

Ranchero Road Widening Project

FINDINGS OF FACT AND STATEMENT OF OVERRIDING CONSIDERATIONS

Prepared for:

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I. INTRODUCTION

The California Environmental Quality Act (CEQA) (Public Resources Code [PRC] §21080) and the CEQA Guidelines (14 California Code of Regulations [CCR] §15063) state that if it has been determined that a Project may or will have significant impacts on the environment, then an Environmental Impact Report (EIR) must be prepared. Accordingly, an EIR has been prepared by the City of Hesperia (City) to evaluate potential environmental effects that may result from the proposed Ranchero Road Widening Project. The EIR has been prepared in accordance with the California Environmental Quality Act of 1970, as amended (PRC § 21000 *et seq.*), and implementing State CEQA Guidelines (CCR Title 14, § 15000 *et seq.*).

In accordance with CEQA Guidelines Section 15090, the City, as Lead Agency for the Project, certifies that:

- (a) The Final EIR for the Project has been completed and processed in compliance with the requirements of CEQA;
- (b) The Final EIR was presented to the City of Hesperia City Council, as the decision-making body for the City, who reviewed and considered the information contained in the Final EIR prior to approving the Project; and
- (c) The Final EIR reflects the City's independent judgment and analysis. The City has exercised independent judgment in accordance with PRC Section 21082.1(c) in retaining its own environmental consultant, directing the consultant in preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

These Findings of Fact (Findings) and Statement of Overriding Considerations have been prepared in accordance with CEQA and the CEQA Guidelines. The purpose of these Findings is to satisfy the requirements of PRC Section 21081 and Sections 15090, 15091, 15092, 15093, and 15097 of the CEQA Guidelines in connection with approval of the Ranchero Road Widening Project. Before Project approval, an EIR must be certified pursuant to Section 15090 of the CEQA Guidelines. Prior to approving a Project for which an EIR has been certified, and for which the EIR identifies one or more significant environmental impacts, the approving agency must make one or more of the following findings, accompanied by a brief explanation of the rationale, pursuant to PRC Section 21081 and Section 15091 of the CEQA Guidelines, for each identified significant impact:

- (1) Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or Project alternatives identified in the final EIR.

The City has made one or more of the specific written findings regarding each significant impact associated with the Project. Those findings are presented here, along with a presentation of facts in support of the findings. Concurrent with the adoption of these findings, the City Council adopts the Mitigation Monitoring and Reporting Program as presented in Appendix H of the Final EIR and Section VIII of these Findings.

Section 15092 of the CEQA Guidelines states that after consideration of an EIR, and in conjunction with the Section 15091 findings identified above, the lead agency may decide whether or how to approve or carry out the Project. The lead agency may approve a Project with unavoidable adverse environmental effects only when it finds that specific economic, legal, social, technological, or other benefits of the proposed Project outweigh those effects. Section 15093 requires the lead agency to document and substantiate any such determination in a “statement of overriding considerations” as a part of the record. The City’s Statement of Overriding Considerations is presented in Section VI of these Findings.

As required by CEQA, the City expressly finds that the Final EIR for the Rancho Road Widening Project reflects the City’s independent review and judgment. In accordance with the provisions of CEQA and the CEQA Guidelines, the County adopts these Findings and Statement of Overriding Considerations as part of its certification of the Final EIR. A brief explanation of the rationale for each finding is provided in Section V.

The City Council of the City of Hesperia, in approving the Rancho Road Widening Project, makes the Findings described below and adopts the Statement of Overriding Considerations presented at the end of the Findings. The EIR was prepared by the City acting as lead agency pursuant to CEQA. Hereafter, the Notice of Preparation, Notice of Availability, Notice of Completion, Draft EIR (circulated from December 18, 2012 to February 2, 2013), Technical Studies, Final EIR, containing Responses to Comments and textual revisions to the Draft EIR, and Mitigation Monitoring and Reporting Program will be referred to collectively herein as the “EIR”. These Findings are based on the entire record before this City Council, including the EIR. This City Council adopts the facts and analyses in the EIR, which are summarized below for convenience. The omission of some detail or aspect of the EIR does not mean that it has been rejected by this City Council.

II. PROJECT SUMMARY

A. PROJECT DESCRIPTION

1. Site Location

The Project area for the Rancho Road Widening Project consists of a 5-mile segment of the east-west roadway generally located in the southern limits of the City of Hesperia and unincorporated San Bernardino County. The Project site is located from approximately 2,200 feet east of Mariposa Road on the west to Seventh Avenue on the east. The Project area encompasses the existing road right-of-way (ROW) as well as portions of numerous adjacent parcels which are situated along the north and south sides of Rancho Road. The Project is located along the section line separating Sections 1, 2, 3, and 4, T3N R5W from Sections 33, 34, 35, and 36 of T4N R5W, and along the section line separating Sections 5 and 6 of T3N R4W from Sections 31 and 32 of T4N R4W, San Bernardino Base and Meridian, within the Baldy Mesa and Hesperia, California, US Geological Survey (USGS) 7.5’ quadrangles.

The Project area consists of undeveloped and developed property throughout the Rancho Road Widening Project footprint. Within the City's jurisdiction, land uses in the Project area are predominantly rural residential, with pockets of medium-density single-family housing, agriculture, and small-scale isolated commercial located along the Project alignment. The Project area within the County is currently zoned for various rural residential uses. The western half of the Project area has a larger percentage of undeveloped land and rural residential homes compared to the mostly developed eastern half of the Project area, which consists of low- to high-density residential housing. Most of the improved land on both sides of the roadway within the corridor reflects these zoning and land use designations.

2. Project Description

The Project proposes to widen Rancho Road from approximately 2,200 feet east of Mariposa Road on the west to Seventh Avenue on the east. The proposed Project would involve widening Rancho Road from its current two-lane configuration to a four-lane facility within the City and County jurisdictions. The proposed Project will not widen the Rancho Road Aqueduct Bridge as part of this Project or construct any improvements on the bridge deck, which will be evaluated as a separate Project. The proposed Project supports the ultimate planned development of the Project corridor into a six-lane roadway, which is to be constructed as needed to accommodate projected future traffic demand. The proposed Project involves securing ROW throughout the Project corridor to construct the two additional lanes along Rancho Road.

