Discharge Elimination System) requirement to obtain a construction permit from the State Water Resource Control Board (SWRCB). The permit requirement applies to grading and construction sites of one acre or larger. The Project applicant/proponent shall comply by submitting a Notice of Intent (NOI) and by developing and implementing a Stormwater Pollution Prevention Plan (SWPPP) and a monitoring program and reporting plan for the construction site.

PPP WQ-2: WQMP. Prior to the approval of the Grading Plan and issuance of Grading Permits a completed Water Quality Management Plan (WQMP) shall be submitted to and approved by the Public Works Department. The WQMP shall be submitted using the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans and shall identify all Post-Construction, Site Design, Source Control, and Treatment Control Best Management Practices (BMPs) that will be incorporated into the development project in order to minimize the adverse effects on receiving waters.

5.9.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Upon implementation of regulatory requirements, Impacts WQ-1, WQ-2, WQ-3i-iv, WQ-4, and WQ-5 would be less than significant.

5.9.10 MITIGATION MEASURES

None.

5.9.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant unavoidable adverse impacts related to hydrology and water quality have been identified and impacts would be less than significant.

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5.10 Land Use and Planning

5.10.1 INTRODUCTION

This section describes the existing land use and planning conditions of the KISS Logistics Center Project (Project) site and vicinity, identifies associated regulatory requirements and evaluates potential impacts. Information contained in this section is based on review of local, regional, and statewide policies and regulations encompassing the Project site, including:

- Southern California Association of Government's (SCAG) Regional Transportation Plan/Sustainable Communities Plan (RTP/SCS; Connect SoCal)
- City of Hesperia General Plan, 2010
- City of Hesperia Municipal Code

5.10.2 REGULATORY SETTING

5.10.2.1 State Regulations

California Planning and Zoning Law

The legal framework under which California cities and counties exercise local planning and land use functions is set forth in California Planning and Zoning Law, Government Code Sections 65000-66499.58. Under State planning law, each city and county must adopt a comprehensive, long-term general plan. State law gives cities and counties wide latitude in how a jurisdiction may create a general plan, but there are fundamental requirements that must be met. As stated in Section 65302 of the California Government Code, "The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principle, standard, and plan proposals." While a general plan will contain the community vision for future growth, California law also requires each plan to address the mandated elements listed in Section 65302. The mandatory elements for all jurisdictions are land use, circulation, housing, conservation, open space, noise, and safety. Each of the elements must contain text and descriptions setting forth objectives, principles, standards, policies, and plan proposals.

Senate Bill 743

On September 27, 2013, Governor Brown signed Senate Bill (SB) 743, which became effective on January 1, 2014. The purpose of SB 743 is to streamline the review under the California Environmental Quality Act (CEQA) to balance the needs of congestion management with statewide goals related to infill development, promotion of public health through active transportation, and reduction of greenhouse gas emissions. An in-depth discussion of SB 743 is provided in Section 4.11, Transportation. In summary, SB 743 changes the focus of environmental review of transportation impacts. In the past, environmental review of transportation impacts focused on the delay that vehicles experience at intersections and on roadway segments, which is often measured using levels of service (LOS). Under SB 743, LOS can no longer be used to determine significant transportation impacts under CEQA. The State CEQA Guidelines were updated in 2018 to require use of the vehicle miles traveled (VMT) methodology for assessing transportation impacts.

5.10.2.2 Regional Regulations

Regional Transportation Plan/Sustainable Communities Strategy

Southern California Association of Governments (SCAG) is the designated Metropolitan Planning Organization (MPO) for six Southern California counties (Los Angeles, Ventura, Orange, San Bernardino, Riverside, and Imperial), and is federally mandated to develop plans for transportation, growth

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

Mojave Desert Air Quality Management Plan

The Mojave Desert Air Quality Management District (MDAQMD) and the Southern California Association of Governments (SCAG) are responsible for preparing the air quality management plan (AQMP), which addresses federal and state CAA requirements. The AQMP details goals, policies, and programs for improving air quality in the Basin. The MDAQMD's most recent air quality plans are the PM10 attainment demonstration and maintenance plan (MDAQMD 1995) and the O3 attainment plan (MDAQMD 2008).

San Bernardino County Congestion Management Program

The San Bernardino County Congestion Management Plan (CMP) was prepared by the San Bernardino Associated Governments (SANBAG) to more directly link land use, transportation, and air quality planning and to prompt reasonable growth management programs that would more effectively utilize new and existing transportation funds to alleviate traffic congestion and related impacts and improve air quality. The San Bernardino County CMP was first adopted in November 1992 and has since been updated 12 times, with the most recent comprehensive update in June 2016. The Project's consistency with the San Bernardino County CMP is discussed in detail in Section 5.12, *Transportation*.

5.10.2.3 Local Regulations

City of Hesperia General Plan

The City of Hesperia General Plan is intended to provide direction for future development of the City. It represents a formal expression of community goals and desires, provides guidelines for decision making about the City's development, and fulfills the requirements of California Government Code Section 65302 requiring local preparation and adoption of General Plans. The General Plan should be viewed as a dynamic guideline to be refined as the physical environment of the City's changes. The General Plan includes the following mandated and optional elements: Land Use Element, Circulation Element, Housing Element, Open Space Element, Noise Element, Conservation Element, and Safety Element. The goals and policies of the existing General Plan that are relevant to the proposed Project are listed below by General Plan Element.

Land Use Element

Goal LU-1: Regulate development so that the density of residential development and the intensity of non-residential development are appropriate to the property, surrounding properties, and the general neighborhood.

Policy LU-1.1 Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context and building form and scale.

Policy LU-1.3 Require that new construction, additions, renovations, and infill developments be sensitive to the intent of the land use designations, incorporating neighborhood context as well as building form and scale.

Policy LU-1.4 Encourage architecture which breaks massive buildings into smaller parts. Focus on maintaining a human scale when creating common spaces or amenities.

Goal LU-4: Promote industrial development within the City which will expand its tax base and provide a range of employment activities, while not adversely impacting the community or environment.

Policy LU-4.4 Require the separation or buffering of residentially designated areas from industrial businesses which produce noise, odors, high traffic volumes, light and/or glare, and parking through the use of landscaping, setbacks, and other techniques. Existing residential areas should not limit the potential uses within industrial areas.

Policy LU-4.6 Incorporate varied planes and textures and variety in building materials on industrial buildings to achieve high quality architectural design.

Policy LU-4.7 Incorporate landscape plantings into industrial projects to define and emphasize entrances, inclusive of those areas along the front of a building facing a parking lot.

Policy LU-4.8 Require delivery areas to be separated from pedestrian areas.

Policy LU-4.9 Include full architectural treatment on all sides of buildings facing streets.

Goal LU-6: Promote sustainable development and building practices in all facets of project development through completion of construction.

Policy LU-6.1 Promote the use of green building standards and Leadership in Energy and Environmental Design (LEED), or other equivalent programs, in both private and public projects.

Policy LU-6.2 Promote sustainable building practices that go beyond the requirements of Title 24 of the California Administrative Code, and encourage energy-efficient design elements, consistent with Policy LU-6.1.

Policy LU-6.3 Support sustainable building practices that encourage the use of recycled or other building materials that promote environmental quality, economic vitality, and social benefits. Support construction, and operational practices that limit impacts to the environment.

Policy LU-6.5 Encourage development that incorporates green building practices to conserve natural resources as part of sustainable development practices.

Policy LU-7.1 Continue to encourage quality design in all new construction to further improve the built environment of the City.

Goal LU-8: Provide for a fiscally sound and balanced mix of land uses with the best and most efficient use of infrastructure and services. Development shall occur in an orderly, beneficial manner that does not fiscally impact the existing community.

Policy LU-8.5 Adopt design standards which will assure land use compatibility and enhance the visual environment, by providing attractive, aesthetically pleasing development which is sensitive to the unique local characteristics of the Hesperia community.

Circulation Element

Goal CI-1: Develop a safe, efficient, convenient, and attractive transportation system throughout the community, providing links within the City and with neighboring regions, and accommodating automobile, truck, pedestrian, recreational, equestrian, rail, air, and public transit needs which will meet current and future development requirements within the planning area.

Policy CI-1.5 Adopt a comprehensive Transportation Plan which makes efficient use of the existing road network, improves circulation patterns in congested areas, provides increased access to areas presently lacking road infrastructure, provides consistency with plans for adjacent areas and federal and state highways, and minimizes impacts to residential neighborhoods.

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.

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

Goal CI-4: Provide a circulation system that facilitates the movement of goods and services throughout the City while protecting residences, sensitive land uses, and pedestrians from activities along rail and truck corridors.

Policy CI-4.2 Locate new development and their access points in such a way that traffic is not encouraged to utilize local residential streets for access to the development and its parking.

Policy CI-4.3 Discourage non-local traffic from using neighborhood streets through project design and traffic control measures.

Open Space Element

Goal OS-2: Identify and preserve natural open space in order to protect sensitive environments and preserve amenities such as washes, bluffs, Joshua tree forests, or juniper woodlands. Open space areas should be contiguous or connected through trails to provide accessibility for hikers as well as wildlife.

Policy OS 2.3 Utilize natural open space to preserve natural resources such as historical, biological and scenic resources.

Policy OS-5.2 Provide parks and recreation facilities at a rate of five (5) acres per 1,000 residents.

Noise Element

Goal NS-1: To achieve and maintain an environment which is free from excessive or harmful noise through identification, control and abatement.

Policy NS-1.1 Incorporate noise reduction features during site planning and into land use planning decisions to mitigate anticipated noise impacts on affected noise-sensitive land uses.

Policy NS-1.2 Control and abate undesirable sounds through the use of the land use compatibility criteria shown in Exhibit NS-1, Table N-3, and Municipal Code Section 16.20.125(B).

Policy NS-1.5 Require the design and construction of commercial, industrial, office and mixed-use structures developments with noise attenuation methods to minimize excessive noise upon noise-sensitive land uses.

Policy NS-1.9 Encourage commercial, industrial, office and mixed-use developments to locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noisier components away from noise-sensitive land uses.

Policy NS-1.10 Limit the hours of construction activity in, and around, residential areas in order to reduce the intrusion of noise in the early morning and late evening hours and on weekends and holidays.

Policy NS-1.11 Limit delivery hours for businesses with loading areas or docks fronting, siding, or bordering or gaining access on driveways adjacent to noise-sensitive areas.

Policy NS-1.12 Implement nighttime and daytime on-site noise level limits to address noise generated by commercial and industrial uses where it affects abutting residential and other noise sensitive land uses.

Policy NS-1.13 Ensure adequate noise control measures at construction sites by requiring that construction equipment be fitted with manufacturer-recommended mufflers and ensuring physical separation of machinery maintenance and staging areas from adjacent residential uses.

Goal NS-2: To achieve and maintain an environment which is free from excessive vibration.

Policy NS-2.1 Control exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels as set forth in Table NS-1 and Municipal Code Section 16.20.130.

Conservation Element

Goal CN-1: Conserve water resources within the Upper Mojave River Groundwater Basin

Policy CN-1.1 Promote the use of desert vegetation with low water usage and drought tolerant materials in landscaped areas.

Policy CN-1.3 Promote reduced use of high nitrate fertilizers, herbicides, pesticides and other chemicals in landscaping areas that can contaminate the quality of the groundwater.

Policy CN-1.4 Limit the disturbance of natural water hydrology by minimizing the creation of impervious surface area and continued utilization underground retention/detention facilities to recharge groundwater.

Policy CN-2.1 Minimize impacts to washes that convey drainage by prohibiting development within drainage corridors that are not consistent with the Master Plan of Drainage.

Policy CN-2.4 Continue to implement the use of reclaimed water through the City's "purple pipe" ordinances and regulations to further the use of reclaimed and treated water.

Goal CN-4: Establish policies and regulations to protect the natural environment and habitat of the cities biological resources.

Policy CN-4.2 Encourage the protection, preservation and long-term viability of environmentally sensitive habitats and species in the City.

Policy CN-4.3 Identify lands that are suitable for preservation for sensitive species and their habitats.

Policy CN-4.4 In those areas known as possible habitat for endangered and sensitive species, require proper assessments before authorizing development.

Policy CN-4.5 Where such assessments indicate the presence of endangered or sensitive species, require appropriate actions to preserve the habitat and protect the identified species.

Goal CN-5: The City shall establish policies and procedures in compliance with state and Federal laws and regulations to identify and properly protect found historical, cultural and paleontological artifacts and resources.

Policy CN-5.1 Encourage the preservation of historical, paleontological and cultural resources.

Policy CN-5.2 In those areas where surveys and records indicate historical, cultural or paleontological resources may be found, appropriate surveys and record searches shall be undertaken to determine the presence of such resources, if any.

Policy CN-5.3 All historical, paleontological and cultural resources discovered shall be inventoried and evaluated according to CEQA regulations and the California Office of Historic Preservation.

Policy CN-5.5 Through its CEQA and other environmental procedures, the City shall notify appropriate Native American representatives of possible development and shall comply with all State and Federal requirements concerning the monitoring and preservation of Native American artifacts and places.

Policy CN-6.2 Encourage the use of green building standards and Leadership in Energy and Environmental Design (LEED) or similar programs in both private and public projects.

Policy CN-6.5 Coordinate with the local energy provider in developing policies and procedures to reduce energy consumption in existing and future developments.

Goal CN-7: Develop, promote and implement policies to reduce and limit Greenhouse Gas Emissions

Policy CN-7.4 Promote the utilization of alternative energy resources such as wind and solar in new development.

Policy CN 7.5 Promote the utilization of environmentally sensitive construction materials to limit impacts on the ozone, global climate change and mineral resources.

Goal CN- 8: Implement policies and measures to reduce air pollution and emissions of pollutants.

Policy CN- 8.1 Implement measures to reduce fugitive dust from unpaved areas, parking lots, and construction sites.

Policy CN- 8.2 Implement measures to reduce exhaust emissions from construction equipment.

Policy CN- 8.5 Minimize exposure of sensitive receptor land uses and sites to health risks related to air pollution.

Safety Element

Goal SF-1: Minimize injury, loss of life, property damage and economic and social disruption caused by seismic shaking and other earthquake-induced hazards, and by geologic hazards such as slope instability, compressible and collapsible soils, and subsidence.

Policy SF-1.2 Require all development proposals in the City to conduct, as a condition of approval, geotechnical and engineering geological investigations, prepared by State-certified professionals (geotechnical engineers and engineering geologists, as appropriate) following the most recent guidelines by the California Geological Survey and similar organizations, that address, at a minimum, the site-specific seismic and geologic hazards identified in the Technical Background Report. These reports shall provide mitigation measures to reduce those hazards identified at a site to an acceptable level.

Policy SF-1.5 Liquefaction assessment studies shall be conducted as a condition of approval for all projects proposed in areas identified as potentially susceptible to liquefaction (see the Technical Background Report). The studies shall be conducted in accordance with the California Geological Survey's Special Publication 117: Guidelines for Evaluating and Mitigating Seismic Hazards in California (2008 or more recent version), and the Earthquake Engineering Research Center's Report No. EERC-2003-06 (or more recent version): Recent Advances in Soil Liquefaction Engineering.

Goal SF-2: Minimize injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.

Policy SF 2.1 The City shall continue enforcing the City's Municipal Code provisions for flood hazard reduction (Title 8: Safety, Chapter 8.28: Flood Hazard Protection and Regulations). This code, which applies to new construction and existing projects undergoing substantial improvements, provides constructions standards that address the major causes of flood damage, and includes provisions for anchoring, placement of utilities, raising floor elevations, using flood resistant construction materials, and other methods to reduce flood damage.

Policy SF 2.2 The City will require that new discretionary development proposals include, as a condition of approval, hydrological studies prepared by a State-certified engineer with expertise in this area, that assess the impact that the new development will have on the flooding potential of existing development down-gradient. The studies shall provide mitigation measures to reduce this impact to an acceptable level. Single-family residences on existing lots shall be exempt.

Goal SF-3: Reduce the risk of death, injury, property damage and economic loss due to vegetation and structure fires.

Policy SF-3.1 The City shall continue to require that all new habitable structures be designed in accordance with the most recent California Fire Code with local amendments adopted by the City, including the use of fire sprinklers in residential structures.

Policy SF-3.7 The City, in cooperation with the San Bernardino County Fire Department, will ensure, to the maximum extent possible, that fire services, such as fire fighting equipment and personnel, infrastructure, and response times, are adequate for all sections of the City. To that end, the City will continue to regularly evaluate specific fire hazard areas, and adopt reasonable safety standards, such as adequacy of nearby water supplies, fire-retardant roofing materials, fire-equipment accessible routes, clarity of addresses, street signage, and street maintenance

Goal SF-4: Reduce the potential for hazardous materials contamination in Hesperia.

Policy SF-4.1 The City, in cooperation with the San Bernardino County Fire Department, Hazardous Materials Division, will continue to enforce disclosure laws that require all users, generators, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use or transport, and to notify the appropriate City, County, State and Federal agencies of a change in quantity or type of materials, and in the event of a violation.

Policy SF-4.2 The City, in cooperation with the San Bernardino County Fire Department, will ensure that they can continue to respond safely and effectively to a hazardous materials incident in the City, whether it is a spill at a permitted facility, or the result of an accident along a section of the freeway or railroads that extend across the City. To do this, the City will continue to coordinate with regional providers of emergency services, including the County's Fire and Sheriff Departments, to ensure that all residents, workers and visitors to Hesperia are protected from exposure to hazardous materials and wastes.

Main Street and Freeway Corridor Specific Plan

The MSFC-SP establishes a framework for the Main Street and freeway corridors and is intended to facilitate and support development and improvements along these corridors. The regulations of the specific plan replace those set forth in the zoning provisions of the City's Development Code, and any other applicable ordinances. The goals and policies of the existing Specific Plan that are relevant to the proposed Project are listed below by MSFC-SP Element:

Land Use Element

Goal LU-1b: Provide for continuing growth within the Specific Plan area, with land uses and intensities appropriately designated to meet the needs of anticipated growth and to achieve the community's objectives.

Policy LU-1.1 With the adoption of the Main Street and Freeway Corridor Specific Plan, establish land use districts that have complimentary rather than competitive uses/zones, and maintain the integrity of and interrelationships between these zones.

Goal LU-2: Create a jobs/housing balance in the City.

Policy LU-2.1 Designate land near Interstate-15 and Highway 395 for freeway-oriented commercial and industrial/business park development.

Policy LU-2.2 Add to the City's industrial land base where logically and physically possible to do so.

Goal LU-6: Make use of vacant sites within the Specific Plan area.

Urban Design Element

Goal UD-1: Strengthen the identity of the City of Hesperia and the Specific Plan area by building upon the surrounding natural resources and amenities, and create a new image for Main Street and the Freeway Corridor that expresses an attractive, inviting, high quality character and commercial vitality.

Policy UD-1.4 Preserve views of the mountains – San Gabriel Mountains to the southwest and San Bernardino National Forest to the southeast.

Policy UD-2.1 Establish development and design standards that encourage high quality of construction and lead to the creation of attractive developments.

Goal UD-4: Enhance the pedestrian environment and driving experience within the City.

Goal UD-5: Encourage good design, and high-quality development within the Specific Plan area.

Policy UD-5.1 Develop standards and guidelines for public and private improvements that create the desired aesthetic and high-quality environment.

Policy UD-5.3 Through design review, ensure that new development enhances the character of the Specific Plan area by requiring design qualities and elements that contribute to an active pedestrian environment, where appropriate, and ensuring that architectural elements support high-quality development.

Economic Development

Goal ED-1: Encourage commercial and industrial development in the Specific Plan area to assist with long-term financial stability and ensure fiscal viability for the City.

Policy ED-1.1 Attract and recruit new businesses that are appropriate to each land use district as defined in the Specific Plan

Circulation

Goal C-2: Explore and provide the highest level of access for all modes of transportation and maintains efficient circulation in the Specific Plan area throughout the day.

Policy C-2.1 Preserve the traffic-carrying capacity of arterial streets by implementing policies that include the promotion of shared access locations among multiple properties or establishments, reciprocal access agreements, shared parking, and the use of side streets to provide access to parcels, if possible.

Policy C-2.6 Encourage present and future public transit use.

Policy C-2.8 Facilitate bicycle use and circulation within the Specific Plan area.

Policy C-2.9 Promote a safe and attractive pedestrian environment to encourage pedestrian traffic within and across the districts, especially in the City Center District, where wider sidewalks for pedestrians are desirable.

Parking

Goal P-1: Provide adequate, efficient parking throughout the Specific Plan area while avoiding an oversupply of parking using shared parking and reduced parking requirements.

City of Hesperia Development Code

The Development Code, Title 16 of the Hesperia Municipal Code, includes regulations concerning various land uses may occur in the City. It also establishes zone-specific height limits, setback requirements, parking ratios, and other development standards, for residential, commercial, industrial, and all other types of sites. The Development Code is a primary tool for implementing the City's General Plan. The purpose of the Development Code is to encourage, classify, designate, regulate and restrict the highest and best locations and uses of buildings and structures, for residential, commercial, and industrial or other purposes.

5.10.3 ENVIRONMENTAL SETTING

Existing Project Site Conditions

The 29.61-acre Project site has remained unimproved since at least 1902. An unpaved road (Caliente Road) transects the Project site from southwest to northeast. The site is relatively flat with a gentle slope to the northeast. The Project site is currently undeveloped and contains moderate coverage of ruderal vegetation, such as natural grasses and weeds. The Project site is composed of three existing parcels identified by a unique Assessor's Parcel Number (APN): 3064-401-03, -04, and -05.

The Project site is located within the MSFC-SP. According to the City's General Plan and the MSFC-SP, the designations for the Project site are Commercial/Industrial Business Park (CIBP) and Regional Commercial (RC), as shown in Figure 3-4, *Existing MSFC-SP Zoning Designations*, found in Chapter 3.0, *Project Description* (City of Hesperia 2010; City of Hesperia 2020). Table 5.10-1 provides a summary of the current General Plan/Specific Plan Land Use and Zoning designations associated with each APN within the Project site.

Table 5.10-1. Current General Plan/Specific Plan Land Use and Zoning Designations

Assessor Parcel Number	General Plan Land Use Designation	Zoning Designation
APN 3064-401-03	Commercial/Industrial Business Park (CIBP)	Commercial/Industrial Business Park (CIBP)
APN 3064-401-04	Commercial/Industrial Business Park (CIBP)	Commercial/Industrial Business Park (CIBP)
APN 3064-401-05	Neighborhood Commercial (NC)	Neighborhood Commercial (NC)

Surrounding Land Uses

Land uses surrounding the Project site are dominated by vacant land with some scattered residential, commercial, light industrial, and utility uses. Specific land uses located in the immediate vicinity of the Project site include the following:

- **North:** Vacant land and scattered commercial, light industrial, and residential uses
- **East:** U.S. Highway 395 and residential development
- **South:** Phelan Road followed by vacant land
- **West:** Vacant land and scattered commercial, light industrial, and residential uses

5.10.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of the State CEQA Guidelines indicates that a project could have a significant effect if it were to:

LU-1: Physically divide an established community?

LU-2: Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?

5.10.5 METHODOLOGY

The evaluation of impacts to land use and planning is based on a comparison of the Project to the applicable plans, policies, and regulations to determine if implementation of the Project would conflict with a plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

5.10.6 ENVIRONMENTAL IMPACTS

IMPACT LU-1: WOULD THE PROJECT PHYSICALLY DIVIDE AN ESTABLISHED COMMUNITY?

No Impact. The physical division of an established community could occur if a major road (expressway or freeway, for example) were built through an existing community or neighborhood, or if a major development was built which was inconsistent with the land uses in the community such that it divided the community. The environmental effects caused by such a facility or land use could include lack of, or disruption of, access to services, schools, or shopping areas.

The Project site is currently vacant and is surrounded by existing roadways, vacant land, and industrial uses. The Project site is currently designated for industrial and commercial uses, and with the implementation of a Specific Plan Amendment to redesignate the southern parcel to CIBP, the Project would be consistent with the planned land uses for the site. In addition, the Project does not involve development of roadways or other infrastructure that could divide a community. Therefore, the proposed Project would not divide the physical arrangement of an established community, and no impact would occur.

IMPACT LU-2: WOULD THE PROJECT CAUSE A SIGNIFICANT ENVIRONMENTAL IMPACT DUE TO A CONFLICT WITH ANY LAND USE PLAN, POLICY, OR REGULATION ADOPTED FOR THE PURPOSE OF AVOIDING OR MITIGATING AN ENVIRONMENTAL EFFECT?

Less than Significant Impact.

City of Hesperia Land Use Plans, Policies, and Regulations. The General Plan currently designates the Project site as Main Street and Freeway Corridor Specific Plan (MSFC-SP). Within the MSFC-SP, the two northerly

parcels of the site (APN 3064-401-03 and -04) are designated Commercial/Industrial Park (CIBP) and the southerly parcel of the site (APN 3064-401-05) is designated Neighborhood Commercial (NC). The Project is consistent with the Specific Plan designation of CIBP (with approval of a Conditional Use Permit (CUP), as discussed below). Furthermore, the Project involves modifying the southern portion of the Project site's Specific Plan designation from NC to CIBP which would require a Specific Plan Amendment. Approval of the proposed Specific Plan Amendment and the CUP would make the Project consistent MSFC-SP. Therefore, in consistency with the MSFC-SP, the Project would be consistent with the General Plan.

Additionally, the General Plan contains several goals and policies that address land use and planning and are applicable to the Project. An analysis of the Project's consistency with these goals and policies is provided in Table 5.10-2.

Table 5.10-2. General Plan Consistency Analysis

General Plan Policy or Goal	Project Consistency
Land Use Element	
<i>Goal LU-1</i> Regulate development so that the density of residential development and the intensity of non-residential development are appropriate to the property, surrounding properties, and the general neighborhood.	Consistent. The Project would include construction of an industrial warehouse. The Project site would be designated as CIBP and would support the expansion of regional commercial and industrial development. Additionally, the Project would support the City's goal of increasing jobs within the City and balancing the job to housing ratio promoting regional economic growth.
<i>Policy LU-1.1</i> Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context and building form and scale.	Consistent. The Project site is located on vacant land within the MSFC-SP area. The Project involves the construction of an industrial distribution warehouse in an area zoned for CIBP. Further, the Project would be developed to comply with the City's Municipal Code.
<i>Policy LU-1.3</i> Require that new construction, additions, renovations, and infill developments be sensitive to the intent of the land use designations, incorporating neighborhood context as well as building form and scale.	Consistent. The proposed Project would be a warehouse located in Main Street/I-15 District. According to the Specific Plan, the Main Street/Interstate-15 District is the district in the Specific Plan Area that takes advantage of the intersection of the two important corridors in the City: the I-15 Freeway Corridor and Main Street. The Main Street/Interstate-15 District takes advantage of the regional freeway accessibility and visibility through high quality development and streetscape enhancements. This district is a mixed-use district emphasizing large-scale employment uses, regional retail uses, entertainment uses, hotels, and higher density residential uses near the interchange along U.S. Highway 395.
<i>Policy LU-1.4</i> Encourage architecture which breaks massive buildings into smaller parts. Focus on maintaining a human scale when creating common spaces or amenities.	Consistent. The Project would be developed to comply with the City's Municipal Code and would include design elements consistent with the standards set forth in the MSFC-SP.

<i>Goal LU-4</i> Promote industrial development within the City which will expand its tax base and provide a range of employment activities, while not adversely impacting the community or environment.	Consistent. The Project would directly add to the City's industrial land base through the development of a warehouse building.
<i>Policy LU-4.4</i> Require the separation or buffering of residentially designated areas from industrial businesses which produce noise, odors, high traffic volumes, light and/or glare, and parking through the use of landscaping, setbacks, and other techniques. Existing residential areas should not limit the potential uses within industrial areas.	Consistent. The Project site is located on vacant land within the Specific Plan area. The Project involves the construction of an industrial warehouse in an area designated for commercial and industrial uses. Therefore, the Project would be adequately buffered from surrounding residential uses.
<i>Policy LU-4.6</i> Incorporate varied planes and textures and variety in building materials on industrial buildings to achieve high quality architectural design.	Consistent. As discussed in Section 5.1, <i>Aesthetics</i> , the proposed Project would include MM-AES-1 which requires a materials board showing the proposed building color palette for review and approval prior to issuance of the first building permit.
<i>Policy LU-4.7</i> Incorporate landscape plantings into industrial projects to define and emphasize entrances, inclusive of those areas along the front of a building facing a parking lot.	Consistent. As discussed under Section 5.12, <i>Transportation</i> , the Project would include installation of sidewalks and native streetscape landscaping along the building entrances to enhance overall pedestrian and driving experience.
<i>Policy LU-4.8</i> Require delivery areas to be separated from pedestrian areas.	Consistent. As shown in Figure 3-1, <i>Conceptual Site Plan</i> , driveways and delivery areas would be located along the eastern side of the site, with sidewalks located along the southern site boundary.
<i>Policy LU-4.9</i> Include full architectural treatment on all sides of buildings facing streets.	Consistent. As discussed in Section 5.1, <i>Aesthetics</i> , the proposed Project would include MM-AES-1 which requires a materials board showing the proposed building color palette for review and approval prior to issuance of the first building permit.
<i>Goal LU-6</i> Promote sustainable development and building practices in all facets of project development through completion of construction.	Consistent. The proposed Project would be constructed according to the requirements of the 2022 Title 24 of the California administrative code and the Project would be solar ready.
<i>Policy LU-6.1</i> Promote the use of green building standards and Leadership in Energy and Environmental Design (LEED), or other equivalent programs, in both private and public projects.	Consistent. The proposed Project would be constructed according to the requirements of Title 24 of the California Administrative Code and the Project would have a solar-ready roof.
<i>Policy LU-6.2</i> Promote sustainable building practices that go beyond the requirements of Title 24 of the California Administrative Code, and encourage energy-efficient design elements, consistent with Policy LU-6.1.	Consistent. The proposed Project would be constructed according to the requirements of the 2022 Title 24 of the California administrative code and the Project would be solar ready.
<i>Policy LU-6.3</i> Support sustainable building practices that encourage the use of recycled or other building materials that promote environmental quality, economic vitality, and social benefits. Support construction, and operational practices that limit impacts to the environment.	Consistent. The proposed Project would be constructed according to the requirements of Title 24 of the California Administrative Code and the Project would have a solar-ready roof.

<i>Policy LU-6.5</i> Encourage development that incorporates green building practices to conserve natural resources as part of sustainable development practices.	Consistent. The proposed Project would be constructed according to the requirements of Title 24 of the California Administrative Code and the Project would have a solar-ready roof.
<i>Policy LU-7.1</i> Continue to encourage quality design in all new construction to further improve the built environment of the City.	Consistent. The Project would be developed to comply with the City's Municipal Code. In addition, as discussed in Section 5.1, <i>Aesthetics</i> , the proposed Project would include MM-AES-1 which requires a materials board showing the proposed building color palette for review and approval prior to issuance of the first building permit.
<i>Goal LU-8</i> Provide for a fiscally sound and balanced mix of land uses with the best and most efficient use of infrastructure and services. Development shall occur in an orderly, beneficial manner that does not fiscally impact the existing community.	Consistent. The Project site would be located in Main Street/I-15 District. According to the Specific Plan, the Main Street/Interstate-15 District is the district in the Specific Plan Area that takes advantage of the intersection of the two important corridors in the City: the I-15 Freeway Corridor and Main Street. The Main Street/Interstate-15 District takes advantage of the regional freeway accessibility and visibility through high quality development and streetscape enhancements. This district is a mixed-use district emphasizing large-scale employment uses, regional retail uses, entertainment uses, hotels, and higher density residential uses near the interchange along U.S. Highway 395.
<i>Policy LU-8.5</i> Adopt design standards which will assure land use compatibility and enhance the visual environment, by providing attractive, aesthetically pleasing development which is sensitive to the unique local characteristics of the Hesperia community.	Consistent. As discussed in Section 5.1, <i>Aesthetics</i> , the proposed Project would include MM-AES-1 which requires a materials board showing the proposed building color palette for review and approval prior to issuance of the first building permit.
Circulation Element	
<i>Goal CI-1</i> Develop a safe, efficient, convenient, and attractive transportation system throughout the community, providing links within the City and with neighboring regions, and accommodating automobile, truck, pedestrian, recreational, equestrian, rail, air, and public transit needs which will meet current and future development requirements within the planning area.	Consistent. As discussed under Section 5.9, <i>Transportation</i> , the Project would include installation of sidewalks and native streetscape landscaping along the building entrances to enhance overall pedestrian and driving experience. The Project would include construction and operation of an industrial warehouse building that would be easily and efficiently accessible to I-15 and U.S. Highway 395, which would help to facilitate regional goods movement throughout Southern California.
<i>Policy CI-1.5</i> Adopt a comprehensive Transportation Plan which makes efficient use of the existing road network, improves circulation patterns in congested areas, provides increased access to areas presently lacking road infrastructure, provides consistency with plans for adjacent areas and federal and state highways, and minimizes impacts to residential neighborhoods.	Consistent. The Project would include construction and operation of an industrial warehouse building that would be easily and efficiently accessible to I-15 and U.S. Highway 395, which would help to facilitate regional goods movement throughout Southern California. The Project also proposes the development of a new public road along the western boundary of the site.
<i>Policy CI-1.10</i> 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.	Consistent. As discussed in Section 3.0, <i>Project Description</i> , the Project would include a proposed public road ('A' Street) that would be constructed along the west side of the Project. The proposed roadway would extend from Phelan Road, approximately 630 feet south of the Project site, to Yucca Terrace Drive, approximately 930 feet north of the Project site. The southern portion of Phelan Road would be constructed to full buildout at a width of

	70 feet, while the portion north of the Project site would be built to half width (35 feet). Proposed infrastructure improvements are shown in Figure 3-8, <i>Proposed Infrastructure Improvements</i> .
<i>Policy CI-1.11</i> Encourage alternative modes of transportation including bus, bicycle, pedestrian, and equestrian through street design.	Consistent. As discussed in Section 3.0, <i>Project Description</i> , the Project would include the development of a 12-foot sidewalk along "A" Street and include a bike rack, which would encourage the use of alternative modes of transportation.
<i>Goal: CI-4</i> Provide a circulation system that facilitates the movement of goods and services throughout the City while protecting residences, sensitive land uses, and pedestrians from activities along rail and truck corridors	Consistent. The Project would include construction and operation of an industrial warehouse building that would be easily and efficiently accessible to designated truck routes, including I-15 and U.S. Highway 395, which would help to facilitate movement of regional goods throughout the City.
<i>Policy CI-4.2</i> Locate new development and their access points in such a way that traffic is not encouraged to utilize local residential streets for access to the development and its parking.	Consistent. The Project would include construction and operation of an industrial warehouse building that would be easily and efficiently accessible to I-15 and U.S. Highway 395, which would help to facilitate regional goods movement throughout Southern California. This would divert trucks away from driving through residential roads.
<i>Policy CI-4.3</i> Discourage non-local traffic from using neighborhood streets through project design and traffic control measures.	Consistent. The Project would include construction and operation of an industrial warehouse building that would be easily and efficiently accessible to I-15 and U.S. Highway 395, which would help to facilitate regional goods movement throughout Southern California. This would divert trucks away from driving through residential roads.
Open Space Element	
<i>Goal: OS-2</i> Identify and preserve natural open space in order to protect sensitive environments and preserve amenities such as washes, bluffs, Joshua tree forests, or juniper woodlands. Open space areas should be contiguous or connected through trails to provide accessibility for hikers as well as wildlife.	Consistent. The Project site would be located in Main Street/I-15 District. According to the Specific Plan, the Main Street/Interstate-15 District is the district in the Specific Plan Area that takes advantage of the intersection of the two important corridors in the City: the I-15 Freeway Corridor and Main Street. The project site is zoned for CIBP, and no open space is zoned in the area.
<i>Policy: OS 2.3</i> Utilize natural open space to preserve natural resources such as historical, biological and scenic resources.	Consistent. The Project site would be located in Main Street/I-15 District. According to the Specific Plan, the Main Street/Interstate-15 District is the district in the Specific Plan Area that takes advantage of the intersection of the two important corridors in the City: the I-15 Freeway Corridor and Main Street. The project site is zoned for CIBP, and no open space is zoned in the area.
<i>Policy: OS-5.2</i> Provide parks and recreation facilities at a rate of five (5) acres per 1,000 residents.	Consistent. The Project would include construction and operation of an industrial warehouse building that would be easily and efficiently accessible to I-15 and U.S. Highway 395, the Project would not create any new habitable land and would not introduce any new residents to the area.
Noise Element	

<i>Goal: NS-1</i> To achieve and maintain an environment which is free from excessive or harmful noise through identification, control and abatement.	Consistent. As discussed in Section 5.11, <i>Noise</i> , the project would not introduce any excessive new noise levels through construction or operation.
<i>Policy: NS-1.1</i> Incorporate noise reduction features during site planning and into land use planning decisions to mitigate anticipated noise impacts on affected noise-sensitive land uses.	Consistent. As discussed in Section 5.11, <i>Noise</i> , the project would be consistent with all City and General Plan codes including City Municipal Code Section 16.20.125 which restricts the hours of construction to between 7:00am and 7:00pm on weekdays and Saturdays, with not construction allowed on Sundays or holidays. City Municipal Code Section 16.20.130 sets a vibration threshold of 0.2 PPV in/sec at receiver locations.
<i>Policy: NS-1.2</i> Control and abate undesirable sounds through the use of the land use compatibility criteria shown in Exhibit NS-1, Table N-3, and Municipal Code Section 16.20.125(B).	Consistent. The proposed Project would be developed in an area zoned for commercial and business park uses and no sensitive receptors are located near the Project site.
<i>Policy: NS-1.5</i> Require the design and construction of commercial, industrial, office and mixed-use structures developments with noise attenuation methods to minimize excessive noise upon noise-sensitive land uses.	Consistent. The proposed Project would be developed in an area zoned for commercial and business park uses and no sensitive receptors are located near the Project site.
<i>Policy: NS-1.9</i> Encourage commercial, industrial, office and mixed-use developments to locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noisier components away from noise-sensitive land uses.	Consistent. The proposed Project would be developed in an area zoned for commercial and business park uses and no sensitive receptors are located near the Project site.
<i>Policy: NS-1.10</i> Limit the hours of construction activity in, and around, residential areas in order to reduce the intrusion of noise in the early morning and late evening hours and on weekends and holidays.	Consistent. The proposed Project would be developed in an area zoned for commercial and business park uses. No sensitive receptors are located near the Project site that could be impacted by Project construction activities.
<i>Policy: NS-1.11</i> Limit delivery hours for businesses with loading areas or docks fronting, siding, or bordering or gaining access on driveways adjacent to noise-sensitive areas.	Consistent. The proposed Project would be developed in an area zoned for commercial and business park uses and no sensitive receptors are located near the Project site.
<i>Policy: NS-1.12</i> Implement nighttime and daytime on-site noise level limits to address noise generated by commercial and industrial uses where it affects abutting residential and other noise sensitive land uses.	
<i>Policy: NS-1.13</i> Ensure adequate noise control measures at construction sites by requiring that construction equipment be fitted with manufacturer-recommended mufflers and ensuring physical separation of machinery maintenance and staging areas from adjacent residential uses.	

Goal: NS-2 To achieve and maintain an environment which is free from excessive vibration.	
Policy: NS 2.1 Control exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels as set forth in Table NS-1 and Municipal Code Section 16.20.130.	
Conservation Element	
Goal: CN-1 Conserve water resources within the Upper Mojave River Groundwater Basin	Consistent. As described in Section 5.9, <i>Hydrology and Water Quality</i> , the proposed Project includes a Project specific Water Quality Management Plan (Appendix L) that would be the guiding document to ensure best management practices (BMP) regarding water resources.
Policy: CN-1.1 Promote the use of desert vegetation with low water usage and drought tolerant materials in landscaped areas.	Consistent. As described in Section 3.0, <i>Project Description</i> , the proposed Project would include drought tolerant landscaping included as Figure 3-4, Conceptual Landscape Plan.
Policy: CN-1.3 Promote reduced use of high nitrate fertilizers, herbicides, pesticides and other chemicals in landscaping areas that can contaminate the quality of the groundwater.	Consistent. As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i> , the Project would comply with The California Department of Pesticide Regulation policies as well as City Municipal Code regarding fertilizer, herbicide, and pesticide use.
Policy: CN-1.4 Limit the disturbance of natural water hydrology by minimizing the creation of impervious surface area and continued utilization underground retention/detention facilities to recharge groundwater.	Consistent. As discussed in Section 3.0, <i>Project Description</i> , stormwater would be collected using a system of catch basins and roof drains that route flows to underground pipes. All stormwater runoff would be conveyed to a proposed detention basin at north end of the Project site. Overflow would drain into existing City stormwater drainage. Curbs and gutters would be installed around the perimeter of the Project site.
Policy: CN-2.1 Minimize impacts to washes that convey drainage by prohibiting development within drainage corridors that are not consistent with the Master Plan of Drainage.	Consistent. As discussed in Section 5.9, <i>Hydrology and Water Quality</i> , the proposed Project would be consistent with the Master Plan of Drainage and City Code 8.30.170 which requires the implementation of Best Management Practices regarding water quality and discharge.
Policy: CN-2.4 Continue to implement the use of reclaimed water through the City's "purple pipe" ordinances and regulations to further the use of reclaimed and treated water.	Consistent. The Project would be consistent with all General Plan guidelines and City Ordinances.
Goal: CN-4 Establish policies and regulations to protect the natural environment and habitat of the cities biological resources.	Consistent. As discussed in Section 5.3, <i>Biological Resources</i> , the Project would be consistent with goals and policies of the General Plan and would not cause significant environmental impacts to biological resources.

<i>Policy: CN-4.2</i> Encourage the protection, preservation and long-term viability of environmentally sensitive habitats and species in the City.	Consistent. As discussed in Section 5.3, <i>Biological Resources</i> , the Project would not result in a significant impact on environmentally sensitive habitats and species in the City.
<i>Policy: CN-4.3</i> Identify lands that are suitable for preservation for sensitive species and their habitats.	Consistent. The Project would be consistent with its land use and zoning designation. The Project site is not zoned for open space.
<i>Policy: CN-4.4</i> In those areas known as possible habitat for endangered and sensitive species, require proper assessments before authorizing development.	Consistent. As discussed in Section 5.3, <i>Biological Resources</i> , Mitigation Measures BIO-1 through BIO-6 would reduce potential impacts associated with endangered and sensitive species.
<i>Policy: CN-4.5</i> Where such assessments indicate the presence of endangered or sensitive species, require appropriate actions to preserve the habitat and protect the identified species.	Consistent. As discussed in Section 5.3, <i>Biological Resources</i> , the Project would be consistent with goals and policies of the General Plan and would not cause significant environmental impacts to biological resources. In addition, Mitigation Measures BIO-1 through BIO-6 would reduce potential impacts associated with biological resources. The Project would not conflict with this goal.
<i>Goal: CN-5</i> The City shall establish policies and procedures in compliance with state and Federal laws and regulations to identify and properly protect found historical, cultural and paleontological artifacts and resources.	Consistent. As discussed in Section 5.4, <i>Cultural Resources</i> , Mitigation Measure CUL-1 would require archaeological monitoring by a qualified archaeologist for all initial ground disturbing activities up to five feet in depth and to attend all pre-grade meetings. Mitigation Measure PAL-1 would require the development of a Paleontological Resource Management Plan which includes monitoring and an inadvertent discovery plan in the event that any paleontological resources are discovered on site.
<i>Policy: CN-5.1</i> Encourage the preservation of historical, paleontological and cultural resources.	
<i>Policy: CN-5.2</i> In those areas where surveys and records indicate historical, cultural or paleontological resources may be found, appropriate surveys and record searches shall be undertaken to determine the presence of such resources, if any.	Consistent. As discussed in Section 5.4, <i>Cultural Resources</i> , an archeological and historical records search was done on the site and adjacent properties and no resources were found on the Project site.
<i>Policy: CN-5.3</i> All historical, paleontological and cultural resources discovered shall be inventoried and evaluated according to CEQA regulations and the California Office of Historic Preservation.	Consistent. As discussed in Section 5.4, <i>Cultural Resources</i> , Mitigation Measure CUL-1 would require archaeological monitoring by a qualified archaeologist for all initial ground disturbing activities up to five feet in depth and to attend all pre-grade meetings. Mitigation Measure PAL-1 would require the development of a Paleontological Resource Management Plan which includes monitoring and an inadvertent discovery plan in the event that any paleontological resources are discovered on site.
<i>Policy: CN-5.5</i> Through its CEQA and other environmental procedures, the City shall notify appropriate Native American representatives of possible development and shall comply with all State and Federal requirements concerning the monitoring and preservation of Native American artifacts and places.	Consistent. According to Section 5.13, <i>Tribal Cultural Resources</i> , the Project would be consistent with California Senate Bill 18 regarding the collaboration with tribes identified by the NAHC. Notices were sent on September 8, 2022 and the Yuhaaviatam of San Manuel Nation responded.

Policy: CN-6.2 Encourage the use of green building standards and Leadership in Energy and Environmental Design (LEED) or similar programs in both private and public projects.	Consistent. According to Section 5.5, <i>Energy</i> , no operational activities or land uses would occur that would result in extraordinary energy consumption, and through City permitting assurance would be provided that existing regulations related to energy efficiency and consumption, such as Title 24 regulations and CCR Title 13, Motor Vehicles, section 2449(d)(3) related to idling, would be implemented.
Policy: CN-6.5 Coordinate with the local energy provider in developing policies and procedures to reduce energy consumption in existing and future developments.	
Goal: CN-7 Develop, promote and implement policies to reduce and limit Greenhouse Gas Emissions	Consistent. According to Section 5.7, <i>Greenhouse Gas Emissions</i> , the Project would incorporate various measures related to building design, landscaping, and energy systems to promote the efficient use of energy, pursuant to Title 24 CALGreen Code and Building Energy Efficiency Standards. The project would also have a solar-ready roof in order to promote utilization of solar energy.
Policy: CN-7.4 Promote the utilization of alternative energy resources such as wind and solar in new development.	Consistent. The Project would provide a solar-ready roof in order to promote utilization of solar energy.
Policy: CN 7.5 Promote the utilization of environmentally sensitive construction materials to limit impacts on the ozone, global climate change and mineral resources.	Consistent. Where appropriate, Project design would incorporate wood or wood products. The Project would not obstruct or interfere with State efforts to encourage use of wood and agricultural products to increase the amount of carbon stored in the natural and built environments.
Goal: CN- 8 Implement policies and measures to reduce air pollution and emissions of pollutants.	Consistent. According to Section 5.2, <i>Air Quality</i> , the proposed project would comply with all applicable MDAQMD Rules and Regulations.
Policy: CN- 8.1 Implement measures to reduce fugitive dust from unpaved areas, parking lots, and construction sites.	Consistent. According to Section 5.2, <i>Air Quality</i> , the proposed Project would be consistent with rule 403.2 of the MDAQMD ensuring that NAAQS for PM10 will not be exceeded due to anthropogenic sources of fugitive dust.
Policy: CN- 8.2 Implement measures to reduce exhaust emissions from construction equipment.	Consistent. According to Section 5.2, <i>Air Quality</i> , construction emissions from the proposed Project would not exceed criteria pollutant thresholds.
Policy: CN- 8.5 Minimize exposure of sensitive receptor land uses and sites to health risks related to air pollution.	Consistent. According to the Health Risk Assessment discussed in Section 5.2, <i>Air Quality</i> , the project would not cause a significant human health risk to adjacent land uses as a result of Project construction or operation.
Safety Element	

Goal: SF-1 Minimize injury, loss of life, property damage and economic and social disruption caused by seismic shaking and other earthquake-induced hazards, and by geologic hazards such as slope instability, compressible and collapsible soils, and subsidence.	Consistent. As discussed in Section 5.6 <i>Geology and Soils</i>, the proposed Project would be constructed according to CBC provisions to reduce impacts caused by major structural failures or loss of life resulting from earthquakes or other geologic hazards.
Policy: SF-1.2 Require all development proposals in the City to conduct, as a condition of approval, geotechnical and engineering geological investigations, prepared by State-certified professionals (geotechnical engineers and engineering geologists, as appropriate) following the most recent guidelines by the California Geological Survey and similar organizations, that address, at a minimum, the site-specific seismic and geologic hazards identified in the Technical Background Report. These reports shall provide mitigation measures to reduce those hazards identified at a site to an acceptable level.	Consistent. As discussed in Section 5.6 <i>Geology and Soils</i>, a Geotechnical Investigation (Appendix F) was completed for the Project site which has been incorporated into the design and planning of the Project.
Policy: SF-1.5 Liquefaction assessment studies shall be conducted as a condition of approval for all projects proposed in areas identified as potentially susceptible to liquefaction (see the Technical Background Report). The studies shall be conducted in accordance with the California Geological Survey's Special Publication 117: Guidelines for Evaluating and Mitigating Seismic Hazards in California (2008 or more recent version), and the Earthquake Engineering Research Center's Report No. EERC-2003-06 (or more recent version): Recent Advances in Soil Liquefaction Engineering.	Consistent. As discussed in Section 5.6 <i>Geology and Soils</i>, the Geotechnical Investigation (Appendix G) prepared for the Project includes recommendations for grading and foundation strength that would ensure that the Project would be consistent with CBC requirements for reducing risk related to liquefaction.
Goal: SF-2 Minimize injury, loss of life, property damage and economic and social disruption caused by flooding and inundation hazards.	Consistent. As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i>, the Project would comply with the City's Municipal code Title 8: Safety, Chapter 8.28 which provides constructions standards that address the major causes of flood damage, and includes provisions for anchoring, placement of utilities, raising floor elevations, using flood resistant construction materials, and other methods to reduce flood damage.
Policy: SF 2.1 The City shall continue enforcing the City's Municipal Code provisions for flood hazard reduction (Title 8: Safety, Chapter 8.28: Flood Hazard Protection and Regulations). This code, which applies to new construction and existing projects undergoing substantial improvements, provides constructions standards that address the major causes of flood damage, and includes provisions for anchoring, placement of utilities, raising floor elevations, using flood resistant construction materials, and other methods to reduce flood damage.	Consistent. As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i>, the Project would comply with the City's Municipal code Title 8: Safety, Chapter 8.28: Flood Hazard Protection and Regulations.
Policy: SF 2.2 The City will require that new discretionary development proposals include, as a condition of approval, hydrological studies prepared by a State-certified engineer with expertise in this area, that assess the impact that the new development will have on the flooding potential of existing development down-gradient. The studies shall provide mitigation measures to reduce this impact to an	Consistent. As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i>, a Hydrology Report (Appendix I) was done on the Project site that concluded that the proposed Project would have a less than significant impact on the flooding potential of existing development down-gradient given the proposed storage facilities proposed for stormwater detention.

acceptable level. Single-family residences on existing lots shall be exempt.	
Goal: SF-3 Reduce the risk of death, injury, property damage and economic loss due to vegetation and structure fires	Consistent. As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i> , the Project site is located in an undeveloped area that is not within an identified wildland fire hazard area or an area where residences are intermixed with wildlands. Nonetheless, Project implementation would require adherence to Chapter 15.04 Building Codes of the City Development Code which contain the adoption of the California Fire Codes to reduce potential fire hazards. The Project would also be required to comply with guidelines from San Bernardino County Fire related to fire prevention and subject to review during the plan check process by the City Building Division.
Policy: SF-3.1 The City shall continue to require that all new habitable structures be designed in accordance with the most recent California Fire Code with local amendments adopted by the City, including the use of fire sprinklers in residential structures.	Consistent. As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i> , the proposed project would be constructed according to California Fire Code guidelines.
Policy: SF-3.7 The City, in cooperation with the San Bernardino County Fire Department, will ensure, to the maximum extent possible, that fire services, such as fire fighting equipment and personnel, infrastructure, and response times, are adequate for all sections of the City. To that end, the City will continue to regularly evaluate specific fire hazard areas, and adopt reasonable safety standards, such as adequacy of nearby water supplies, fire-retardant roofing materials, fire-equipment accessible routes, clarity of addresses, street signage, and street maintenance	Consistent. As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i> , the proposed Project would be constructed in accordance with Section 503 of the California Fire Code that requires the safeguarding of any activity that encroaches into a right-of-way to ensure there is no interference with emergency access or evacuation. As described in Section 5.12, <i>Transportation</i> , the proposed driveways and roadways would provide adequate and safe circulation to, from, and through the Project site and would provide a variety of routes for emergency responders to access the site and surrounding areas.
Goal: SF-4 Reduce the potential for hazardous materials contamination in Hesperia.	Consistent. As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i> , construction and operation activities would be required to adhere to all applicable regulations regarding hazardous materials storage and handling, as well as to implement construction BMPs (through implementation of a required SWPPP implemented by City conditions of approval, and included as PPP HYD-1 to prevent a hazardous materials release and to promptly contain and clean up any spills, which would minimize the potential for harmful exposures.
Policy: SF-4.1 The City, in cooperation with the San Bernardino County Fire Department, Hazardous Materials Division, will continue to enforce disclosure laws that require all users, generators, and transporters of hazardous materials and wastes to clearly identify the materials that they store, use or transport, and to notify the appropriate City, County, State and Federal agencies of a change in quantity or type of materials, and in the event of a violation.	Consistent. As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i> , the proposed project would comply with the City of Hesperia Municipal Code Chapter 8.08, Hazardous Materials regarding the disclosure of hazardous materials.

Policy: SF-4.2 The City, in cooperation with the San Bernardino County Fire Department, will ensure that they can continue to respond safely and effectively to a hazardous materials incident in the City, whether it is a spill at a permitted facility, or the result of an accident along a section of the freeway or railroads that extend across the City. To do this, the City will continue to coordinate with regional providers of emergency services, including the County's Fire and Sheriff Departments, to ensure that all residents, workers and visitors to Hesperia are protected from exposure to hazardous materials and wastes.	Consistent. As discussed in Section 5.8, <i>Hazards and Hazardous Materials</i>, the proposed Project would be constructed in accordance with Section 503 of the California Fire Code that requires the safeguarding of any activity that encroaches into a right-of-way to ensure there is no interference with emergency access or evacuation. As described in Section 5.12, <i>Transportation</i>, the proposed driveways and roadways would provide adequate and safe circulation to, from, and through the Project site and would provide a variety of routes for emergency responders to access the site and surrounding areas.
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Main Street and Freeway Corridor Specific Plan. Cities may adopt specific plans to focus more specifically on the unique characteristics of a certain area within a city. The Project is located within the area of the City covered under the MSFC-SP. As depicted on Figure 3-4, *Existing MSFC-SP Zoning Designations*, found in Chapter 3.0, *Project Description*, the MSFC-SP currently designates the two northern parcels of the Project site as CIBP and the southern parcel as NC (City of Hesperia 2020). The Project is consistent with the CIBP designation (with approval of a Conditional Use Permit, as discussed below). As stated in Chapter 3.0, *Project Description*, the NC designation is intended for immediate day-to-day convenience shopping and services for the residents of nearby neighborhoods at a FAR of 0.35. The gross lot acreage is defined in the City municipal code to include the property dimensions up to the centerline of the street. Therefore, based upon the gross lot acreage of 1,355,149 SF, the proposed building would result in an FAR of 0.48. Therefore, the proposed Project would be inconsistent with the current NC designation under the MSFC-SP and would not be considered an allowable land use. However, impacts associated with the proposed land uses have been evaluated throughout this EIR. Additionally, significant impacts have been discussed and mitigation measures have been identified to reduce impacts to the maximum extent feasible. Based on the foregoing analysis, the proposed Project would not result in a significant environmental impact due to a conflict with any land use plan adopted for the purpose of avoiding or mitigating an environmental effect, and impacts would be less than significant.

The proposed Project also involves modifying the southern parcel of the Project site's Specific Plan zoning designation from NC to CIBP. Approval of the proposed Specific Plan Amendment would make the proposed Project consistent with the designation under the new amended MSFC-SP. Among the permitted uses in the CIBP zone, warehousing and wholesale distribution centers are permitted at 200,000 square feet or less. Warehouses and wholesale distribution centers over 200,000 square feet are conditionally permitted. The MSFC-SP states that the maximum gross floor area ratio in CIBP zones is 0.35 (City of Hesperia 2020). Additionally, maximum building height within the zone is 60 feet with the exception that buildings height shall be limited to 45 feet within the portion of the site that falls within 100 feet of an adjacent residential zone (City of Hesperia 2020).

The Project would include construction of a total of 639,468 square feet of industrial/warehouse use, which would require a Conditional Use Permit. As part of the Project approvals, the Project Applicant is requesting approval of a Conditional Use Permit. With approval of the Conditional Use Permit, the Project would be an allowable use within the CIBP zone. Additionally, the Project plans would be reviewed by City staff to ensure consistency with all applicable development standards and regulations. Additionally, the MSFC-SP contains several goals and policies that address land use and planning and are applicable to the Project. An analysis of the Project's consistency with these goals and policies is provided in Table 5.10-3.

Table 5.10-3. Specific Plan Consistency Analysis

Specific Plan Policy or Goal	Project Consistency
Land Use	
Goal: LU-1b: Provide for continuing growth within the Specific Plan area, with land uses and intensities appropriately designated to meet the needs of anticipated growth and to achieve the community's objectives.	Consistent. The Project would include construction of an industrial warehouse. The Project site would be designated as CIBP and would support the expansion of regional commercial and industrial development. Additionally, the Project would support the City's goal of increasing jobs within the City and balancing the job to housing ratio promoting regional economic growth. Therefore, the Project would be consistent with the goal.
Policy LU-1.1: With the adoption of the Main Street and Freeway Corridor Specific Plan, establish land use districts that have complimentary rather than competitive uses/zones, and maintain the integrity of and interrelationships between these zones.	Consistent. The Project site would be located in Main Street/I-15 District of the Specific Plan. According to the Specific Plan, the Main Street/Interstate-15 District is the district in the Specific Plan Area that takes advantage of the intersection of the two important corridors in the City: the I-15 Freeway Corridor and Main Street. The Main Street/Interstate-15 District takes advantage of the regional freeway accessibility and visibility through high quality development and streetscape enhancements. This district is a mixed-use district emphasizing large-scale employment uses, regional retail uses, entertainment uses, hotels, and higher density residential uses near the interchange along U.S. Highway 395. The Project would involve the development of a warehouse building that would leverage the Project site's location near major interstate highways to facilitate regional goods-movement and provide large-scale employment generating uses. As such, the Project would be consistent with this policy.
Goal LU-2: Create a jobs/housing balance in the City.	Consistent. According to SCAG's 2020-2045 RTP/SCS population and household growth forecast for Hesperia, between 2016 and 2045, SCAG anticipates an employment increase of 23,600 additional jobs (from 22,500 to 46,100), yielding a 105 percent growth rate. SCAG also anticipates a population increase of 74,400 between 2016 and 2045 (from 93,700 to 168,100). The proposed Project would generate the need for approximately 549 employees, which represents approximately 0.74 percent of the forecasted population growth between 2016 and 2045 and approximately 2.33 percent of the forecasted employment growth between 2016 and 2045 for the City. Thus, although the Project would generate additional long-term employment in the Project area, the new employment opportunities would be within the forecasted and planned growth of the City. Therefore, the Project would be consistent with the goal.
Policy LU-2.1: Designate land near Interstate-15 and Highway 395 for freeway-oriented commercial and industrial/business park development.	Consistent. The Project borders the west of Highway 395. The Project site and surrounding area to the north and west are designated as CIBP. The Project would include construction of an industrial warehouse building. Therefore, the Project is consistent with the policy.
Policy LU-2.2: Add to the City's industrial land base where logically and physically possible to do so.	Consistent. The Project would directly add to the City's industrial land base through the development of a

	warehouse building. Thus, the Project would be consistent with the policy.
Goal LU-6: Make use of vacant sites within the Specific Plan area.	Consistent. The Project site is located on vacant land within the Specific Plan area. The Project involves the construction of an industrial distribution warehouse. Thus, the Project would be consistent with the goal.
Urban Design	
Goal UD-1: Strengthen the identity of the City of Hesperia and the Specific Plan area by building upon the surrounding natural resources and amenities, and create a new image for Main Street and the Freeway Corridor that expresses an attractive, inviting, high quality character and commercial vitality.	Consistent. As discussed in Section 5.1, <i>Aesthetics</i> , the proposed Project would include MM-AES-1 which requires a materials board showing the proposed building color palette for review and approval prior to issuance of the first building permit. The Project would be developed to comply with the City's Municipal Code. Therefore, the Project would be consistent.
Policy UD-1.4: Preserve views of the mountains – San Gabriel Mountains to the southwest and San Bernardino National Forest to the southeast.	Consistent. As discussed in Section 5.1, <i>Aesthetics</i> , the proposed Project would introduce new structures into the existing landscape, future development impairs scenic views of the mountains from the Project site and surrounding viewpoints. The proposed building height (49 feet) would be below the CIBP maximum building height of 60 feet and would be consistent with heights of other existing and future buildings in the Project vicinity. Building colors and materials would be consistent with the industrial design considerations included under the MSFC-SP to compliment the surrounding landscape. Therefore, the Project would be consistent.
Policy UD-2.1: Establish development and design standards that encourage high quality of construction and lead to the creation of attractive developments.	Consistent. As discussed in Section 5.1, <i>Aesthetics</i> , the proposed Project would include MM-AES-1 which requires a materials board showing the proposed building color palette for review and approval prior to issuance of the first building permit. The Project would be developed to comply with the City's Municipal Code. Therefore, the Project would be consistent.
Goal UD-4: Enhance the pedestrian environment and driving experience within the City.	Consistent. As discussed under Section 5.12, <i>Transportation</i> , the Project would include installation of sidewalks and native streetscape landscaping to enhance overall pedestrian and driving experience. Therefore, the Project would be consistent.
Goal UD-5: Encourage good design, and high-quality development within the Specific Plan area.	Consistent. Through consistency with the applicable development standards and design considerations set forth in the MSFC-SP and City's Municipal Code, the Project would contribute to the high quality character and commercial vitality, and would be consistent with this goal.
Policy UD-5.1: Develop standards and guidelines for public and private improvements that create the desired aesthetic and high-quality environment.	
Policy UD-5.3: Through design review, ensure that new development enhances the character of the Specific Plan area by requiring design qualities and elements that contribute to an active pedestrian environment, where appropriate, and ensuring that architectural elements support high-quality development.	Consistent. As discussed under Section 5.12, <i>Transportation</i> , the Project would include installation of sidewalks and native streetscape landscaping to enhance overall pedestrian and would be constructed according to applicable design standards and design considerations. Therefore, the Project would be consistent.

Economic Development	
<i>Goal ED-1:</i> Encourage commercial and industrial development in the Specific Plan area to assist with long-term financial stability and ensure fiscal viability for the City.	Consistent. The Project would include construction of an industrial warehouse. The Project site would be designated as CIBP and would support the expansion of regional commercial and industrial development. Additionally, the Project would support the City's goal of increasing jobs within the City and balancing the job to housing ratio promoting regional economic growth. Therefore, the Project would be consistent with the goal.
<i>Policy ED-1.1:</i> Attract and recruit new businesses that are appropriate to each land use district as defined in the Specific Plan	Consistent. The Project would involve construction of an industrial warehouse building. Thus, the Project would generate jobs and tax revenue for the City and its residents. Once operational, the Project would add to the City's business tax base and would employ approximately 549 workers, helping the City better meet its jobs/housing balance, while also providing commercial/industrial business park use that will help the City offer a more balanced array of land uses throughout the broader Project area.
Circulation	
<i>Goal C-2:</i> Explore and provide the highest level of access for all modes of transportation and maintains efficient circulation in the Specific Plan area throughout the day	Consistent. The Project would include construction and operation of an industrial warehouse building that would be easily and efficiently accessible to I-15 and U.S. Highway 395, which would help to facilitate regional goods movement throughout Southern California.
<i>Policy C-2.1:</i> Preserve the traffic-carrying capacity of arterial streets by implementing policies that include the promotion of shared access locations among multiple properties or establishments, reciprocal access agreements, shared parking, and the use of side streets to provide access to parcels, if possible.	Consistent. As discussed in Section 3.0, <i>Project Description</i> , the Project would include a proposed public road ('A' Street) that would be constructed along the west side of the Project. The proposed roadway would extend from Phelan Road, approximately 630 feet south of the Project site, to Yucca Terrace Drive, approximately 930 feet north of the Project site. The southern portion of Phelan Road would be constructed to full buildout at a width of 70 feet, while the portion north of the Project site would be built to half width (35 feet). Proposed infrastructure improvements are show in Figure 3-8, <i>Infrastructure Improvements</i> .
<i>Policy C-2.6:</i> Encourage present and future public transit use	Consistent. As discussed under Section 5.9, <i>Transportation</i> , the Victor Valley Transit Authority has a transit line that serves along Main Street with stops approximately 1 mile from the Project site.
<i>Policy C-2.8:</i> Facilitate bicycle use and circulation within the Specific Plan area.	Consistent. As discussed in Section 3.0, <i>Project Description</i> , the Project would include the development of a 12-foot sidewalk along "A" Street and include a bike rack, which would encourage the use of alternative modes of transportation.
<i>Policy C-2.9:</i> Promote a safe and attractive pedestrian environment to encourage pedestrian traffic within and across the districts, especially in the City Center District, where wider sidewalks for pedestrians are desirable.	Consistent. As discussed under Section 5.12, <i>Transportation</i> , the Project would include installation of sidewalks and native streetscape landscaping to enhance overall pedestrian experience.
Parking	

Goal P-1: Provide adequate, efficient parking throughout the Specific Plan area while avoiding an oversupply of parking using shared parking and reduced parking requirements.	Consistent. The Project would provide 83 trailer stalls located opposite of the loading dock doors on the east and west perimeter of the proposed parking areas. Additionally, the building would provide 374 vehicle parking stalls inclusive of 38 electric vehicle/clean are/carpool spaces.
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SCAG Regional Transportation Plan/ Sustainable Communities Strategy Policies. SCAG's RTP/SCS policies focus largely on regional transportation and the efficiency of transportation, which are implemented by counties and cities within the SCAG region, as part of the overall planning and maintenance of the regional transportation system. The policies are not directly applicable to the Project. As shown in Table 5.10-4, the Project would not conflict with the adopted RTP/SCS. Therefore, impacts would be less than significant.

Table 5.10-4: SCAG RTP/SCS Consistency Analysis

RTP/SCS Goal Statements	Project Consistency Discussion
1. Encourage regional economic prosperity and global competitiveness.	Consistent. The Project would increase employment opportunities within the City of Hesperia and enhance the region's overall economic development and competitiveness.
2. Improve mobility, accessibility, reliability, and travel safety for people and goods.	Consistent. As an individual development, the Project is limited in its ability to maximize mobility and access for people and goods in the SCAG region. The Project would not create substantial traffic impediments that would improve the accessibility of goods in the region.
3. Enhance the preservation, security, and resilience of the regional transportation system.	Consistent. As an individual development, the Project is limited in its ability to ensure security and resilience of the regional transportation system. There are no components of the Project that would result in the deterioration of the transportation system. However, as a measure to safeguard security, the Project would comply with applicable policies included in the City of Hesperia Safety Element, including development outside 100-year flood zones, dam inundation areas, Alquist-Piolo earthquake fault zones, and very high fire severity zones.
4. Increase person and goods movement and travel choices within the transportation system.	Consistent. As an individual development, the Project is limited in its ability to maximize the goods movement and travel choices within the SCAG region. The Project would not create substantial traffic impediments and would improve the accessibility of goods to the surrounding area.
5. Reduce greenhouse gas emissions and improve air quality.	Consistent. While the Project would not improve air quality, it would not prevent SCAG from implementing actions that would improve air quality within the region. Regulatory requirements are specified to reduce the Project's air quality impacts to the maximum extent feasible, and the Project would incorporate various measures related to building design, landscaping, and energy systems to promote the efficient use of energy, pursuant to Title 24 CALGreen Code and Building Energy Efficiency Standards.
6. Support healthy and equitable communities.	Consistent. The Project is not located adjacent to sensitive receptors that could be adversely impacted by

RTP/SCS Goal Statements	Project Consistency Discussion
	the proposed Project. Additionally, the Project would construct frontage improvements, including sidewalks, which would encourage walking in the Project area.
7. Adapt to a changing climate and support an integrated regional development pattern and transportation network.	Consistent. This policy would be implemented by cities and the counties within the SCAG region as part of the overall planning and maintenance of the regional transportation system.
8. Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	Consistent. This policy would be implemented by cities and the counties within the SCAG region as part of the overall planning and maintenance of the regional transportation system. The Project would not conflict with this goal.
9. Encourage development of diverse housing types in areas that are supported by multiple transportation options	Consistent. The Project would implement a warehouse development on a site designated for such uses. The Project would not conflict with this goal.
10. Promote conservation of natural and agricultural lands and restoration of habitats	Consistent. The Project would be consistent with goals and policies of the General Plan and would not cause significant environmental impacts to agricultural lands or biological resources. In addition, Mitigation Measures BIO-1 through BIO-6 would reduce potential impacts associated with biological resources. The Project would not conflict with this goal.

5.10.7 CUMULATIVE IMPACTS

Cumulative projects in the City of Hesperia would have the potential to result in a cumulative impact if they would, in combination, conflict with existing land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental impact. Cumulative projects in the City of Hesperia would utilize regional planning documents such as SCAG's RTP/SCS during planning, and the City's General Plan would be consistent with the regional plans, to the extent that they are applicable. Cumulative projects in this jurisdiction would be required to comply with the applicable land use plan or they would not be approved without a general plan amendment.

While the project requires a Specific Plan amendment to change the zoning of the site, the proposed Project would be consistent with the Specific Plan land use designation and zoning designation after the amendment. Past and present cumulative projects do not involve amendments that would eliminate application of policies that were adopted for the purpose of avoiding or mitigating environmental effects. Determining whether any future project might include such amendments and determining the cumulative effects of any such amendments would be speculative since it cannot be known what applications that are not currently filed might request. Thus, it is expected that the land uses of cumulative projects would be consistent with policies that avoid an environmental effect; therefore, cumulatively considerable impacts from cumulative projects related to policy consistency would be less than significant.

5.10.8 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

None.

5.10.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impact LU-1 would have no impact and LU-2 would be less than significant.

5.10.10 MITIGATION MEASURES

Refer to all mitigation measures presented in this Draft EIR. In instances where significant impacts are identified as part of the Project's construction and/or operational phases, mitigation measures are provided in the specific topic sections to reduce impacts to less-than-significant levels (or, if it is not possible to reduce the Project's impacts to less-than-significant levels, mitigation is provided to minimize impacts to the maximum level feasible).

5.10.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Existing regulatory programs would reduce potential impacts associated with land use and planning for Impacts LU-2 to less than significant and LU-1 would result in no impact.

REFERENCES

City of Hesperia. City of Hesperia General Plan Update. Adopted 2010. <https://www.cityofhesperia.us/409/Hesperia-General-Plan>

City of Hesperia. Main Street and Freeway Corridor Specific Plan. 2020. Accessed: <https://www.cityofhesperia.us/DocumentCenter/View/15940/MSFCSP-update>.

SCAG (Southern California Association of Governments). "2020-2045 Regional Transportation Plan/Sustainable Communities Strategy." Adopted September 2020. Accessed: <https://scag.ca.gov/read-plan-adopted-final-plan>.

5.11 Noise

5.11.1 INTRODUCTION

This Draft EIR section evaluates the potential noise impacts that would result from implementation of the proposed Project. It discusses the existing noise environment within and around the Project area, as well as the regulatory framework for regulation of noise. This section analyzes the effect of the proposed Project on the existing ambient noise environment during demolition, construction, and operational activities; and evaluates the Project's noise effects for consistency with relevant local agency noise policies and regulations. This section includes data from the following documents:

- City of Hesperia 2010 General Plan
- City of Hesperia Municipal Code
- Noise and Vibration Impact Analysis (Appendix J) prepared by LSA, January 2023.

Noise and Vibration Terminology

Various noise descriptors are utilized in this Draft EIR analysis, and are summarized as follows:

dB: Decibel, the standard unit of measurement for sound pressure level.

dBA: A-weighted decibel, an overall frequency-weighted sound level in decibels that approximates the frequency response of the human ear.

L_{eq}: The equivalent sound level, which is used to describe noise over a specified period of time, typically 1 hour, in terms of a single numerical value. The L_{eq} of a time-varying signal and that of a steady signal are the same if they deliver the same acoustic energy over a given time. The L_{eq} may also be referred to as the average sound level.

L_{max}: The instantaneous maximum noise level experienced during a given period of time.

L_{min}: The instantaneous minimum noise level experienced during a given period of time.

L_x: The sound level that is equaled or exceeded "x" percent of a specified time period. The "x" thus represents the percentage of time a noise level is exceeded. For instance, L₅₀ and L₉₀ represents the noise levels that are exceeded 50 percent and 90 percent of the time, respectively.

L_{dn}: Also termed the "day-night" average noise level (DNL), L_{dn} is a measure of the average of A-weighted sound levels occurring during a 24-hour period, accounting for the greater sensitivity of most people to nighttime noise by weighting noise levels at night (penalizing" nighttime noises). Noise between 10:00 p.m. and 7:00 a.m. is weighted by adding 10 dBA to take into account the greater annoyance of nighttime noises.

CNEL: The Community Noise Equivalent Level, which, similar to the L_{dn}, is the average A-weighted noise level during a 24-hour day that is obtained after an addition of 5 dBA to measured noise levels between the hours of 7:00 p.m. to 10:00 p.m. and after an addition of 10 dBA to noise levels between the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime, respectively.

The "ambient noise level" is the background noise level associated with a given environment at a specified time and is usually a composite of sound from many sources from many directions.

Effects of Noise

Noise is generally loud, unpleasant, unexpected, or undesired sound that is typically associated with human activity that is a nuisance or disruptive. The effects of noise on people can be placed into four general categories:

- Subjective effects (e.g., dissatisfaction, annoyance)
- Interference effects (e.g., communication, sleep, and learning interference)
- Physiological effects (e.g., startle response)
- Physical effects (e.g., hearing loss)

Although exposure to high noise levels has been demonstrated to cause physical and physiological effects, the principal human responses to typical environmental noise exposure are related to subjective effects and interference with activities. Interference effects refer to interruption of daily activities and include interference with human communication activities, such as normal conversations, watching television, telephone conversations, and interference with sleep. Sleep interference effects can include both awakening and arousal to a lesser state of sleep. With regard to the subjective effects, the responses of individuals to similar noise events are diverse and are influenced by many factors, including the type of noise, the perceived importance of the noise, the appropriateness of the noise to the setting, the duration of the noise, the time of day and the type of activity during which the noise occurs, and individual noise sensitivity.

In general, the more a new noise level exceeds the previously existing ambient noise level, the less acceptable the new noise level will be by those hearing it. With regard to increases in A-weighted noise levels, the following relationships generally occur:

- Except in carefully controlled laboratory experiments, a change of 1 dBA cannot be perceived.
- Outside of the laboratory, a 3 dBA change in noise levels is considered to be a barely perceivable difference.
- A change in noise levels of 5 dBA is considered to be a readily perceivable difference.
- A change in noise levels of 10 dBA is subjectively heard as doubling of the perceived loudness.

Noise Attenuation

Stationary point sources of noise, including mobile sources such as idling vehicles, attenuate (lessen) at a rate of 6 to 7.5 dBA per doubling of distance from the source over hard surfaces, depending on the topography of the area and environmental conditions (e.g., atmospheric conditions, noise barriers [either vegetative or manufactured]). Thus, a noise measured at 90 dBA 50 feet from the source would attenuate to about 84 dBA at 100 feet, 78 dBA at 200 feet, 72 dBA at 400 feet, and so forth. Widely distributed noise, such as a large industrial facility spread over many acres or a street with moving vehicles, would typically attenuate at a lower rate, approximately 4 to 6 dBA per doubling of distance from the source.

Hard sites are those with a reflective surface between the source and the receiver, such as asphalt or concrete surfaces or smooth bodies of water. No excess ground attenuation is assumed for hard sites and the changes in noise levels with distance (drop-off rate) is simply the geometric spreading of the noise from the source. Soft sites have an absorptive ground surface such as soft dirt, grass, or scattered bushes and trees. In addition to geometric spreading, an excess ground attenuation value of 1.5 dBA (per doubling distance) is normally assumed for soft sites. Line sources (such as traffic noise from vehicles)

attenuate at a rate between 3 dBA for hard sites and 4.5 dBA for soft sites for each doubling of distance from the reference measurement.

Fundamentals of Vibration

Vibration is energy transmitted in waves through the ground or man-made structures. These energy waves generally dissipate with distance from the vibration source. There are several different methods that are used to quantify vibration. The peak particle velocity (PPV) is defined as the maximum instantaneous peak of the vibration signal. The PPV is most frequently used to describe vibration impacts to buildings but is not always suitable for evaluating human response (annoyance) because it takes some time for the human body to respond to vibration signals. Instead, the human body responds to average vibration amplitude often described as the root mean square (RMS). The RMS amplitude is defined as the average of the squared amplitude of the signal and is most frequently used to describe the effect of vibration on the human body. Decibel notation (VdB) is commonly used to measure RMS. VdB serves to reduce the range of numbers used to describe human response to vibration. Typically, ground-borne vibration generated by man-made activities attenuates rapidly with distance from the source of the vibration. Sensitive receivers for vibration include structures (especially older masonry structures), people (especially residents, the elderly, and sick), and vibration-sensitive equipment.

The background vibration-velocity level in residential areas is generally 50 VdB. Ground-borne vibration is normally perceptible to humans at approximately 65 VdB. For most people, a vibration-velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels. Typical outdoor sources of perceptible ground-borne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the ground-borne vibration is rarely perceptible. The range of interest is from approximately 50 VdB, which is the typical background vibration-velocity level, to 100 VdB, which is the general threshold where minor damage can occur in fragile buildings.

5.11.2 REGULATORY SETTING

5.11.2.1 Federal Regulations

Because the City does not have construction noise level limits, construction noise was assessed using criteria from the Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment Manual* (FTA 2018). Table 5.11-1 shows the FTA's Detailed Assessment Construction Noise Criteria based on the composite noise levels per construction phase.