The proposed Project would be constructed in two phases. Phase 1 consists of widening Rancho Road within the County limits from 2,200 feet east of Mariposa Avenue to Topaz Avenue for a total of approximately 3 miles. It is anticipated that Phase 1 would be constructed by 2014. Phase 2 consists of widening Rancho Road from Topaz Avenue to Seventh Avenue for a total of 2 miles. Phase 2 would be constructed by 2016.

3. Actions Covered by the EIR

The EIR will support the following discretionary approvals:

- Approval of a City Encroachment Permit
- Approval of a Tree or Plant Removal Permit
- Approval of a County Encroachment Permit

B. PROJECT GOALS AND OBJECTIVES

The purpose of the proposed Rancho Road Widening Project is as follows:

1. Improve east-west accessibility within Hesperia and the City's Sphere of Influence (SOI);
2. Improve traffic circulation in Hesperia by reducing traffic congestion; and
3. Support the mission of the City's Street Improvement Program by providing residents with improved residential streets and infrastructure.

III. ENVIRONMENTAL REVIEW AND PUBLIC PARTICIPATION

The City conducted an extensive review of this Project, which included a Draft EIR and a Final EIR, including technical reports, along with a public review and comment period. The following is a summary of the City's environmental review and public participation efforts conducted for this Project:

- **Scoping Period:** On June 15, 2012, the City submitted a Notice of Preparation (NOP) to the State Clearinghouse, responsible agencies, and other interested parties announcing commencement of the EIR process for the proposed Project. The NOP was mailed to a list of 40 recipients, including elected officials, government agencies, and interested parties. After receiving the NOP, the State Clearinghouse identified the Project as SCH 2012061058 and distributed it to state agencies with a potential interest in the proposed Project for a review period that began on June 15, 2012, and ended 30 calendar days later on July 16, 2012. The NOP was also sent out for posting at the San Bernardino County Clerk of the Board and advertised in the *Daily Press* on Friday, June 15, 2012.
 - Issues of concern were identified by the Lead Agency, through responses to the NOP, and other communications addressing the Project and Project EIR. Ten comment letters were received during the scoping period. Among the common areas of concern identified through the NOP process were issues pertaining to noise/vibration, ROW acquisition, air quality, and the aqueduct bridge.
- **Draft EIR Circulation and Public Comment Period:** Upon completion of the environmental document, copies of the Draft EIR were sent to the State Clearinghouse for circulation to resource agencies. The Draft EIR was circulated for a 45-day public review, beginning December 18, 2012 and ending in February 2, 2013. A Notice of Completion was issued, and copies were distributed to a list of responsible and trustee agencies, as well as parties known to have an interest in the Project. The Draft EIR was available for public review at the City of Hesperia, Hesperia Branch Library, and County of San Bernardino.
 - To inform the public of the availability of the Draft EIR, a Notice of Availability and Announcement of a Public Meeting for the Draft EIR was published in the *Daily Press* and posted in the San Bernardino County Clerk of the Board's office on December 18, 2012. Direct mail distributions were also sent to residents living adjacent to the Project area. The Public Information/Open House for the Draft EIR was held on January 10, 2013, at the Hesperia Branch Library between 6:00 p.m. and 7:30 p.m. During the open house, 17 persons attended and 4 comments were submitted by the public. The comment period ended February 2, 2013, and 11 comments from 6 resource agencies and 5 from the general public were received.

IV. INDEPENDENT JUDGMENT FINDING

The City solicited proposals from independent consultants to prepare the EIR for the Project. Subsequently, the City selected and retained Parsons, to prepare the EIR. Parsons prepared the EIR under the supervision and direction of the City of Hesperia planning staff.

Finding:

The EIR for the Project reflects the City's independent judgment. The City has exercised independent judgment in accordance with PRC Section 21082.1(c)(3) in retaining its own

environmental consultant and directing the consultant in the preparation of the EIR. The City has independently reviewed and analyzed the EIR and accompanying studies and finds that the report reflects the independent judgment of the City.

At a meeting assembled on June 18, 2013, the City Council of the City of Hesperia determined that, based upon all of the evidence presented, including, but not limited to, the Final EIR, written and oral testimony given at the meetings and hearings, and submission of testimony from the public, organizations, and regulatory agencies, the following impacts associated with the Project are: (1) less than significant and do not require mitigation; or (2) potentially significant and each of these impacts will be avoided or reduced to a level of insignificance through the identified mitigation measures and/or implementation of an environmentally superior alternative to the Project; or (3) significant and cannot be fully mitigated to a level of less than significant but will be substantially lessened to the extent feasible by the identified mitigation measures.

A. GENERAL FINDING ON MITIGATION MEASURES

City staff will incorporate mitigation measures recommended in the EIR as applicable to the Project. These mitigation measures are summarized in Appendix H of the Final EIR.

Finding:

Unless specifically stated to the contrary in these findings, it is this City Council's intent to adopt all mitigation measures recommended by the EIR that are applicable to the Project. If a measure has, through error, been omitted from these Findings, and that measure is not specifically reflected in these Findings, that measure shall be deemed to be adopted pursuant to this paragraph. In addition, unless specifically stated to the contrary in these Findings, all repeating or rewording mitigation measures recommended in the EIR are found to be equally effective in avoiding or lessening the identified environmental impact.

V. ENVIRONMENTAL IMPACTS AND FINDINGS

City staff reports, the EIR, written at public meetings or hearings, these facts, Findings and Statement of Overriding Considerations, and other information in the administrative record, serve as the basis for the City's environmental determination.

The detailed analysis of potentially significant environmental impacts and proposed mitigation measures for the Project is presented in Section 2.0 of the Draft EIR and the Final EIR. Responses to comments from the public and from other government agencies on the Draft EIR are provided in Appendix M of the Final EIR.