Table 5.11-1: Federal Construction Noise Criteria

Land Use	Daytime 8-hour Leq (dBA)	Nighttime 8-hour Leq (dBA)
Residential	80	70
Commercial	85	85
Industrial	90	90

Source: Transit Noise and Vibration Impact Assessment Manual (FTA 2018)

dBA = A-weighted decibels

Leq = equivalent continuous sound level

5.11.2.2 Local Regulations

Hesperia Airport Comprehensive Land Use Plan

The Project site is located approximately 6.2 miles northwest of Hesperia Airport. The Hesperia Airport Comprehensive Land Use Plan (CLUP) was adopted In January 1991. The purpose of the CLUP is to effectively identify areas, located outside of the airport proper, that would be influenced by the future operations of the airport. The CLUP establishes planning boundaries on the perimeters of these areas, which are plotted, by applying the specific operational criteria of the airport, to various planning models that have been primarily developed by the Federal Aviation Administration (FAA).

City of Hesperia General Plan

The City's Noise Element of the 2010 General Plan contains the following goal and policies related to noise that are applicable to the Project:

Goal NS-1: To achieve and maintain an environment which is free from excessive or harmful noise through identification, control, and abatement.

Policy NS-1.1 Incorporate noise reduction features during site planning and into land use planning decisions to mitigate anticipated noise impacts on affected noise-sensitive land uses.

Policy NS-1.2 Control and abate undesirable sounds through the use of the land use compatibility criteria shown in Exhibit NS-1, Table N-3, and Municipal Code Section 16.20.125(B).

Policy NS-1.3 Enforce the California Noise Insulation Standards (California Code of Regulations, Title 24). Title 24 requires that an acoustical analysis be performed for all new multifamily residences in areas where the exterior sound level exceeds 60 dBA CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 dBA CNEL or below.

Policy NS-1.4 Require that an acoustical analysis be performed for all new single-family residences in areas where the exterior sound level exceeds 60 dBA CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 dBA CNEL or below.

Policy NS-1.5 Require the design and construction of commercial, industrial, office and mixed-use structures developments with noise attenuation methods to minimize excessive noise upon noise-sensitive land uses.

Policy NS-1.6 Provide developers and builders with development noise policy guidelines. The guidelines shall provide specific design criteria, minimum standards for submittal of acoustical studies and descriptions of acceptable noise mitigation measures.

Policy NS-1.7 Ensure that areas frequent outdoor use (See Table N-3 footnote 2.) at noise-sensitive land uses are not subjected to inappropriate noise levels resulting from transportation systems.

Policy NS-1.8 Coordinate with state and local agencies to maintain and enforce noise control policies and standards.

Policy NS-1.9 Encourage commercial, industrial, office and mixed-use developments to locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noisier components away from noise-sensitive land uses.

Policy NS-1.10 Limit the hours of construction activity in, and around, residential areas in order to reduce the intrusion of noise in the early morning and late evening hours and on weekends and holidays.

Policy NS-1.11 Limit delivery hours for businesses with loading areas or docks fronting, siding, or bordering or gaining access on driveways adjacent to noise-sensitive areas.

Policy NS-1.12 Implement nighttime and daytime on-site noise level limits to address noise generated by commercial and industrial uses where it affects abutting residential and other noise sensitive land uses.

Policy NS-1.13 Ensure adequate noise control measures at construction sites by requiring that construction equipment be fitted with manufacturer-recommended mufflers and ensuring physical separation of machinery maintenance and staging areas from adjacent residential uses.

Policy NS-1.14 Encourage noise compatible land uses within airport influence areas in accordance with federal and state noise standards and guidelines.

Policy NS-1.15 Require an aviation easement for new residential development within the Airport Noise Area, as defined in the Land Use Element.

Policy NS-1.16 Review the noise element when major changes in the noise environment occur.

Goal NS-2: To achieve and maintain an environment which is free from excessive vibration.

Policy NS-2.1 Control exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels as set forth in Table NS-1 and Municipal Code Section 16.20.130.

Policy NS-2.2 Evaluate potential vibration impacts during site planning and into land use planning decisions for proposed residential building within 200 feet of the centerline of the nearest track of the BNSF and UP railroad.

City of Hesperia Municipal Code

Section 16.20.125: Noise. Section 16.20.125 of the City's Municipal Code sets noise standards for specific land uses by type of noise source. Noise standards for stationary noise sources are summarized in Table 5.11-2. As shown, the noise standard for residential properties is 60 dBA Leq from 7 a.m. to 10 p.m. and 55 dBA Leq from 10 p.m. to 7 a.m. For commercial properties, the noise standard from stationary noise sources is 65 dBA Leq at any time of the day or night. For industrial properties, the noise standard from stationary noise sources is 70 dBA Leq at any time of the day or night. Areas exposed to noise levels exceeding these standards are considered noise-impacted areas.

The City's Municipal Code exempts noise from construction noise, provided that construction is limited to the hours between 7 a.m. and 7 p.m., except on Sundays or federal holidays, when construction is not allowed.

Section 16.20.130: Vibration. Section 16.20.130 establishes standards for acceptable vibration levels. The section states that no ground vibration shall be allowed that can be felt without the aid of instruments at or beyond the lot line, nor shall any vibration be allowed which produces a particle velocity greater than or equal to two-tenths (0.20) inches per second measured at or beyond the lot line. Temporary

construction, maintenance, repair, or demolition activities between 7 a.m. and 7 p.m. are exempt from this vibration limit, except on Sundays and federal holidays, when construction is prohibited.

Table 5.11-2: City of Hesperia Noise Standards

Affected Land Use (Receiving Noise)	Maximum Noise Level (dBA Leq)	Time Period
Residential	55	10 p.m. – 7 a.m.
Residential	60 ¹	7 a.m. – 10 p.m.
Commercial	65 ¹	Anytime
Industrial	70 ¹	Anytime

Source: Section 16.20.125 of the City of Hesperia Municipal Code (2022).

¹ Due to wind noise, the maximum permissible noise level may be adjusted so that it is no greater than five dBA above the ambient noise level.

5.11.3 ENVIRONMENTAL SETTING

Existing Noise Levels

To assess existing noise levels of the environment, long-term (24-hour) noise level measurements were conducted on November 21 and 22, 2022, at two locations as shown on Figure 5.11-1. The background ambient noise levels in the Project area are dominated by the transportation-related noise associated with surface streets and Highway 395. Table 5.11-3 provides a summary of the measured hourly noise levels and calculated CNEL level from the long-term noise level measurements. As shown in Table 5.11-3, the calculated CNEL levels range from 62.3 dBA CNEL to 73.1 dBA CNEL.

Table 5.11-3: Summary of 24-Hour Ambient Noise Level Measurements

Location		Daytime Noise Levels ¹ (dBA Leq)	Evening Noise Levels ² (dBA Leq)	Nighttime Noise Levels ³ (dBA Leq)	Daily Noise Levels (dBA CNEL)
LT-1	Southwest corner of the West Main Villas Apartment complex, approximately 230 feet away from Main Street centerline.	48.8 – 59.7	58.2 – 60.4	48.7 – 58.1	62.3
LT-2	Southwest of project site opposite Phelan Road. Approximately 115 feet away from Phelan Road centerline	68.5 – 70.7	67.3 – 69.3	59.6 – 68.4	73.1

Source: Noise and Vibration Impact Analysis (Appendix J).

Note: Noise measurements were conducted from August 30 to August 31, 2022, starting at 9:00 a.m.

¹ Daytime Noise Levels = noise levels during the hours from 7:00 a.m. to 7:00 p.m.

² Evening Noise Levels = noise levels during the hours from 7:00 p.m. to 10:00 p.m.

³ Nighttime Noise Levels = noise levels during the hours from 10:00 p.m. to 7:00 a.m.

Existing Vibration

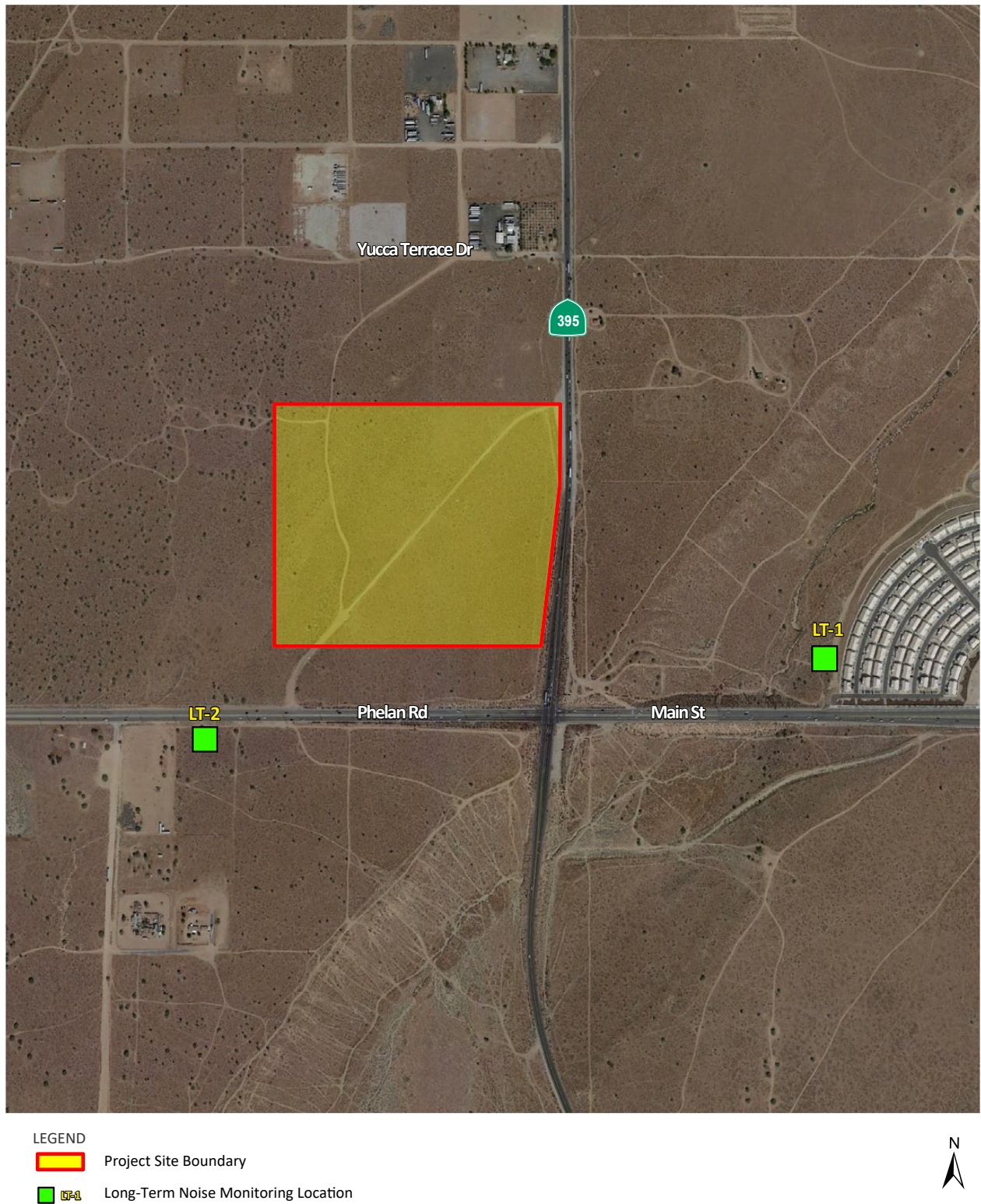
Aside from periodic construction work that may occur in the vicinity of the Project area, the Project site and adjacent land uses are not currently exposed to sources of groundborne vibration.

Existing Airport Noise

The noise contour boundaries used to determine the potential aircraft-related noise impacts at the Project site are found on Figure II-3, *Hesperia Airport – 65 CNEL Noise Contour*, of the Hesperia Airport CLUP. The Project site is not located within the 65 dBA CNEL and 60 dBA CNEL noise contours.

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Noise Measurement Locations



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Sensitive Receptors

Noise sensitive receptors are generally defined as locations where people reside or where the presence of unwanted sound could otherwise adversely affect the use of the land. Noise-sensitive land uses are generally considered to include: residences, schools, hospitals, and recreation areas.

The closest sensitive receptors¹ include office and residential uses located approximately 900 feet north of the Project site, West Main Villas multifamily residential community located approximately 1,600 feet east of the Project site, and rural single family residential approximately 1,500 feet southwest opposite Phelan Road.

5.11.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- NOI-1 Generation of a substantial temporary or permanent increase in ambient noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- NOI-2 Generate excessive groundborne vibration or groundborne noise levels;
- NOI-3 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.

Construction Noise and Vibration Thresholds

- A significant construction noise and vibration impact could occur if Project related construction activities:
 - Occur between the hours of 7:00 p.m. and 7:00 a.m. of the next day, or on Sundays or federal holidays (*City Municipal Code Section 16.20.125, Noise*); or
 - Create noise levels which exceed the acceptable noise level thresholds of 80 dBA L_{eq} at the nearby sensitive receiver locations (FTA Transit Noise and Vibration Impact Assessment Manual);
- If Project-related construction activities generate vibration levels which exceed the City Municipal Code Section 16.20.130 vibration threshold of 0.2 PPV in/sec at receiver locations. Temporary construction, maintenance, repair, or demolition activities between 7 a.m. and 7 p.m. are exempt from this vibration limit, except on Sundays and federal holidays, when construction is prohibited.

Roadway Vehicular Noise Thresholds

The City of Hesperia has not established noise standards for traffic-related noise; therefore, for purposes of this CEQA analysis, the standard for a perceivable difference in noise levels (3 dBA CNEL) has been applied as the vehicle noise threshold. The CNEL is the weighted average of the intensity of a sound, with corrections for time of day, and averaged over 24 hours. For example, if the ambient noise environment is very quiet and a new noise source substantially increases localized noise levels, a perceived impact may occur even though the numerical noise threshold might not be exceeded. Therefore, for the purpose of this

¹ Note: Sensitive receptors in the Noise and Vibration Impact Analysis were measured from the center of the Project site.

analysis, a significant impact related to road vehicular noise could occur when the noise levels at existing noise sensitive land uses (e.g., residential, etc.):

- Are less than 60 dBA CNEL and the project creates a readily perceptible 5 dBA CNEL or greater project-related noise level increase; or
- Range from 60 to 65 dBA CNEL and the project creates a barely perceptible 3 dBA CNEL or greater project-related noise level increase; or
- Already exceeds 65 dBA CNEL, and the project creates a community noise level impact of greater than 1.5 dBA CNEL.

Onsite Operational Noise Thresholds

Operational noise refers to noise generated at the Project site as a result of Project onsite operations. A significant impact related to operational noise could occur if the Project meets the following criteria:

- If Project-related operational (stationary source) noise levels:
 - exceed the exterior 60 dBA L_{eq} daytime or 45 dBA L_{eq} nighttime noise level standards (Development Code, Title 8, Section 83.01.080).

5.11.5 METHODOLOGY

Construction Noise

To identify the temporary construction noise contribution to the existing ambient noise environment, the construction noise levels anticipated from usage of construction equipment needed to implement the proposed Project were identified. The City Municipal Code limits construction hours to reduce noise but does not establish numeric maximum acceptable construction source noise levels at potentially affected receivers, which would allow for a quantified determination of what CEQA constitutes a *substantial temporary or periodic noise increase*. Therefore, a numerical construction threshold based on FTA *Transit Noise and Vibration Impact Assessment Manual* is used for analysis of daytime construction impacts and has been used in past City CEQA documents for noise analysis purposes. The FTA considers a daytime exterior construction noise level of 80 dBA L_{eq} as a reasonable threshold for noise sensitive residential land use (residential). The construction noise levels are compared against the FTA threshold to assess the level of significance associated with temporary construction noise level impacts.

Operational Noise

The primary source of noise associated with the operation of the proposed Project would be from vehicular and truck trips. The expected roadway noise level increases from vehicular/truck traffic were calculated using the Federal Highway Administration (FHWA) traffic noise prediction model and the average daily traffic volumes from the Traffic Impact Analysis prepared for the proposed Project.

As detailed in Section 5.9, *Transportation*, the proposed Project is anticipated to generate approximately 1,941 daily trips, 187 a.m. peak hour trips and 231 p.m. peak hour trips. The increase in noise levels generated by the vehicular/truck trips has been quantitatively estimated and compared to the applicable noise standards and thresholds of significance listed previously.

Secondary sources of noise would include new stationary sources including loading dock, truck movement, parking and noise from heating, ventilation, and air conditioning units utilized by the new buildings on the Project site. The increase in noise levels generated by these activities has been quantitatively estimated and compared to the applicable noise standards listed previously.

Vibration

Aside from noise levels, groundborne vibration would also be generated during construction of the Project by various construction-related activities and equipment; and could be generated by truck traffic traveling to and from the Project site. The potential ground-borne vibration levels resulting from construction activities occurring from the proposed Project were estimated by data published by the FTA. Thus, the groundborne vibration levels generated by these sources have also been quantitatively estimated and compared to the applicable thresholds of significance listed previously.

5.11.6 ENVIRONMENTAL IMPACTS

IMPACT NOI-1: WOULD THE PROJECT RESULT IN 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?

Construction

Less than Significant Impact. Noise generated by construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators that can reach high levels when combined. Construction is expected to occur in the following stages: site preparation and grading, building construction, architectural coating, paving. The project construction composite noise levels at a distance of 50 feet would range from 74 dBA Leq to 88 dBA Leq with the highest noise levels occurring during the site preparation and grading phases, as shown in Table 5.11-4.

Table 5.11-4: Construction Reference Noise Levels

Equipment Description	Acoustical Usage Factor (%) ¹	Maximum Noise Level (Lmax) at 50 Feet ²
Auger Drill Rig	20	84
Backhoes	40	80
Compactor (ground)	20	80
Compressor	40	80
Cranes	16	85
Dozers	40	85
Dump Trucks	40	84
Excavators	40	85
Flat Bed Trucks	40	84
Forklift	20	85
Front-end Loaders	40	80
Graders	40	85
Impact Pile Drivers	20	95
Jackhammers	20	85
Paver	50	77
Pickup Truck	40	55

Pneumatic Tools	50	85
Pumps	50	77
Rock Drills	20	85
Rollers	20	85
Scrapers	40	85
Tractors	40	84
Trencher	50	80
Welder	40	73

Source: FHWA Roadway Construction Noise Model User's Guide, Table 1 (FHWA 2006). Note: Noise levels reported in this table are rounded to the nearest whole number.

1 Usage factor is the percentage of time during a construction noise operation that a piece of construction equipment is operating at full power.

2 Maximum noise levels were developed based on Specification 721.560 from the Central Artery/Tunnel program to be consistent with the City of Boston's Noise Code for the "Big Dig" project.

FHWA = Federal Highway Administration Lmax = maximum instantaneous sound level

Per City Municipal Code Section 16.20.125, noise sources associated with construction activities are exempt from the City's established noise standards as long as the activities do not take place between the hours of 7:00 p.m. of any one day and to 7:00 a.m. of the next day, or on Sundays or federal holidays. The proposed Project's construction activities would occur pursuant to these regulations. Thus, the construction activities would be in compliance with the City's construction-related noise standards.

Construction noise would be temporary in nature as the operation of each piece of construction equipment would not be constant throughout the construction day, and equipment would be turned off when not in use. The typical operating cycle for a piece of construction equipment involves one or two minutes of full power operation followed by three or four minutes at lower power settings. The construction equipment would include a combination of trucks, power tools, concrete mixers, and portable generators.

While construction noise will vary, it is expected that composite noise levels during construction at the nearest residential uses southwest of the Project would reach 58 dBA Leq. These predicted noise levels would only occur when all construction equipment is operating simultaneously; and therefore, are conservative assumptions. While construction-related short-term noise levels have the potential to be higher than existing ambient noise levels in the Project area under existing conditions, the noise impacts would no longer occur once Project construction is completed. As shown on Table 5.11-5, construction noise from the proposed Project at the nearby receptor locations would range from 54 to 58 dBA Leq, which would not exceed the 80 dBA Leq 8-hour construction noise level criteria as established by the FTA for residential land uses. Therefore, impacts related to construction noise would be less than significant.

Table 5.11-5: Construction Noise Levels at Nearest Receptors

Receptor (Location)	Composite Noise Level (dBA Leq) at 50 feet ¹	Distance (feet)	Composite Noise Level (dBA Leq)
Residential/ Office Uses (North)	88	1,610	58
Residences (East)		2,575	54
Residences (Southwest)		2,575	54

Source: Noise and Vibration Impact Analysis, 2023 (Appendix J)

Operation

Less than Significant Impact. The proposed Project would consist of the development of a warehouse/distribution facility. The building would include 30 loading dock doors along its east side and 30 dock doors along its west side for a total of 60 dock doors. The Project would also provide 83 trailer stalls located opposite of the loading dock doors on the east and west sides of the building. Additionally, the building would provide 374 vehicle parking stalls. Potential noise impacts associated with the operations of the proposed Project would be from project-generated vehicular traffic on the nearby roadways and from onsite activities, which have been analyzed separately below.

Traffic Noise Impacts

Vehicle noise is a combination of the noise produced by the engine, exhaust and tires. The level of traffic noise depends on three primary factors (1) the volume of traffic, (2) the speed of traffic, and (3) the number of trucks in the flow of traffic.

As detailed in Section 5.12, Transportation, the proposed Project is anticipated to generate approximately 1,941 daily trips, 187 a.m. peak hour trips and 231 p.m. peak hour trips. Truck trips would occur along Phelan Road to Highway 395 while passenger vehicle trips would occur along Main Street to I-15. Table 5.11-6 provides the traffic noise levels for the existing with and without Project scenarios and opening year with and without Project scenarios. These noise levels represent the worst-case scenario, which assumes no shielding is provided between the traffic and the location where the noise contours are drawn.

As shown in Table 5.11-6, the increase in Project-related traffic noise would be no greater than 1.6 dBA at existing industrial uses and no greater than 1.4 dBA at existing noise-sensitive residential uses which is below the threshold of a 3.0 dBA noise level increase. Therefore, traffic noise impacts from project-related traffic on off-site sensitive receptors would be less than significant, and no mitigation measures are required.

Offsite Stationary Noise Impacts

Adjacent offsite land uses would be potentially exposed to stationary-source noise impacts from the proposed onsite heating, ventilation, and air conditioning (HVAC) equipment and truck deliveries and loading and unloading activities. To provide a conservative analysis, it is assumed that operations would occur equally during all hours of the day and that half of the 60 loading docks would be active at all times. Additionally, it is assumed that within the peak hour, consistent with the Project's trip generation, 20 heavy trucks would maneuver to park near or back into one of the proposed loading docks.

The Project would include eight rooftop HVAC units on the building to provide ventilation to the proposed office spaces. The HVAC equipment could operate 24 hours per day and would generate sound power levels (SPL) of up to 87 dBA SPL or 72 dBA Leq at 5 feet, based on manufacturer data (Trane).

Delivery trucks are anticipated to generate a noise level of 75 dBA Leq at 20 feet (see Noise and Vibration Impact Analysis [Appendix J]). Delivery trucks would arrive onsite and maneuver their trailers so that trailers would be parked within the loading docks. During this process, noise levels are associated with the truck engine noise, air brakes, and back-up alarms while the truck is backing into the dock. These noise levels would occur for a shorter period of time (less than 5 minutes). After a truck enters the loading dock, the doors would be closed and the remainder of the truck loading activities would be enclosed, and therefore, much less perceptible. To present a conservative assessment, it is assumed that unloading activities could occur at half of the 60 docks simultaneously for a period of more than 30 minutes in a given hour. Maximum noise levels that would occur during the docking process are anticipated to be 86 dBA Lmax at a distance of 20 feet (see Noise and Vibration Impact Analysis [Appendix J]).

Table 5.11-6: Traffic Noise Levels Without and With Proposed Project

Roadway Segment	Existing Without Project		Existing With Project			Opening Year		Opening Year With Project		
	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	Increase from Existing Conditions	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	ADT	CNEL (dBA) 50 feet from Centerline of Nearest Lane	Increase from Near- Term Conditions
Phelan Road West of US-395	16,930	77.3	18,950	78.9	1.6	26,670	79.2	28,690	80.7	1.5
Main Street East of US-395	18,520	77.6	19,160	79.0	1.4	31,920	80.0	32,140	81.2	1.2
US-395 North of Main Street	24,590	79.6	24,800	80.8	1.2	34,810	81.1	34,600	82.2	1.1
US-395 South of Main Street	22,060	79.1	22,320	79.3	0.2	29,320	80.3	30,490	81.7	1.4

Source: Noise and Vibration Impact Analysis, 2023 (Appendix J).

Note: Traffic noise within 50 feet of the roadway centerline should be evaluated with site-specific information.

Shaded cells indicate roadway segments adjacent to the project site.

ADT = average daily traffic

Tables 5.11-7 and 5.11-8 below show the combined hourly noise levels generated by HVAC equipment and truck delivery activities at the closest offsite land uses. The Project-related noise level impacts would range from 32.4 dBA Leq to 35.4 dBA Leq at the surrounding sensitive receptors. These levels would be below the City's exterior daytime and nighttime noise standards of 60 dBA Leq and 55 dBA Leq for residential land uses, respectively, as well as the 65 dBA Leq standard for office uses any time of day. Additionally, as shown in Tables 5.11-7 and 5.11-8, the existing daytime ambient noise level is 48.8 dBA Leq while the existing nighttime ambient noise level is 48.7 dBA Leq. As shown in Table 5.11-3 above, the existing ambient noise levels in the Project vicinity range between 68.4 dBA Leq during nighttime and 70.7 dBA Leq during daytime. Therefore, because Project noise levels would not exceed the current ambient noise level by 3 dBA or more, the impact would be less than significant.

Table 5.11-7: Nighttime Exterior Noise Level Impacts

Receptor	Direction	Daytime Noise Level Standard (dBA Leq)	Existing Quietest Daytime Noise Level (dBA Leq)	Project Generated Noise Levels (dBA Leq)	Potential Operational Noise Impact? ¹
Residential	East	60	48.8	35.4	No
Residential	Southwest	60	48.8	35.3	No
Residential / Office	North	60	48.8	32.5	No

Source: Noise and Vibration Impact Analysis, 2023 (Appendix J)

¹ A potential operational noise impact would occur if (1) the quietest daytime ambient hour is less than 60 dBA Leq and project noise impacts are greater than the applicable noise standard, OR (2) the quietest daytime ambient hour is greater than 60 dBA Leq and project noise impacts are 3 dBA greater than the quietest daytime ambient hour.

Table 5.11-8: Daytime Exterior Noise Level Impacts

Receptor	Direction	Nighttime Noise Level Standard (dBA Leq)	Existing Quietest Nighttime Noise Level (dBA Leq)	Project Generated Noise Levels (dBA Leq)	Potential Operational Noise Impact? ¹
Residential	East	55	48.7	35.4	No
Residential	Southwest	55	48.7	35.3	No
Residential / Office	North	55	48.7	32.5	No

Source: Noise and Vibration Impact Analysis, 2023 (Appendix J)

¹ A potential operational noise impact would occur if (1) the quietest nighttime ambient hour is less than 55 dBA Leq and project noise impacts are greater than 55 dBA Leq, OR (2) the quietest nighttime ambient hour is greater than 55 dBA Leq and project noise impacts are 3 dBA greater than the quietest nighttime ambient hour.

IMPACT NOI-2: WOULD THE PROJECT RESULT IN GENERATION OF EXCESSIVE GROUNDBORNE VIBRATION OR GROUNDBORNE NOISE LEVELS?

Construction

Less than Significant Impact. Construction activities for development of the proposed Project would include demolition, excavation, and grading activities, which have the potential to generate low levels of groundborne vibration. People working in close proximity to the construction could be exposed to the generation of excessive groundborne vibration or groundborne noise levels related to construction activities. The results 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. Site ground vibrations from construction activities very rarely reach the levels that can damage structures, but they can be perceived in the audible range and be felt in buildings very close to a construction site.

Excavation, and grading activities are required for implementation of the Project and can result in varying degrees of ground vibration, depending on the equipment and methods used, distance to the affected structures and soil type. Table 5.11-9 shows the PPV and VdB values at 25 ft from the construction vibration source. Based on the reference vibration levels provided by the FTA and the equipment that would be used for the proposed Project, a large bulldozer represents the peak source of vibration with a reference velocity of 0.089 PPV in/sec or 87 VdB of ground-borne vibration when measured at 25 feet, as shown on Table 5.11-9.

Table 5.11-9: Vibration Source Levels for Construction Equipment

Equipment	Reference PPV/Lv at 25 feet	
	Peak Particle Velocity (inches/second)	Approximate Vibration Level (Lv)at 25 feet
Pile Driver (Impact), Typical	0.644	104
Pile Driver (Sonic), Typical	0.170	93
Vibratory Roller	0.210	94
Hoe Ram	0.089	87
Large Bulldozer²	0.089	87
Caisson Drilling	0.089	87
Loaded Trucks²	0.076	86
Jackhammer	0.035	79
Small Bulldozer	0.003	58

Source: Noise and Vibration Impact Analysis, 2023 (Appendix J)

¹ RMS vibration velocity in decibels (VdB) is 1 μ in/sec.

² Equipment shown in bold is expected to be used on site.

μ in/sec = microinches per second; ft = foot/feet; FTA = Federal Transit Administration; in/sec = inch/inches per second; LV = velocity in decibels; PPV = peak particle velocity; RMS = root-mean-square; VdB = vibration velocity decibels

A significant vibration impact could occur if Project-related construction activities generate vibration levels which exceed the City Municipal Code Section 16.20.130 vibration threshold of 0.2 PPV in/sec at receiver locations. Additionally, temporary construction, maintenance, repair, or demolition activities between 7 a.m. and 7 p.m. are exempt from this vibration limit, except on Sundays and federal holidays, when construction is prohibited.

The primary source of vibration during construction would be from the operation of a bulldozer. As shown on Table 5.11-9, a large bulldozer would create a vibration level of 0.089 inch per second PPV at 25 feet. Based on typical propagation rates, the vibration level at the nearest offsite structure (885 feet away) would be 0.0004 inch per second PPV (see Table 5.11-10), which is well below the City's 0.2 PPV inch per second vibration threshold. Additionally, because construction activities are regulated by the Hesperia Municipal Code which states temporary construction, maintenance, or demolition activities are not allowed between the 7:00 p.m. on one day and 7:00 a.m. of the following day, vibration impacts

would not occur during the more sensitive nighttime hours. Therefore, impacts related to construction vibration would be less than significant.

Table 5.11-10: Construction Vibration Levels at Nearest Receptors

Receptor (Location)	Reference Vibration Level (PPV) at 25 feet ¹	Distance (feet) ²	Vibration Level (PPV)
Residential/ Office Uses (North)	0.089	885	0.0004
Residences (East)		1,685	0.0002
Residences (Southwest)		1,620	0.0002

Source: Noise and Vibration Impact Analysis, 2023 (Appendix J)

¹ The reference vibration level is associated with a large bulldozer which is expected to be representative of the heavy equipment used during construction.

² The reference distance is associated with the peak condition, identified by the distance from the perimeter of construction activities to surrounding structures

Operation

Less than Significant Impact. Operation of the proposed Project would include operation of heavy trucks, deliveries, and moving trucks, and garbage trucks for solid waste disposal. Truck vibration levels are dependent on vehicle characteristics, load, speed, and pavement conditions. However, vibration levels generated from Project-related traffic within the Project site and on the adjacent roadways are unusual for on-road vehicles because the rubber tires and suspension systems of on-road vehicles provide vibration isolation. Vibration levels generated from Project-related traffic on the adjacent roadways would be less than significant.

IMPACT NOI-3: 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 Project site is located approximately 6.2 miles northwest of Hesperia Airport. According to Figure II-3, *Hesperia Airport – 65 CNEL Noise Contour*, of the Hesperia Airport CLUP, the Project site is not located within the 65 dBA CNEL and 60 dBA CNEL noise contours. No other airports existing within the vicinity of the Project. Thus, implementation and development of the Project would not result in a safety hazard or exposure to excessive noise for people residing or working in the area, and impacts would be less than significant.

5.11.7 CUMULATIVE IMPACTS

Cumulative noise assessment considers development of the proposed Project in combination with ambient growth and other development projects within the vicinity of the Project area. As noise is a localized phenomenon, and drastically reduces in magnitude as distance from the source increases, only projects and ambient growth in the nearby area could combine with the proposed Project to result in cumulative noise impacts.

Development of the proposed Project in combination with the related projects would result in an increase in construction-related and traffic-related noise. However, City Municipal Code Section 16.20.125, Noise,

requires construction activities to not occur between the hours of 7:00 p.m. and 7:00 a.m. on weekdays, including Saturday, or anytime on Sunday or a federal holiday. Also, construction noise and vibration is localized in nature and decreases substantially with distance. Consequently, in order to achieve a substantial cumulative increase in construction noise and vibration levels, more than one source emitting high levels of construction noise would need to be in close proximity to the proposed Project construction.

The closest cumulative project is the Hesperia Commerce Center II Project, which would be constructed directly to the west and north of the Project site. Construction of the Hesperia Commerce Center II Project was anticipated to commence in 2021 and last through 2023. However, as of February 2023, construction of the Hesperia Commerce Center II Project has not begun. Construction of the proposed Project is anticipated to last approximately 14 months and would occur from October of 2023 to November of 2024. Therefore, construction activities of the two projects could slightly overlap. However, cumulative noise increases due to construction would be temporary and localized. As discussed throughout this section, construction noise from the proposed Project at the nearby receptor locations would range from 54 to 58 dBA Leq, which is comparable to the existing ambient noise levels ranging between 58.1 dBA Leq during nighttime and 70.7 dBA Leq during daytime. Further, the distance from construction activities to nearby receptors is substantial, thus the combined noise levels are anticipated to be less than significant. Therefore, due to the distance from nearby receptors and timing differences between the projects, construction noise and vibration levels from the proposed Project would not combine to become cumulatively considerable, and cumulative noise and vibration impacts associated with construction activities would be less than significant.

Cumulative mobile source noise impacts would occur primarily as a result of increased traffic on local roadways due to the proposed Project and related projects within the study area. Therefore, cumulative traffic-generated noise impacts have been assessed based on the contribution of the proposed Project traffic volumes on the roadways in the Project vicinity. The increase in noise levels associated with the traffic volumes of the proposed Project were previously identified. As detailed, development of the proposed Project would result in noise levels much lower than the 3 dBA threshold. Therefore, the Project would not result in a cumulatively considerable impact when combined with existing and future development. Cumulative impacts would be less than significant.

5.11.8 EXISTING REGULATIONS AND REGULATORY REQUIREMENTS

- City Municipal Code Section 16.20.125, Noise
- City Municipal Code Section 16.20.130, Vibration

5.11.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

With compliance with existing regulations, Impacts NOI-1 and NOI-2 would be less than significant. No impact would occur related to Impact NOI-3.

5.11.10 MITIGATION MEASURES

Impacts related to noise and vibration would be less than significant and no mitigation measures are required.

5.11.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Impacts related to noise would be less than significant.

REFERENCES

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5.12 Transportation

5.12.1 INTRODUCTION

This section describes the existing transportation and circulation conditions in the Project site, identifies applicable regulations, evaluates the Project's consistency with applicable goals and policies, identifies and analyzes environmental impacts, and recommends measures to reduce or avoid adverse impacts anticipated from implementation of the Project. The proposed Project's impacts are analyzed using 2016 as the base year and 2040 as the future scenario. This analysis in the section is, based in part, on the following resources:

- City of Hesperia General Plan, 2010
- City of Hesperia General Plan 2010 Final Environmental Impact Report, Michael Brandman Associates, December 2010
- City of Hesperia Municipal Code
- City of Hesperia Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT)
- Vehicle Miles Traveled (VMT) Analysis, EPD Solutions, Inc., August 2023, Appendix K

5.12.2 REGULATORY SETTING

5.12.2.1 State Regulations

Senate Bill 743

Senate Bill 743 (SB 743) was signed by Governor Brown in 2013 and required the Governor's Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to LOS for evaluating Transportation impacts. SB 743 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 was added to the CEQA Guidelines beginning January 1, 2019. Section 15064.3 - Determining the Significance of Transportation Impacts, states that 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. Section 15064.3(c) states that the provisions of the section shall apply statewide beginning on July 1, 2020.

5.12.2.2 Regional Regulations

SCAG 2020 - 2045 Regional Transportation Plan/Sustainable Communities Strategy

The Southern California Association of Governments (SCAG) is the designated metropolitan planning organization for six Southern California counties (Ventura, Los Angeles, San Bernardino, Riverside, Orange, and Imperial). As the designated metropolitan planning organization, SCAG is mandated by the federal and state governments to prepare plans for regional transportation and air quality conformity. The most recent plan adopted by SCAG is the 2020-2045 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), also known as Connect SoCal, which was adopted in September 2020. The RTP/SCS integrates transportation planning with economic development and sustainability planning and aims to comply with state GHG emissions reduction goals, such as SB 375. With respect to transportation infrastructure, SCAG anticipates in the RTP/SCS that the six-county region will have to accommodate 22.5

million residents by 2045 while also meeting the GHG emissions reduction targets set by the California Air Resources Board. In addition, SCAG has taken on the role of planning for regional growth management.

City of Hesperia General Plan

The City of Hesperia General Plan Circulation Element contains the following policies related to transportation that are applicable to the proposed Project:

Goal CI-1: Develop a safe, efficient, convenient, and attractive transportation system throughout the community, providing links within the City and with neighboring regions, and accommodating automobile, truck, pedestrian, recreational, equestrian, rail, air, and public transit needs which will meet current and future development requirements within the planning area.

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.

Goal CI-2: Develop and implement a City-wide Congestion Management Plan.

Policy CI-2.5 Maintain the City's development impact fee program for future development which includes improvements to roadways to mitigate the impact of the new development.

Policy CI-2.7 Review and monitor street improvements to ensure that improvements optimize traffic flow efficiency.

Policy CI-2.8 Reduce trip generation through development and implementation of Transportation Demand Management Programs.

Goal CI-4: Provide a circulation system that facilitates the movement of goods and services throughout the City while protecting residences, sensitive land uses, and pedestrians from activities along rail and truck corridors.

Policy CI-4.2 Locate new development and their access points in such a way that traffic is not encouraged to utilize local residential streets for access to the development and its parking.

Policy CI-4.3 Discourage non-local traffic from using neighborhood streets through project design and traffic control measures.

Policy CI-4.4 Develop an efficient and effective truck route system that is compatible with land uses and street improvement standards, and provide monitoring to ensure compatibility.

Main Street and Freeway Corridor Specific Plan

The City of Hesperia Main Street and Freeway Corridor Specific Plan (MSFCSP) contains the following policies related to transportation that are applicable to the proposed Project:

Goal C-1: Increase freeway access to Interstate-15, for purposes of conveying regional traffic into and out of the community.

Goal C-2: Explore and provide the highest level of access for all modes of transportation and maintains efficient circulation in the Specific Plan area throughout the day.

Policy C-2.1 Preserve the traffic-carrying capacity of arterial streets by implementing policies that include the promotion of shared access locations among multiple properties or establishments, reciprocal access agreements, shared parking, and the use of side streets to provide access to parcels, if possible.

Policy C-2.2 Increase trip reduction efforts.

Policy C-2.3 Provide truck route designations for specific facilities in the City.

Policy C-2.4 Reduce the number of median openings to only those intersections that are signalized.

Policy C-2.6 Encourage present and future public transit use.

Policy C-2.7 Identify activity centers that would benefit from increased transit access and work with Victor Valley Transit Authority (VVTa) to enhance service to these centers.

Policy C-2.8 Facilitate bicycle use and circulation within the Specific Plan area.

Policy C-2.9 Promote a safe and attractive pedestrian environment to encourage pedestrian traffic within and across the districts, especially in the City Center District, where wider sidewalks for pedestrians are desirable.

5.12.3 ENVIRONMENTAL SETTING

Existing Roadway Network

Interstate 15 (I-15) is a major north-south Interstate Highway that begins near the Mexican/US border and runs through Southern California to Alberta, Canada.

U.S. Highway 395 (US 395) is a north-south U.S. route that begins in the Mojave Desert at I-15 and runs through Southern California to the U.S./Canadian border.

Phelan Road/Main Street is an east-west undivided roadway that ranges from two to six lanes. The City of Hesperia classifies Phelan Road/Main Street as a major arterial roadway. The roadway is named Phelan Road west of US 395 and Main Street east of US 396. Phelan Road west of US 395 is a designated truck route. The posted speed limit is 55 MPH.

Mesa Linda Street is a north-south undivided roadway that ranges from two to four lanes. The City of Hesperia classifies Mesa Linda Street as an arterial roadway.

Poplar Street is an east-west undivided roadway that ranges from two to four lanes. The City of Hesperia classifies Poplar Street as a secondary arterial roadway.

Caliente Road is an unpaved road that transects the Project site from southwest to northeast and is accessible from Phelan Road to the south and Main Street to the east.

Existing Transit Services

The Project area is served by bus service via Victor Valley Transit Authority (VVTa), which serves the Victor Valley area. VVTa Routes 21P/W, 25, 64, and 68 provide service within the vicinity of the Project site.

- Route 21P runs from Pinon Hills to Hesperia Super Target along SR-138, Phelan Road, I-15, Bear Valley Road, and Baldy Mesa Road. Service is every 2 hours from 8 a.m. to 6:21 p.m. The nearest bus stop is located near Phelan Road and Cataba Road intersection approximately 0.5 mile to the northeast.
- Route 25 runs from the Hesperia Post Office to the Super Target along I-15, Ranchero Road, Escondido Avenue, around Oak Hills High School, and C Avenue. Service is every 2 hours from 8:07 a.m. to 6:35 p.m. The nearest bus stop is located near Phelan Road and Cataba Road intersection approximately 0.5 mile to the northeast.
- Route 64 runs from the Hesperia Post Office to the Super Target around Malibu Park, along Escondido Avenue, Phelan Road, I-15, Willow Street, 9th Avenue, Juniper Street, 7th Avenue, Mesa

Street, 3rd Avenue, Main Street, E Avenue, Olive Street, I Avenue, and Sultana Street. Service is every 1 hour from 7:31 a.m. to 7:53 p.m. The nearest bus stop is located near Phelan Road and Cataba Road intersection approximately 0.5 mile to the northeast.

- Route 68 runs from the Hesperia Post Office to the Super Target along Main Street, Cottonwood Avenue, 7th Avenue, Lime Street, 3rd Avenue, E Avenue, Olive Street, G Avenue, and Sultana Street. Service is every 1 hour from 7:14 a.m. to 7:53 p.m. The nearest bus stop is located near Phelan Road and Cataba Road intersection approximately 0.5 mile to the northeast.

Existing Bicycle and Pedestrian Facilities

The Project site does not contain any existing bicycle facilities. The City's General Plan Circulation Element does not include any planned bicycle facilities west of I-15. A Class I bike path is planned along Main Street east of I-15 and a Class II bike path is planned along the east side of I-15. Additionally, the Project site does not contain any existing sidewalks.

5.12.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- | | |
|------|--|
| TR-1 | Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities; or |
| TR-2 | Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b); or |
| TR-3 | Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); or |
| TR-4 | Result in inadequate emergency access. |

5.12.5 METHODOLOGY

On September 27, 2013, Senate Bill (SB) 743 was signed into state law. The California legislature found that with the adoption of the Sustainable Communities and Climate Protection Act of 2008 (SB 375), the state had signaled its commitment to encourage land use and transportation planning decisions and investments that reduce vehicle miles traveled (VMT) and thereby contribute to the reduction of greenhouse gas (GHG) emissions, as required by the California Global Warming Solutions Act of 2006 (AB 32). SB 743 requires the California Governor's Office of Planning and Research to amend the State CEQA Guidelines to provide an alternative to LOS as the metric for evaluating transportation impacts under CEQA. Particularly within areas served by transit, SB 743 requires the alternative criteria to promote the reduction of greenhouse gas emissions, development of multimodal transportation networks, and diversity of land uses. The alternative metric for transportation impacts detailed in the State CEQA Guidelines is VMT. Jurisdictions had until July 1, 2020, to adopt and begin implementing VMT thresholds for traffic analysis. As outlined in State CEQA Guidelines Section 15064.3, except as provided for roadway capacity transportation projects, a project's effect on automobile delay shall not constitute a significant environmental impact.

Vehicle Miles Traveled Analysis Methodology

As indicated above in this Section, SB 743 provided for an alternative to LOS for evaluating Transportation impacts. Thereby, SB 743 specified that the new criteria should promote reduction of greenhouse gas emissions, development of multimodal transportation networks and a diversity of land uses. SB 743 also specified that delay-based LOS could no longer be considered an indicator of a significant impact on the environment. The California Legislature then amended CEQA Guidelines (Section 15064.3 – Determining the Significance of Transportation Impacts) to state that VMT is the most appropriate measure of transportation

impacts and provides lead agencies with discretion to choose the most appropriate methodology and thresholds for evaluating VMT. This Section also required provisions to become effective July 1, 2020.

The City of Hesperia Traffic Impact Analysis (TIA) Guidelines (July 2020) provide VMT analysis methodology, impact thresholds and screening thresholds to determine if projects would require preparation of a VMT analysis, and if so, whether the project would result in significant VMT impacts with the inclusion of feasible mitigation measures.

The City's VMT screening methodology utilizes VMT performance for individual jurisdictions and for individual traffic analysis zones (TAZs). TAZs are geographic polygons similar to Census block groups used to represent areas of homogenous travel behavior. Total daily VMT per service population (population plus employment) was estimated for each TAZ. The TIA Guidelines provide criteria for projects that would be considered to have a less-than significant impact on VMT and therefore could be screened out from further analysis. If a project meets one of the following criteria, then the VMT impact of the project is considered less-than significant and no further analysis of VMT would be required:

- The project is located within a Transit Priority Area (TPA).
- The project is located in a low VMT generating area.
- Project Type Screening (the project generates fewer than 110 daily vehicle trips or is considered a local-serving land use).

The City's TIA Guidelines state that a project would result in a significant project generated VMT impact if either of the following conditions are satisfied:

- The baseline (2022) project generated VMT per service population exceeds the San Bernardino County Regional average baseline of 32.7 VMT per service population, or
- The cumulative project generated VMT per service population exceeds the San Bernardino County Regional average baseline of 32.7 VMT per service population, or

Project-generated VMT was extracted from the travel demand forecasting model using the origin-destination trip matrix and shall multiply that matrix by the final assignment skims, per the City's TIA guidelines. The Project-impact on VMT was estimated using a sub-regional boundary and extracting the total link-level VMT (total cumulative VMT that would occur within the boundary area) for both the no Project and with Project condition. The project's effect on VMT would be considered significant if it resulted in the following condition:

- The baseline link-level boundary (County of San Bernardino) VMT per service population increases under the plus project condition compared to the no project condition.
- The cumulative link-level boundary (County of San Bernardino) VMT per service population increases under the plus project condition compared to the no project condition.

5.12.6 ENVIRONMENTAL IMPACTS

IMPACT TR-1: WOULD THE PROJECT CONFLICT WITH A PROGRAM, PLAN, ORDINANCE, OR POLICY ADDRESSING THE CIRCULATION SYSTEM, INCLUDING TRANSIT, ROADWAY, BICYCLE, AND PEDESTRIAN FACILITIES?

Less Than Significant Impact. The proposed Project would include development of a one-story, 655,468 SF warehouse building on the 29.61-acre site. The proposed building would have a building footprint of 650,468 SF and a mezzanine of 5,000 SF. Additional improvements proposed include landscaping, sidewalks, utility connections, implementation of stormwater facilities, and pavement of parking areas and drive aisles. Approximately 8.9 acres of offsite improvements would be required for necessary roadway

and utility infrastructure to support the Project. Primary access to the Project would be provided via two driveways from the proposed public road ('A' Street) that would be constructed along the west side of the Project.

Roadway: Main Street/Phelan Road are identified as major arterial roadways. Freeways providing regional access to the Project site include I-15 and US 395. Additionally, Caliente Road is an unpaved road that transects the Project site from southwest to northeast. 'A' Street is currently not constructed but is required for access to the Project. The Project would utilize designated truck routes including Phelan Road, US 395, I-15, and Joshua Road. Main Street east of US 395 is no longer designated as a City truck route; therefore, all Project truck traffic traveling to and from I-15 would be routed through the Joshua Road interchange (see Figure 3-9, *Truck Routes*).

The Project would include construction of 'A' Street which would extend from Phelan Road, approximately 630 feet south of the Project site, to Yucca Terrace Drive, approximately 930 feet north of the Project site. The roadways would be built to half width (35 feet). The proposed driveways off 'A' Street would be 40 feet wide and provide access for trucks, passenger vehicles, and emergency vehicles. Internal circulation would be provided via 40-foot drive aisles. Proposed infrastructure improvements are shown in Figure 3-8, *Proposed Infrastructure Improvements*.

Transit: As described previously, the Project area is served by VVTA. This existing transit service would continue to serve its ridership in the area and may also serve employees of the Project site. The proposed Project would not alter or conflict with existing transit stops and schedules, and impacts related to transit services would not occur.

Bicycle: As previously described, the Project site and surrounding roadways do not currently support bicycle infrastructure. There are currently no plans for future bicycle infrastructure within the Project area. The proposed Project would not conflict with plans to implement Class II facilities and impacts related to bicycle facilities would not occur.

Pedestrian Facilities: As previously described, the Project site and surrounding roadways do not currently support sidewalk infrastructure. The Project would construct 12-foot sidewalks along the proposed 'A' Street and Yucca Terrace Drive. Sidewalk area would be dedicated to the City as part of the Project. There are currently no plans for future pedestrian infrastructure connections within the Project area. Therefore, the Project would result in no impacts to pedestrian facilities.

Table 5.12-1: Consistency with Transportation Plans and Policies

Plan/Policy	Proposed Project Consistency with Policy
City of Hesperia General Plan	
Goal CI-1 Develop a safe, efficient, convenient, and attractive transportation system throughout the community, providing links within the City and with neighboring regions, and accommodating automobile, truck, pedestrian, recreational, equestrian, rail, air, and public transit needs which will meet current and future development requirements within the planning area.	Consistent. The Project would develop 'A' Street and will support safe, efficient, convenient, and attractive transportation for trucks, vehicles, and pedestrians to and from the Project site, which would connect to the existing transportation network.
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.	Consistent. A Traffic Impact Assessment (TIA) would be prepared for the Project to determine potential impacts to congestion on surrounding roadway facilities. The study would be reviewed by the City and approved contingent upon the Project's commitment to paying fair share fees or implementing improvements to ensure adequate internal and external circulation. Roadway onsite and offsite

	improvements would be reviewed by the City during Project plan check. Therefore, the Project would be consistent with Policy CI-1.10.
Policy CI-2.5 Maintain the City's development impact fee program for future development which includes improvements to roadways to mitigate the impact of the new development.	Consistent. The Project applicant would pay all applicable development impact fees for the Project, including fair share costs of roadway facilities.
Policy CI-2.8 Reduce trip generation through development and implementation of Transportation Demand Management Programs.	Consistent. The Project's effect on VMT would not be considered significant with implementation of Mitigation Measure T-1 which requires implementation of a Commute Trip Reduction Program. Therefore, the Project would not conflict with this policy.
Goal CI-4 Provide a circulation system that facilitates the movement of goods and services throughout the City while protecting residences, sensitive land uses, and pedestrians from activities along rail and truck corridors.	Consistent. The Project would utilize designated truck routes including I-15, US 395, and Joshua Road. Main Street east of US 395 is no longer designated as a City truck route; therefore, all Project truck traffic traveling to and from I-15 would be routed through the Joshua Road interchange.
Policy CI-4.2 Locate new development and their access points in such a way that traffic is not encouraged to utilize local residential streets for access to the development and its parking.	Consistent. The Project would utilize designated truck routes including I-15, US 395, and Joshua Road. Main Street east of US 395 is no longer designated as a City truck route; therefore, all Project truck traffic traveling to and from I-15 would be routed through the Joshua Road interchange.
Policy CI-4.3 Discourage non-local traffic from using neighborhood streets through project design and traffic control measures.	Consistent. The Project would utilize designated truck routes including I-15, US 395, and Joshua Road. Main Street east of US 395 is no longer designated as a City truck route; therefore, all Project truck traffic traveling to and from I-15 would be routed through the Joshua Road interchange.
Policy CI-4.4 Develop an efficient and effective truck route system that is compatible with land uses and street improvement standards, and provide monitoring to ensure compatibility.	Consistent. The Project would utilize designated truck routes including I-15, US 395, and Joshua Road. Main Street east of US 395 is no longer designated as a City truck route; therefore, all Project truck traffic traveling to and from I-15 would be routed through the Joshua Road interchange.
Main Street and Freeway Corridor Specific Plan	
Goal C-1: Increase freeway access to Interstate-15, for purposes of conveying regional traffic into and out of the community.	Consistent. The Project applicant would provide direct access via Phelan Road/Main Street for regional access.
Goal C-2: Explore and provide the highest level of access for all modes of transportation and maintains efficient circulation in the Specific Plan area throughout the day.	Consistent. The Project applicant would develop 'A' Street in order to provide safe and efficient access between the Project site and regional freeways. Additionally, pedestrian facilities would be implemented to facilitate greater walkability of the area.
Policy C-2.1 Preserve the traffic-carrying capacity of arterial streets by implementing policies that include the promotion of shared access locations among multiple properties or establishments, reciprocal access agreements, shared parking, and the use of side streets to provide access to parcels, if possible.	Consistent. The site would be accessible via local connector roadways ('A' Street) and Yucca Terrace Drive. The Project would not contribute substantial traffic increases, as discussed below in Section 5.9, Transportation, Response b).
Policy C-2.2 Increase trip reduction efforts.	Consistent. The Project's effect on VMT would not be considered significant with implementation of Mitigation Measure T-1, which requires

	implementation of a Commute Trip Reduction Program. Therefore, the Project would not conflict with this policy.
Policy C-2.9 Promote a safe and attractive pedestrian environment to encourage pedestrian traffic within and across the districts, especially in the City Center District, where wider sidewalks for pedestrians are desirable.	Consistent. A 12-foot sidewalk would be constructed along the Project frontages on 'A' Street and Yucca Terrace Drive. The sidewalk area would be dedicated to the City as part of the Project. Frontages would be landscaped for an attractive pedestrian environment.
RTP/SCS Policy	
RTP/SCS G1: Encourage regional economic prosperity and global competitiveness.	Consistent. The Project would include development of an industrial site that would benefit regional economics by providing increased employment and providing additional goods and services.
RTP/SCS G2: Improve mobility, accessibility, reliability, and travel safety for people and goods.	Consistent. As an individual development, the Project is limited in its ability to maximize mobility and access for people and goods in the SCAG region. However, the Project would not preclude achievement of this goal.
RTP/SCS G3: Ensure the preservation, security, and resilience of the regional transportation system.	Consistent. As an individual development, the Project is limited in its ability to ensure security and resilience of the regional transportation system. However, the Project would not preclude achievement of this goal.
RTP/SCS G4: Increase person and goods movement and travel choices within the transportation system.	Consistent. As an individual development, the Project is limited in its ability to maximize mobility and access for people and goods in the SCAG region. However, the Project would not preclude achievement of this goal.
RTP/SCS G5. Reduce greenhouse gas emissions and improve air quality.	Consistent. While the Project would not improve air quality or reduce greenhouse gas emissions, it would not prevent SCAG from implementing actions that would improve air quality within the region and the Project would incorporate various measures related to building design, landscaping, and energy systems to promote the efficient use of energy, pursuant to Title 24 CALGreen Code and Building Energy Efficiency Standards.
RTP/SCS G6: Support healthy and equitable communities.	Consistent. The Project would comply with Citywide goal and policies to support healthy and equitable communities. Additionally, the Project would construct frontage improvements, including sidewalks, which would encourage walking in the Project area.

RTP/SCS G7: Adapt to a changing climate and support an integrated regional development pattern and transportation network.	Consistent. This policy would be implemented by cities and the counties within the SCAG region as part of their overall planning efforts; the Project is consistent with industrial use planned for the area.
RTP/SCS G8: Leverage new transportation technologies and data-driven solutions that result in more efficient travel.	Not Applicable. This policy would be implemented by cities and the counties within the SCAG region as part of the overall planning and maintenance of the regional transportation system. The Project would not conflict with this goal.
RTP/SCS G9: Encourage development of diverse housing types in areas that are supported by multiple transportation options.	Not Applicable. The proposed Project consists of an industrial building in an area that is designated and zoned for industrial development.
RTP/SCS G10: Promote conservation of natural and agricultural lands and restoration of habitats.	Consistent. The proposed Project would be consistent with goals and policies of the City's General Plan and would not cause significant environmental impacts to agricultural lands or biological resources.

As described above, the Project would be consistent with applicable policies in the City's General Plan, MSFCSP, and the SCAG RTP/SCS. Therefore, the Project would be consistent with all applicable programs, plans, ordinances, or policies addressing the circulation system and impacts would be less than significant.

IMPACT TR-2: WOULD THE PROJECT CONFLICT OR BE INCONSISTENT WITH CEQA GUIDELINES SECTION 15064.3, SUBDIVISION B?

Significant and Unavoidable. The City's TIA Guidelines (July 2020) provide VMT analysis methodology, impact thresholds, and screening thresholds to determine if projects would require a VMT analysis. If a project meets one of the following criteria, then the VMT impact of the project is considered less-than significant and no further analysis of VMT would be required:

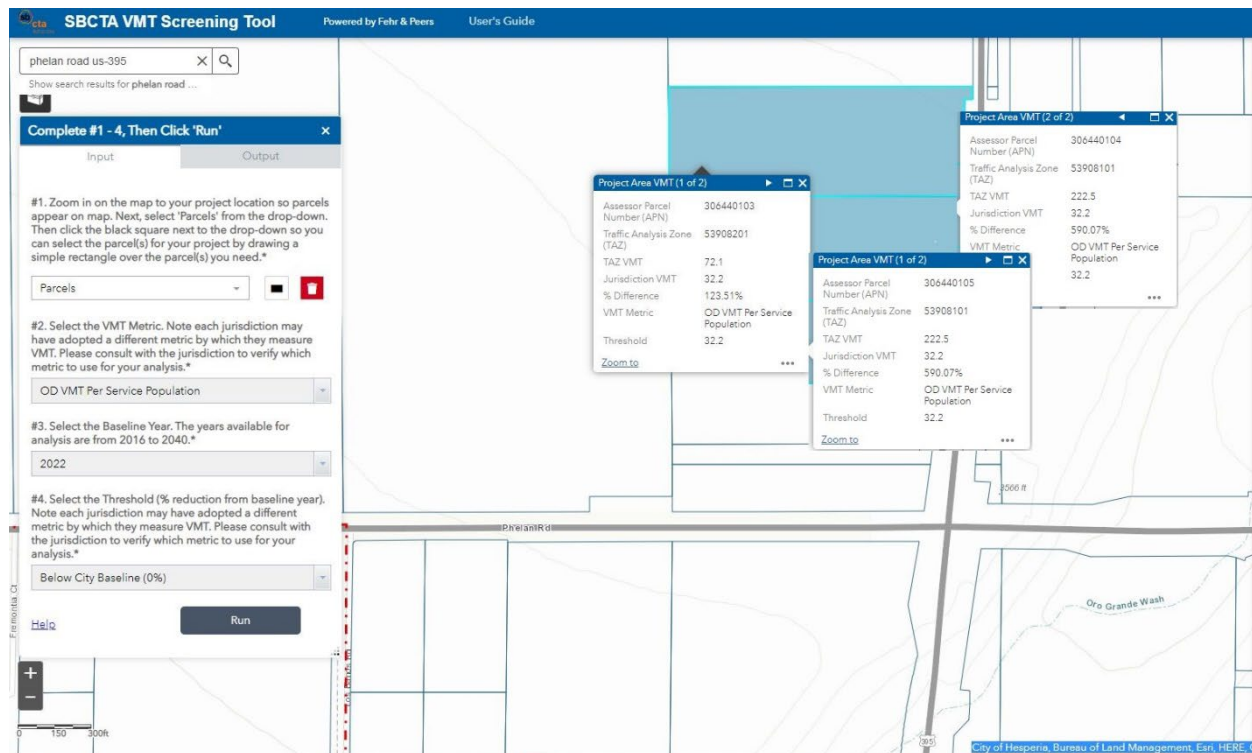
- The project is located within a Transit Priority Area (TPA).
- The project is located in a low VMT generating area.
- Project Type Screening (the project generates fewer than 110 daily vehicle trips or is considered a local-serving land use)

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 is not located in a TPA; therefore, the Project would not satisfy the requirements of Screening Criteria 1 – TPA screening.

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 County of San Bernardino VMT/Service Population (noted to be 32.7 in the guidelines). The Project site was evaluated using the San Bernardino County Transportation Analysis Model (SBTAM) VMT Screening Tool. As shown in Figure 5.12-1, the VMT/Service Population of the Project site TAZ is higher than the County average. Therefore, the Project would not meet Screening Criteria 2 – Low VMT Area Screening.

Figure 5.12-1: Low VMT Screening



Screening Criteria 3 – Project Type: According to the City’s guidelines, projects which 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. As shown in Table 5.12-2, the Project would generate more than 110 daily trips. Furthermore, the Project is not a local serving use. Thus, this screening criteria is not met.

Table 5.12-2: Project Trip Generation

				AM Peak Hour			PM Peak Hour		
Land Use		Units	Daily	In	Out	Total	In	Out	Total
<u>Trip Rates</u>									
High-Cube Transload and Short-Term Storage ¹		TSF	1.40	0.06	0.02	0.08	0.03	0.07	0.10
Manufacturing ²		TSF	4.75	0.52	0.16	0.68	0.23	0.51	0.74
<u>Project Trip Generation</u>									
High-Cube Transload and Short-Term Storage	491.60 1	TSF	688	30	9	39	14	35	49
Without Cold Storage (75%)									
<u>Vehicle Mix</u> ³		<u>Percent</u> 3							

Passenger Vehicles		72.50 %	499	22	6	28	10	26	36
2-Axle truck		4.60%	32	1	1	2	1	1	2
3-Axle truck		5.70%	39	2	0	2	1	2	3
4+-Axle Trucks		17.20 %	118	5	2	7	2	6	8
		100%	688	30	9	39	14	35	49
<u>PCE Trip Generation⁴</u>		<u>PCE Factor</u>							
Passenger Vehicles		1.0	499	22	6	28	10	26	36
2-Axle truck		1.5	48	2	1	3	2	1	3
3-Axle truck		2.0	78	4	0	4	2	4	6
4+-Axle Trucks		3.0	354	15	6	21	6	18	24
			979	43	13	56	20	49	69
High-Cube Transload and Short-Term Storage	32.773	TSF	46	2	1	3	1	2	3
With Cold Storage (5%)									
<u>Vehicle Mix⁵</u>		<u>Percent₅</u>							
Passenger Vehicles		55.30 %	25	1	1	2	1	1	2
2-Axle truck		15.50 %	7	0	0	0	0	0	0
3-Axle truck		4.90%	2	0	0	0	0	0	0
4+-Axle Trucks		24.30 %	12	1	0	1	0	1	1
		100%	46	2	1	3	1	2	3
<u>PCE Trip Generation⁴</u>		<u>PCE Factor</u>							
Passenger Vehicles		1.0	25	1	1	2	1	1	2
2-Axle truck		1.5	11	0	0	0	0	0	0
3-Axle truck		2.0	4	0	0	0	0	0	0
4+-Axle Trucks		3.0	36	3	0	3	0	3	3
			76	4	1	5	1	4	5
Manufacturing (20%)	131.09 4	TSF	623	68	21	89	30	67	97
<u>Vehicle Mix³</u>		<u>Percent₃</u>							
Passenger Vehicles		72.50 %	452	49	16	65	22	48	70
2-Axle truck		4.60%	29	3	1	4	1	3	4
3-Axle truck		5.70%	36	4	1	5	2	4	6

4+-Axle Trucks		17.20 %	106	12	3	15	5	12	17
		100%	623	68	21	89	30	67	97
<u>PCE Trip Generation⁴</u>		<u>PCE Factor</u>							
Passenger Vehicles		1.0	452	49	16	65	22	48	70
2-Axle truck		1.5	44	5	1	6	2	4	6
3-Axle truck		2.0	72	8	2	10	4	8	12
4+-Axle Trucks		3.0	318	36	9	45	15	36	51
			886	98	28	126	43	96	139
Total Trip Generation			1,357	100	31	131	45	104	149
Total Trip Generation (PCE)			1,941	145	42	187	64	149	213
TSF = Thousand Square Feet									
PCE = Passenger Car Equivalent									

¹ Trip rates from the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition, 2021. Land Use Code 154 - High-Cube Transload and Short-Term Storage.

² Trip rates from the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition, 2021. Land Use Code 140 - Manufacturing.

³ Vehicle Mix from the South Coast Air Quality Management District (AQMD), Warehouse Truck Trip Study Data Results and Usage, July 17, 2014. Without Cold Storage

⁴ Passenger Car Equivalent (PCE) factors from the San Bernardino County CMP, Appendix B - Guidelines for CMP Traffic Impact Analysis Reports in San Bernardino County, 2016

⁵ Vehicle Mix from the South Coast Air Quality Management District (AQMD), Warehouse Truck Trip Study Data Results and Usage, July 17, 2014. With Cold Storage

Source: VMT Analysis, 2023 (Appendix L)

Because the Project would not meet any of the City's screening criteria, the Project's impact on VMT would not be considered less than significant, thus an analysis of VMT was prepared for the Project (Appendix L). As described previously, State CEQA Guidelines Section 15064.3(b) focuses on determining the significance of VMT-related transportation impacts. As stated above, according to the City's TIA Guidance, a project's VMT impacts are considered significant if the project baseline and cumulative VMT per service population is above the County's regional average or if the project results in a greater countywide link-level VMT per service population.

Table 5.12-3: VMT Analysis of Project Impact

	2016	2040	2022
Project Zone VMT	15395.2	52112.0	24574.4
TAZ 53908101 Population	25	66	35
TAZ 53908101 Employment	553	1338	749
TAZ 53908101 Service Population	578	1404	785
Project VMT/SP	26.6	37.1	31.3
Baseline Threshold¹	Baseline Project VMT/SP	Percent Above/Below Threshold	Baseline VMT Impact?
32.7	31.3	-4.21	No
Cumulative Threshold²	Cumulative Project VMT/SP	Percent Above/Below Threshold	Cumulative VMT Impact?
32.7	37.1	13.51	Yes

¹The Baseline and Cumulative thresholds of 32.7 VMT per service population are based on the County of San Bernardino regional average VMT per service population, (pages 28-29 of the City's TIA Guidelines).
 SP = Service Population
 Source: VMT Analysis (Appendix L)

As shown in Tables 5.12-4 and 5.12-5, the Project's effect on VMT would not be considered significant as the Countywide roadway VMT per service population would be reduced with the Project in both the 2016 and 2040 conditions. However, because the cumulative VMT per service population is above the County's regional average of 32.7, the Project would have a significant impact on VMT.

Table 5.12-4: 2016 Project Effect on VMT

	Without Project	With Project	VMT Impact?
Countywide Roadway VMT	52,756,997	52,749,187	-
Countywide Population	2,140,539	2,140,539	-
Countywide Employment	790,400	790,949	-
Countywide Service Population	2,930,939	2,931,488	-
Countywide VMT/SP	18.00	17.99	No

Source: VMT Analysis (Appendix L)

Table 5.12-5: 2040 Project Effect on VMT

	Without Project	With Project	VMT Impact?
Countywide Roadway VMT	80,871,734	80,804,641	-
Countywide Population	2,721,775	2,721,775	-
Countywide Employment	1,027,872	1,031,555	-
Countywide Service Population	3,749,647	3,753,330	-
Countywide VMT/SP	21.57	21.53	No

Source: VMT Analysis (Appendix L)

The VMT analysis results are shown in Tables 5.12-3 through 5.12-5. As shown in Table 5.12-3, the Project would have a less than significant impact on VMT in the baseline but would exceed the City's threshold and therefore have a significant impact in the cumulative conditions. The Project's cumulative VMT per service population is forecast to be 13.51% above the County significance threshold.

To mitigate the significant VMT impact, the Project would implement applicable measures from the California Air Pollution Control Officers Association (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (hereafter CAPCOA). The Project would implement Commute Trip Reduction Marketing (CAPCOA Measure T-7), provide a Ridesharing Program (CAPCOA Measure T-8), and provide end of trip bicycle facilities (CAPCOA Measure T-10) to encourage employee carpooling, use of transit, and biking as alternative modes of transportation to work. A CTR Marketing strategy includes information sharing and marketing to promote and educate employees about their travel choices to the employment location. The Ridesharing Program would encourage carpooling or vanpooling by providing incentives to future employees such as priority parking spaces and/or a daily or monthly stipend for participants. As part of Mitigation Measure T-1, the Project would also install and maintain end-of-trip facilities for employee use that facilitate bicycling to work. Facilities could include bike parking, bike lockers, personal lockers and shower facilities.

The VMT reduction resulting from the CAPCOA Measures (Mitigation Measure T-1) are calculated in Table 5.12-6 below.

Table 5.12-6: VMT Reduction Calculations

Mitigation Measure (Number corresponds to the CAPCOA Handbook)	Max Reduction in Overall VMT (%) ¹	Max Reduction in Commute VMT (%)	Formula	Calculated Reduction in Total VMT (%) ¹	Calculated Reduction in Commute VMT (%) ²
T-7 Implement Commute Trip Reduction Marketing	2.4%	4.0%	$A = B * C * D$, where B = Percent of employees eligible for program, C = Percent reduction in employee commute VMT, D = Adjustment from vehicle trips to VMT (Value = 1)	2.13%	3.54%
T-8 Provide Ridesharing Program	4.8%	8.0%	$A = B * C$, where B = Percent of employees eligible for program, C = Percent reduction in employee commute VMT (Suburban)	2.67%	4.46%
T-10 Provide End-of-Trip Bicycle Facilities	2.6%	4.4%	$A = C * (E - (B * E) / (D * F))$, where B is Bike Mode Adjustment Factor (1.78 when only lockers are provided), C = Existing bicycle trip length for all trips in the region (2.2 miles), D = Existing vehicle trip length for all trips in the region (11.7 miles), E = Existing bike mode share for work trips in the region (0.4%), F = Existing vehicle mode share for work trips in region (95.3%)	0.03%	0.05%
Total VMT Reduction from All Subsectors³				4.77%	7.89%

¹ Per CAPCOA overall VMT reduction is approximately 60% of commute VMT reduction

² Percent reduction has been calculated assuming a lower effectiveness in San Bernardino County than indicated in CAPCOA guidance. The baseline vehicle mode share for the Riverside-San Bernardino-Ontario area is 11.4 percent higher than the San Francisco-Oakland-Hayward area. Therefore, commute trip reduction measures in this area is likely to be 11.4 percent less effective. This measure is shown for comparison purposes and is not counted in the Total VMT Reduction from Trip Reduction Programs.

³ Per CAPCOA total VMT reduction for multiple strategies within same subsector is calculated using the equation: $1 - (1-A)*(1-B)*(1-C)...$ where A, B, C are equal to individual mitigation strategy reduction percentages.

As discussed previously, the Project's cumulative VMT per service population is forecast to be 13.51 percent above the County significance threshold. As shown in Table 5.12-6, implementation of Mitigation Measure T-1 could reduce VMT by up to 7.89 percent. Thus, implementation of Mitigation Measure T-1 would reduce the total VMT per service population; however, is unlikely to reduce VMT below the 32.7 Countywide significance threshold. Therefore, with implementation of the Mitigation Measure T-1, the Project's VMT impact would be significant and unavoidable.

IMPACT TR-3: WOULD THE PROJECT SUBSTANTIALLY INCREASE HAZARDS DUE TO A GEOMETRIC DESIGN FEATURE (E.G., SHARP CURVES OR DANGEROUS INTERSECTIONS) OR INCOMPATIBLE USES (E.G., FARM EQUIPMENT)?

Less Than Significant. Access to the Project site would be provided via two unsignalized full-access driveways along the proposed 'A' Street. Both driveways would accommodate trucks, passenger vehicles, and emergency vehicles. Internal circulation would be provided via 40-foot drive aisles. Trucks are expected to primarily utilize Phelan Road, US 395, I-15, and Joshua Road, which are all designated truck routes within the city.

Proposed roadway improvements as required by the Project are summarized below. All roadway improvements would be constructed in accordance with all applicable local, state, and federal roadway standards and practices.

- 'A' Street would be built to a 35-foot half width along the west side of the Project. The proposed roadway would extend from Phelan Road, approximately 630 feet south of the Project site, to Yucca Terrace Drive, approximately 930 feet north of the Project site.
- Yucca Terrace Drive would be built to a 35-foot half width approximately 930 feet north of the Project site.
- The Project would construct 12-foot sidewalks along the proposed 'A' Street and Yucca Terrace Drive.

Roadway design would conform with City Development Design Standards for internal access and local roadway improvements. Future improvements related to Caltrans facilities (US 395 and I-15) would go through an additional process to ensure interchange and ramp configurations are consistent with Caltrans design standards. Design would be confirmed during the plan check process through the City prior to issuance of a grading permit and Project approval. The Project would not result in a non-standard geometric design feature or an incompatible use that could result in a traffic safety hazard. Therefore, the Project would result in a less than significant impact.

IMPACT TR-4: WOULD THE PROJECT RESULT IN INADEQUATE EMERGENCY ACCESS?

Less than Significant Impact.

Construction

The proposed construction activities, including equipment and supply staging and storage, would occur within the Project site, and would not restrict access of emergency vehicles to the Project site or adjacent areas. The installation of new roadway extensions ('A' Street and Yucca Terrace Drive), driveways and offsite utility improvements that would be implemented during construction of the proposed Project could require the temporary closure of one side or portions of roadways for a short period of time (i.e., hours or a few days). However, the construction activities would be required to ensure emergency access in accordance with Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9), which would be ensured through the City's permitting process. Additionally, all potential road closures would be subject to review and approval by the City, including issuance of an encroachment permit. Once the offsite utility improvements are completed, all road conditions would be restored to normal. Thus, implementation of the Project through the City's permitting process would ensure existing regulations are adhered to and would reduce potential construction related emergency access impacts to a less than significant level. Therefore, impacts related to inadequate emergency access during construction activities would be less than significant.

Operation

Operation of the proposed Project would also not result in inadequate emergency access or access to nearby uses. Direct access to the Project site would be provided from 'A' Street, which is adjacent to the Project site. The Project applicant is also required to design and construct internal access and provide fire suppression facilities (e.g., hydrants and sprinklers) in conformance with City Ordinances. Additionally, City's Fire Department would review the development plans prior to approval to ensure adequate emergency access pursuant to the requirements in the International Fire Code and Section 503 of the California Fire Code (Title 24, California Code of Regulations, Part 9). As part of internal emergency access, the Project includes a 40-foot-wide fire lane to ensure adequate emergency access. As a result, the proposed Project would not result in inadequate emergency access or access to nearby uses, and no impacts would occur.

5.12.7 CUMULATIVE IMPACTS

Vehicle Miles Traveled

The Office of Planning and Research's *Technical Advisory on Evaluating Transportation Impacts in CEQA* states that "a project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact." As discussed under Impact TR-2, with implementation of Mitigation Measure TR-1, the Project would have a significant VMT impact. Therefore, the proposed Project would result in a cumulatively considerable impact related to VMT and cumulative traffic impacts would be significant and unavoidable.

Design and Roadway Hazards

The evaluation of Impact TR-3 concluded that the proposed Project would result in a less than significant impact associated with increasing hazards due to a geometric design feature. Cumulative development in the City and surrounding jurisdictions would be subject to similar site-specific reviews, including reviews of roadway design, geometrical design features, and future infrastructure improvements, which would ensure projects are consistent with roadway design standards and would not result in unsafe traffic conditions. Therefore, Project's impact to increase in hazardous conditions would be less than significant, and the Project would not contribute to a cumulatively considerable impact associated with hazardous design features.

Alternative Transportation

The evaluation of Impact TR-1 concluded that the proposed Project would not result in significant impacts related to alternative transportation or policies addressing the circulation system. Cumulative development in the City and surrounding jurisdictions would be subject to site-specific reviews, including reviews of sidewalk, bike lane, and bus stop designs that would not allow potential cumulatively considerable impacts related to alternative transportation. Therefore, the Project would not cumulatively combine with other projects to result in impacts related to alternative transportation. Thus, cumulative impacts would be less than significant.

5.12.8 EXISTING STANDARD CONDITIONS AND PLANS, PROGRAMS, OR POLICIES

- City of Hesperia General Plan, Circulation Element, 2010
- City of Hesperia Development Code
- City of Hesperia Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT)
- Level of Service Assessment (LOS).

5.12.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impacts TR-1 and TR-4 would be less than significant, Impact TR-2 would be less than significant with mitigation and Impact TR-3 would be significant and unavoidable.

5.12.10 MITIGATION MEASURES

Mitigation Measure T-1: The Project applicant shall implement Commute Trip Reduction Marketing (CAPCOA Measure T-7), provide a Ridesharing Program (CAPCOA Measure T-8), and provide end of trip bicycle facilities (CAPCOA Measure T-10) to encourage employees carpooling, taking transit, and biking to work. 100 percent of employees would be eligible to participate in all identified measures. Each measure is discussed further below:

1. Implement Commute Trip Reduction Marketing (CAPCOA Measure T-7). A CTR Marketing strategy includes information sharing and marketing to promote and educate employees about their travel choices to the employment location. This measure would require an on-site employee transportation coordinator and commuter information services, and on-site or online transit pass sales.
2. Provide Ridesharing Program (CAPCOA Measure T-8). Incentives for carpooling or vanpooling such as priority parking spaces and/or a daily or monthly stipend for participants. Additional incentives for carpool and/or vanpool drivers could also be provided. Preferred parking for carpool or vanpool vehicles.
3. Provide End-of-Trip Bicycle Facilities (CAPCOA Measure T-10). This measure includes installation and maintenance of end-of-trip facilities for employee use that facilitate bicycling to work. Facilities could include bike parking, bike lockers, personal lockers and shower facilities. Initially, the project shall provide secure bicycle parking (bicycle racks or lockers) for at least 9 bicycles (consistent with San Bernardino County Code Section 83.14.030 which requires secure bicycle parking at a rate of one per 30 parking spaces).