The EIR evaluated 18 major environmental categories for potential impacts, including Aesthetics; Agriculture; Air Quality; Biological Resources; Cultural Resources; Geology and Soils; Greenhouse Gas Emissions; Hazards and Hazardous Materials; Hydrology and Water Quality; Land Use and Planning; Mineral Resources; Noise; Population and Housing; Acquisitions; Recreation; Transportation and Traffic; Utilities and Service Systems; and Energy. Both Project-specific and cumulative impacts were evaluated. Of these major environmental categories, this City Council concurs with the conclusions in the EIR that the environmental issues and subissues discussed in Subsections A and B below are anticipated to have no effects, less than significant without mitigation or can be mitigated below a level of significance. For the

remaining potential environmental impacts that cannot feasibly be mitigated below a level of significance discussed in Subsection C, the City Council must evaluate the overriding considerations and Project benefits and balance them against the significant impacts of the Project.

A. IMPACTS IDENTIFIED AS LESS THAN SIGNIFICANT REQUIRING NO MITIGATION

The following environmental issues were found in the EIR as having no potential to cause significant impacts and therefore require no Project-specific mitigation. These environmental resources include: Aesthetics, Agriculture, Cultural Resources, Geology and Soils, Greenhouse Gas, Hazards and Hazardous Materials, Land use and Planning, Mineral Resources, Population and Housing, Utilities and Service Systems, Recreation, and Transportation and Traffic. In the following section, each of the aforementioned resource issues is identified, and the potential for significant adverse environmental effects is discussed.

1. Aesthetics

Potential Significant Impact:

Whether implementation of the proposed Project would: have a substantial adverse effect on a scenic vista or resource; substantially degrade the existing visual character or quality of the site and its surroundings; or create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.

Finding:

Potential impacts of the Project on aesthetics are discussed in detail in Section 2.1 of the Final EIR. Based on the entire record before us, this City Council finds less than significant impacts related to aesthetic resources.

Facts in Support of the Finding:

Construction Impacts:

The construction phase of the Project could potentially result in temporary visual impacts. During construction of the proposed Project, the presence of construction vehicles and equipment could temporarily degrade the visual quality of the Project site; however, the presence of construction vehicles would be temporary and would cease once construction is complete. In summary, the visual character and quality of the Project corridor would be temporarily affected by removal of vegetation, heavy equipment use and storage, excavation, and the presence of other visible general construction activity. This would result in a less than significant impact.

Permanent Impacts:

The proposed Project is not located on or near a state scenic highway. Based on a site reconnaissance, neither rock outcroppings nor historic buildings exist along the Project corridor. Additionally, no notable scenic vistas or scenic resources, including those views from adjacent homes, would be significantly altered by the proposed Project. Finally, while roadway construction would be required along the entire alignment, this work is not anticipated to affect any scenic vista.

The Project would produce minor changes in the existing visual character along Rancho Road through widening the existing pavement from a two-lane roadway to a four-lane facility; however, this minor change would only occur in areas that have not already been widened to four lanes, because certain segments of Rancho Road have already been paved to accommodate the proposed four-lane configuration. Furthermore, the Project would not involve any overcrossing structures and would be constructed at-grade, which would maintain the existing views of the desert landscape. While the Project would entail vegetation removal along both sides of the roadway in some areas, existing residential and commercial structures would not be affected. The proposed Project improvements could be perceived by some as beneficial along segments of the roadway that currently have a degraded appearance. Given the above considerations, and with incorporation of minimization measures as detailed in the environmental document, the Project would not substantially degrade the existing visual character or quality of the Project area.

2. Agriculture

Potential Significant Impact:

Whether implementation of the proposed Project would: convert protected farmland to nonagricultural use; conflict with existing zoning for agricultural use or a Williamson Act contract; or involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to nonagricultural use or conversion of forest land to non-forest use.

Finding:

Potential impacts of the Project on agriculture are discussed in detail in Section 2.2 of the Final EIR. Based on the entire record before us, this City Council finds no significant impact related to agriculture.

Facts in Support of the Finding:

Construction Impacts:

Less than significant impacts to farmland would be associated with the Project during construction. Temporary road closures and detours might occur as part of Project construction, which might impact access to and from existing agricultural uses along the east end of the corridor. Project construction Best Management Practices (BMPs) would be employed to minimize dust and noise, and to manage stormwater runoff. Construction staging would not occur on agricultural land, and adjacent agricultural parcels would not be otherwise significantly impacted during Project construction. Construction-related impacts to agricultural resources would be less than significant.

Permanent Impacts:

Permanent impacts, including acquisition and conversion, of parcels zoned for agriculture are not expected. The Project would have a less than significant impact on agricultural resources.

3. Cultural Resources

Potential Significant Impact:

Whether implementation of the proposed Project would: cause a substantial adverse change in the significance of a historical or archaeological resource; directly or indirectly destroy a unique paleontological resource or unique geologic feature; or disturb human remains including those interred outside of formal cemeteries.

Finding:

Potential impacts of the Project on cultural resources are discussed in detail in Section 2.5 of the Final EIR. Based on the entire record before us, this City Council finds no significant impact related to cultural resources.

Facts in Support of the Finding:

Construction Impacts:

Construction activities, including associated staging areas, are not anticipated to produce impacts to cultural resources. The California Aqueduct and bridge structure were recently identified as being eligible for listing as a historic resource on the National Register of Historic Places by Caltrans and the California Department of Parks and Recreation. However, construction of the proposed Project would avoid construction-related activities within the California Aqueduct, including construction on the Rancho Road Bridge spanning over the California Aqueduct. The transport of construction equipment across the Rancho Road Bridge will not exceed the 66.2 metric ton operating load capacity of the existing bridge structure as determined by the Caltrans Division of Maintenance; therefore, no impacts to the bridge structure are anticipated as a result of constructing the Build Alternative.

Though the record search and archaeological survey failed to indicate the presence of known buried archaeological and cultural resources, construction monitoring would minimize potential effects to buried cultural resources in the unlikely event they are encountered during construction activities. During excavation activities, undocumented and unknown cultural materials might be uncovered. In this event, minimization measures would be implemented to ensure impacts to cultural resources are minimized.