To comply with components 1 and 2 of MM T-1, tenants of the Project could participate in the IE Commuter program (iecommuter.org) or alternative program. Monitoring of the program shall be conducted by the onsite transportation coordinator and an annual report shall be provided to the City. The report shall include a summary of the current CTR program, the number of employees participating in the program, summary of any partnerships with outside agencies such as IE Commuter, and total amount of subsidies provided by type (if any). If project tenants choose to comply with MM T-1 via participation in the IE Commuter program, then the Commute Activity Report provided by IE Commuter shall be sufficient for annual reporting.

5.12.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

With implementation of Mitigation Measure TR-1, impacts related to VMT would remain significant and unavoidable.

REFERENCES

California Air Pollution Control Officers Association (CAPCOA), "Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity." December 2021.

City of Hesperia. City of Hesperia General Plan Update. Adopted 2010. <https://www.cityofhesperia.us/409/Hesperia-General-Plan>

City of Hesperia. City of Hesperia Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment (LOS). 2020.

City of Hesperia. Hesperia Main Street and Freeway Corridor Specific Plan. October 2008. Accessed: <https://www.cityofhesperia.us/411/Main-Street-Freeway-Corridor-Specific-PI>

EPD Solutions. "Vehicle Miles Traveled (VMT) Analysis". May 2023. Appendix K.

SCAG (Southern California Association of Governments). "2020-2045 Regional Transportation Plan/Sustainable Communities Strategy." Adopted September 2020. Accessed: http://scagrtpscsc.net/Documents/2020/2020RTPSCS_LocalInputProcessFS.pdf.

5.13 Tribal Cultural Resources

5.13.1 INTRODUCTION

This section addresses potential impacts to tribal cultural resources associated with implementation of the Project. The primary source of this analysis is based upon Project-specific coordination and consultation with California Native American tribes that are traditionally and culturally affiliated with the Project region. The analysis in this section is also based, in part, on the following documents and resources:

- City of Hesperia General Plan, Conservation Element, 2010
- City of Hesperia General Plan 2010 Final Environmental Impact Report, Michael Brandman Associates, December 2010
- Main Street and Freeway Corridor Specific Plan Final Environmental Impact Report, HDR Engineering Inc. November 2008.
- Cultural Resources Study for the KISS Logistics Center Project, Brian F. Smith and Associates, July 2022 (BFSA 2022a) (Appendix D)

5.13.2 REGULATORY SETTING

5.13.2.1 Federal Regulations

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) of 1979 regulates the protection of archaeological resources and sites on federal and Native American lands. The ARPA regulates authorized archaeological investigations on federal lands; increased penalties for looting and vandalism of archaeological resources; and required that the locations and natures of archaeological resources be kept confidential in most cases. In 1988, amendments to the ARPA included a requirement for public awareness programs regarding archaeological resources (NPS 2018).

Native American Graves Protection and Repatriation Act (NAGPRA)

NAGPRA is a federal law passed in 1990 that mandates museums and federal agencies to return certain Native American cultural items—such as human remains, funerary objects, sacred objects, or objects of cultural patrimony—to lineal descendants or culturally affiliated Indian tribes.

5.13.2.2 State Regulations

California Senate Bill 18

Senate Bill 18 (SB 18) (California Government Code Section 65352.3) sets forth requirements for local governments to consult with California Native American tribes identified by the NAHC to aid in the protection of TCR. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early stage of planning to protect or mitigate impacts on TCR. The Tribal Consultation Guidelines: Supplement to General Plan Guidelines (OPR, 2005), identifies the following contact and notification responsibilities of local governments:

- Prior to the adoption or any amendment of a general plan or specific plan, a local government must notify the appropriate tribes (on the contact list maintained by the NAHC) of the opportunity to conduct consultations for the purpose of preserving, or mitigating impacts to, cultural places located

on land within the local government's jurisdiction that is affected by the proposed plan adoption or amendment. Tribes have 90 days from the date on which they receive notification to request consultation, unless a shorter timeframe has been agreed to by the tribe (Government Code Section 65352.3).

- Prior to the adoption or substantial amendment of a general plan or specific plan, a local government must refer the proposed action to those tribes that are on the NAHC contact list and have traditional lands located within the city or county's jurisdiction. The referral must allow a 45-day comment period (Government Code Section 65352). Notice must be sent regardless of whether prior consultation has taken place. Such notice does not initiate a new consultation process.
- Local government must send a notice of a public hearing, at least 10 days prior to the hearing, to tribes who have filed a written request for such notice (Government Code Section 65092).

Because the Project includes a Specific Plan Amendment, it is subject to the statutory requirements of SB 18 Tribal Consultation Guidelines.

California Assembly Bill 52

Assembly Bill 52 (AB 52) established a new requirement under CEQA to consider "tribal cultural values, as well as scientific and archaeological values when determining impacts and mitigation." Public Resources Code (PRC) Section 21074(a) defines "tribal cultural resources" (TCRs) as "[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" that are either "[i]ncluded or determined to be eligible for inclusion in the California Register of Historical Resources" or "in a local register of historical resources." Additionally, defined cultural landscapes, historical resources, and archaeological resources may be considered tribal cultural resources. (PRC § 21074(b), (c)). The lead agency may also in its discretion treat a resource as a TCR if it is supported with substantial evidence.

Projects for which a Notice of Preparation of a Draft EIR was filed on or after July 1, 2015 are required to have lead agencies offer California Native American tribes traditionally and culturally affiliated with the project area consultation on CEQA documents prior to submitting an EIR in order to protect TCRs. PRC Section 21080.3.1(b) defines "consultation" as "the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement." Consultation must "be conducted in a way that is mutually respectful of each party's sovereignty [and] recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance." The consultation process is outlined as follows:

1. California Native American tribes traditionally and culturally affiliated with the project area submit written requests to participate in consultations.
2. Lead agencies are required to provide formal notice to the California Native American tribes that requested to participate within 14 days of the lead agency's determination that an application package is complete or decision to undertake a project.
3. California Native American tribes have 30 days from receipt of notification to request consultation on a project.
4. Lead agencies initiate consultations within 30 days of receiving a California Native American tribe's request for consultation on a project.
5. Consultations are complete when the lead agencies and participating California Native tribes have agreed on measures to mitigate or avoid a significant impact on a TCR, or after a reasonable effort in good faith has been made and a party concludes that a mutual agreement cannot be reached (PRC §§ 21082.3(a), (b)(1)-(2); 21080.3.1(b)(1)).

AB 52 requires that the CEQA document disclose significant impacts on TCRs and discuss feasible alternatives or mitigation to avoid or lessen an impact.

California Health and Safety Code Section 7050.5

Health & Safety Code Section 7050.5 requires that if human remains are discovered in the project site, disturbance of the site shall halt and remain halted until the 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. If the coroner determines the remains are not subject to his or her authority and recognizes or has reason to believe the human remains are those of a Native American, he/she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

California Public Resources Code Sections 5097.9 to 5097.991

PRC Sections 5097.9 to 5097.991 provide protection to Native American historical and cultural resources and sacred sites and identify the powers and duties of the NAHC. These sections also require notification to descendants of discoveries of Native American human remains and provide for treatment and disposition of human remains and associated grave goods.

5.13.2.2 Local Regulations

City of Hesperia General Plan Conservation Element

The City General Plan Conservation Element contains the following goal and policies that are applicable to the Project:

Policy CN-5.1. Encourage the preservation of historical, paleontological and cultural resources.

Policy CN-5.2. In those areas where surveys and records indicate historical, cultural or paleontological resources may be found, appropriate surveys and record searches shall be undertaken to determine the presence of such resources, if any.

Policy CN-5.3. All historical, paleontological and cultural resources discovered shall be inventoried and evaluated according to CEQA regulations and the California Office of Historic Preservation.

Policy CN-5.4. The City shall coordinate with the Archeological Information Center at the San Bernardino County Museum in reviewing potential records and in preserving such artifacts as may be found.

Policy CN-5.5. Through its CEQA and other environmental procedures, the City shall notify appropriate Native American representatives of possible development and shall comply with all State and Federal requirements concerning the monitoring and preservation of Native American artifacts and places.

5.13.3 ENVIRONMENTAL SETTING

Native American Tribes

The Project is within an area considered the Traditional Tribal Land of the Serrano people. As part of development of the Cultural Resources Assessment (Appendix D), Brian F Smith and Associates (BFSA) conducted research using several resources to identify potential tribal cultural resources within the Project site. The assessments included a records search at the South Central Coastal Information Center (SCCIC), background and literature research, a search of the Sacred Lands File (SLF) by the Native American Heritage

Commission (NAHC), outreach efforts with Native American tribal representatives, an examination of geological maps, and an intensive-level pedestrian survey of the Project site. No tribal cultural resources were identified as part of the BFA's site survey and records search of the Project site.

Site Conditions

As discussed in Section 5.4, Cultural Resources, the Project site is vacant and undeveloped with the exception of a dirt road, Caliente Road, which bisects the site from northeast to southwest and a manhole located in the southeast portion of the site. The Cultural Resources Assessment (Appendix D) identified the Project site overlies middle Holocene-aged young alluvial fan deposits, which consist of homogeneous brown silts and sands with sparse granule and pebble lenses and scattered, matrix-supported, pebble-sized clasts that are just three feet thick. These alluvial fan deposits are underlain by Pleistocene-aged alluvial deposits. The site is not listed on the NAHC Sacred Lands File.

5.13.4 THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to 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:

- TCR-1 Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or
- TCR-2 A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, that considers the significance of the resource to a California Native American tribe.

5.13.5 METHODOLOGY

The TCR analysis is based on the Cultural Resources Assessment and consultation carried out by the City of Hesperia pursuant to AB 52 and SB 18. The Cultural Resources Assessment included an archaeological and historical records search, completed at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. This search included the Project site with an additional one mile buffer. Pedestrian surveys were conducted at the Project site; see Section 5.4.5 for details on the Methodology. The NAHC was contacted to perform a Sacred Lands File (SLF) search; and local Native American tribes were contacted to elicit local knowledge of cultural resource issues related to the Project.

5.13.6 ENVIRONMENTAL IMPACTS

IMPACT TCR-1: WOULD THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL RESOURCE THAT IS LISTED OR ELIGIBLE FOR LISTING IN THE CALIFORNIA REGISTER OF HISTORICAL RESOURCES, OR IN A LOCAL REGISTER OF HISTORICAL RESOURCES AS DEFINED IN PUBLIC RESOURCES CODE SECTION 5020.1(k)?

Less than Significant with Mitigation Incorporated. Assembly Bill (AB) 52 requires meaningful consultation between lead agencies and California Native American tribes regarding potential impacts on tribal cultural resources (TCRs). TCRs 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 (PRC Section 21074). On July 7, 2022, a Sacred Lands File (SLF) search and a list of Native American tribes who may have knowledge of cultural resources in the Project area was requested from the Native American Heritage Commission. On September 13, 2022, the NAHC responded with a list of Native American tribes and that the SLF search yielded negative results for known tribal cultural resources or sacred lands within a 1-mile radius of the Project site. To identify if any tribal cultural resources are potentially located within the Project site, the City sent notices on September 8, 2022, regarding the Project to the Native American tribes provided by the NAHC.

One response was received from the Yuhaaviatam of San Manuel Nation (YSMN) (formerly known as the San Manuel Band of Mission Indians) on January 10, 2023. YSMN stated the Project site is located within Serrano ancestral territory and is therefore of interest to the Tribe. However, the Tribe stated they had no issue with implementation of the Project and did not request consultation. The letter included a series of mitigation measures to be incorporated into the Project. As a result, Mitigation Measure TCR-1 is included which states that the YSMN shall be contacted if 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, a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. In addition, Mitigation Measure TCR-2 states that any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN.

Based on literature review (i.e., records check and archival research) and pedestrian surveys, no prehistoric resource sites or isolates—including a historic TCR—as defined by PRC Section 5020.1(k) have been identified within the Project site. However, as discussed in Section 5.4, *Cultural Resources*, the potential for encountering archaeological resources, including TCR's, within the Project site is considered moderate due to the site's proximity of the Project to a freshwater resource (the Oro Grande Wash, adjacent to the east), the high frequency of historic and prehistoric cultural resources identified within one mile of the site and based upon the limited visibility during the pedestrian survey.

Construction of the proposed Project would include earthmoving activities, such as grading, which have the potential to disturb previously unknown tribal cultural resources. As a result, Mitigation Measure CUL-1 is included (as detailed in Section 5.4, *Cultural Resources*) which requires that a qualified archeologist be retained and present at pre-grade meetings, as well as for all initial ground disturbing activities, such as site preparation, up to five feet in depth, in order to quickly assess the potential for discoveries of archaeological resources during construction. The Main Street and Freeway Corridor Specific Plan (MSFCSP) Final Environmental Impact Report (EIR) included Mitigation Measure 6, which requires the landowner to relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the Project site to the appropriate Tribe for proper treatment and disposition.

The Project would include implementation of PPP TRC-1, which requires that descendants be notified when Native American human remains are discovered and provide for treatment and disposition of human remains and associated grave goods; PPP CUL-1, which complies with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98.

Mitigation Measure CUL-1, TCR-1, TCR-2 and Mitigation Measure 6 from the MSFCSP EIR, requiring the landowner to relinquish ownership of all cultural resources found on the Project site to the appropriate Tribe for proper treatment and disposition, would ensure that potential impacts a result of the inadvertent discovery of tribal cultural resources would be less than significant.

IMPACT TCR-2: WOULD THE PROJECT CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A TRIBAL CULTURAL 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, THAT CONSIDERS THAT SIGNIFICANCE OF THE RESOURCE TO A CALIFORNIA NATIVE AMERICAN TRIBE?

Less than Significant with Mitigation Incorporated. As discussed previously, no known tribal cultural resources identified within the Project site by the Cultural Resources Assessment (Appendix D). Additionally, as part of the City's AB 52 consultation process, the City reached out to Native American tribes who may have knowledge of tribal cultural resources within the Project area. No known no tribal cultural resources or sensitive sites were identified within the Project site during the AB 52 consultation process.

Project construction would require ground disturbing activities that could result in the excavation of soils up to seven feet in depth and has the potential to disturb unknown tribal cultural resources on the Project site. California Health and Safety Code Section 7050.5 and CEQA Guidelines 15064.5(e) requires that if human remains are discovered, disturbance to the site shall halt and remain halted until the coroner has conducted an investigation. If the coroner determines that the remains are those of a Native American, he or she shall contact the Native American Heritage Commission by telephone within 24 hours. Although AB 52 consultation did not yield substantial evidence that listed or eligible tribal cultural resources—pursuant to criteria in PCR Section 5024.1(c)—within the Project site, PPP TRC-1, PPP CUL-1, Mitigation Measure CUL-1, TCR-1, TCR-2, and Mitigation Measure 6 from the MSFCSP EIR would be implemented to ensure that potential impacts related to the inadvertent discovery of tribal cultural resources are less than significant.

Furthermore, the Project would be subject to CEQA Guidelines Section 15064.5, PRC Section 21083.2 and 5097.9, and Health and Safety Code Section 7050.5, to properly recover human remains if encountered. Therefore, with implementation of mitigation and applicable regulations, impacts related to tribal cultural resources would be less than significant.

5.13.7 CUMULATIVE IMPACTS

The cumulative study area for tribal cultural resources includes the City of Hesperia, which contains the same general tribal historic setting. Other projects throughout the City that would involve ground disturbances could reveal buried tribal cultural resources.

Cumulative impacts to tribal cultural resources would be reduced by compliance with applicable regulations and consultations required by AB 52. As described above, the Project area is not known to contain tribal cultural resources; however, Mitigation Measure CUL-1 and MSFCSP EIR Mitigation Measure 6 would be implemented to ensure that impacts would not occur in the case of an inadvertent discovery of a potential tribal cultural resource. These mitigation measures ensure that the Project would not contribute to a cumulative loss of tribal cultural resources. Therefore, potential cumulative impacts would be less than significant.

5.13.8 EXISTING STANDARD CONDITIONS AND PLANS, PROGRAMS, OR POLICIES

- California Government Code Sections 5097.9-5097.99
- California Health and Safety Code Section 7050.5
- California Public Resources Code Sections 21073 et seq. (AB 52)

The following Plans, Programs, or Policies (PPP) related to tribal cultural resources are incorporated into the Project and would reduce impacts related to tribal cultural resources. These actions will be included in the Project's mitigation monitoring and reporting program (MMRP):

PPP TCR-1: Native American historical and cultural resources and sacred sites are protected under PRC Sections 5097.9 to 5097.991, which require that descendants be notified when Native American human remains are discovered and provide for treatment and disposition of human remains and associated grave goods.

PPP CUL-1: Human Remains. Should human remains or funerary objects be discovered during Project construction, the Project would be required to comply with State Health and Safety Code Section 7050.5, which states that no further disturbance may occur in the vicinity of the body (within a 100-foot buffer of the find) until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of the find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine the identity of and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. The MLD must complete the inspection within 48 hours of notification by the NAHC.

5.13.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Without mitigation, Impacts TCR-1 and TCR-2 would be **potentially significant**:

- Impacts TCR-1 and TCR-2: Ground disturbance activities associated with Project construction have the potential to impact unknown buried tribal cultural resources.

5.13.10 MITIGATION MEASURES

Mitigation Measure CUL-1: Archaeological Monitoring (As provided in Section 5.4 Cultural Resources).

Mitigation Measure TCR-1: The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) 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 shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

Mitigation Measure TCR-2: Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

Main Street and Freeway Corridor Specific Plan Final Environmental Impact Report Mitigation included the following applicable mitigation measure:

Mitigation Measure 6 (from Main Street and Freeway Corridor Specific Plan): The landowner will relinquish ownership of all cultural resources, including sacred items, burial goods and all archaeological artifacts that are found on the project area to the appropriate Tribe for proper treatment and disposition.

5.13.11 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Mitigation Measures identified above, along with existing regulatory programs, would reduce potential impacts associated with Tribal Cultural Resources for Impacts TCR-1 TCR-2 to a level that is less than significant. Therefore, no significant unavoidable adverse impacts related to Tribal Cultural Resources would occur.

REFERENCES

Brian F Smith and Associates. Cultural Resources Study for the KISS Logistics Project. July 2022. Appendix D.

City of Hesperia. City of Hesperia General Plan Update. Adopted 2010. <https://www.cityofhesperia.us/409/Hesperia-General-Plan>.

HDR Engineering Inc. Main Street and Freeway Corridor Specific Plan Final Environmental Impact Report. November 2008.

Michael Brandman Associates. City of Hesperia General Plan Draft Environmental Impact Report. December 2010. Accessed at: <https://www.cityofhesperia.us/DocumentCenter/View/1588/Hesperia-2010-GPU-Draft-EIR-121610?bidId=>

5.14 Utilities and Service Systems

5.14.1 INTRODUCTION

This section of the Draft EIR evaluates the potential effects on utilities and service systems from implementation of the Project by identifying anticipated demand and existing and planned utility availability. This includes water supply and infrastructure, wastewater, drainage, and solid waste. Electric power, natural gas, telecommunications, and renewable energy utilities are discussed below, additionally, energy resource use is further described in Section 5.6, Energy. Water supply and infrastructure capacity information in this section is from:

- City of Hesperia General Plan, 2010
- City of Hesperia General Plan EIR, May 2010
- City of Hesperia Municipal Code
- Hesperia Water District 2020 Urban Water Management Plan, June 2021

Because CEQA focuses on physical environmental effects, this section analyzes whether increases in demand for water and wastewater utilities would result from implementation of the Project that would result in significant adverse physical environmental effects. For example, an increase in wastewater generation, by itself, would not be considered a physical change in the environment; however, physical changes in the environment resulting from the construction of new facilities or an expansion of existing wastewater facilities could constitute a significant impact under CEQA.

5.14.2 WATER

5.14.2.1 WATER REGULATORY SETTING

5.14.2.1.1 Federal Water Regulatory Setting

Clean Water Act

The Clean Water Act (CWA) was enacted by Congress in 1972 and is the primary federal law regulating water quality in the United States. The objective of the CWA is to reduce or eliminate water pollution in the nation's rivers, streams, lakes, and coastal waters. The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations, including the National Pollutant Discharge Elimination System (NPDES), effluent limitations, water quality standards, pretreatment standards, antidegradation policy, nonpoint source discharge programs, and wetlands protection. The United States Environmental Protection Agency (USEPA) has delegated the responsibility for administration of CWA portions to State and regional agencies. In California, the State Water Resources Control Board (SWRCB) administers the NPDES permitting program and is responsible for developing NPDES permitting requirements. The SWRCB works in coordination with the Regional Water Quality Control Boards (RWQCB) to preserve, protect, enhance, and restore water quality.

Safe Drinking Water Act

The Safe Drinking Water Act (SDWA) was originally passed by Congress in 1974 to protect public health by regulating the nation's public drinking water supply. The SDWA authorizes the USEPA to set national health-based standards for drinking water to protect against both naturally-occurring and man-made contaminants that may be found in drinking water. The law was amended in 1986 and 1996 to recognize

source water protection, operator training, funding for water system improvements, and public information as important components of safe drinking water. This approach ensures the quality of drinking water by protecting it from source to tap. The US EPA, states, and water systems then work together to make sure that these standards are met. The Safe Drinking Water Act applies to every public water system in the United States.

5.14.2.1.2 State Water Regulatory Setting

California Urban Water Management Planning Act

Section 10610 of the California Water Code established the California Urban Water Management Planning Act (CUWMPA), requires urban water suppliers to initiate planning strategies to ensure an appropriate level of reliability in its water service. CUWMPA states that every urban water supplier that provides water to 3,000 or more customers, or that annually provides more than 3,000 acre-feet of water service, should make every effort to ensure the appropriate level of reliability in its water service to meet the needs of its various categories of customers during normal, dry, and multiple-dry years. The CUWMPA describes the contents of UWMP's as well as methods for urban water suppliers to adopt and implement the plans. The CUWMPA requires urban water suppliers to update plans at least once every five years on or before July 1, in years ending in six and one, incorporating updated and new information from the five years preceding each update.

Senate Bill 610

Senate Bill (SB) 610 requires public urban water suppliers with 3,000 or more service connections to identify existing and planned sources of water for planned developments of a certain size. It further requires the public water system to prepare a specified water supply assessment (WSA) for projects that meet the following criteria:

- a) A proposed residential development of more than 500 dwelling units;
- b) A proposed shopping center employing more than 1,000 persons or having more than 500,000 square feet of floor space;
- c) A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor space;
- d) A hotel or motel, or both, with more than 500 rooms;
- e) An industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 sf of floor area; and
- f) A mixed-use project that includes one or more of the projects above.

The components of a WSA include existing water demand, future water demand by the project, and must ensure that water is available for the project during normal years, a single dry year, and multiple dry years during a 20-year future projection period. The WSA must also describe whether the project's water demand is accounted for in the water supplier's UWMP. Supplies of water for future water supply must be documented in the WSA.

CalGreen Building Code

California Code of Regulations Title 24, Part 11, establishes the California Green Building Code or CALGreen. The CALGreen Code is updated every three years. It was recently updated in 2022 and became

effective January 1, 2023. CALGreen sets forth water efficiency standards (i.e., maximum flow rates) for all new plumbing and irrigation fittings and fixtures

5.14.2.1.3 Local Water Regulatory Setting

City of Hesperia General Plan

The City of Hesperia 2010 General Plan includes the following goals, policies, and programs that are applicable to the Project:

Conservation Element

Goal CN-1: Conserve water resources within the Upper Mojave River Groundwater Basin.

Policy CN-1.1: Promote the use of desert vegetation with low water usage and drought tolerant materials in landscaped areas.

Policy CN-1.2: Educate residents on water conservation methods with best practices and tips.

Policy CN-1.3: Promote reduced use of high nitrate fertilizers, herbicides, pesticides and other chemicals in landscaping areas that can contaminate the quality of the groundwater.

Policy CN-1.4: Limit the disturbance of natural water hydrology by minimizing the creation of impervious surface area and continued utilization underground retention/detention facilities to recharge groundwater.

Policy CN-1.5: Work with local agencies and jurisdictions to provide a coordinated effort to ensure a safe and constant water supply for the region.

Policy CN-1.6: Encourage the use of low-water consumption fixtures in homes and businesses.

Policy CN-1.7: Require new development to use new technology, features, equipment and other methods to reduce water consumption.

Goal CN-2: Establish building and development standards to maximize the reclamation of water resources.

Policy CN-2.2: Encourage the use of reclaimed water for irrigation and other non-potable uses.

Policy CN-2.3: Protect open space areas used for recharging groundwater basins.

Policy CN-2.4: Continue to implement the use of reclaimed water through the City's "purple pipe" ordinances and regulations to further the use of reclaimed and treated water.

Policy CN-2.5: Implement the State and City laws and policies to develop retention basins for the replenishment of the underground water supply.

Policy CN-2.6: Coordinate City policies and activities with the Victor Valley Wastewater Reclamation Authority.

Goal CN-3: Minimize development and set aside necessary open space near and along the surface waters as well as those washes and other water passageways located in the City to preserve and protect plant and animal species and their natural habitat dependent on such surface waters and water ways.

Policy CN-3.1: Monitor the development impacts to these surface water resources within the city.

Land Use Element

Goal LU-8: Provide for a fiscally sound and balanced mix of land uses with the best and most efficient use of infrastructure and services. Development shall occur in an orderly, beneficial manner that does not fiscally impact the existing community.

Policy LU-8.1: Ensure that new development is fiscally sound and able to pay for the infrastructure and services needed to support it, in order to protect the City and existing residents from incurring additional costs to support growth.

5.14.2.2 WATER ENVIRONMENTAL SETTING

Water service to the Project site would be provided by the Hesperia Water District (HWD) which provides retail water service to an area of approximately 73 square miles in San Bernardino County. HWD's service area boundaries include most of Hesperia and consists of more than 27,000 connections.

The Hesperia Water District 2020 Urban Water Management Plan (UWMP 2021) was prepared for the HWD and therefore accounts for the water usage that would be attributed to development of the Project site, consistent with its existing land use designation. The Project would include construction of new onsite and offsite water lines. Water lines would be constructed within the proposed 'A' Street right-of-way to the west of the Project site and extend approximately 1,300 feet south toward Phelan Road then easterly, crossing Phelan Road. The water line would continue throughout the southern part of Los Banos Avenue for about 2,677 feet until it reaches Sultana Avenue. The water alignment would continue approximately 164 feet easterly along Sultana Avenue until reaching a jack and bore pit to cross beneath Oro Grande Wash, ultimately connecting to existing City water lines at the intersection of U.S. Highway 395 and Sultana Street.

Water Supply and Demand

HWD utilizes two sources for direct water supply: groundwater from the Mojave River Basin Area managed through the Mojave Water Agency (MWA) and imported water from the State Water Project (SWP) from the Regional Recharge and Recovery Project (R3). The District's water supply is primarily from the Mojave Groundwater Basin which spans a total area of 1,400 square miles. The Mojave Basin Area is divided into subareas for groundwater management purposes per the Mojave Area Basin Judgement. The subareas include the following: Oeste, Alto, Este, Centro and Baja. The HWD is located within the Alto subarea, which is where the HWD pumps groundwater from. The Mojave Basin Judgment assigned Base Annual Production (BAP) rights to each producer using 10 acre-feet or more, based on historical production from 1986 to 1990. Parties to the Judgment have been assigned a variable Free Production Allowance (FPA), which is a percentage of the BAP set annually by the Court for each Subarea based on the recommendation of the Watermaster (Mojave Water Agency). Hesperia, being located in the Alto subarea, was allocated a BAP of 21,585 AF in 2020-2021. Additionally, the City does not currently have a recycled water system but has developed a 2015 Recycled Water Master Plan (RWMP) that serves to identify opportunities to implement a recycled water program within Hesperia's service area. The District is looking to augment its water supply portfolio through a recycled water project that anticipates supply availability in 2025.

The MWA-commissioned population forecast provided estimated population growth to add about 35,000 residents by 2045. As shown in Table 5.14-1, the UWMP estimates that water supplies in the future are anticipated to be obtained through a similar source of water supply including groundwater (Mojave Adjudication FPA) and replacement and make-up water supplies. The UWMP anticipates that the District's water supply will increase from 14,317 AF in 2020 to 18,420 AF in 2045 (increase of 4,103 AFY) to meet the District's anticipated growth in water demands. The 2045 projections anticipate that 100 percent of supply would be from groundwater sources (or purchased replacement sources).

Table 5.14-1: HWD Projected Water Supply (AFY)

Managed Groundwater Pumping	2025	2030	2035	2040	2045
Normal	15,250	16,290	16,990	17,740	18,420
Single Dry Year					
	15,250	16,290	16,990	17,740	18,420
Multi- Year Drought					
Year 1	15,250	16,290	16,990	17,740	18,420
Year 2	15,250	16,290	16,990	17,740	18,420
Year 3	15,250	16,290	16,990	17,740	18,420
Year 4	15,250	16,290	16,990	17,740	18,420
Year 5	15,250	16,290	16,990	17,740	18,420

Source: UWMP 2021.

Additionally, as shown in Table 5.14-2: HWD Projected Water Demand and Supply During Normal and Dry Years (AF), the HWD would have sufficient water supplies to serve the Project during normal, dry, and multiple dry years. To determine supply and demand conditions, the HWD considers several factors it anticipates may occur, including increases from growth. As such, the difference in annual water use between the current condition and the forecast potable water use in 2025 is prorated equally across each of the years 2021 through 2025, so that the same 2025 forecast water use is matched. Thereafter, each year is further adjusted to reflect anticipated increases in demand during a single dry year. The supply availability paired with the slightly increased demand conditions demonstrate that the HWD has sufficient water supplies to meet five consecutive dry year conditions through 2045.

Table 5.14-2: HWD Projected Water Demand and Supply During Normal and Dry Years (AF)

Year		2025	2030	2035	2040	2045
Normal	Supply	15,250	16,290	16,990	17,740	18,420
	Demand	15,250	16,290	16,990	17,740	18,420
	Difference	0	0	0	0	0
Year 1	Supply	15,250	16,290	16,990	17,740	18,420
	Demand	15,250	16,290	16,990	17,740	18,420
	Difference	0	0	0	0	0
Year 2	Supply	15,460	16,430	17,140	17,880	18,540
	Demand	15,460	16,430	17,140	17,880	18,540
	Difference	0	0	0	0	0
Year 3	Supply	15,670	16,570	17,290	18,020	18,660
	Demand	15,670	16,570	17,290	18,020	18,660
	Difference	0	0	0	0	0

Year 4	Supply	15,880	16,710	17,440	18,160	18,780
	Demand	15,880	16,710	17,440	18,160	18,780
	Difference	0	0	0	0	0
Year 5	Supply	16,090	16,850	17,590	18,300	18,900
	Demand	16,090	16,850	17,590	18,300	18,900
	Difference	0	0	0	0	0

Source: UWWMP 2021.

Groundwater: HWD has historically used groundwater as its sole source of water. HWD extracts groundwater from the Alto Subarea of the Mojave Basin Area. The Mojave River Groundwater Basin covers approximately 1,400 square miles and has an estimated capacity of nearly 5 million acre-feet (MAF). The Mojave Basin Area has been divided into five subareas that have been adjudicated and are managed.

Purchased or Imported Water: HWD receives SWP water from the Regional Recharge and Recovery Project (R3). R3 stores SWP water underground in recharge sites in the floodplain aquifer along the Mojave River in Hesperia and southern Apple Valley and later recovers and distributes the water to local retail water purveyors, which includes the City of Hesperia. R3's water supply availability is dependent on the amount of SWP water that the Mojave Water Agency (MWA) has banked in the Mojave River floodplain aquifer.

Water Infrastructure

The Project site is currently served by the HWD's water utility and would include construction of new onsite and offsite water lines. Water lines would be constructed within the proposed 'A' Street right-of-way to the west of the Project site, extend approximately 1,300 feet south toward Phelan Road and then easterly, crossing Phelan Road. The water line would continue throughout the southern part of Los Banos Avenue until it reaches Sultana Avenue, and then east along Sultana Avenue until it reaches the existing City water lines at the intersection of I-395 and Sultana Street. Water utilities could be lowered beneath existing washes and hydrologic features intersected along the proposed alignment through jack and bore.

5.1.4.2.3 WATER THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- UT-1 Require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects.
- UT-2 Not have sufficient water supplies available to serve the project and reasonably foreseeable development during normal, dry, and multiple dry years.

5.1.4.2.4 WATER SERVICE METHODOLOGY

The evaluation of water supply quantifies the amount of water that would be required to support operation of the proposed Project and compares the demand to the HWD's available water supply to identify if there are sufficient water supplies available to serve the Project and reasonably foreseeable development during normal, dry, and multiple dry years. Additionally, the existing water supply infrastructure that serves the Project site was identified and evaluated to ensure design capacity would be adequate to supply the proposed Project, or to identify if expansions would be required to serve the proposed development.

5.1.4.2.5 WATER ENVIRONMENTAL IMPACTS

IMPACT UT-1: WOULD THE PROJECT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW WATER FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE

CONSTRUCTION OR RELOCATION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?**Less than Significant Impact.**

The Project includes the development of a one-story, 655,468 SF warehouse and manufacturing facility on the 29.61-acre site and would be served by the HWD water utility. A 16-inch water line would be constructed within the proposed 'A' Street right-of-way to the west of the Project site, that would extend approximately 1,300 feet south toward Phelan Road and then easterly, crossing Phelan Road. The 16-inch water line would continue throughout the southern part of Los Banos Avenue until it reaches Sultana Avenue, and then east along Sultana Avenue until it reaches the existing 12-inch City water lines at the intersection of I-395 and Sultana Street.

The new and existing onsite water system would convey water supplies to the proposed industrial uses, and landscaping through plumbing/landscaping fixtures that are compliant with the CalGreen Plumbing Code for efficient use of water.

Additionally, the District would have sufficient water supplies to serve the Project during normal, dry, and multiple dry years as shown in Table 5.14-2: HWD Projected Water Demand and Supply During Normal and Dry Years (AF). The UWMP provides conservative estimates of demand conditions over a five-year drought. The supply availability paired with the slightly increased demand conditions demonstrate that the HWD has sufficient water supplies to meet five consecutive dry year conditions through 2045. The construction activities related to the new water infrastructure that would be needed to serve the proposed industrial building is included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. For example, construction emissions for excavation and installation of the water infrastructure is included in Sections 5.2, *Air Quality* and 5.7, *Greenhouse Gas Emissions*. Therefore, the proposed Project would not result in the construction of new water facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant.

IMPACT UT-2: WOULD THE PROJECT HAVE SUFFICIENT WATER SUPPLIES AVAILABLE TO SERVE THE PROJECT AND REASONABLY FORESEEABLE DEVELOPMENT DURING NORMAL, DRY, AND MULTIPLE DRY YEARS.

Less than Significant Impact. Water service to the Project site would be provided by the Hesperia Water District (HWD). The Hesperia Water District 2020 Urban Water Management Plan (UWMP), adopted in June 2021, was prepared for the HWD and therefore accounts for the water usage that would be attributed to development of the Project site. As shown in Table 5.14-2: *HWD Projected Water Demand and Supply During Normal and Dry Years (AF)*, HWD has verified that it has the water supplies available during normal, single-dry, and multiple-dry years within a 20-year projection that would meet the projected demand associated with the Project, in addition to existing and planned future uses.

Additionally, the 2020 UWMP detailed a 2020 water demand of 129 gallons per capita per day. However, in order to conservatively estimate water used for irrigation and domestic uses for the proposed Project, a water demand rate of 2,000 gallons per day per acre was used.¹ As described previously, the Project includes development of a 29.61-acre site. Thus, the Project would generate an increased water

¹ Water demand of 2,000 gallons per day per acre was utilized from comparison to other industrial/warehouse uses in the County of San Bernardino in order to account for the increase water needs of industrial facilities.

demand of 59,220 gallons per day or 66.33 AF per year, which is within the anticipated increased demand and supply for water from 2020 to 2025, as shown on Table 5.14-2.

Based on the above, it is anticipated that existing and future water entitlements from groundwater and purchased or imported water sources, plus recycling and conservation, would be sufficient to meet the Project's demand at buildout, in addition to forecast demand for HWD's entire service area. Therefore, water demand from the proposed Project would be within the HWD's current and projected water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. In addition, all new developments that connect to the system are required to pay its applicable fair-share Development Impact Fee(s). Thus, impacts related to the need for new or expanded water supplies and entitlements would be less than significant.

5.14.2.6 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

The following standard regulations would reduce potential impacts related to water supplies:

- California Code of Regulations Title 24, Part 11; the California Green Building Code

5.14.2.7 PROJECT DESIGN FEATURES

None.

5.14.2.8 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impacts UT-1 and UT-2 would be less than significant.

5.14.2.9 WATER MITIGATION MEASURES

No mitigation measures are required.

5.14.2.10 WATER LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant unavoidable adverse impacts related to water supplies or water infrastructure would occur.

5.14.3 WASTEWATER

5.14.3.1 WASTEWATER REGULATORY SETTING

5.14.3.1.1 Local Wastewater Regulatory Setting

City of Hesperia General Plan

The City of Hesperia 2010 General Plan includes the following goals, policies, and programs that are applicable to the Project:

Conservation Element

Goal CN-2: Establish building and development standards to maximize the reclamation of water resources.

Policy CN-2.1: Minimize impacts to washes that convey drainage by prohibiting development within drainage corridors that are not consistent with the Master Plan of Drainage.

Policy CN-2.2: Encourage the use of reclaimed water for irrigation and other non-potable uses.

Policy CN-2.4: Continue to implement the use of reclaimed water through the City's "purple pipe" ordinances and regulations to further the use of reclaimed and treated water.

Policy CN-2.6: Coordinate City policies and activities with the Victor Valley Wastewater Reclamation Authority.

5.14.3.2 WASTEWATER ENVIRONMENTAL SETTING

The Project site would receive sewer and wastewater services from HWD. Wastewater generated from the Project would be conveyed to the Victor Valley Wastewater Reclamation Authority (VWVRA). The City owns, operates, and maintains a wastewater collection system. The City's sewer system connects to VWVRA's 3-mile interceptor that runs along the northeast boundary of the City, and ultimately flows to the Regional Waste Water Treatment Plan (RWWTWP) that is owned and operated by the VWVRA. According to the Hesperia Water District's 2020 Urban Water Management Plan (UWMP), VWVRA has a current wastewater treatment capacity of 18.0 million gallons per day (mgd) (55.2 acre-feet per day) (UWMP 2016). The City and VWVRA have constructed a "sub-regional" wastewater treatment plant with an initial capacity of 1.0 mgd that is expandable to 4.0 mgd. This facility would result in a source of 1,000 to 5,000 AFY of recycled water available for use. The 2015 RWMP identified 38 potential recycled water customers through the year 2040, along with their estimated demand for recycled water. For the UWMP planning horizon of 2045, the RWMP projected an average daily recycled water demand of 2.96 mgd (4,000 AFY) and an average daily supply of 4.46 mgd (6,000 AFY). As of 2021, VWVRA receives an average of 2.0 mgd or 2,240 acre-feet per year (AFY) from the service area. As such, VWVRA has an excess capacity of 16 mgd and the sub-regional wastewater treatment plan has capacity of 2 mgd.

The Project would include construction of new onsite and offsite sewer lines. The proposed 12-inch sewer line would begin from the northern portion of "A" Street and extend approximately 1,600 feet north until reaching Yucca Terrace Drive. From there, the alignment would travel 3,400 feet easterly passing U.S. Highway 395. The sewer line includes jack and bore pits that would be used to align the sewer beneath Oro Grande Wash.

5.14.3.3 WASTEWATER THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- UT-3 Require or result in the construction of new wastewater facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects; or
- UT-4 Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

5.14.3.4 WASTEWATER SERVICE METHODOLOGY

The evaluation of wastewater infrastructure quantifies the amount of wastewater that would be generated from operation of the proposed Project and compares the demand to the existing and planned sewer infrastructure and wastewater treatment plants. The evaluation identifies if expansions would be required to serve the proposed development, and if those expansions have the potential to result in an environmental impact.

5.14.3.5 WASTEWATER ENVIRONMENTAL IMPACTS

IMPACT UT-3: WOULD THE PROJECT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW WASTEWATER FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?

Less than Significant Impact. The Project includes the development of a one-story, 655,468 SF warehouse and manufacturing facility on the 29.61-acre site. The Project would include construction of new onsite and offsite sewer lines. The proposed 12-inch sewer line would begin from the northern portion of "A" Street and extend approximately 1,600 feet north until reaching Yucca Terrace Drive. From there, the alignment would travel 3,400 feet easterly passing U.S. Highway 395. The sewer line includes jack and bore pits that would be used to align the sewer beneath Oro Grande Wash.

Sewer services would be provided to the Project by HWD. Wastewater generated from the Project would be conveyed to the Victor Valley Wastewater Reclamation Authority (VWWRA) via a 3-mile interceptor that runs along the northeast boundary of the City. VWWRA existing facilities would have sufficient wastewater treatment capacity to serve the Project. The construction activities related to the new sewer infrastructure that would be needed to serve the proposed industrial warehouse is included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. For example, construction emissions for excavation and installation of wastewater infrastructure is included in Sections 5.2, *Air Quality* and 5.7, *Greenhouse Gas Emissions*. Therefore, the proposed Project would not result in the construction of new wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant.

IMPACT UT-4: WOULD THE PROJECT RESULT IN A DETERMINATION BY THE WASTEWATER TREATMENT PROVIDER THAT WOULD SERVE THE PROJECT THAT IT HAS INADEQUATE CAPACITY TO SERVE THE PROJECTS PROJECTED DEMAND IN ADDITION TO THE PROVIDER'S EXISTING COMMITMENTS?

Less than Significant Impact. As described previously, VWWRA is the Regional Water Recycling Plant designated to service the City of Hesperia and has a treatment capacity of 18.0 million gallons per day (mgd) which is equivalent to 20,163 AFY (UWMP 2021). According to the UWMP, VWWRA collected and treated approximately 2.0 mgd or 2,240 AF. Under existing conditions, VWWRA has an excess treatment capacity of approximately 16 million gallons per day.

Industrial uses generate approximately 1,700 gallons per day (gpd) per acre of wastewater. Thus, the 29.61-acre Project site would generate approximately 50,337 gpd (0.050 mgd) of wastewater. Therefore, the proposed Project's wastewater generation would be within the current capacity for the San Bernardino Water Reclamation Facility. As such, the wastewater treatment plant has ample capacity, and the Project would not create the need for any new or expanded wastewater facility (such as conveyance lines, treatment facilities, or lift stations) to serve the proposed Project. Therefore, impacts related to wastewater infrastructure would be less than significant.

5.14.3.6 WASTEWATER CUMULATIVE IMPACTS

Cumulative wastewater infrastructure impacts are considered on a systemwide basis and are associated with the overall capacity of existing and planned infrastructure. The cumulative system evaluated includes the sewer system that serves the Project site and conveys wastewater to the Victor Valley wastewater treatment and disposal system.

As described previously, with the proposed Project, the sewer system and wastewater treatment plant would have sufficient capacity to handle the increased flows resulting from implementation of the proposed Project. The continued regular assessment, maintenance, and upgrades of the sewer system by the HWD would

reduce the potential of cumulative development projects to result in a cumulatively substantial increase in wastewater such that new or expanded facilities would be required. Thus, increases in wastewater in the sewer system would result in a less than significant cumulative impact.

5.14.3.7 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

- California Code of Regulations Title 24, Part 11; the California Green Building Code

5.14.3.8 PROJECT DESIGN FEATURES

None.

5.14.3.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impacts UT-3 and UT-4 would be less than significant.

5.14.3.10 WASTEWATER MITIGATION MEASURES

No mitigation measures are required.

5.14.3.11 WASTEWATER LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant unavoidable adverse impacts related to wastewater infrastructure would occur.

5.14.4 STORM WATER DRAINAGE

5.14.4.1 STORM WATER DRAINAGE REGULATORY SETTING

5.14.4.1.1 Local Storm Water Drainage Regulatory Setting

City of Hesperia General Plan

The Hesperia 2010 General Plan includes the following goals, policies, and programs that are applicable to the Project:

Conservation Element

Goal CN-2: Establish building and development standards to maximize the reclamation of water resources.

Policy CN-2.1: Minimize impacts to washes that convey drainage by prohibiting development within drainage corridors that are not consistent with the Master Plan of Drainage.

5.14.4.2 STORM WATER DRAINAGE ENVIRONMENTAL SETTING

Stormwater facilities within the Project region are managed by the San Bernardino County Flood Control District. The Project includes the development of a one-story, 655,468 SF warehouse and manufacturing facility on the 29.61-acre site and would be served by the HWD water utility.

The Project would install new onsite storm drain lines throughout the site. No off-site storm drain improvements are proposed for this Project. Stormwater would be collected using a system of catch basins and roof drains

that route flows to underground pipes. All stormwater runoff would be conveyed to a proposed detention basin at the north end of the Project site. Curbs and gutters would be installed around the perimeter of the Project site.

5.14.4.2 STORM WATER DRAINAGE THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- UT-5 Require or result in the construction of new stormwater drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects.

5.14.4.3 STORM WATER DRAINAGE METHODOLOGY

The evaluation of stormwater drainage infrastructure quantifies the amount of impervious surfaces and stormwater runoff that would be generated from the proposed Project and identifies if runoff from the Project would be accommodated by the existing stormwater drainage infrastructure. The evaluation identifies if expansions would be required to serve the proposed development, and if those expansions have the potential to result in an environmental impact.

5.14.4.4 STORM WATER DRAINAGE ENVIRONMENTAL IMPACTS

IMPACT UT-5: WOULD THE PROJECT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF NEW DRAINAGE FACILITIES, OR EXPANSION OF EXISTING FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS?

Less than Significant. Proposed drainage improvements would include construction of onsite conveyance, including curbs and gutters. Runoff from the site will be collected via a proposed on-site private storm drain system (including catch basins and storm drainpipes) and conveyed north to a proposed stormwater management system. The proposed storm water management system would consist of a detention basin at the north end of the Project site.

The stormwater infrastructure would capture and treat the 100-year, 100-hour storm which would meet and exceed the MS4 General Permit San Bernardino County Phase II Small MS4 General Permit for the Mojave River Watershed requirements. Any excess runoff would follow existing drainage patterns north to Yucca Terrace Road.

The construction activities related to the new stormwater infrastructure that would be needed to serve the proposed industrial warehouse is included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. For example, construction emissions for excavation and installation of stormwater infrastructure is included in Sections 5.2, *Air Quality* and 5.7, *Greenhouse Gas Emissions*. Therefore, the proposed Project would not result in the construction of new stormwater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant.

5.14.4.5 STORMWATER DRAINAGE CUMULATIVE IMPACTS

The geographic scope for cumulative impacts related to stormwater drainage includes the geographic area served by the existing stormwater infrastructure for the Project area, from capture of runoff through final discharge points. As described above the proposed Project includes installation of a subsurface storm drain system that would flow directly into an onsite infiltration basin. In addition, pursuant to state and regional regulations that require development projects to maintain pre-project hydrology, no net increase of offsite

stormwater flows would occur. RWQCB Permit conditions require a hydrology/drainage study to demonstrate that all runoff would be appropriately conveyed and not leave the project sites at rates exceeding pre-project conditions, prior to receipt of necessary permits. As a result, increases of runoff from cumulative projects that could cumulatively combine to impact stormwater drainage capacity would not occur, and cumulative impacts related to drainage infrastructure would be less than significant.

5.14.4.6 EXISTING REGULATIONS AND PLANS, PROGRAMS OR POLICIES

None.

5.14.4.7 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impact UT-5 would be less than significant.

5.14.4.8 STORMWATER DRAINAGE MITIGATION MEASURES

No mitigation measures are required.

5.14.4.9 STORMWATER DRAINAGE LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant unavoidable adverse impacts related to drainage would occur.

5.14.5 SOLID WASTE

5.14.5.1 SOLID WASTE REGULATORY SETTING

5.14.5.1.1 State Solid Waste Regulatory Setting

California Assembly Bill 341

On October 6, 2011, Governor Brown signed AB 341 establishing a state policy goal that no less than 75 percent of solid waste generated be source reduced, recycled, or composted by 2020, and requiring CalRecycle to provide a report to the Legislature that recommends strategies to achieve the policy goal.

California Green Building Standards

Section 5.408.1 Construction waste diversion. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste.

Section 5.410.1 Recycling by occupants. Provide readily accessible areas that serve the entire building and are identified for the depositing, storage and collection of non-hazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, organic waste, and metals, or meet a lawfully enacted local recycling ordinance, if more restrictive.

5.14.5.1.2 Local Solid Waste Regulatory Setting

City of Hesperia General Plan

The Hesperia 2010 General Plan includes the following goals, policies, and programs that are applicable to the Project:

Conservation Element

Goal CN-6: Provide programs and incentives to encourage residents, businesses and developers to reduce consumption and efficiently use energy resources.

Policy CN-6.7: Continue the existing recycling program and utilization of the material recovery facility program while exploring additional methods of reducing waste.

5.14.5.2 SOLID WASTE ENVIRONMENTAL SETTING

Advance Disposal Company provides collection services to residential and commercial customers for refuse, recyclables, and green waste through a contract with the City. Solid waste from demolition and construction would be collected and sent to the Victorville Sanitary Landfill at 18600 Stoddard Wells Road in Victorville, owned and operated by the County of San Bernardino. The Victorville Sanitary Landfill has a daily permitted throughput of 3,000 tons/day and a remaining capacity of 79,400,000 cubic yards (CalRecycle 2022).

5.14.5.3 SOLID WASTE THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- UT-6 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.
- UT-7 Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

5.14.5.4 SOLID WASTE METHODOLOGY

Solid waste generation from construction and operation of the Project was estimated using EPA construction waste generation factors and Countywide Plan EIR solid waste generation factors derived for industrial uses. Solid waste volumes were then compared with recent estimates of remaining disposal capacity of the landfill serving the County. In addition, potential impacts related to compliance with solid waste regulations was evaluated by identifying how the proposed Project would be implement the relevant requirements.

5.14.5.5 SOLID WASTE ENVIRONMENTAL IMPACTS

IMPACT UT-6: WOULD THE PROJECT GENERATE SOLID WASTE IN EXCESS OF STATE OR LOCAL STANDARDS, OR IN EXCESS OF THE CAPACITY OF LOCAL INFRASTRUCTURE, OR OTHERWISE IMPAIR THE ATTAINMENT OF SOLID WASTE REDUCTION GOALS?

Less than Significant Impact.

Construction

The proposed Project does not involve demolition of existing structures; however, Project construction would generate solid waste for landfill disposal from construction packaging and discarded materials. Utilizing a construction waste factor of 3.89 pounds per square foot (EPA 1998), construction of the proposed Project would result in the generation of approximately 1,275 tons of waste during construction from packaging and discarded materials. However, the 2019 California Green Building Standards Code requires construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste. Thus, the construction solid waste that would be disposed of at the landfill would be approximately 35 percent of the waste generated. Therefore, construction activities, would generate approximately 446 tons of waste. As discussed in Section 3.0, *Project Description*, construction activities would

occur over a 14-month period. This equates to approximately 1.05 tons of debris per day. Therefore, the Victorville Sanitary Landfill would be able to accommodate the addition of 1.05 tons of waste during construction.

As described above, Victorville Sanitary Landfill is permitted to accept 3,000 tons of solid waste per day. As of January 2023, Victorville Sanitary Landfill had an average disposal of 1,595.56 tons per day and an average remaining capacity of 1,404 tons per day (CalRecycle 2023). Thus, the facility's average daily remaining capacity would be able to accommodate the addition of 1.05 tons of waste per day during construction of the proposed Project.

Operation

The Project would operate an approximately 655,468 square foot industrial building. Using the CalEEMod solid waste generation factor of 0.94 tons per 1,000 square feet per year, operation of the Project would generate approximately 616 tons per year, at least 75 percent of which is required by California law to be recycled, which would reduce the volume of landfilled solid waste to approximately 154 tons per year, or 3.0 tons per week.

As discussed above, Victorville Sanitary Landfill is permitted to accept 3,000 tons of solid waste per day and as of January 2023 had an average remaining capacity of 1,404 tons per day (CalRecycle 2023). The Project's operational solid waste generation would represent a nominal percent of the landfills daily remaining capacity. Thus, the proposed Project would be served by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs and the Project would not impair the attainment of solid waste reduction goals. Impacts related to landfill capacity would be less than significant.

IMPACT UT-7: WOULD THE PROJECT COMPLY WITH FEDERAL, STATE, AND LOCAL STATUTES AND REGULATIONS RELATED TO SOLID WASTE?

No Impact.

The proposed Project would result in new development that would generate an increased amount of solid waste. All solid waste-generating activities within the County is subject to the requirements set forth in the 2019 California Green Building Standards Code that requires demolition and construction activities to recycle or reuse a minimum of 65 percent of the nonhazardous construction and demolition waste, and AB 341 that requires diversion of a minimum of 75 percent of operational solid waste. Implementation of the proposed Project would be consistent with all state regulations, as ensured through the County's development project permitting process. Therefore, the proposed Project would comply with all solid waste statute and regulations; and impacts would not occur.

5.14.5.6 SOLID WASTE CUMULATIVE IMPACTS

The geographic scope of cumulative analysis for landfill capacity is the service area for the Mid-Valley Sanitary Landfill and San Timoteo Sanitary Landfill, which serve the Project area. Both landfills serve the Valley portion of San Bernardino County. The projections of future landfill capacity based on the entire projected waste stream going to these landfills is used for cumulative impact analysis. As described previously, the Mid-Valley Sanitary Landfill has a maximum permitted capacity of 7,500 tons per day and in 2019 had an average disposal of 3,056 tons per day and an average remaining capacity of 4,444 tons per day (CalRecycle 2020). The 3.2 tons of solid waste per week from operation of the Project would be less than 0.01 percent of the remaining capacity. Furthermore, combined, the landfills have a total remaining capacity of 73,579,773 tons. Therefore, the landfills would have sufficient capacity to serve the Project and

the increase in solid waste from full buildout of the Project would be less than cumulatively considerable and would be less than significant.

5.14.5.7 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

- Assembly Bill 341 (Chapter 476, Statutes of 2011)
- California Green Building Standards Code

Plans, Programs, or Policies (PPPs)

None.

5.14.5.8 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impacts UT-6 and UT-7 would be less than significant.

5.14.5.9 SOLID WASTE MITIGATION MEASURES

No mitigation measures are required.

5.14.5.10 SOLID WASTE LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant unavoidable adverse impacts related to solid waste would occur.

5.14.6 DRY UTILITIES

5.14.6.1 DRY UTILITIES REGULATORY SETTING

5.14.6.1.1 DRY UTILITIES STATE REGULATORY SETTING

Title 24 Energy Efficiency Standards and California Green Building Standards

California Code of Regulations (CCR) Title 24 Part 6: The California Energy Code (CalGreen) is updated every three years. The most recent update is the 2019 California Green Building Code Standards that became effective January 1, 2020.

The 2022 CALGreen standards that are applicable to the proposed Project include, but are not limited to, the following:

- Electric vehicle charging stations. Facilitate the future installation of electric vehicle supply equipment. The compliance requires empty raceways for future conduit and documentation that the electrical system has adequate capacity for the future load.
- Outdoor light pollution reduction. Outdoor lighting systems shall be designed to meet the backlight, uplight and glare ratings per Title 24 Part 6 Table 5.106.8.
- Water conserving plumbing fixtures and fittings. Plumbing fixtures (water closets and urinals) and fittings (faucets and showerheads).

- Outdoor portable water use in landscaped areas. Nonresidential developments shall comply with a local water efficient landscape ordinance or the current California Department of Water Resources' Model Water Efficient (MWELO), whichever is more stringent.

5.14.6.1.2 Local Dry Utilities Regulatory Setting

City of Hesperia General Plan

The Hesperia 2010 General Plan includes the following goals, policies, and programs that are applicable to the Project:

Conservation Element

Goal CN-6: Provide programs and incentives to encourage residents, businesses and developers to reduce consumption and efficiently use energy resources.

Policy CN-6.2: Encourage the use of green building standards and Leadership in Energy and Environmental Design (LEED) or similar programs in both private and public projects.

Policy CN-6.5: Coordinate with the local energy provider in developing policies and procedures to reduce energy consumption in existing and future developments.

Policy CN-6.6: Encourage residents and businesses to utilize the incentives provided by the local energy providers to retrofit their buildings and businesses for energy efficiency and conservation.

Land Use Element

Goal LU-6: Promote sustainable development and building practices in all facets of project development through completion of construction.

Policy LU-6.1: Promote the use of green building standards and Leadership in Energy and Environmental Design (LEED), or other equivalent programs, in both private and public projects.

Policy LU-6.2: Promote sustainable building practices that go beyond the requirements of Title 24 of the California Administrative Code, and encourage energy-efficient design elements, consistent with Policy LU-6.1.

5.14.6.2 DRY UTILITIES ENVIRONMENTAL SETTING

Electricity

Electricity is provided to the Project by Southern California Edison (SCE). SCE provides electric power to more than 15 million people within its 50,000 square mile service area. Based on SCE's 2018 Power Content Label Mix, SCE derives electricity from varied energy resources including: fossil fuels, hydroelectric generators, nuclear power plants, geothermal power plants, solar power generation, and wind farms. SCE also purchases power from independent power producers and utilities, which includes out-of-state providers (Urban Crossroads 2022).

Natural Gas

Natural gas would be provided to the Project by the Southern California Gas Company (SoCal Gas).

Telecommunications

Communications services would be provided to the Project by Charter Communications.

5.14.6.3 DRY UTILITIES THRESHOLDS OF SIGNIFICANCE

Appendix G of State CEQA Guidelines indicates that a project could have a significant effect if it were to:

- UT-8 Require or result in the relocation or construction of a new or expanded electric power, natural gas, or telecommunications facilities, the construction of which could cause significant environmental effects.

5.14.6.4 DRY UTILITIES METHODOLOGY

The evaluation of utilities identifies if utility demand from the Project would be accommodated via existing utility infrastructure available to the Project. The evaluation identifies if expansions would be required to serve the proposed development, and if those expansions have the potential to result in an environmental impact.

5.14.6.5 DRY UTILITIES ENVIRONMENTAL IMPACTS

IMPACT UT-8: THE PROJECT WOULD NOT REQUIRE OR RESULT IN THE RELOCATION OR CONSTRUCTION OF A NEW OR EXPANDED ELECTRIC POWER, NATURAL GAS, OR TELECOMMUNICATIONS FACILITIES, THE CONSTRUCTION OF WHICH COULD CAUSE SIGNIFICANT ENVIRONMENTAL EFFECTS.

Less than Significant Impact. The Project site is currently vacant and undeveloped and therefore does not generate demand for utilities. Implementation of the proposed Project would generate demand for electricity, natural gas, communication systems, street lighting, and maintenance of public facilities.

Regulated electrical, gas and communication utilities would be extended to the site from existing facilities along Phelan Road. The Project would be served by Southern California Gas, Southern California Edison, and by several private telecommunication providers as requested. Utility providers have existing capacity to serve the Project site. Construction of utility connections to existing utility infrastructure along Phelan Road is included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. For example, construction emissions for excavation and installation of energy and telecommunication utilities are included in Sections 5.2, *Air Quality* and 5.7, *Greenhouse Gas Emissions*. Therefore, the proposed Project would not result in the construction of new utility services or expansion of existing utility facilities, the construction of which could cause significant environmental effects, and impacts would be less than significant.

5.14.6.6 DRY UTILITIES CUMULATIVE IMPACTS

Cumulative impacts related to the provision of facilities for electricity, natural gas, and communications systems, have been evaluated throughout this EIR. Mitigation measures have been recommended in cases where cumulatively-considerable impacts associated with utilities infrastructure were identified. Therefore, cumulatively-considerable impacts associated with the provision of utility facilities to serve the Project would be less than significant.

5.14.6.7 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

Existing Regulations

- California Code of Regulations Title 24, Part 11; the California Green Building Code

Plans, Programs, or Policies (PPPs)

None.

5.14.6.8 PROJECT DESIGN FEATURES

None.

5.14.6.9 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

Impact UT-8 would be less than significant.

5.14.6.10 DRY UTILITIES MITIGATION MEASURES

No mitigation measures are required.

5.14.6.11 DRY UTILITIES LEVEL OF SIGNIFICANCE AFTER MITIGATION

No significant unavoidable adverse impacts related to solid waste would occur.

5.14.7 CUMULATIVE IMPACTS

Cumulative water supply impacts are considered on a water purveyor basis and are associated with the capacity of the infrastructure system and the adequacy of the water purveyor's infrastructure and primary sources of water that include groundwater, surface water, and purchased or imported water.

As described previously, the Project site would be served by the District's water utility and connect to existing adjacent water infrastructure. The construction activities related to connecting to the existing water lines that would be needed to serve the proposed Project is included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. Additionally, the District has shown that they have sufficient water supplies to serve the Project during normal, dry, and multiple dry years as part of their UMWP planning efforts. Water facilities would not need to be expanded or created as a result of the Project and Project impacts would be less than significant. Thus, the Project would not result in cumulatively considerable water utility impacts.

The Project's wastewater would be treated by VVWRA. The construction activities related to connecting to the existing sewer lines that would be needed to serve the proposed Project is included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. The District has determined through their UWMP long term planning efforts that VVWRA would have sufficient capacity to serve wastewater flows generated by the Project. Wastewater facilities would not need to be expanded or created as a result of the Project and Project impacts would be less than significant. Thus, the Project would not result in cumulatively considerable wastewater utility impacts.

The Project would implement a stormwater system that would capture, treat, and infiltrate the 100-year, 24-hour storm. Additional overflows would be discharged to the corner of Mesa Linda Street and Sultana Street to follow the existing northerly drainage path to the Oro Grande Wash. The Project's offsite stormwater flows would be accommodated by San Bernardino County Flood Control District facilities. The construction activities related to the proposed stormwater system to serve the Project is included as part of the Project and would not result in any physical environmental effects beyond those identified throughout this Draft EIR. The Project would accommodate the DCV as required by the County's stormwater permit. The Project would not result in the addition of stormwater runoff and pollutants that would exceed capacity of existing stormwater facilities. Additional stormwater facilities would not need to be expanded or created as

a result of the Project and Project impacts would be less than significant. Thus, the Project would not result in cumulatively considerable stormwater utility impacts.

Solid waste removal would be provided by Advance Disposal Company and solid waste would be transferred to the Victorville Sanitary Landfill. The landfill is anticipated to have sufficient long-term capacity to serve the Project. Solid waste facilities would not need to be expanded or created as a result of the Project and Project impacts would be less than significant. Thus, the Project would not result in cumulatively considerable solid waste facility impacts.

The Project would be served by Southern California Gas and Southern California Edison for gas and electricity, respectively. Additionally, the Project may be served by one or several telecommunication utilities offered in the Project area. These providers would have sufficient capacity to serve the Project. Additional telecommunication facilities would not need to be expanded or created as a result of the Project and Project impacts would be less than significant. Thus, the Project would not result in cumulatively considerable telecommunication utility impacts.

5.14.5 EXISTING REGULATIONS AND PLANS, PROGRAMS, OR POLICIES

- California Code of Regulations Title 24, Part 11; the California Green Building Code
- Assembly Bill (AB 341)

5.14.6 LEVEL OF SIGNIFICANCE BEFORE MITIGATION

None.

5.14.7 MITIGATION MEASURES

No mitigation measures are required.

5.14.8 LEVEL OF SIGNIFICANCE AFTER MITIGATION

Less than significant.

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6.0 Other CEQA Considerations

6.1 SIGNIFICANT AND UNAVOIDABLE ENVIRONMENTAL EFFECTS

State CEQA Guidelines Section 15126.2(c) requires an EIR to describe “any significant impacts, including those which can be mitigated but not reduced to a level of insignificance.” As described in detail in Section 5.0 of this Draft EIR, implementation of the Project would result in environmental impacts that cannot be reduced to a level below significance after implementation of Project design features; regulatory requirements; plans, programs, policies; and feasible mitigation measures. The significant impacts that cannot be mitigated to a level below significance are summarized below:

Transportation

The Project could result in potentially significant impacts associated with increasing hazards due to a geometric design feature related to queuing. The Project may increase a hazardous condition due to queuing impacts at the intersections of US-395/Phelan Road-Main Street, US-395/Poplar Street, and Joshua Street/I-15 SB Off-Ramp under the Opening Year (2024) Baseline analysis scenario. However, these intersections are not within the City’s jurisdiction, but rather within the jurisdiction of other agencies, such as the California Department of Transportation. Since the City does not have jurisdiction over these facilities; the proposed intersection and roadway improvements cannot be assumed to be in place prior to Project’s occupancy. Therefore, the Project’s impact to increase in hazardous conditions (i.e., queuing) would be significant and unavoidable, and the Project could thereby contribute to a cumulatively considerable impact associated with queuing and hazardous design features.

Additionally, the Project would result in a significant and unavoidable impact on vehicle miles traveled (VMT). The Project proposes a commuter trip reduction (CTR) program based on the guidance of California Air Pollution Control Officers Association (CAPCOA) 2021 Handbook. However, the Project proponent and future tenant are not able to ensure that future employees utilize the program. Therefore, the Project would result in significant and unavoidable impacts, and the Project could thereby contribute to a cumulatively considerable impact associated with VMT.

6.2 GROWTH INDUCEMENT

State CEQA Guidelines Section 15126.2(e), Growth Inducing Impact of the Proposed Project, requires that an EIR “discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment.” The CEQA Guidelines also indicate that it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment. In general terms, a project may foster spatial, economic, or population growth in a geographic area, if it meets any one of the following criteria:

1. Directly or indirectly foster economic or population growth, or the construction of additional housing, in the surrounding environment;
2. Remove obstacles to population growth;
3. Require the construction of new or expanded facilities that could cause significant environmental effects; or
4. Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

1. Does the Project directly or indirectly foster economic or population growth, or the construction of additional housing?

Growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population in excess of what is assumed in master plans, land use plans, or in projections made by regional planning agencies, such as SCAG. The Project would contribute to the economic and may contribute to some population growth in the City of Hesperia and the surrounding areas. The growth would not be unexpected or constitute substantial unplanned growth, however. According to regional population projections included in SCAG's 2020 RTP/SCS, the City of Hesperia is projected to increase its population by 79 percent (from 93,700 persons in 2016 to 168,100 persons in 2045) and its housing stock by 99 percent (from 26,800 dwelling units in 2016 to 53,200 dwelling units in 2045) by 2045. Over this same time period, employment in the City is expected to increase by 105 percent (from 22,500 jobs in 2016 to 46,100 jobs in 2045). The Project site has a General Plan land use designation of Main Street and Freeway Corridor Specific Plan (MSFC-SP). Within the MSFC-SP, the two northerly parcels of the site (APN 3064-401-03 and -04) are zoned as Commercial/Industrial Park (CIBP) while the southerly parcel of the site (APN 3064-401-05) is zoned as Neighborhood Commercial (NC). The proposed Project include a Specific Plan Amendment (SPA) to changes the site's MSFC-SP designation from NC to CIBP. Thus, while the Project would contribute to employment growth through the proposed development within the Project site, the projected increases in employment from the Project are within SCAG's 2020 RTP/SCS increases.

The proposed Project may cause an indirect economic growth as it would generate revenue to the City through taxes generated by the development. Additionally, employees (short-term construction and long-term operational employees) from the Project site would purchase goods and services in the region, but any secondary increase in employment growth associated with meeting these incremental demands would be marginal, as these goods and services could be accommodated by existing providers. The Project is highly unlikely to result in any new or additional physical impacts to the environment based on the amount of existing and planned future commercial and retail services, which can serve Project employees, available in areas near the Project site. As such, it is highly unlikely that additional commercial or retail services would be required to meet Project demands.

In addition, the proposed Project would create jobs that a majority of which could likely be filled by residents of Hesperia, San Bernardino County, and the surrounding areas. Employees would live in housing either already built or are planned for development in Hesperia or unincorporated San Bernardino County and the surrounding areas. Because it is anticipated that most of the future employees from implementation of the Project would already be living in the Inland Empire area, the Project's introduction of employment opportunities would not induce substantial growth in the area and cause the need for additional housing.

SCAG considers an area balanced when the jobs-housing ratio is 1.36; communities with more than 1.36 jobs per dwelling unit are considered jobs-rich; those with fewer than 1.36 are "housing rich," meaning that more housing is provided than employment opportunities in the area. As shown on Table 6.2-1, the projected 2045 jobs-to-housing ratio for the City of Hesperia is 0.87. This means that the City is housing rich.

Table 6.2-1: Jobs – Housing Trends in the City of Hesperia

Employment in 2016	Number of Dwelling Units in 2016	2016 Jobs to Housing Ratio	Employment in 2045	Number of Dwelling Units in 2045	2045 Jobs to Housing Ratio
22,500	26,800	0.84	46,100	53,200	0.87

The Project would implement economic activity that would result in an improvement in the jobs-household ratio by providing employment within the housing-rich City of Hesperia, which is a benefit of the Project. In addition, the location of the new employment opportunities would be easily accessible from Highway 395 and would also accommodate employees in surrounding areas. The City of Hesperia has had unemployment rates ranging between 18.8 percent in 2010 and 4.9 percent in 2022 (EDD 2022), and most of the new jobs that would be created by the Project would be positions that do not require a specialized workforce, and this type of workforce exists in the City of Hesperia and surrounding communities. Thus, due to existing unemployment and the availability of a workforce, it is anticipated that new jobs that would be generated from Project implementation would be filled by people within the City of Hesperia and surrounding communities and would not induce an unanticipated influx of new labor into the region or the need for additional housing. Furthermore, the proposed Project would offer space for new manufacturing, warehouse, and distribution uses. Thus, the Project would not result in the influx of new labor to serve the increased economic activities that would result from implementation of the Project.

2. Does the Project remove obstacles to population growth?

The elimination of a physical obstacle to growth is considered to be a growth inducing impact. A physical obstacle to growth typically involves the lack of public service infrastructure. The Project would induce growth if it would provide public services or infrastructure with excess capacity to serve lands that would otherwise not be developable.

The proposed Project contemplates expansion of existing infrastructure to serve the full buildout of the Project site. As described in Section 3.0, *Project Description*, the Project includes various roadway improvements to accommodate the safe passage and turning movements of the vehicles that would access the site. The Project does not propose roadway extensions into new undeveloped areas that would allow for additional growth and development. The Project also proposes expansion of existing and installation of new potable water lines, sewer lines, and stormwater drainage facilities that would accommodate the demands of the proposed Project. The proposed infrastructure improvements have been designed to serve only the demands of the Project. Therefore, the Project would not result in significant growth inducing impacts.

3. Does the proposed Project require the construction of new or expanded facilities that could cause significant environmental effects?

Growth induced by a project is considered a significant impact if it directly or indirectly affects the ability of agencies to provide needed public services that requires the construction of new public service facilities, or if it can be demonstrated that the potential growth significantly affects the environment in some other way. The proposed Project would slightly increase the demand for fire protection and emergency response and sheriff protection. However, as described in the Initial Study prepared for the Project, the proposed Project would not require development of additional facilities or expansion of existing facilities to maintain existing levels of service for public services. Based on service ratios and build out projections, the proposed Project would not create a demand for services beyond the capacity of existing facilities. Therefore, an indirect growth inducing impact as a result of expanded or new public facilities that could support other development in addition to the proposed Project would not occur. The proposed Project would not have significant growth inducing consequences that would require the need to expand public services to maintain desired levels of service.

4. Does the Project encourage or facilitate other activities that could significantly affect the environment, either individually or cumulatively?

Similar to the surrounding cities, the City of Hesperia is in the process of transitioning from its historical use of low-density residential and agricultural uses to more dense industrial uses and other urbanized uses as

planned in the Hesperia General Plan and through the construction of multiple industrial developments, residential developments and other types of development. Areas immediately to the north, east, south and west of the Project site are currently vacant and undeveloped. Development of the Project site may place further development pressure on vacant areas surrounding the Project site. However, areas to the north, east, south and west of the site are already planned for development with CIBP and NC uses under the MSFC-SP. Additionally, areas to the north and west of the site are planned for the Hesperia Commerce Center II Project. As such, while the Project could spur increased development in areas surrounding the Project site, these areas are already developed or are slated for future development. Further, the proposed infrastructure is only sized to serve the Project and would not have capacity to serve additional development projects in the area. The Project would not individually or cumulatively encourage or facilitate substantial growth.

Based on the foregoing analysis, the Project would not directly or indirectly result in substantial, adverse growth-inducing impacts.

6.3 SIGNIFICANT IRREVERSIBLE EFFECTS

State CEQA Guidelines require the EIR to consider whether “uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely.... Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.” (CEQA Guidelines Section 15126.2(d)). “Nonrenewable resource” refers to the physical features of the natural environment, such as land, waterways, mineral resources, etc. These irreversible environmental changes may include current or future uses of non-renewable resources, and secondary or growth-inducing impacts that commit future generations to similar uses.

Generally, a project would result in significant irreversible environmental changes if:

- The primary and secondary impacts would generally commit future generations to similar uses;
- The project would involve a large commitment of nonrenewable resources;
- The project would involve uses in which irreversible damage could result from any potential environmental accidents associated with the project; or
- The proposed irretrievable commitments of nonrenewable resources is not justified (e.g., the project involves the wasteful use of energy).

The Project would result in or contribute to the following irreversible environmental changes:

- Lands in the Project site would be committed to warehousing and industrial uses once the proposed buildings are constructed. Secondary effects associated with this irreversible commitment of land resources include:
- Changes in views associated with construction of the new buildings and associated development (Section 5.1, *Aesthetics*)
- Increased traffic on area roadways (see Section 5.14, *Transportation*).
- Emissions of air pollutants associated with Project construction and operation (see Section 5.2, *Air Quality*).
- Consumption of non-renewable energy associated with construction and operation of the proposed Project due to the use of automobiles, trucks, lighting, heating and cooling systems, appliances, etc. (see Section 5.5, *Energy*).
- Increased ambient noise associated with an increase in activities and traffic from the Project (see Section 5.11, *Noise*).

- Construction of the proposed Project as described in Section 3.0, *Project Description*, would require the use of energy produced from non-renewable resources and construction materials.

In regard to energy usage from the proposed Project, as demonstrated in the analyses contained in Section 5.5, *Energy*, the proposed Project would not involve wasteful or unjustifiable use of non-renewable resources, and conservation efforts would be enforced during construction and operation of proposed development. The proposed development would incorporate energy-generating and conserving Project design features, including those required by the California Building Code, California Energy Code Title 24, which specify green building standards for new developments. In addition, as listed in Section 3.0, *Project Description*, Section 5.5, *Energy*, and Section 5.7, *Greenhouse Gas Emissions*, the proposed Project would include sustainability features in line with Title 24 requirements that result in additional energy-efficiency. Project specific information related to energy consumption is provided in Section 5.5, *Energy*, of this EIR.

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7.0 Effects Found Not Significant

CEQA Guidelines Section 15126.2(a) states that “[a]n EIR shall identify and focus on the significant effects on the environment”. During the preparation of this EIR, the Project was determined to have no potential to result in significant impacts under five environmental issue areas as determined by the Initial Study prepared for the Project (see Appendix A): agriculture and forest resources, mineral resources, population and housing, recreation, and wildfire. Therefore, these issue areas were not required to be analyzed in detail in EIR Section 5.0, Environmental Impact Analysis.

CEQA Guidelines Section 15128 requires that an EIR contain a statement briefly indicating the reasons that various possible effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR. As allowed by CEQA Guidelines Section 15128, statements related to the above listed topic areas are presented below.

7.1 AGRICULTURE AND FOREST RESOURCES

The Project site is not designated as Prime, Unique, or Farmland of Statewide Importance. The California Department of Conservation (DOC) Farmland Mapping and Monitoring Program identifies the Project site and Grazing Land (DOC 2022). As such, implementation of the Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to a non-agricultural use.

Further, according to Exhibit 3.2-2, Williamson Act Map, of the Hesperia General Plan Update Environmental Impact Report, the Project site is not subject to a land conservation (Williamson Act) contract and, thus, would not conflict with a land conservation contract (City of Hesperia 2010). In addition, the Project site has a General Plan land use designation Main Street Freeway Corridor Specific Plan (MSFC-SP). Within the MSFC-SP, the Project site is designated Commercial/Industrial Business Park (CIBP) and Neighborhood Commercial (NC). The Project site's land use and zoning designations are not intended for agricultural use. Additionally, the Project's proposed Specific Plan land use designation of CIBP is not intended for agricultural use. Therefore, implementation of the Project has no potential to conflict with existing zoning for an agricultural use.

The Project Site is not zoned as forest land, timberland, or Timberland Production, nor is it surrounded by forest land, timberland, or Timberland Production land. Therefore, implementation of the Project has no potential to conflict with or cause the rezoning of any areas currently zoned as forest, timberland, or Timberland Production and would not result in the rezoning of any such lands. As such, no impact would occur. Overall, implementation of the Project would not result in the loss of forest land or the conversion of forest land to non-forest use.

7.2 MINERAL RESOURCES

According to the Hesperia General Plan Conservation and Open Space Element, the City of Hesperia currently has not identified any known mineral resources that would be of value to the region and the residents of the state. Historical uses of the Project site have not included mineral extraction, nor does the Project site currently support mineral extraction. In addition, the Project does not propose any mineral extraction activities. The Project proposes the construction of an industrial warehouse building with no planned mining operations. Therefore, the proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the State, and no impact would occur. Additionally, there are no mineral resource recovery sites on or near the Project site. Thus, the Project would not result in the loss of availability of mineral resources, including locally important mineral resource recovery sites. No impact to mineral resources would occur from implementation of the Project.