Permanent Impacts:

No impacts are expected during operation of the proposed Project on historical, archaeological, or paleontological resources. The California Aqueduct is the only eligible historic property/historical resource located within the Project corridor; however, construction of the proposed Project and its operation would not affect this resource. Rancho Road, along the aqueduct bridge, would remain a two-lane facility; however, the proposed Project would widen Rancho Road at each end of the bridge to four lanes. It is anticipated that traffic congestion along the bridge would worsen compared to the widened portion of Rancho Road because of the reduced traffic-carrying capacity. Nevertheless, at opening year condition of the proposed Project, roadway capacity along the California Aqueduct Bridge would still operate at Level of Service (LOS) D, which is considered acceptable by standards contained in the City's adopted General Plan; therefore, no significant traffic-related impacts are anticipated on the historically eligible California Aqueduct Bridge at opening year conditions.

No other historical resources were identified, and the Project would have no impact on historical resources.

4. Geology and Soils

Potential Significant Impact:

Whether implementation of the proposed Project would: expose people or structures to potential substantial adverse effects of earthquakes, seismic ground shaking, liquefaction, or landslides; result in substantial soil erosion or the loss of top-soil; or be located on expansive or unstable soils.

Finding:

Potential impacts of the Project on geology and soils are discussed in detail in Section 2.6 of the Final EIR. Based on the entire record before us, this City Council finds no significant impact related to geology and soils.

Facts in Support of the Finding:

Construction Impacts:

Significant impacts resulting from liquefaction, settlement, and expansion are not expected to result from Project construction because the proposed Project involves widening and realignment of an existing roadway and does not include construction of any structures or substantial excavation or trenching. Furthermore, as described in the geotechnical report, the potential for fault rupture, liquefaction, and landslides is considered low within the study area. The proposed Project would involve clearing and grubbing and grading, which might have minor temporary impacts. Construction activities could result in increased wind and soil erosion; however, in accordance with the statewide General Permit for Storm Water Discharges associated with Construction, the Project would incorporate all applicable construction site BMPs to minimize potential loss of top-soil and/or soil erosion.

Implementation of construction BMPs overseen by a State-licensed professional, in compliance with City and County standards, would reduce potential soil erosion impacts to a less than significant level and is not expected to increase risk or result in hazards associated with slope instability.

5. Greenhouse Gas Emissions

Potential Significant Impact:

Whether implementation of the proposed Project would: generate direct or indirect greenhouse gas (GHG) emissions that would have a significant effect on the environment; or conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs.

Finding:

Potential impacts of the Project on GHG emissions are discussed in detail in Section 2.7 of the Final EIR. Based on the entire record before us, this City Council finds no significant impacts related to GHG emissions.

Facts in Support of the Finding:

Construction Impacts:

Construction GHG emissions include emissions produced as a result of emissions generated by onsite construction equipment, emissions arising from traffic delays that may result from construction, and through vehicle trips generated from construction workers traveling to and from the Project site. These emissions are produced at different levels throughout the construction phase. The frequency and occurrence of the temporary impacts for the Project would be reduced through best practices to be incorporated into the plans and specifications, and by implementing better traffic management during construction. In addition, with innovations such as longer pavement lives and improved traffic management plans, the GHG emissions produced during construction of the proposed Project would be mitigated to some degree by longer intervals between maintenance and rehabilitation events. Based on these considerations, the construction phase of the Project would result in less than significant impacts based on proposed avoidance, minimization, and mitigation measures.

Permanent Impacts:

Operational GHG emissions are associated with vehicle traffic along the roadway within the Project corridor. The proposed Project is a transportation facility; therefore, GHG emissions would include the direct GHG emissions from vehicle traffic along the proposed Project corridor.

One of the main strategies in the City's Climate Action Plan (CAP) to reduce GHG emissions is to make Hesperia's transportation and land use systems more efficient. GHGs created by transportation are by far the greatest opportunity for emissions reductions.

The highest levels of carbon dioxide (CO₂) from mobile sources, such as automobiles, occur at stop-and-go speeds (zero to 25 mph) and speeds over 55 mph; the most severe emissions occur from zero to 25 mph. To the extent that a Project relieves congestion by enhancing operations and improving travel times in high-congestion travel corridors, GHG emissions, particularly CO₂, may be reduced.

The proposed Project is designed to reduce congestion and vehicle time delays along Rancho Road. A stated Project objective is to reduce congestion and improve traffic operations, which is consistent with the objectives of the City's CAP. The Project is expected to relieve congestion and improve travel times by decreasing vehicles idling at intersections along Rancho Road. These improvements to traffic and circulation would translate to reduced overall and regional GHG emissions.

6. Hazards and Hazardous Materials

Potential Significant Impact:

Whether implementation of the proposed Project would: create a significant hazard through the routine transport, use, or disposal of hazardous materials; create a significant hazard through reasonably foreseeable upset and accident conditions; emit hazardous emissions or handle hazardous materials within 0.25-mile of a school; be located on a hazardous materials site that would create a significant hazard to the public or the environment; impair implementation of an adopted emergency response or evacuation plan; or expose people or structures to a significant risk of loss, injury, or death involving wildlands fires.

Finding:

Potential impacts of the Project on hazards and hazardous materials are discussed in detail in Section 2.8 of the Final EIR. Based on the entire record before us, this City Council finds no significant impact related to hazards and hazardous materials.

Facts in Support of the Finding:*Construction Impacts:*

During construction, there is a potential for encountering hazardous materials or waste at the Project's ground-disturbance locations. Aerially deposited lead may also be present along the shoulders of the Project alignment. In addition, pesticide and herbicide residue may also exist along the Project corridor in trace concentrations. This potential pesticide and herbicide residue is not expected to result in significant impacts. Impacts would be less than significant.

Asbestos-containing materials (ACM) are suspected to be present in bridge joint compound materials along the Project alignment. In addition, concrete and asphalt debris piles are located adjacent to the Project alignment and may contain hazardous components. Contamination in the concrete and asphalt is expected to be present, but in relatively low concentrations. Standard construction practices would reduce impacts from ACMs and other trace contamination in concrete and asphalt debris to less than significant.

Construction activities themselves may also involve the use of hazardous materials. Schools are located within 0.25-mile of the proposed Project alignment. As a result, the public, environment, and school attendees may be exposed to hazardous materials if an upset condition were to occur during construction. The use, storage, and transport of hazardous materials would be controlled through standard construction practices to reduce the risk of upset conditions. Impacts would be less than significant based on the low level of existing contamination, minimal disruption caused by construction activities, and avoidance and minimization measures that would be employed during construction.