7.3 POPULATION AND HOUSING

The Project would result in an increase of employment at the Project site that could lead to a potential population increase in the surrounding area. According to the Southern California Association of Governments (SCAG), the generation rate for employees required for operation of an industrial project is 1 employee for every 1,195 SF of industrial space. As the Project would build and operate a 655,468 SF industrial facility, operation of the Project would require approximately 549 employees.

According to SCAG's 2020-2045 RTP/SCS population and household growth forecast for Hesperia, between 2016 and 2045, SCAG anticipates an employment increase of 23,600 additional jobs (from 22,500 to 46,100), yielding a 105 percent growth rate. SCAG also anticipates a population increase of 74,400 between 2016 and 2045 (from 93,700 to 168,100). The proposed Project would generate the need for approximately 549 employees, which represents approximately 0.74 percent of the forecasted population growth between 2016 and 2045 and approximately 2.33 percent of the forecasted employment growth between 2016 and 2045 for the City. According to the Employment Development Department, as of February 2023, Hesperia's unemployment rate was approximately 6 percent. Thus, although the Project would generate additional long-term employment in the Project area, the new employment opportunities would be within the forecasted and planned growth of the City.

No habitable structures exist on the Project site nor are they currently planned for future development of residential uses. Therefore, the Project would not displace a substantial number of people or necessitate construction of replacement housing.

7.4 PUBLIC SERVICES

The Project would develop the Project site with an industrial facility which would generate approximately 549 employees, anticipated to come from existing residents in the region. As such, the proposed Project would not generate a substantial impact to existing public services and facilities.

The Project would be serviced by the San Bernardino County Fire Department (SBCFD) for all fire and emergency services and by the San Bernardino County Sheriff's Department for police services. Since the Project is not anticipated to directly or indirectly induce unplanned population growth in the City, the Project would be adequately served by existing personnel and facilities.

As mentioned previously, the Project would not directly provide new housing opportunities and new residents to the area. Therefore, it would not generate students or the need for new parks and increased uses of existing citywide park facilities, or other public facilities.

7.5 RECREATION

The Project is an industrial warehouse, and no new residents or housing would be introduced to the area. As noted above, operation of the Project would require approximately 549 employees, which is anticipated to come from the unemployed labor force in the region. Thus, the proposed Project would not generate a substantial increase in the use of parks or other recreational facilities, nor would it require the construction of new or expansion of existing recreational facilities. Thus, impacts related to recreation would not occur.

7.6 WILDFIRE

The Project site is not located in or near a State Responsibility Area or lands classified as very high fire hazard severity zones (CAL FIRE 2022); therefore, implementation of the Project would not exacerbate wildfire hazard risks or expose people or the environment to adverse environmental effects related to wildfires.

RESOURCES

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8. Alternatives

This section addresses alternatives to the Project and describes the rationale for including them in the EIR. The section also briefly discusses environmental impacts associated with each alternative and compares the relative impacts of each alternative to those of the Project.

8.1 INTRODUCTION

The identification and analysis of alternatives to a project is a fundamental part of the environmental review process pursuant to CEQA. Public Resources Code (PRC) Section 21002.1(a) establishes the need to address alternatives in an EIR by stating that in addition to determining a project's significant environmental impacts and indicating potential means of mitigating or avoiding those impacts, "the purpose of an environmental impact report is to identify alternatives to the project."

Pursuant to *CEQA Guidelines* Section 15126.6(a), an EIR must describe a reasonable range of alternatives to the proposed project or to the project's location that would feasibly avoid or lessen its significant environmental impacts while attaining most of the proposed project's objectives. *CEQA Guidelines* Section 15126.6(b) emphasizes that the selection of project alternatives be based primarily on the ability to reduce impacts relative to the proposed project. In addition, *CEQA Guidelines* Section 15126.6(e)(2) requires the identification and evaluation of an "Environmentally Superior Alternative".

Pursuant to *CEQA Guidelines* Section 15126.6(d), discussion of each alternative presented in this EIR Section is intended "to allow meaningful evaluation, analysis, and comparison with the proposed project." As permitted by CEQA, the significant effects of each alternative are discussed in less detail than those of the proposed Project, but in enough detail to provide perspective and allow for a reasoned choice among alternatives to the proposed Project.

In addition, the "range of alternatives" to be evaluated is governed by the "rule of reason" and feasibility, which requires the EIR to set forth only those alternatives that are feasible and necessary to permit an informed and reasoned choice by the lead agency and to foster meaningful public participation (*CEQA Guidelines* Section 15126.6(f)). CEQA generally defines "feasible" to mean an alternative that is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, technological, and legal factors and other considerations (*CEQA Guidelines* Sections 15091(a)(3), 15364).

Based on the CEQA requirements described above, the alternatives addressed in this EIR were selected in consideration of one or more of the following factors:

- The extent to which the alternative could avoid or substantially lessen any of the identified significant environmental effects of the proposed Project;
- The extent to which the alternative could accomplish the objectives of the proposed Project;
- The potential feasibility of the alternative;

- The appropriateness of the alternative in contributing to a “reasonable range” of alternatives that would allow an informed comparison of relative advantages and disadvantages of the proposed Project and potential alternatives to it; and
- The requirement of the *CEQA Guidelines* to consider a “no project” alternative; and to identify an “environmentally superior” alternative in addition to the no project alternative (*CEQA Guidelines* Section 15126.6(e)).

Neither the CEQA statute, the *CEQA Guidelines*, nor recent court cases specify a specific number of alternatives to be evaluated in an EIR. Rather, “the range of alternatives required in an EIR is governed by the rule of reason that sets forth only those alternatives necessary to permit a reasoned choice” (*CEQA Guidelines* 15126(f)).

8.2 SIGNIFICANT ENVIRONMENTAL EFFECTS

CEQA requires the alternatives selected for comparison in an EIR to avoid or substantially lessen one or more significant effects of the Project being evaluated. This analysis evaluates both the potential to avoid or reduce a significant and unavoidable impact, and to avoid the need for mitigation to obtain less than significance levels.

The analysis in Chapter 5 of this Draft EIR determined that a significant and unavoidable Project-specific and cumulative traffic impact would occur, and that potentially significant impacts of the Project related to aesthetics, biological resources, cultural resources, and paleontological resources can be mitigated to a less than significant level.

8.2.1 Significant and Unavoidable Impact

Greenhouse Gas Emissions

Impact GHG-1: Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

As detailed in Section 5.7, *Greenhouse Gas Emissions*, construction activities associated with the Project would result in GHG emissions from various sources. Long-term operations of uses proposed by the Project would generate GHG emissions from area source, energy source, and mobile source emissions, as well as water supply, treatment and distribution and solid waste. The annual GHG emissions associated with construction and operation of the proposed Project would result in annual emissions of 11,679.6 MTCO₂e/year, which is above the screening threshold of 3,000 MTCO₂e/year. As such, Mitigation Measure GHG-1 is included in the Project which requires that the Project incorporate sustainable transportation technologies and practices appropriate for the proposed use. With implementation of Mitigation Measure GHG-1, the proposed Project would result in approximately 10,614.0 MT/year CO₂e. Thus, emissions would be reduced to the extent feasible; however, emissions would continue to exceed the SCAQMD threshold. Therefore, with implementation of Mitigation Measure GHG-1, operation of the proposed Project would have the potential to generate significant GHG emissions that would have a significant effect on the environment. Impacts would be significant and unavoidable.

Transportation

Impact TR-2: Conflict or be inconsistent with CEQA Guidelines Section 15064.3, Subdivision B.

As detailed in Section 5.12, *Transportation*, the proposed Project's effect on vehicle miles traveled (VMT) would not be considered significant as the Countywide roadway VMT per service population would be reduced with the Project in both the 2016 and 2040 conditions (see Table 5.12-4 and 5.12-5). However, because the cumulative VMT per service population of 37.1 would be 13.51 percent above the County's regional average of 32.7, the Project would have a significant impact on VMT. To mitigate the significant VMT impact, the Project would implement applicable measures from the California Air Pollution Control Officers Association (CAPCOA) *Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity* (hereafter CAPCOA). The Project would implement Commute Trip Reduction Marketing (CAPCOA Measure T-7), provide a Ridesharing Program (CAPCOA Measure T-8), and provide end of trip bicycle facilities (CAPCOA Measure T-10) to encourage employee carpooling, use of transit, and biking as alternative modes of transportation to work (Mitigation Measure [MM] T-1). The Project's cumulative VMT per service population is forecast to be. Implementation of MM T-1 could reduce VMT by up to 7.89 percent. Thus, implementation of MM T-1 would reduce the total VMT per service population; however, would not reduce VMT below the 32.7 Countywide significance threshold. Therefore, with implementation of the MM T-1, the Project's VMT impact would be significant and unavoidable.

Further, the Project would result in cumulatively considerable impacts, when viewed in combination with other past, present, and reasonably foreseeable future projects within the Project vicinity on VMT. Other projects are anticipated to implement feasible trip reduction strategies to reduce overall project-related VMT; however, the Project's impact on VMT would be cumulatively considerable when considered with other cumulative projects.

8.2.2 Impacts Mitigated to Less than Significant

Biological Resources

Impact BIO-1: Project impacts on 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 Services.

Special Status Plant Species

As detailed in Section 5.3, *Biological Resources*, western Joshua trees were identified within the Project site, which are currently listed as a Candidate Threatened Species. Joshua trees would be removed as part of the proposed Project. As required by MM (MM) BIO-2 (Conservation of Western Joshua Tree Lands), mitigation for direct impacts to 97 western Joshua trees, their seed bank, and associated habitat will be fulfilled through conservation of western Joshua trees through purchase of credits at a CDFW-approved mitigation bank or implementation of the Western Joshua Tree Conservation Act, as approved by the City of Hesperia and CDFW. Project applicants are required to submit an application and pay applicable fees to the City of Hesperia for removal or relocation of protected native desert plants under Hesperia Municipal Code Chapter 16.24. Protected plants subject to Hesperia Municipal Code Chapter 16.24 may be relocated on-site, or within an area designated as an area for species to be adopted later (MM BIO-1). However, implementation of California Endangered Species Act (CESA) and the Western Joshua Tree Conservation Act would fulfill and supersede the Native Desert Plant Species Act, and further, the Hesperia Municipal Code Chapter 16.24. Implementation of MM BIO-2 would reduce direct impacts to Western Joshua trees to less than significant impacts with mitigation. Additionally, implementation of MM BIO-2 would fulfill local requirements for conservation of Joshua trees through Municipal Code Chapter 16.24.

Additionally, the Project could result in indirect impacts during Project construction and operation on surrounding Joshua trees and affiliated habitat through herbicides, changes in water quality, increased wildfire risk, induced demand of the surrounding area, increased traffic and vehicle emissions, and accidental chemical spills. Indirect impacts to Joshua trees are considered significant absent mitigation. Implementation of MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Program), MM BIO-5 (Construction Monitoring Notebook), MM BIO-6 (Delineation of Property Boundaries), MM BIO-7 (Hazardous Waste), and MM BIO-8 (Herbicides), would reduce potential indirect impacts to western Joshua tree to less than significant.

Special Status Wildlife Species

The Project site contains potential suitable habitat for loggerhead shrike, LeConte's thrasher, Crotch bumble bee, and burrowing owl in desert almond—Mexican bladder sage scrub, Joshua tree woodland, California buckwheat scrub, and rubber rabbitbrush scrub. The focused surveys completed for the Project found no sign of burrowing owl on site or within the 100-foot buffer.

Implementation of preconstruction surveys would ensure avoidance of impacts to Burrowing owls within the Project site. The Project would result in less than significant impacts with implementation of MM BIO-10.

MM BIO-11 (Pre-construction Survey for Crotch Bumble Bee) would require pre-construction Crotch bumble bee surveys and result in establishment of construction buffers around any active nests, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, night-time lighting, and vehicle collisions.

As required by MM BIO-2, mitigation for direct impacts to western Joshua trees, their seed bank, and their associated habitat will be fulfilled through conservation of western Joshua tree through purchase of credits at a CDFW-approved mitigation bank or Western Joshua Tree Conservation Act as approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree would focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree would also mitigate impacts to loss of suitable habitat for loggerhead shrike, LeConte's thrasher, Crotch bumble bee, and burrowing owl.

To avoid potential impacts to nesting loggerhead shrike and LeConte's thrasher, vegetation removal activities would be conducted outside the general bird nesting season (February 1 through August 31). If vegetation cannot be removed outside the bird nesting season, a pre-construction nesting bird survey would be conducted by a qualified biologist prior to vegetation removal. In the event that construction is required to occur during bird nesting season, MM BIO-9 (Pre-construction Nesting Bird Surveys and Avoidance) would require nesting bird surveys. In the event nests are not found, no further mitigation would be required. In the event that nests are found, a qualified biologist will implement construction buffers around nests, thus limiting effects from most short-term indirect impacts, including noise and vibration, increased human presence, night-time lighting, and vehicle collisions. MM BIO-3 (Compliance Monitoring), MM BIO-4 (Education Program), and MM BIO-5 (Construction Monitoring Notebook) would require that all workers complete a WEAP training and would require ongoing biological monitoring and compliance with all biological resource mitigation requirements. MM BIO-7 (Hazardous Waste) would ensure that a prompt and effective response to any accidental chemical spills be implemented, and that repair and clean-up of any hazardous waste occurs. To reduce fugitive dust resulting from construction and to minimize adverse air quality impacts, the Project would employ dust mitigation measures in accordance with the Mojave Desert

Air Quality Management District's Rules 401 and 403.2, which limit the amount of fugitive dust generated during construction. MM BIO-12 (Lighting) would require night-time lighting during construction within 50 feet of habitat for special-status species to be shielded downward.

Potential long-term indirect impacts that could result from development within or adjacent to suitable habitat include night-time lighting and increased invasive plant species that may degrade habitat. MM BIO-12 (Lighting) would require night-time lighting during operations within 50 feet of habitat for special-status species to be shielded downward. MM BIO-13 (Invasive Plant Management) would require that landscape plants within 200 feet of native vegetation communities not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (<http://www.cal-ipc.org/ip/inventory/index.php>).

Implementation of MM BIO-1 (Conservation of Western Joshua Tree Lands) through BIO-13 would reduce potential direct and indirect impacts to special status wildlife species to less than significant.

Impact BIO-2: Project impacts on 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 US Fish and Wildlife Service.

As detailed in Section 5.3, *Biological Resources*, biological research and site surveys conducted for the Project identified six vegetation communities within the BSA (the Project site and 100-foot buffer around the Project site), including 28.5 acres of Desert Almond-Mexican Bladdersage Scrub, 29.6 acres of Joshua Tree Woodland, 1.0 acre of California Buckwheat Scrub, 16.8 acres of Rubber Rabbitbrush Scrub, 8.1 acres of urban/developed area, and 13.5 acres of disturbed habitat. The Project site contains 11.0 acres of Joshua Tree Woodland (excluding conservative buffer area). State rankings of 1, 2, or 3 are considered high priority for inventory or special-status and impacts to these communities typically require mitigation Joshua Tree Woodland is ranked as S3, or "vulnerable to extirpation or extinction", by the California Natural Community List. All other communities listed are ranked as S4 or S5, or unranked, which are not considered sensitive vegetation communities.

Mitigation for direct impacts to 97 western Joshua tree individuals will also mitigate for impacts to 11.0 acres of Joshua tree woodland that would be removed as part of the Project. As required by MM BIO-2 (Conservation of Western Joshua Tree Lands), mitigation for direct impacts to 97 western Joshua trees will be fulfilled through purchase of credits at a CDFW-approved mitigation bank or implementation of the Western Joshua Tree Conservation Act, as approved by the City of Hesperia and CDFW. Conservation efforts for western Joshua tree will focus on the conservation of large, interconnected Joshua tree woodlands on lands where edge effects are limited, versus lands in urban settings that are subject to habitat fragmentation and edge effects, such as the Project site. Thus, mitigation for impacts to western Joshua tree will also mitigate for impacts to 11.0 acres of Joshua tree woodland. Protections under Hesperia Municipal Code Chapter 16.24 would require implementation of MM BIO-1 (Relocation of Desert Native Plants); however, implementation of MM BIO-2 would fulfill and supersede the requirements under the City's Municipal Code. Implementation of MM BIO-2 (Conservation of Western Joshua Tree Lands) would reduce potential impacts to sensitive vegetation communities (i.e., Joshua tree woodland) to less than significant.

Impact BIO-4: Project impacts on movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

The Project site lacks migratory wildlife corridors, as it does not contain the structural topography and vegetative cover that facilitate regional wildlife movement, the site is flat and surrounded by paved and dirt roads and vacant land. No wildlife movement corridors were found to be present. However, the Project site contains trees and shrubs that can support nesting song birds or raptors protected under the Federal Migratory Bird Treaty Act and Sections 3503, 3503.5, and 3513 of the California Fish and Game Code during the nesting season. Compliance with the Migratory Bird Treaty Act, which includes preconstruction nesting bird surveys during the nesting bird season, will ensure that potential impacts to nesting birds would be less than significant (MM BIO-9). Reduction of the potential impacts to nesting birds would be reduced to a less than significant level with implementation of MM BIO-9.

Potential long-term (post-construction) indirect impacts from operations and maintenance activities could disrupt wildlife movement around the Project due to increased spillover lighting from buildings onto surrounding areas, such as the Oro Grande Wash. MM BIO-11 (Lighting) would ensure all lighting during operations, and within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife, would be directed away from natural areas.

Therefore, the Project with implementation of MM BIO-9 and MM BIO-11, the Project would result in less than significant impacts with mitigation on the movement of native resident, migratory fish, or wildlife species.

Impact BIO-5: Project impacts regarding conflict with any local policies or ordinances protecting biological resources.

Pursuant to the City of Hesperia Municipal Code chapter 16.24, Protected Plants, all species of the Agavaceae family (Yuccas, Nolinias, Century Plants.), all species of cactus, including chollas (*Cylindropuntia* spp.), smoketree (*Dalea spinosa*), all species of the mesquites (*Prosopis*), creosote rings 10 feet or more in diameter, all Joshua trees, and all plants protected or regulated by the California Desert Native Plants Act (California Food and Agricultural Code 80001 et. seq.) shall not be removed except under a removal permit issued by the agricultural commissioner.

Project construction would necessitate completion of a native plants removal permit application for the removal of existing Joshua trees from the Project site. The City requires a detailed plan for the removal of all protected plants on the Project site to be prepared with the application (MM BIO-1). The western Joshua tree is currently listed as a Candidate Threatened Species under the CESA. As a listed species under CESA, the Project applicant would be required to obtain an Incidental Take Permit (ITP) under Section 2081 of the Fish and Game Code (MM BIO-2). Further, the applicant will apply for mitigation land credits from a CDFW-approved mitigation bank established to protect Joshua trees or pay fees according to the Western Joshua Tree Conservation Act at a minimum of a 1:1 ratio of equal or better function. Per City policy, obtainment of an ITP and corresponding mitigations through CDFW would satisfy the City's requirements under Chapter 16.24 of the City Municipal Code. Therefore, the Project would result in a less than significant impact with mitigation.

Cultural Resources

Impact CUL-2: Project impacts on causing a substantial adverse change in the significance of a archaeological resource pursuant to CEQA guidelines section 15064.5.

As detailed in Section 5.4, *Cultural Resources*, the Project construction would include excavation of site soils to a depth of at least seven feet below existing grade. Because the proposed Project would disturb native soils that have a low to moderate potential for archaeological resources, excavation related to construction of the Project has the potential to impact unknown archaeological

resources. MM CUL-1 has been included to require archaeological monitoring during all ground-disturbance activities, such as site preparation and grading up to five feet below surface, in order to quickly assess the potential for discoveries of archaeological resources during construction. MM CUL-1 also includes procedures in the event a potential resource is uncovered. Therefore, the Project would result in less than significant impacts with MM CUL-1 to archaeological resources.

Geology and Soils

Impact GEO-1iii: Project direct and indirect cause of potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction.

As detailed in Section 5.6, *Geology and Soils*, the Geotechnical Investigation concluded that the Project site is not susceptible to liquefaction. Compliance with the CBC would require proper construction of building footings and foundations so that it would withstand the effects of potential ground movement, including liquefaction. Furthermore, the Geotechnical Investigation prepared for the Project includes recommendations for grading and foundation strength that would ensure that the Project would be consistent with CBC requirements for reducing risk related to liquefaction. Therefore, MM GEO-1 has been incorporated into the Project to require that the Project follow the recommendations included the Geotechnical Investigation. Therefore, with implementation of Mitigation Measure GEO-1 and compliance with the CBC as verified by City review, impacts related to seismic related ground failure including liquefaction would be less than significant.

Impact GEO-3: Project located on a geologic unit or soils 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.

As detailed in Section 5.6, *Geology and Soils*, subsidence was not detected within the Project site during a recent USGS study period between 2014 and 2019. Additionally, risk of subsidence would be lowered through adherence to CBC grading and earthwork operation recommendations. Compliance with the CBC would be required by the Hesperia Building and Safety Division, as implemented as a condition of approval. Compliance with the requirements of the CBC as part of the building plan check and development review process, would ensure that impacts related to subsidence would be less than significant.

In order to measure collapse potential of Project site soils, the Geotechnical Investigation performed consolidation testing. The hydro-consolidation process is a singular response to the introduction of water into collapse-prone alluvial soils. Upon initial wetting, the soil structure and apparent strength are altered, and an immediate settlement response occurs. Based on the results of consolidation testing, site soils were found to have a slight to moderate potential for collapse. The Geotechnical Investigation describes that the recommended removal and recompaction during site grading would reduce impacts related to collapse (AGS 2022). Therefore, Mitigation Measure GEO-1 has been incorporated into the Project to require that the Project follow the recommendations included the Geotechnical Investigation. Thus, with implementation of Mitigation Measure GEO-1 any potential impacts related to collapsible soils would be minimized to a less than significant level. As such, excavation and recompaction of the artificial fill soils in compliance with the CBC as required through the City's permitting process would ensure that collapse related impacts would be less than significant.

Impact PAL-1: Project impacts on directly or indirectly destroying a unique paleontological resource or site or unique geologic feature.

As detailed in Section 5.6, *Geology and Soils*, the potential for encountering significant paleontological resources within the Project site is considered high due to the presence of potentially fossiliferous Pleistocene-aged alluvial fan deposits that are likely present in the shallow subsurface of the Project, and the known occurrence of significant terrestrial vertebrate fossils at shallow depths from the Pleistocene deposits in the vicinity of the Project. MM PAL-1 would require preparation of a Paleontological Resources Management Plan (PRMP) prior to construction activities which would ensure that any potential impacts to undiscovered paleontological resources would not be impacted by the Project. Starting at the surface, monitoring will be conducted fulltime in areas of grading or excavation in undisturbed alluvial deposits. If sensitive sediments are observed, then paleontological monitoring will continue on a full-time basis in those areas. In the case that resources are inadvertently discovered during ground-disturbing activities, work shall be halted within 50 feet of the find until it can be evaluated by a qualified paleontologist. Therefore, the Project would result in less than significant impacts with MM PAL-1 to paleontological resources.

Tribal Cultural Resources

Impact TCR-1: Project impacts on causing a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a Local Register of Historical Resources as defined in Public Resource Code Section 5020.1(k).

As detailed in Section 5.13, *Tribal Cultural Resources*, the Project construction would include excavation of site soils to a depth of at least seven feet below existing grade, which has the potential to disturb previously unknown tribal cultural resources. As part of the City's AB 52 consultation, one response was received from the Yuhaaviatam of San Manuel Nation (YSMN) (formerly known as the San Manuel Band of Mission Indians). YSMN stated the Project site is located within Serrano ancestral territory and is therefore of interest to the Tribe. However, the Tribe stated they had no issue with implementation of the Project and did not request consultation. The letter included a series of MMs to be incorporated into the Project. As a result, MM TCR-1 is included which states that the YSMN shall be contacted if 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, a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. In addition, MM TCR-2 states that any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN.

MM CUL-1 and MM 6 from the MSFCSP EIR would be implemented to ensure that potential impacts related to the inadvertent discovery of tribal cultural resources are less than significant. Also, the Project would be subject to CEQA Guidelines Section 15064.5, PRC Section 21083.2 and 5097.9, and Health and Safety Code Section 7050.5, to properly recover human remains if encountered.

Therefore, with implementation of MMs 6, CUL-1, TCR-1, TCR-2 and applicable regulations, impacts related to tribal cultural resources would be less than significant.

Impact TCR-2: Project impacts on causing a substantial adverse change in the significance of a tribal cultural 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 Resource Code Section 5024.1 that considers that significance of the resource to a California Native American Tribe.

As discussed above, the Project could result in impacts to tribal cultural resources through inadvertent discovery. Pursuant to criteria in PCR Section 5024.1(c)— within the Project site, MM CUL-1 and

MM 6 from the MSFCSP EIR would be implemented to ensure that potential impacts related to the inadvertent discovery of tribal cultural resources are less than significant. Also, the Project would be subject to CEQA Guidelines Section 15064.5, PRC Section 21083.2 and 5097.9, and Health and Safety Code Section 7050.5, to properly recover human remains if encountered. Additionally, MMs TCR-1 and TCR-2 would be implemented to coordinate with YSMN in the event of an inadvertent discovery of a cultural resource, which would ensure the proper identification and handling of potentially significant tribal cultural resources and avoid potentially significant impacts.

Therefore, with implementation of MMs 6, CUL-1, TCR-1, TCR-2 and applicable regulations, impacts related to tribal cultural resources would be less than significant.

8.3 PROJECT OBJECTIVES

The Project site plan has been designed to meet a series of Project-specific objectives that have been carefully crafted to aid decision makers in their review of the Project and its associated environmental impacts. The Project objectives have been refined throughout the planning and design process for the proposed Project, and are listed below:

The primary purpose of the Project and its primary goal is to develop a vacant or underutilized property with a warehouse building to provide an employment-generating use to help grow the economy in the City of Hesperia. The Project would achieve this goal through the following Objectives:

- To make efficient use of the property in the City of Hesperia by adding to its potential for employment-generating uses.
- To attract new business and employment to the City of Hesperia and thereby promote economic growth.
- To reduce the need for members of the local workforce to commute outside the Project vicinity to work.
- To develop an underutilized property with an industrial warehouse building near US 396 and I-15, to help meet demand for logistics business in the City and surrounding region.
- To build an industrial warehouse project in western Hesperia that are similar to and compatible with other industrial buildings that were recently built or recently approved for construction in western Hesperia.
- Develop a project that does not contribute to surface and groundwater quality degradation by treating surface and stormwater flows.

8.4 ALTERNATIVES CONSIDERED BUT REJECTED

Pursuant to CEQA Guidelines Section 15126.6(c), an EIR must briefly describe the rationale for selection and rejection of alternatives. The Lead Agency may make an initial determination as to which alternatives are potentially feasible and, therefore, merit in-depth consideration, and which are infeasible and need not be considered further. Alternatives that are remote or speculative, or the effects of which cannot be reasonably predicted, need not be considered (CEQA Guidelines Section 15126.6(f), (f)(3)). This section identifies alternatives considered by the Lead Agency but rejected as infeasible and provides a brief explanation of the reasons for their exclusion. Alternatives may be eliminated from detailed consideration in the EIR if they fail to meet most of the Project Objectives, are infeasible, or do not avoid any significant environmental effects.

- **Alternative Site.** An alternate site for the Project was eliminated from further consideration. The Project's focus is to provide for an industrial warehouse within an industrializing area of the City of Hesperia that benefits from the US 395 and I-15 corridor's regional transportation network and generates employment opportunities in proximity to an available labor pool. There are no suitable sites within the control of the Project applicant near the US 395 and I-15 transportation corridors. However, in the event land could be purchased of suitable size, the Project could have the same potential impacts to aesthetics, biological resources, cultural resources, paleontological resources, traffic, and tribal cultural resources. Therefore, analysis of an alternative site for the proposed Project is neither meaningful nor necessary, because the impacts and need for mitigation resulting from the proposed Project would not be avoided or substantially lessened by its implementation.

8.5 ALTERNATIVES SELECTED FOR FURTHER ANALYSIS

Two alternatives to the Project have been identified for further analysis as representing a reasonable range of alternatives that attain most of the Project Objectives, may avoid or substantially lessen the Project's significant impact, avoid the need for mitigation, or are feasible from a development perspective. These alternatives have been developed based on the criteria identified in Section 8.1, and are described below:

- **Alternative 1: No Project/No Build Alternative.** Under this alternative, the Project would not be developed, and no development would occur. The Project site would remain vacant and undeveloped. In accordance with the CEQA Guidelines, the No Project/No Build Alternative for a development project on an identifiable property consists of the circumstance under which the project does not proceed. Section 15126.6(e)(3)(B) of the *CEQA Guidelines* states that, "In certain instances, the no project alternative means 'no build' wherein the existing environmental setting is maintained."

Accordingly, Alternative 1: No Project/No Build provides a comparison between the environmental impacts of the Project in contrast to the result from not approving, or denying, the Project. Thus, this alternative is intended to meet the requirements of *CEQA Guidelines* Section 15126.6(e) for evaluation of a no project alternative.

- **Alternative 2: No Project/Existing Land Use.** The No Project/Existing Land Use would reduce the intensity of the proposed industrial uses, locate the development on the northern portion of the site, and the remainder of the site would be left in its existing condition. Development under this alternative would be consistent with MSFC-SP designation of the two northerly parcels of the site (APN 3064-401-03 and -04) as Commercial/Industrial Park (CIBP) and the southerly parcel of the site (APN 3064-401-05) as Neighborhood Commercial (NC). Under this alternative, the northern 21.06-acre portion of the site (APN 3064-401-03 and -04) would be developed at a FAR of 0.48 with a 440,339 SF warehouse building (shown on Figure 8-1). A proportional reduction in the amount of loading docks, surface parking area and commensurate number of parking spaces for vehicles and trucks also would occur in the No Project/Existing Land Use. This alternative would implement all offsite improvements proposed under the Project, including the construction of "A" Street along the west side of the Project site and proposed utility improvements. The remaining 8.55 acres (29 percent) of the Project site would remain undeveloped and in its existing condition.

- **Alternative 3: Reduced Project.** The Reduced Project Alternative would reduce the intensity of the proposed industrial uses, locate the development on the northern portion of the site, and the remainder of the site would be left in its existing condition. Development under this alternative would be consistent with MSFC-SP designation of the two northerly parcels of the site (APN 3064-401-03 and -04) as Commercial/Industrial Park (CIBP) and the southerly parcel of the site (APN 3064-401-05) as Neighborhood Commercial (NC). Under this alternative, the northern 6.34-acre portion of the site (APN 3064-401-03) would be developed at a FAR of 0.48 with a 132,561 SF warehouse building (including manufacturing and cold storage as proposed under the Project). A proportional reduction in the amount of loading docks, surface parking area and commensurate number of parking spaces for vehicles and trucks also would occur in the Reduced Project Alternative. This alternative would implement all offsite improvements proposed under the Project, including the construction of "A" Street along the west side of the Project site and proposed utility improvements. The remaining 23.29 acres (79 percent) of the Project site would remain undeveloped and in its existing condition. Under this alternative, 274 trips would be generated. The Reduced Alternative would eliminate the Project's significant and unavoidable impact on hazardous traffic conditions due to queuing. However, the Project would have the same potential impacts to aesthetics, biological resources, cultural resources, paleontological resources, VMT, and tribal cultural resources and mitigations would be required.

8.6 NO PROJECT/NO BUILD ALTERNATIVE

Section 15126.6(e) of the *CEQA Guidelines* requires analysis of the No Project Alternative. The No Project Alternative analysis must discuss existing conditions at the time the Notice of Preparation was published and considers conditions that would be reasonably expected to occur in the foreseeable future if the Project were not approved. The No Project Alternative applies to the following scenarios:

- (1) When the project is a revision of an existing land use or regulatory plan, policy, or ongoing operation, the "no project" alternative is the continuation of the existing plan, policy, or operation into the future; or
- (2) If the project is other than a land use or regulatory plan, for example a development project on identifiable property, the "no project" alternative is the circumstance under which the project does not proceed.

Therefore, under the No Project/No Build Alternative, the preferred Project would not be developed, and the Project site would remain vacant and undeveloped.

The No Project/No Build provides a comparison between the environmental impacts of the proposed Project and the result of not approving, or denying, the proposed Project.

8.6.1 ENVIRONMENTAL IMPACTS

Aesthetics

Under the No Project/No Build Alternative, no new development would occur within the Project site, and the visual character and quality of the site would be maintained in its existing condition, which includes undeveloped and mostly undisturbed conditions. No structures or landscaping would be introduced on the site. No additional lighting or sources of glare would be installed. No views across

the Project site would change. Thus, implementation of the No Project/No Build Alternative would not result in contrast or aesthetic incompatibilities with the existing environment, and no MMs would be required. However, the visual improvements that would be introduced throughout the Project site that include: new and improved landscaping, providing a building of contemporary design, and improvements to the public realm by streetscaping would not be implemented by the No Project/No Build Alternative. Overall, the aesthetic impacts from this alternative would be less than significant and would be reduced in comparison to the Project.

Air Quality

Under the No Project/No Build Alternative, no new development would occur, which means that no grading, construction and building finishing activities and the related emissions would occur either. In addition, by maintaining the existing site as vacant and undeveloped, no new operational trips would occur, which would further reduce the less than significant air quality impacts from the proposed Project. Therefore, overall air quality impacts would be reduced in comparison to the less than significant impacts of the Project.

Biological Resources

Under the No Project/No Build Alternative, the site would remain in its existing condition, which includes vacant and mostly undisturbed land. No grading or development would occur on the site under this alternative and there would be no potential impacts to Joshua Trees, special status wildlife species, or migratory and nesting birds. Therefore, the No Project/No Build Alternative would not require implementation of mitigation, and impacts under this alternative would be reduced compared to the Project.

Cultural Resources

Under the No Project/No Build Alternative, the site would remain in its existing condition, which includes vacant and mostly undisturbed land. No grading or development would occur on the site under this alternative and there would be no potential impacts to subsurface cultural, historical, or archaeological resources. Therefore, the No Project/No Build Alternative would avoid site disturbances that could impact resources and would not require mitigation. Thus, Project impacts would not occur under this alternative, and would be reduced compared to the Project.

Energy

The Project site would remain vacant and mostly undisturbed under the No Project/No Build Alternative. Therefore, there would be no increase in demand for energy. Although the Project demands for Energy were determined to be less than significant, the amount of energy used by the No Project/No Build Alternative would be reduced compared to the Project.

Geology and Soils

No new construction activities, including grading, would occur under this alternative. Thus, there would be no potential for additional workers, building, and structures to experience seismic ground shaking, liquefaction, lateral spreading, subsidence, or collapse within the Project site. Additionally, as no grading activities would occur under this alternative, potential impacts from erosion, loss of topsoil, or to paleontological resources would not occur. While the Project impacts would be less than significant with mitigation incorporated, this alternative would result in less impacts and no MMs are required. Therefore, the No Project/No Build alternative would result in less impacts than the proposed Project.

Greenhouse Gas Emissions

Under the No Project/No Build Alternative, no new development would occur, which means no new

development or operational activities would generate GHG emissions. Project impacts related to greenhouse gases would be significant and unavoidable; however, this alternative would not increase greenhouse gases above existing conditions. Therefore, overall GHG impacts would be reduced in comparison to the Project.

Hazards and Hazardous Materials

No new construction activities would occur at the Project site or operation of new high-cube warehouse buildings that would generate, and result in transport of, hazardous materials. As there are no existing structures onsite, there would be no operation onsite that would generate hazardous materials. The No Project/No Build Alternative would not include major construction activities that would use typical construction-related hazardous materials. Thus, potential impacts related to use, disposal, and transport of hazardous materials would be avoided by this alternative. While this Draft EIR determined that the Project's impacts related to hazards and hazardous materials would be less than significant, this alternative would result in less impacts since no grading or construction would occur. Therefore, the No Project/No Build alternative would result in less impacts than the proposed Project.

Hydrology and Water Quality

Existing water quality conditions, groundwater supplies, drainage patterns, and runoff water amounts would remain "as is" under this Alternative as no new development would occur. This alternative would not introduce new sources of water pollutants from either the construction or operation phases of development to the Project site, because no new development would occur. Additionally, this alternative would not require the storm drain facility improvements that would be necessary with the Project. However, this alternative would not include installation of new low-impact development (LID) treatment control best management practices (BMPs) to minimize runoff, which would occur by the Project. Storm water leaving the site would continue to contain sediment associated with the existing conditions of the site. Due to the lack of urban activities that would occur by the No Project/No Build Alternative, a reduction in potential pollutants would result. Therefore, the No Project/No Build Alternative would reduce potential impacts to Hydrology and Water Quality, compared to those that could occur from the Project.

Land Use and Planning

This alternative would not result in new development, and as such, there would be no potential for land uses to be introduced that would indirectly result in environmental impacts due to a conflict with an existing land use plan. Under this alternative a Specific Plan Amendment (SPA) to the MSFC-SP would not be required. Overall, this alternative would result in no impacts to land use and planning, and therefore, would be less than the Project's impacts.

Noise

Under this alternative, no development would occur onsite, and no new sources of noise would be introduced. Since no new development would occur and no traffic trips would be generated, this alternative would not contribute to an incremental increase in area-wide traffic noise levels. In addition, this alternative would not result in construction onsite and no construction noise or vibration would occur. As a result, the No Project/No Build Alternative would not generate any noise. Thus, impacts related to noise would be less than the proposed Project.

Transportation

This alternative would not result in new development, and as such, would not result in any vehicular trips or VMT related to operation of the Project site. As the Project site would not be developed and trips would not be generated, the No Project/No Development alternative would avoid the

Project's significant and unavoidable impact and reduce the Project's VMT impacts so that mitigation would not be required. Therefore, the No Project/No Development Alternative would result in less impacts than the proposed Project.

Tribal Cultural Resources

The No Project/No Build Alternative would not develop the Project site. No grading or excavation would occur under this alternative and there would be no potential impacts to subsurface Tribal Cultural Resources that may exist beneath the ground surface. Therefore, the Project's potential impacts to Tribal Cultural Resources would not occur and MMs would not be required. Thus, impacts under this alternative would be less than the Project.

Utilities and Service Systems

Under this alternative, existing conditions would remain, and no new development would occur. No additional domestic water, wastewater, stormwater drainage, electric power, natural gas, or telecommunication facilities would be needed under this alternative, and there would be no change in the demand for domestic water or wastewater treatment services. This alternative would also not result in increased demand for solid waste collection and disposal. Selection of this alternative would avoid all of the Project's impacts to utilities and service system providers. While the Project would result in less than significant impacts, this alternative would result in less impacts due to no change in demand of these service systems. Therefore, the No Project/No Development Alternative would result in less impacts than the proposed Project.

8.7 CONCLUSION

Ability to Reduce Impacts

This alternative would reduce the Project's significant and unavoidable impacts related to VMT and GHG to no impact. The No Project/No Build Alternative would eliminate less than significant impacts related to the topical sections analyzed in this EIR and would not necessitate identified MMs related to aesthetics, biological resources, cultural resources, geology & soils, paleontological resources, traffic, and tribal cultural resources that would result in the identified impacts being reduced to a less than significant level under the Project.