Permanent Impacts:

During permanent operation, the Project would not increase the generation of hazardous materials within the Project area, nor would it increase risks of exposure. Trucks hauling hazardous materials would continue to be operated in compliance with local, state, and federal regulations regarding hazardous substance transport. The Project would not create a hazard to the public or environment or otherwise increase the risk of releasing hazardous material into the environment.

The nearest school is Oak Hills Christian Preschool located less than 0.01-mile north of the Project area at 13032 Rancho Road. In addition, Oak Hills High School is located 0.04-mile from the Project area at 7625 Cataba Road. Despite the proximity of schools to the Project corridor, the Project is not likely to result in increased exposure of school properties or sensitive receptors to hazardous emissions or materials.

Construction and operations of the proposed Project would be consistent with the City's Emergency Response Plan.

In addition, the Project would not expose people or structures to a significant risk involving wildland fires.

Less than significant permanent impacts are expected to result from the Project as proposed. The widening of Rancho Road would result in an improved, safer setting to transport hazardous waste materials, enhancing activities already existing within Hesperia. Furthermore, the Project would not promote or otherwise encourage the increase of generation of such materials in the vicinity. Finally, the Project would conform to the City's Emergency Operations Plan to avoid impacts to emergency responders, evacuation plans, and wildland fire regulations.

7. Land Use and Planning

Potential Significant Impact:

Whether implementation of the proposed Project would: physically divide an established community; conflict with applicable land use plans, policies, and regulations; or conflict with applicable habitat conservation plans or natural community conservation plans.

Finding:

Potential impacts of the Project on land use and planning are discussed in detail in Section 2.10 of the Final EIR. Based on the entire record before us, this City Council finds no significant impact related to impacts to existing and planned land uses within the Project area.

Facts in Support of the Finding:

Construction Impacts:

No adverse land use impacts would be associated with the Project during construction. The Project would not convert land uses in the Project area, nor would it conflict with any land use plans, policies, or regulations. Construction activities would be temporary in nature and would not introduce land uses that are incompatible with existing uses, require changes to existing land use designations, or change local or regional planning document goals or policies. In addition, construction would not include activities that would be unacceptable or intrusive to adjacent land uses such that those current land uses could not remain. Moreover, BMPs for construction traffic management, noise abatement, and control of air quality and water quality impacts would be implemented during Project construction to address construction-related impacts to local land uses.

Permanent Impacts:

The Project would be compatible with existing land uses identified in the City's adopted General Plan. Rancho Road is an existing roadway already established as a transportation corridor through the existing community. Surrounding land uses already utilize the road and are presumably accustomed to the general effects of such a facility.

Property acquisitions along the Project alignment needed to accommodate the realigned and widened roadway are discussed in Section 2.13 of the Final EIR, which focuses on acquisitions. The proposed property acquisitions would accommodate widening and realignment of an existing transportation corridor and would not change land uses because they only involve small

portions of each subject property. The use of these acquired property as a roadway facility is compatible with the uses identified in the City's General Plan.

8. Mineral Resources

Potential Significant Impact:

Whether implementation of the proposed Project would: result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state; or result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

Finding:

Potential impacts of the Project on mineral resources are discussed in detail in Section 2.11 of the Final EIR. Based on the entire record before us, this City Council finds no significant impact related to impacts to mineral resources.

Facts in Support of the Finding:

Construction and Permanent Impacts:

There are no known mineral resources within the Project area; therefore, no impacts to mineral resources are anticipated with the Project during construction or operation of the proposed Project. No loss of availability of locally important mineral resources or recovery sites is anticipated.

9. Population and Housing

Potential Significant Impact:

Whether implementation of the proposed Project would: directly or indirectly induce substantial population growth; displace substantial numbers of existing housing; or displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

Finding:

Potential impacts of the Project on population and housing are discussed in detail in Section 2.13 of the Final EIR. Acquisitions are discussed in Section 2.14. Based on the entire record before us, this City Council finds no significant impact related to population and housing in the Project area, including acquisitions.

Facts in Support of the Finding:

Construction Impacts:

During construction, local circulation would likely be impacted by potential construction detours, temporarily altered driveway access, and movement of construction equipment/vehicles within the Project area. Local streets would be maintained open for vehicle traffic, and driveway access to adjacent properties would be maintained at all times during the construction period.

The existing labor supply to construct the proposed Project is adequate, and population growth inducement and population displacement are not anticipated. Temporary construction-related impacts would not impact lifestyles or neighborhood character and stability.

The proposed Project is being implemented to accommodate planned future growth as documented in the adopted 2007 San Bernardino County General Plan, 2010 City of Hesperia General Plan, and their component Area and Specific Plans. The proposed Project would be compatible with existing and planned land uses. The Project would facilitate the flow of east-west traffic across Hesperia and adjacent unincorporated land. This Project would be beneficial for the community because it would facilitate economic growth, enhance public services, improve emergency response times, and ultimately accommodate future increases in traffic. Improvements to Rancho Road are not anticipated to impact community character, cohesion, population, or housing. In addition, the Project is not anticipated to adversely impact public services or facilities.

Permanent Impacts:

A total of 25 partial acquisitions of residential parcels would be required to accommodate the Project; however, no full acquisitions are expected. These partial acquisitions will consist of small amounts of property fronting the roadway that would be acquired as part of the Project ROW. No business or residential displacements are anticipated at this time. These acquisitions would be obtained “in fee” through the payment of fair market value for the property that is acquired if within City jurisdiction, or as easements if within County jurisdiction. As project design is finalized, additional ROW needs may be identified.

At this time, all construction activities are expected to occur within the proposed ROW, which includes the partial acquisitions discussed above. No additional temporary construction easements would be required, and no temporary ROW impacts would occur. Based on these findings and current design, no acquisition-related impacts are anticipated during construction.

10. Utilities and Service Systems

Potential Significant Impact:

Whether implementation of the proposed Project would: exceed wastewater treatment requirements; require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities; require or result in the construction of new stormwater drainage facilities or expansion of existing facilities; have sufficient water supplies available to serve the Project from existing entitlements and resources, or new or expanded entitlements are needed; not be served by a landfill with sufficient permitted capacity to accommodate the Project’s solid waste disposal needs; or result in adverse impacts to service ratios, response times, or other performance objectives for fire protection, police protection, schools, parks, or other public facilities.

Finding:

Potential impacts of the Project on utilities and service systems are discussed in detail in Section 2.17 of the Final EIR. Based on the entire record before us, this City Council finds no significant impact to utilities or service systems.

Facts in Support of the Finding:

Construction Impacts:

Project construction would result in minor temporary impacts to utilities, involving the relocation of some utilities to accommodate post-Project conditions.

The proposed roadway widening and realignment would require the relocation of some utility facilities. The utility owners of gas, power poles, and phone lines would be responsible for relocation of their respective facility prior to Project construction. The Project also includes extensions of four existing corrugated metal pipe (CMP) drainage culverts under Rancho Road. The diameter of CMP ranges from 48 to 96 inches. The proposed pavement width is generally 70 feet and varies as needed to avoid existing utilities. Asphalt Concrete (AC) dikes would be constructed on both sides of roadway pavement to convey stormwater runoff.

The process of utility relocation is expected to occur over approximately 9 months. Existing utilities that would interfere with construction of the corridor improvements would be removed and relocated for continuing service. In addition, utilities crossing the alignment may need to be removed and relocated to either temporary or permanent locations at the outset.

This work would be conducted in accordance with contract specifications, including the following requirements: obtain authorization from owner before initiating work; contact Underground Service Alert in advance of excavation work to mark-out underground utilities; conduct investigations, including exploratory borings, to confirm the location and type of underground utilities and service connections; prepare a support plan for each utility crossing detailing the intended support method; take appropriate precautions for the protection of unforeseen utility lines; and restore or replace each utility as close as possible to its former location and as good or better condition than found prior to removal.

The Project may result in some temporary disruption to emergency services due to detours and closures from Project construction. To ensure that emergency response times are not disrupted, all affected public and private emergency responders would be informed of the Project construction schedule, lane closures (if any), and detour plans (if any) well in advance of any detour plan or lane closure being implemented throughout the construction period. Furthermore, to avoid conflicts during construction, emergency and other essential service providers, as well as other public services, would be notified prior to construction. Finally, a TMP would be prepared for the Project prior to construction. The TMP would include plans and requirements for the Project area that must be implemented during Project construction to ensure traffic safety and maintain access for emergency access vehicles at all times.

Permanent Impacts:

Once the proposed Project is complete, most impacts related to utilities would be complete. Operation of the proposed Project would not result in an increase in demand on any utilities or result in disruptions to utilities; therefore, no significant impacts to utilities are expected. Furthermore, the enhanced east-west connectivity provided by the Build Alternative may actually improve the response times for emergency services in Hesperia.

11. Recreation

Potential Significant Impact:

Whether implementation of the proposed Project would: increase the use of existing neighborhood and regional parks or other recreational facilities; or require the construction or expansion of recreational facilities.

Finding:

Potential impacts of the Project on recreation are discussed in detail in Section 2.15 of the Final EIR. Based on the entire record before us, this City Council finds no significant impact related to recreational resources.

Facts in Support of the Finding:

Construction Impacts:

Because no existing parks are located near the proposed Project, there would be no impact on existing parks and/or recreational facilities.

Permanent Impacts:

In the long-term, the proposed Project would not affect the use of existing neighborhood or regional parks or other recreational facilities because the nearest existing park is 0.3-mile away and is considered distant from the proposed Project area. In addition, the Project would not involve construction or expansion of any recreational facilities or increased recreational demand; therefore, the Project would not result in significant impacts to recreational resources.

12. Transportation and Traffic

Potential Significant Impact:

Whether implementation of the proposed Project would: conflict with applicable plans, ordinances, or policies establishing measures of effectiveness for the performance of the circulation system; conflict with an applicable CMP; result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantially increase hazards due to a design feature or incompatible uses; result in inadequate emergency access; or conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decreases the performance or safety of such facilities.

Finding:

Potential impacts of the Project on transportation and traffic are discussed in detail in Section 2.16 of the Final EIR. Based on the entire record before us, this City Council finds no significant impact related to transportation and traffic.

Facts in Support of the Finding:

Construction Impacts:

The proposed Project would likely cause temporary traffic delays and inconveniences during construction. Potential impacts during construction would be temporary, intermittent, and

relatively brief. Two lanes would be kept open so that traffic flow and emergency vehicle access can be maintained during construction of the proposed Project. Temporary traffic delays during construction could affect the response times of emergency personnel and equipment. These impacts can be addressed through implementation of traffic management procedures during construction.

A Transportation Management Plan (TMP) would be developed for all work performed within the public ROW. The purpose of the TMP would be to identify measures to be taken to reduce construction-related delays to the public and provide safe and efficient movement of motorists, pedestrians, bicyclists, construction equipment, workers, and emergency and law enforcement personnel and equipment.

In addition to the TMP, the proposed Project would also develop a Traffic Control Plan (TCP) during the design phase. The TCP prepared for the proposed Project shall follow the California Manual on Uniform Traffic Control Devices (January 2012 or the latest edition) and local agency guidelines. Data to be included in the TMP would vary depending upon the complexity of the work being performed, the volume of traffic affected, and the roadway geometrics at the specific location where the construction would be performed. The TCP would depict the sequence of construction operations, construction to be performed, traveled way that would be utilized by movements of traffic during each phase of construction, hours of operation, and the estimated time required for construction completion. Multiple phases of construction would require a separate TCP component for each different construction phase or operation. The proposed Project would not adversely impact response times of emergency personnel and equipment with the development of a TCP.

Access to residential and commercial driveways would also be maintained during construction of the proposed Project. In addition, the Project is not expected to require any detours or prolonged local street/lane closures. With the preparation and implementation of a TMP and TCP, potential temporary impacts during construction would be minimized to less than significant.

Permanent Impacts:

No permanent significant impacts to traffic and transportation facilities would occur as part of the proposed Project. The Project is designed to improve traffic operations and provide increased capacity, thereby improving mobility for local and regional users. The proposed Project is considered to have a less than significant impact on traffic and transportation conditions.