Ability to Achieve Project Objectives

Implementation of the No Project/No Build Alternative would not implement the proposed development on the Project site, and none of the Project objectives would be achieved under this alternative. The No Project/No Build Alternative would not add to the City's employment-generating uses or new businesses, would not promote economic growth, would not reduce the need for commuting to employment, would not develop the site for industrial warehousing consistent with the City's land use designation. A comparison of the No Project/No Build Alternative and the Project objectives is provided in Table 8-4.

8.8 NO PROJECT/EXISTING LAND USE ALTERNATIVE

The No Project/Existing Land Use would reduce the intensity of the proposed industrial uses, locate the development on the northern portion of the site, and the remainder of the site would be left in its existing condition. Development under this alternative would be consistent with MSFC-SP designation of the two northerly parcels of the site (APN 3064-401-03 and -04) as Commercial/Industrial Park (CIBP) and the southerly parcel of the site (APN 3064-401-05) as Neighborhood Commercial (NC). Under this alternative, the northern 21.06-acre portion of the site

(APN 3064-401-03 and -04) would be developed at a FAR of 0.48 with a 440,339 SF warehouse building (shown on Figure 8-1). A proportional reduction in the amount of loading docks, surface parking area and commensurate number of parking spaces for vehicles and trucks also would occur in the No Project/Existing Land Use. This alternative would implement all offsite improvements proposed under the Project, including the construction of "A" Street along the west side of the Project site and proposed utility improvements. The remaining 8.55 acres (29 percent) of the Project site would remain undeveloped and in its existing condition.

8.8.1 ENVIRONMENTAL IMPACTS

Aesthetics

Under the No Project/Existing Land Use, the same type of light industrial warehouse development would occur on the Project site. However, the development would be limited to the northern 21.06-acre portion of the site and the aesthetics of the remaining 8.55 acres (29 percent) of the Project site would remain undeveloped and in its existing condition. The No Project/Existing Land Use would be visually less dense than the proposed Project. The No Project/Existing Land Use would include construction of a building with a smaller footprint, but of the same height and the same architectural character as the Project. Thus, the visual character and quality of the developed portion of the site would be slightly less, but similar to the Project, and impacts to visual character and quality would be less than significant.

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No Project/Existing Use Alternative



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Because 29 percent of the site would remain as undeveloped under this alternative, and fewer lights would be required to illuminate the exterior of a smaller building and parking lot, the No Project/Existing Land Use would result in fewer sources of light and glare. Overall, implementation of the No Project/Existing Land Use would result in a large area of undeveloped open space on the western portion of the Project site and requires the same MMs as the proposed Project to reduce impacts to a less than significant level. Thus, aesthetic impacts from the No Project/Existing Land Use would be neutral in comparison to the proposed Project.

Air Quality

The No Project/Existing Land Use would reduce the proposed industrial development on the Project site by 29 percent. Therefore, a reduced volume of construction activities and related emissions would occur. In addition, the reduced amount of square footage that would be developed by this alternative would result in less stationary source emissions from equipment on-site, substantially less vehicular trips, and associated emissions than the Project. Therefore, overall air quality impacts would be reduced in comparison to the less than significant impacts of the Project. Thus, this alternative and cumulative impacts under this alternative would be less than the Project.

Biological Resources

The No Project/Existing Land Use would reduce the amount of building area and associated parking stalls proposed for the Project site. This alternative would largely reduce the impacts to Joshua Trees. As detailed in Section 5.3, *Biological Resources*, 97 Joshua trees within the Project boundaries (Project site and offsite improvement areas) have the potential to be impacted. The development area of the No Project/Existing Land Use would avoid approximately 22 onsite Joshua trees. Therefore, under the No Project/Existing Land Use, the project would result in an impact of 75 Joshua trees. Thus, this alternative would result in impacts to avoid impacts to 23 percent of the Joshua trees within the Project area. However, because some Joshua trees would still be impacted by this alternative, MMs would continue to be required to reduce impacts to Joshua trees to a less than significant level. Similarly, the area of potential impacts to other sensitive wildlife species would be reduced; however, MMs BIO-1 through BIO-13 would continue to be required to be implemented. Thus, this alternative would result in less than significant impacts with mitigation, but fewer impacts to biological resources compared to the proposed Project.

Cultural and Paleontological Resources

The No Project/Existing Land Use would result in similar impacts to potential undiscovered subsurface archaeological resources within the reduced construction area. Grading and excavation would still be required as part of the construction process; therefore, the same mitigation would be required to reduce potential impacts to less than significant. Therefore, impacts to cultural and paleontological resources from the No Project/Existing Land Use would be similar to those associated with the proposed Project.

Energy

Under the No Project/Existing Land Use, approximately 29 percent less building area would be developed within the Project site. This would result in an approximately 29 percent decrease in the demand for energy in comparison to the proposed Project, which was determined to be less than significant. Although the Project demands for energy were determined to be less than significant, the amount of energy used by the No Project/Existing Land Use would be 29 percent less and would comply with the same regulations/incorporate the same measures to ensure no wasteful or inefficient use of energy. Therefore, impacts to energy would be less under this alternative than the less than significant impacts that would occur from implementation of the Project.

Geology and Soils

Under this alternative, approximately 29 percent less area would be developed within the Project site. Potential impacts related to the potential for additional workers, building, and structures to experience seismic ground shaking, liquefaction, lateral spreading, subsidence, or collapse within the Project site would be similar to the Project. Soil erosion impacts would also be less than significant due to compliance with water quality standards, and new development would be required to comply with regulatory requirements regarding geologic considerations such as seismic hazards from ground shaking. The same MMs regarding paleontological resources would be required for this alternative. This alternative would result in less than significant impacts to geology and soils, and therefore, would be consistent with the Project's impact.

Greenhouse Gas Emissions

The No Project/Existing Land Use would develop the Project site with the same type of industrial warehouse use, but with a 29 percent reduction in square footage. Therefore, a reduction of construction and related production of GHG emissions would occur, compared to the proposed Project. In addition, the reduced amount of square footage that would be developed by this alternative would result in less stationary source emissions from equipment on-site, and less vehicular trip associated GHG emissions than the Project. The increase in GHG emissions that would be generated from operation of this alternative would be approximately 29 percent less than the proposed Project, which would total approximately 8,292 MT CO₂e per year. Additionally, proportionally, the Project would still be anticipated to result in similar MT CO₂e per year per service population as the Project (21.3 MT CO₂e) since service population demand would proportionally decrease with building/operation scale. Therefore, the alternative would result in a significant and unavoidable impact, but less of an impact compared to the Project.

Hazards and Hazardous Materials

Under this alternative, approximately 29 percent less area would be developed within the Project site. Like the proposed Project, construction of this alternative would be required to comply with existing regulations regarding the transport, use, and disposal of hazardous materials. In addition, this alternative would likely require the same utilization of hazardous materials during operation, including diesel particulate matter, as the proposed Project. Overall, this alternative would result in less than significant impacts to hazards and hazardous materials, and therefore, would be consistent with the Project's impact.

Hydrology and Water Quality

The No Project/Existing Land Use would result in a reduced area of impervious surfaces compared to the Project. However, like the proposed Project, this alternative would introduce new sources of water pollutants from warehouse development and operation activities. Additionally, this alternative would be required to include storm drain facility improvements, LID, source control, site design, and treatment control BMPs that are similar to those that are included in the Project. Therefore, the No Project/Existing Land Use would result in less than significant impacts to hydrology and water quality that are similar to those that would occur from the Project. Overall, hydrology and water quality impacts would be less than significant, and neutral in comparison to the Project.

Land Use and Planning

Under this alternative, approximately 29 percent less area would be developed within the Project site. Like the proposed Project, the Reduced Project alternative would develop the northern parcels zoned as CIBP with a 440,339 SF warehouse and the southern portion of the site designated as NC would remain vacant. Under this alternative an SPA to the MSFC-SP would not be required. With

implementation of measures to address other environmental issues (e.g., biological resources, etc.), potential impacts due to land use compatibility under both the Project and this alternative would remain less than significant. This alternative would also not physically disrupt or divide the arrangement of an established community. Overall, impacts related to land use and planning from the No Project/Existing Land Use Alternative would be less than significant; and therefore, would be less due to the reduced requirement for an SPA, but consistent with the Project's impacts.

Noise

Noise impacts would be reduced from the noise impacts of the Project because a smaller building would be constructed, and the construction timeline would be shorter. Project operational noise impacts would be reduced because this alternative would result in fewer truck trips as the Project, and the stationary noise sources would be reduced in relation to the reduction in warehouse/logistics building square footage. Overall, noise impacts from the No Project/Existing Land Use would be less than the Project's less than significant impacts.

Transportation

Construction and operation-related traffic and truck trips would be reduced under the No Project/Existing Land Use because this alternative would decrease the Project by 29 percent. Daily vehicular trips would be reduced in relation to the reduction of the building area. Therefore, the No Project/Existing Land Use would result in 911 daily trips (see Table 8-1), whereas the Project would result in 1,357 daily trips. Although the project would be reduced by 29 percent, VMT is measured by employee; therefore, a reduction in project size would not be anticipated to proportionally reduce VMT impacts. Therefore, the Project's mitigation for cumulative VMT impacts would be required under this alternative and impacts would be significant and unavoidable. Overall, impacts under the No Project/Existing Land Use would remain significant and unavoidable with mitigation, and be slightly less in comparison to the Project due to reduced trips.

Table 8-1: No Project/Existing Land Use Alternative Trip Generation

Land Use				AM Peak Hour			PM Peak Hour		
	SF	Units	Daily	In	Out	Total	In	Out	Total
<u>Trip Rates</u>									
High-Cube Transload and Short-Term Storage ¹		TSF	1.40	0.06	0.02	0.08	0.03	0.07	0.10
Manufacturing ²		TSF	4.75	0.52	0.16	0.68	0.23	0.51	0.74
<u>Project Trip Generation</u>									
High-Cube Transload and Short-Term Storage	330.254	TSF	462	20	6	26	9	24	33
Without Cold Storage (75%)									
<u>Vehicle Mix³</u>		<u>Percent³</u>							
Passenger Vehicles		72.50%	335	15	4	19	7	17	24
2-Axle truck		4.60%	21	1	0	1	0	2	2
3-Axle truck		5.70%	26	1	0	1	1	1	2
4+-Axle Trucks		17.20%	80	3	2	5	1	4	5

		100%	462	20	6	26	9	24	33
<u>PCE Trip Generation⁴</u>		<u>PCE Factor</u>							
Passenger Vehicles		1.0	335	15	4	19	7	17	24
2-Axle truck		1.5	32	2	0	2	0	3	3
3-Axle truck		2.0	52	2	0	2	2	2	4
4+-Axle Trucks		3.0	240	9	6	15	3	12	15
			659	28	10	38	12	34	46
High-Cube Transload and Short-Term Storage	22.017	TSF	31	1	0	2	1	2	2
With Cold Storage (5%)									
<u>Vehicle Mix⁵</u>		<u>Percent⁵</u>							
Passenger Vehicles		55.30%	17	1	0	1	1	0	1
2-Axle truck		15.50%	5	0	0	0	0	0	0
3-Axle truck		4.90%	2	0	0	0	0	0	0
4+-Axle Trucks		24.30%	7	0	1	1	0	1	1
		100%	31	1	1	2	1	1	2
<u>PCE Trip Generation⁴</u>		<u>PCE Factor</u>							
Passenger Vehicles		1.0	17	1	0	1	1	0	1
2-Axle truck		1.5	8	0	0	0	0	0	0
3-Axle truck		2.0	4	0	0	0	0	0	0
4+-Axle Trucks		3.0	21	0	3	3	0	3	3
			50	1	3	4	1	3	4
Manufacturing (20%)	88.068	TSF	418	46	14	60	20	45	65
<u>Vehicle Mix³</u>		<u>Percent³</u>							
Passenger Vehicles		72.50%	303	33	11	44	15	32	47
2-Axle truck		4.60%	19	2	1	3	1	2	3
3-Axle truck		5.70%	24	3	0	3	1	3	4
4+-Axle Trucks		17.20%	72	8	2	10	3	8	11
		100%	418	46	14	60	20	45	65
<u>PCE Trip Generation⁴</u>		<u>PCE Factor</u>							
Passenger Vehicles		1.0	303	33	11	44	15	32	47
2-Axle truck		1.5	29	3	2	5	2	3	5
3-Axle truck		2.0	48	6	0	6	2	6	8

4+-Axle Trucks		3.0	216	24	6	30	9	24	33
			596	66	19	85	28	65	93
Total Trip Generation			911	67	21	88	30	70	100
Total Trip Generation (PCE)			1,305	95	32	127	41	102	143
TSF = Thousand Square Feet									
PCE = Passenger Car Equivalent									
¹ Trip rates from the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition, 2021. Land Use Code 154 - High-Cube Transload and Short-Term Storage.									
² Trip rates from the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition, 2021. Land Use Code 140 - Manufacturing.									
³ Vehicle Mix from the South Coast Air Quality Management District (AQMD), Warehouse Truck Trip Study Data Results and Usage, July 17, 2014. Without Cold Storage									
⁴ Passenger Car Equivalent (PCE) factors from the San Bernardino County CMP, Appendix B - Guidelines for CMP Traffic Impact Analysis Reports in San Bernardino County, 2016.									
⁵ Vehicle Mix from the South Coast Air Quality Management District (AQMD), Warehouse Truck Trip Study Data Results and Usage, July 17, 2014. With Cold Storage									

Tribal Cultural Resources

Under this alternative, the Project would be reduced by approximately 29 percent. Grading and excavation would still occur under this alternative, therefore, there could be similar impacts to tribal cultural resources and the same MMs would be required for the reduced construction area. Therefore, impacts that could occur by the No Project/Existing Land Use would be similar to those associated with the Project.

Utilities and Service Systems

The No Project/Existing Land Use would reduce the size of the Project by approximately 29 percent. This would reduce the number of employees on the Project site in relation to the reduction building square footage; and would also reduce demand for utilities from the proposed building. Under this alternative, demand for regional water supplies would be less than the Project. Thus, impacts related to water supplies would be less than the less than significant impacts that would occur from implementation of the Project. Similarly, solid waste generation would be less than the amount of solid waste generated by the Project and require less landfill capacity. Therefore, impacts to utilities and service systems under this alternative would result in similar less than significant impacts as the proposed Project.

8.8.2 CONCLUSION

Ability to Reduce Impacts

The No Project/Existing Land Use would reduce the total graded and developed area which would decrease the impacts related to biological, cultural, paleontological, transportation, and tribal cultural resources. However, similar to the Project, this alternative would require MMs to ensure impacts are less than significant. Consistent with the Project, the No Project/Existing Land Use would result in a significant and unavoidable impact related to hazardous traffic conditions. However, the volume of impacts would be less with the No Project/Existing Land Use in comparison to the Project. Mitigation for biological resources, cultural resources, paleontological resources, traffic, and tribal cultural resources would still be required to reduce the identified potentially significant impacts to less than significant levels. This alternative would further reduce the less than impacts related to air quality, greenhouse gas, energy, and noise. However, similar to the Project, no mitigation related to these environmental topics are required.

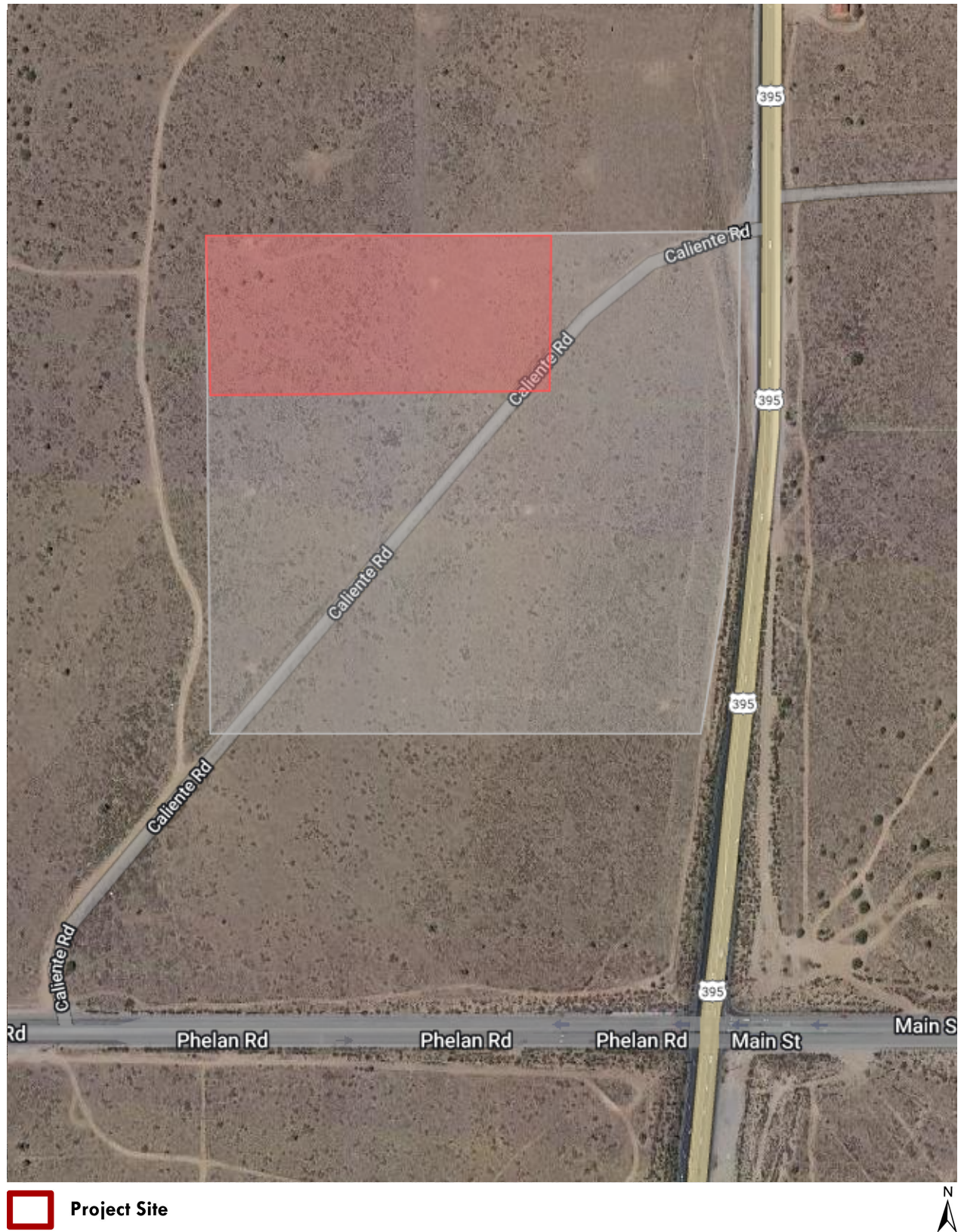
Ability to Achieve Project Objectives

Implementation of the No Project/Existing Land Use would meet the Project objectives, but some of them would not be met to the extent as would be achieved by the Project, as listed in Table 8-3. The No Project/Existing Land Use would provide for development of a warehouse use on the site; however, the alternative provides approximately 29 percent less of warehouse space than the Project, and it would have the ability to attract less business activity, less economic growth, and fewer local employment opportunities to area residents, and less development of an underutilized site that is designated for development.

8.9 REDUCED PROJECT ALTERNATIVE

The Reduced Project Alternative would reduce the intensity of the proposed industrial uses, locate the development on the northern portion of the site, and the remainder of the site would be left in its existing condition. Development under this alternative would be consistent with MSFC-SP designation of the two northerly parcels of the site (APN 3064-401-03 and -04) as Commercial/Industrial Park (CIBP) and the southerly parcel of the site (APN 3064-401-05) as Neighborhood Commercial (NC). Under this alternative, the northern 6.34-acre portion of the site (APN 3064-401-03) would be developed at a FAR of 0.48 with a 132,561 SF warehouse building (including manufacturing and cold storage as proposed under the Project) (see Figure 8-2). A proportional reduction in the amount of loading docks, surface parking area and commensurate number of parking spaces for vehicles and trucks also would occur in the Reduced Project Alternative. This alternative would implement all offsite improvements proposed under the Project, including the construction of "A" Street along the west side of the Project site and proposed utility improvements. The remaining 23.29 acres (79 percent) of the Project site would remain undeveloped and in its existing condition.

Reduced Project Alternative



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8.9.1 ENVIRONMENTAL IMPACTS

Aesthetics

Under the Reduced Project Alternative, the same type of light industrial warehouse development would occur on the Project site. However, the development would be limited to the northern 6.32-acre portion of the site and the aesthetics of the remaining 23.29 acres (79 percent) of the Project site would remain undeveloped and in its existing condition. The Reduced Project Alternative would be visually less dense than the proposed Project. The Reduced Project Alternative would include construction of a building with a smaller footprint, but of the same height and the same architectural character as the Project. Thus, impacts to visual character and quality would be less than significant. Thus, aesthetic impacts from the Reduced Project Alternative would be slightly less proposed Project.

Air Quality

The Reduced Project Alternative would reduce the proposed industrial development on the Project site by 79 percent. Therefore, a reduced volume of construction activities and related emissions would occur. In addition, the reduced amount of square footage that would be developed by this alternative would result in less stationary source emissions from equipment on-site, substantially less vehicular trips, and associated emissions than the Project. Therefore, overall air quality impacts would be reduced in comparison to the less than significant impacts of the Project. Thus, this alternative and cumulative impacts under this alternative would be less than the Project.

Biological Resources

The Reduced Project Alternative would reduce the amount of building area and associated parking stalls proposed for the Project site. This alternative would largely reduce the impacts to Joshua Trees. As detailed in Section 5.3, *Biological Resources*, 97 Joshua trees within the Project boundaries (Project site and offsite improvement areas) have the potential to be impacted. The development area of the Reduced Project Alternative would avoid approximately 22 onsite Joshua trees. Therefore, under the Reduced Project Alternative, the project would result in an impact of 75 Joshua trees. Thus, this alternative would result in impacts to avoid impacts to 23 percent of the Joshua trees within the Project area. However, because some Joshua trees would still be impacted by this alternative, MMs would continue to be required to reduce impacts to Joshua trees to a less than significant level. Similarly, the area of potential impacts to other sensitive wildlife species would be reduced; but, MMs BIO-1 through BIO-13 would continue to be required to be implemented. Thus, this alternative would result in fewer impacts to biological resources compared to the proposed Project.

Cultural and Paleontological Resources

The Reduced Project Alternative would result in similar impacts to potential undiscovered subsurface archaeological resources within the reduced construction area. Grading and excavation would still be required as part of the construction process; therefore, the same mitigation would be required to reduce potential impacts to less than significant. Therefore, impacts to cultural and paleontological resources from the Reduced Project Alternative would be similar to those associated with the proposed Project.

Energy

Under the Reduced Project Alternative, approximately 79 percent less building area would be developed within the Project site. This would result in an approximately 79 percent decrease in the demand for energy in comparison to the proposed Project, which was determined to be less than

significant. Although the Project demands for energy were determined to be less than significant, the amount of energy used by the Reduced Project Alternative would be 79 percent less and would comply with the same regulations/incorporate the same measures to ensure no wasteful or inefficient use of energy. Therefore, impacts to energy would be less under this alternative than the less than significant impacts that would occur from implementation of the Project.

Geology and Soils

Under this alternative, approximately 79 percent less area would be developed within the Project site. Potential impacts related to the potential for additional workers, building, and structures to experience seismic ground shaking, liquefaction, lateral spreading, subsidence, or collapse within the Project site would be similar to the Project. Soil erosion impacts would also be less than significant due to compliance with water quality standards, and new development would be required to comply with regulatory requirements regarding geologic considerations such as seismic hazards from ground shaking. The same MMs regarding paleontological resources would be required for this alternative. This alternative would result in less than significant impacts with mitigation to geology and soils, and therefore, would be consistent with the Project's impact.

Greenhouse Gas Emissions

The Reduced Project Alternative would develop the Project site with the same type of industrial warehouse use, but with a 79 percent reduction in square footage. Therefore, a reduction of construction and related production of GHG emissions would occur, compared to the proposed Project. In addition, the reduced amount of square footage that would be developed by this alternative would result in less stationary source emissions from equipment on-site, and less vehicular trip associated GHG emissions than the Project. The increase in GHG emissions that would be generated from operation of this alternative would be approximately 79 percent less than the proposed Project; therefore, GHG would result in approximately 2,452 MT CO₂e per year, which would be below the SCAQMD threshold of 3,000 MT CO₂e per year. However, proportionally, the Project would still be anticipated to result in similar MT CO₂e per year per service population as the Project (21.3 MT CO₂e) since service population demand would proportionally decrease with building/operation scale. Therefore, the alternative would result in a significant and unavoidable impact, but less of an impact compared to the Project.

Hazards and Hazardous Materials

Under this alternative, approximately 79 percent less area would be developed within the Project site. Like the proposed Project, construction of this alternative would be required to comply with existing regulations regarding the transport, use, and disposal of hazardous materials. In addition, this alternative would likely require the same utilization of hazardous materials during operation, including diesel particulate matter, as the proposed Project. Overall, this alternative would result in less than significant impacts with mitigation on hazards and hazardous materials, and therefore, would be consistent with the Project's impact.

Hydrology and Water Quality

The Reduced Project Alternative would result in a reduced area of impervious surfaces compared to the Project. However, like the proposed Project, this alternative would introduce new sources of water pollutants from warehouse development and operation activities. Additionally, this alternative would be required to include storm drain facility improvements, LID, source control, site design, and treatment control BMPs that are similar to those that are included in the Project. Therefore, the Reduced Project Alternative would result in less than significant impacts to hydrology

and water quality that are similar to those that would occur from the Project. Overall, hydrology and water quality impacts would be less than significant, and neutral in comparison to the Project.

Land Use and Planning

Under this alternative, approximately 79 percent less area would be developed within the Project site. Like the proposed Project, the Reduced Project alternative would develop the northern parcels zoned as CIBP with a 140,000 SF warehouse and the southern portion of the site designated as NC would remain vacant. Under this alternative an SPA to the MSFC-SP would not be required. With implementation of measures to address other environmental issues (e.g., biological resources, etc.), potential impacts due to land use compatibility under both the Project and this alternative would remain less than significant. This alternative would also not physically disrupt or divide the arrangement of an established community. Overall, impacts related to land use and planning from the Reduced Project Alternative would be less than significant; and therefore, would be consistent with the Project's impacts.

Noise

Noise impacts would be reduced from the noise impacts of the Project because a smaller building would be constructed, and the construction timeline would be shorter. Project operational noise impacts would be reduced because this alternative would result in fewer truck trips as the Project, and the stationary noise sources would be reduced in relation to the reduction in warehouse/logistics building square footage. Overall, noise impacts from the Reduced Project Alternative would be less than the Project's less than significant impacts.

Transportation

Construction and operation-related traffic and truck trips would be reduced under the Reduced Project Alternative because this alternative would decrease the Project by 79 percent. Daily vehicular trips would be reduced in relation to the reduction of the building area. Therefore, the Reduced Project Alternative would result in 274 daily trips, whereas the Project would result in 1,357 daily trips. Although the project would be reduced by 79 percent, the project would contribute more than 110 daily trips and would require VMT analysis per the City of Hesperia Traffic Impact Analysis Guidelines. VMT is measured by employee, therefore, a reduction in project size under this alternative would not be anticipated to substantially reduce VMT impacts. Therefore, the alternative would be anticipated to result in similar impacts as the proposed Project, and would result in a significant and unavoidable impact.

Table 8-2: Reduced Alternative Trip Generation

Land Use		Units	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
<u>Trip Rates</u>									
High-Cube Transload and Short-Term Storage ¹		TSF	1.40	0.06	0.02	0.08	0.03	0.07	0.10
Manufacturing ²		TSF	4.75	0.52	0.16	0.68	0.23	0.51	0.74
<u>Project Trip Generation</u>									
High-Cube Transload and Short-Term Storage	99.421	TSF	139	6	2	8	3	7	10
Without Cold Storage (75%)									

<u>Vehicle Mix</u> ³		Percent 3							
Passenger Vehicles		72.50%	101	4	2	6	2	5	7
2-Axle truck		4.60%	6	0	0	0	0	0	0
3-Axle truck		5.70%	8	0	0	0	0	1	1
4+-Axle Trucks		17.20%	24	2	0	2	1	1	2
		100%	139	6	2	8	3	7	10
<u>PCE Trip Generation</u> ⁴		PCE Factor							
Passenger Vehicles		1.0	101	4	2	6	2	5	7
2-Axle truck		1.5	9	0	0	0	0	0	0
3-Axle truck		2.0	16	0	0	0	0	2	2
4+-Axle Trucks		3.0	72	6	0	6	3	3	6
			198	10	2	12	5	10	15
High-Cube Transload and Short-Term Storage	6.628	TSF	9	0	0	1	0	0	1
With Cold Storage (5%)									
<u>Vehicle Mix</u> ⁵		Percent 5							
Passenger Vehicles		55.30%	5	0	1	1	0	1	1
2-Axle truck		15.50%	1	0	0	0	0	0	0
3-Axle truck		4.90%	0	0	0	0	0	0	0
4+-Axle Trucks		24.30%	3	0	0	0	0	0	0
		100%	9	0	1	1	0	1	1
<u>PCE Trip Generation</u> ⁴		PCE Factor							
Passenger Vehicles		1.0	5	0	1	1	0	1	1
2-Axle truck		1.5	2	0	0	0	0	0	0
3-Axle truck		2.0	0	0	0	0	0	0	0
4+-Axle Trucks		3.0	9	0	0	0	0	0	0
			16	0	1	1	0	1	1
Manufacturing (20%)	26.512	TSF	126	14	4	18	6	14	20
<u>Vehicle Mix</u> ³		Percent 3							
Passenger Vehicles		72.50%	91	10	3	13	4	11	15
2-Axle truck		4.60%	6	1	0	1	0	1	1
3-Axle truck		5.70%	7	1	0	1	0	1	1
4+-Axle Trucks		17.20%	22	2	1	3	2	1	3

		100%	126	14	4	18	6	14	20
<i>PCE Trip Generation</i> ⁴		PCE Factor							
Passenger Vehicles		1.0	91	10	3	13	4	11	15
2-Axle truck		1.5	9	2	0	2	0	2	2
3-Axle truck		2.0	14	2	0	2	0	2	2
4+-Axle Trucks		3.0	66	6	3	9	6	3	9
			180	20	6	26	10	18	28
Total Trip Generation			274	20	7	27	9	22	31
Total Trip Generation (PCE)			394	30	9	39	15	29	44
TSF = Thousand Square Feet									
PCE = Passenger Car Equivalent									

¹ Trip rates from the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition, 2021. Land Use Code 154 - High-Cube Transload and Short-Term Storage.

² Trip rates from the Institute of Transportation Engineers, Trip Generation Manual, 11th Edition, 2021. Land Use Code 140 - Manufacturing.

³ Vehicle Mix from the South Coast Air Quality Management District (AQMD), Warehouse Truck Trip Study Data Results and Usage, July 17, 2014. Without Cold Storage

⁴ Passenger Car Equivalent (PCE) factors from the San Bernardino County CMP, Appendix B - Guidelines for CMP Traffic Impact Analysis Reports in San Bernardino County, 2016.

⁵ Vehicle Mix from the South Coast Air Quality Management District (AQMD), Warehouse Truck Trip Study Data Results and Usage, July 17, 2014. With Cold Storage

Tribal Cultural Resources

Under this alternative, the Project would be reduced by approximately 79 percent. Grading and excavation would still occur under this alternative, therefore, there could be similar impacts to tribal cultural resources and the same MMs would be required for the reduced construction area. Therefore, impacts that could occur by the Reduced Project Alternative would be similar to those associated with the Project.

Utilities and Service Systems

The Reduced Project Alternative would reduce the size of the Project by approximately 79 percent. This would reduce the number of employees on the Project site in relation to the reduction building square footage; and would also reduce demand for utilities from the proposed building.

Under this alternative, demand for regional water supplies would be less than the Project. Thus, impacts related to water supplies would be less than the less than significant impacts that would occur from implementation of the Project. Similarly, solid waste generation would be less than the amount of solid waste generated by the Project and require less landfill capacity. Therefore, impacts to utilities and service systems under this alternative would result in similar less than significant impacts as the proposed Project.

8.9.2 CONCLUSION

Ability to Reduce Impacts

The Reduced Project Alternative would reduce the total graded and developed area which would decrease the impacts related to biological, cultural, paleontological, transportation, and tribal cultural resources. However, similar to the Project, this alternative would require MMs to ensure

impacts are less than significant. The Reduced Project Alternative would avoid the Project's significant and unavoidable GHG impact related to the SCAQMD 3,000 MT CO₂e threshold (but would still be over SCAQMD's per service population threshold). Overall, the volume of impacts would be less with the Reduced Project Alternative in comparison to the Project. However, mitigation for biological resources, cultural resources, geological resources, paleontological resources, traffic, and tribal cultural resources would still be required to reduce the identified potentially significant impacts to less than significant levels. This alternative would further reduce the less than impacts related to air quality, energy, and noise. However, similar to the Project, no mitigation related to these environmental topics are required.

Ability to Achieve Project Objectives

Implementation of the Reduced Project Alternative would meet the Project objectives, but some of them would not be met to the extent as would be achieved by the Project, as listed in Table 8-3. The Reduced Project Alternative would provide for development of a warehouse use on the site; however, the alternative provides approximately 79 percent less of warehouse space than the Project, and it would have the ability to attract less business activity, less economic growth, and fewer local employment opportunities to area residents, and less development of an underutilized site that is designated for development.

8.10 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

CEQA requires a lead agency to identify the "environmentally superior alternative" when significant environmental impacts result from a proposed project. The Environmentally Superior Alternative to the Project would be the No Project/No Build Alternative. No substantially significant and long-term impacts would occur to the environment as a result of this No Project/No Build Alternative. However, CEQA Guidelines Section 15126.6(3)(1) states:

The "no project" analysis shall discuss the existing conditions at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, as well as what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services. If the environmentally superior alternative is the "no project" alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives. (Emphasis added).

The Environmentally Superior Alternative (other than the No Project/No Build Alternative) is the No Project/Existing Land Use, which would reduce the building size by approximately 79 percent, to an approximate sized of 140,000 SF, with a reduction in parking area and parking spaces. Although some of the less than significant impacts would be reduced under the No Project/Existing Land Use in comparison to the proposed Project, all MMs would be applied. However, under this alternative, the Project's significant and unavoidable impact on hazardous traffic conditions would be eliminated.

Regarding Project Objectives, the No Project/Existing Land Use would result in less economic gain and fewer employment opportunities than the Project. This alternative would have the ability to attract less business activity and fewer employment opportunities to area residents. In addition, the

smaller development would not fully develop an underutilized property. Fewer members of the local workforce would be able to obtain local employment.

CEQA does not require the Lead Agency (the City of Hesperia) to choose the environmentally superior alternative. Instead, CEQA requires the City to consider environmentally superior alternatives, weigh those considerations against the environmental impacts of the Project, and make findings that the benefits of those considerations outweigh the harm.

Table 8-3 provides, in summary format, a comparison between the level of impacts for each alternative and the Project. In addition, Table 8-4 provides a comparison of the ability of each of the alternatives to meet the Project Objectives.

Table 8-3: Impact Comparison of the Proposed Project and Alternatives

	Proposed Project	Alternative 1: No Project/No Build	Alternative 2: No Project/Existing Land Use	Alternative 3: Reduced Project
Aesthetics	Less than significant	Less, no impacts	Same as proposed Project, less than significant	Same as proposed Project, less than significant
Air Quality	Less than significant	Less, no impacts	Less, but also less than significant	Less, but also less than significant
Biological Resources	Less than significant with mitigation	Less, no impacts, no mitigation required	Same as proposed Project, less than significant with mitigation	Same as proposed Project, less than significant with mitigation
Cultural Resources	Less than significant with mitigation	Less, no impacts, no mitigation required	Same as proposed Project, less than significant with mitigation	Same as proposed Project, less than significant with mitigation
Energy	Less than significant	Less, no impacts	Less, but also less than significant	Less, but also less than significant
Geology and Soils	Less than significant with mitigation	Less, no impacts	Same as proposed Project, less than significant with mitigation	Same as proposed Project, less than significant with mitigation
Greenhouse Gas Emissions	Significant and unavoidable	Less, no impacts	Less, but also significant and unavoidable	Less, but also significant and unavoidable
Hazards and Hazardous Materials	Less than significant	Less, no impacts	Same as proposed Project, less than significant	Same as proposed Project, less than significant
Hydrology and Water Quality	Less than significant	Less, no impacts	Same as proposed Project, less than significant	Same as proposed Project, less than significant
Land Use and Planning	Less than significant	Less, no impacts	Same as proposed Project, less than significant	Same as proposed Project, less than significant
Noise	Less than significant	Less, no impacts	Less, but also less than significant	Less, but also less than significant
Transportation	Significant and unavoidable	Less, no impacts	Same as proposed Project, significant and unavoidable	Same as proposed Project, significant and unavoidable
Tribal Cultural Resources	Less than significant with mitigation	Less, no impacts	Same as proposed Project; less than	Same as proposed Project; less than

	Proposed Project	Alternative 1: No Project/No Build	Alternative 2: No Project/Existing Land Use	Alternative 3: Reduced Project
			significant with mitigation	significant with mitigation
Utilities	Less than Significant	Less, no impacts	Less, but also less than significant	Less, but also less than significant
Reduce Impacts of the Project?		Yes	Yes	Yes
Areas of Reduced Impacts Compared to the Project		14	5	5
Areas of Reduced Need for Mitigation		5	0	0

Table 8-4: Comparison of the Proposed Project and Alternatives Ability to Meet Objectives

	Proposed Project	Alternative 1: No Project / No Build	Alternative 2: No Project/Existing Land Use	Alternative 3: Reduced Project
To make efficient use of the property in the City of Hesperia by adding to its potential for employment-generating uses.	Yes	No	Yes, but not to the same extent as the proposed Project.	Yes, but not to the same extent as the proposed Project.
To attract new business and employment to the City of Hesperia and thereby promote economic growth.	Yes	No	Yes, but not to the same extent as the proposed Project.	Yes, but not to the same extent as the proposed Project.
To reduce the need for members of the local workforce to commute outside the Project vicinity to work.	Yes	No	Yes, but not to the same extent as the proposed Project.	Yes, but not to the same extent as the proposed Project.
To develop an underutilized property with an industrial warehouse building near US 396 and I-15, to help meet demand for logistics business in the City and surrounding region.	Yes	No	Yes, but not to the same extent as the proposed Project.	Yes, but not to the same extent as the proposed Project.
To build an industrial warehouse project in western Hesperia that are similar to and compatible with other industrial buildings that were recently built or recently approved for construction in western Hesperia.	Yes	No	Yes.	Yes.
Develop a project that does not contribute to surface and groundwater quality degradation by treating surface and stormwater flows.	Yes	No	Yes	Yes
To make efficient use of the property in the City of Hesperia by adding to its potential for employment-generating uses.	Yes	No	Yes	Yes

9.0 EIR Preparers and Persons Contacted

9.1.1 EIR Preparers

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9.2.1 Persons Contacted

California Department of Transportation

California Department of Fish and Wildlife