The City's General Plan has identified increases in traffic congestion due to the anticipated growth in the future. In conjunction with other transportation projects (i.e., I-15/Ranchero Road Interchange and Burlington Northern Santa Fe [BNSF] Underpass projects) and planned future developments in this area of Hesperia, the average daily traffic (ADT) is expected to increase substantially in the future compared to existing traffic conditions. The City and the County have identified the widening of Ranchero Road in their respective General Plans to address future traffic congestion; hence, the proposed Project is consistent with currently adopted City and County plans because construction of two additional lanes would be within the General Plan designation for Ranchero Road.

One of the City's policies identified in the Circulation Element is to improve the public roadway system to meet existing and future demands. The projected ADT for the opening year (2016)

without Project condition is 12,084 vehicles per day (vpd), compared to the existing traffic volume of 7,781 vpd. Compared to opening year future traffic volumes with a four-lane facility, ADTs are anticipated to be higher at 12,674 with the Project.

Compared to opening year future traffic volumes for a four-lane facility, ADTs are anticipated to be higher at 12,674; however, the projected volume to capacity (V/C) ratio is significantly lower at 0.41, resulting in better traffic operations compared to the No Build Alternative. Because the proposed Project would not widen the bridge spanning over the California Aqueduct, it is anticipated that traffic volumes of 12,674 vpd would utilize the two-lane bridge with a V/C ratio of 0.87, which is slightly higher than the No Build Alternative. The reduction of the number of through lanes from four lanes to two lanes at either end of the bridge would act as a choke point for vehicles traveling along Rancho Road. Due to this condition, congestion is anticipated to be heavier within the general area of the California Aqueduct Bridge compared to the proposed four-lane segments of the widened facility. Nevertheless, at opening year conditions of the proposed Project, roadway capacity along the California Aqueduct Bridge would still operate at LOS D, which is considered acceptable by standards contained in the City's adopted General Plan; therefore, no significant traffic impacts are anticipated on the California Aqueduct Bridge at opening year conditions.

The City realizes that the California Aqueduct Bridge needs to be widened within the same time frame of implementing Phase 2 of the proposed Project. The City and County have been actively coordinating with the Department of Water Resources (DWR) for the past 4 years regarding the widening of Rancho Road and will continue coordination through Project construction. The City anticipates that the California Aqueduct Bridge would be widened concurrently with Phase 2 of the proposed Project. Because the proposed Project and the California Aqueduct Bridge would be widened concurrently, future traffic conditions are anticipated to operate better compared to the No Build Alternative conditions.

At City buildout conditions when Rancho Road is widened to its ultimate six-lane configuration, the adopted City General Plan indicates traffic volumes along Rancho Road on the California Aqueduct Bridge will increase to 41,400 vpd. The City's adopted General Plan has identified that Rancho Road and the California Aqueduct Bridge will ultimately be widened to six lanes; hence, the traffic analysis considered in this document defers to the findings and results of the City of Hesperia's General Plan Transportation Technical Report (2009). The City assumes that the California Aqueduct Bridge would be widened to its ultimate configuration with six lanes between opening year (2016) of the proposed Project and General Plan buildout conditions. Traffic conditions along Rancho Road within the California Aqueduct Bridge segment at City buildout conditions (with six lanes) are anticipated to generally operate at a V/C ratio of 0.90, which is generally considered as operating at an acceptable LOS D.

As indicated in the General Plan, the City realizes the need to widen the California Aqueduct Bridge to accommodate future planned growth and has prioritized widening of the bridge in its Capital Improvement Program. Continued coordination with DWR regarding widening of the California Aqueduct Bridge is ongoing.

The widening of Rancho Road would be consistent with the City's policy to improve roadways to meet future demands with construction of the two additional lanes. The traffic operation along Rancho Road is expected to further improve with construction of the road to its ultimate

configuration as a six-lane roadway facility (an additional one lane in each direction beyond the proposed Project); however, potential benefits and impacts of widening Rancho Road to six lanes would require a separate environmental document and analysis.

The City adopted its latest TCP in 2010. One of the goals of the plan is to strive to achieve and maintain LOS D on all roadways and LOS D at all intersections. Currently, Rancho Road within the proposed Project area is operating at LOS D or better. Under future without Project traffic conditions, an increase in ADT of 12,084 is expected, resulting in a V/C ratio of 0.83; therefore, Rancho Road is expected to operate at an acceptable LOS D without the proposed Project. With the proposed Project, the capacity of Rancho Road would be increased, which would result in improved traffic conditions compared to opening year without Project conditions. Construction of the Project would not significantly impact the LOS in the Project area.

B. POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE AND MITIGATION MEASURES

PRC Section 21081 states that no public agency shall approve or carry out a Project for which an EIR has been completed which identifies one or more significant effects unless the public agency makes one or more of the following findings:

1. Changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations make infeasible the mitigation measures or alternatives identified in the EIR, and overriding economic, legal, social, technological, or other benefits of the Project outweigh the significant effects on the environment.

The following issues from three of the environmental categories analyzed in the EIR, including Air Quality, Biological Resources, and Hydrology and Water Quality, were found to be potentially significant, but can be mitigated to a less than significant level with the imposition of mitigation measures. This City Council hereby finds pursuant to PRC Section 21081 that all potentially significant impacts listed below can and will be mitigated to below a level of significance by imposition of the mitigation measures in the EIR and that these mitigation measures are included as Conditions of Approval and set forth in the Mitigation Monitoring and Reporting Program adopted by this City Council. Specific findings of this City Council for each category of such impacts are set forth in detail below.

1. Air Quality

Potential Significant Impact:

Whether implementation of the proposed Project would: conflict with or obstruct implementation of the applicable air quality plan; violate air quality standards or contribute substantially to an existing or projected air quality violation; result in a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment under an applicable federal or state ambient air quality standard, including releasing emissions that exceed quantitative

thresholds for ozone precursors; expose sensitive receptors to substantial pollutant concentrations; or create objectionable odors affecting a substantial number of people.

Finding:

Potential impacts of the Project on air quality are discussed in detail in Section 2.3 of the Final EIR. Based on the entire record before us, this City Council finds no significant impact related to short-term and long-term air quality.

Facts in Support of the Finding:

Construction Impacts:

Construction-related impacts to air quality are short-term in duration and are not anticipated to result in adverse or long-term conditions. Implementation of appropriate minimization measures will reduce any air quality impacts from construction activities.

Temporary construction-related airborne dust and vehicle emissions would occur during site preparation and Project construction. Compliance with Mojave Desert Air Quality Management District (MDAQMD) and Caltrans BMPs would sufficiently reduce the construction-related air pollutant emissions to less than significant levels. Emissions from construction equipment are also expected and would include carbon monoxide (CO), nitrogen oxides (NO_x), volatile organic compounds (VOCs), directly emitted particulate matter (PM₁₀ and PM_{2.5}), and toxic air contaminants (TACs) such as diesel exhaust (DE) particulate matter. Ozone (O₃) is a regional pollutant that is derived from NO_x and VOCs in the presence of sunlight and heat. These construction emissions are not predicted to exceed MDAQMD thresholds. With the implementation of minimization measures, no adverse construction air quality impacts are anticipated.

Permanent Impacts:

The Project is not expected to have a substantial regional emissions impact. The primary source of air pollutant emissions associated with the proposed Project would be motor vehicle traffic. The proposed Project is included in the adopted 2012 Regional Transportation Plan (RTP) and the 2010-2011 Regional Transportation Improvement Program (RTIP) *Annual Listing of Obligated Projects*. The Project's influence on mobile source air pollutant emissions was already incorporated into the air quality modeling used in MDAQMD's conformity determinations for the 2012 RTP and 2008 RTIP and its *2012-2035 RTP Transportation Conformity Report*. The Project's inclusion in a conforming RTP/RTIP is one indicator that operation of the Build Alternative would not produce a substantial regional impact on air pollutant emissions.

Another indicator that the proposed Project would not have a substantial regional emissions impact is the net influence of the Project on motor vehicle traffic emissions in the Project vicinity, relative to the baseline emissions under no-action conditions. For the proposed Project, AM and PM period average travel speeds for automobiles and trucks within the corridor are expected to increase after construction, thereby decreasing the estimated emissions. These reductions in estimated emissions are primarily attributable to the predicted increases in average travel speeds.

Based on the inclusion of the Project in a conforming RTP/RTIP and an anticipated reduction in overall emissions, no adverse regional air quality impacts would result from operation of the Project as proposed.

Avoidance, Minimization, and/or Mitigation Measures:

During the operational phase, the proposed Project would not result in significant impacts to air quality; therefore, no mitigation measures are required.

Although operational emissions from the Project are anticipated to be less than significant, site preparation and roadway construction would involve clearing, cut-and-fill activities, grading, removing or improving existing roadways, and paving roadway surfaces, which may affect nearby sensitive receptors. To ensure that potential construction-related air quality impacts are minimized, the following measures would apply to the proposed Project to mitigate impacts to less than significant:

- **AQ-1:** Periodic watering for short-term stabilization of disturbed surface areas to minimize visible fugitive dust emissions (for purposes of this Rule, use of a water truck to maintain most disturbed surfaces and actively spread water during visible dusting episodes shall be considered sufficient to maintain compliance).
- **AQ-2:** Take actions sufficient to prevent Project-related track-out onto paved surfaces.
- **AQ-3:** Cover loaded haul vehicles while operating on publicly maintained paved surfaces.
- **AQ-4:** Stabilize graded site surfaces upon completion of grading when subsequent development is delayed or expected to be delayed more than 30 days, except when such a delay is due to precipitation that dampens the disturbed surface sufficiently to eliminate visible fugitive dust emissions.
- **AQ-5:** Reduce nonessential earth-moving activity under high wind conditions (for purposes of this Rule, a reduction in earth-moving activity when visible dusting occurs from moist and dry surfaces due to wind erosion shall be considered sufficient to maintain compliance).
- **AQ-6:** Water exposed surfaces at least twice per day; activities will be scheduled to allow for early paving of road surfaces; reduced travel speeds (15 mph) on unpaved surfaces shall be enforced; simultaneous disturbance areas will be limited to the smallest area as practical; and all stockpiles will be covered with tarps.
- **AQ-7:** Measures contained in the MDAQMD Rule 403 would be followed, as applicable, during Project construction. The City of Hesperia would be responsible for selecting appropriate applicable Rule 403 measures to be followed during Project construction and for overseeing compliance with the measures by the construction contractors. The construction contractors would be required to obtain construction permits from the City and County, and the permits would state the required Rule 403 measures that must be followed by the contractors.

2. Biological Resources

Potential Significant Impact:

Whether implementation of the proposed Project would: have a substantial direct or indirect adverse effect on species identified as candidate, sensitive, or special-status species; have a

substantial adverse effect on riparian habitat or other sensitive natural communities; have a substantial adverse effect on federally protected wetlands; substantially with the movement of native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors; conflict with local policies or ordinances protecting biological resources; or conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Finding:

Potential impacts of the Project on biological resources are discussed in detail in Section 2.4 of the Final EIR. Based on the entire record before us, this City Council finds no significant impact related to biological resources.

Facts in Support of the Finding:

Construction Impacts:

Limited temporary impacts to biological resources would be associated with the proposed Project's construction phase. Areas immediately adjacent to Rancho Road (and within a 30-foot-wide buffer on either side of the road) will likely be temporarily impacted by construction activities, including vehicle and equipment staging areas, access roads, and other construction-related activities. Once the roadway construction is complete, these impacted areas will be revegetated and restored to pre-Project conditions in accordance with Project avoidance, minimization, and/or mitigation measures as discussed in measure BIO-8.

The Project contains many occurrences of Joshua tree and California juniper, which are pursuant to Section 16.24.150 of Hesperia's Protected Plant Ordinance, and Section 88.01.060 of the County's Plant Protection and Management Code. This provision states that listed desert plants in the municipal code are to be regulated and, in some instances, protected. The removal of such plant species would require a removal permit granted by the City. The Project team will adhere to the conditions of this development code and related permits as needed.

Implementation of BMPs, preconstruction surveys, construction monitoring, and prescribed mitigation would reduce all potential impacts to sensitive species. Although there will be short-term impacts associated with construction of the Project, these impacts would not adversely impact the greater population of plant and wildlife species, or associated habitats onsite due to the abbreviated duration and minimization techniques employed.

Vegetation

Permanent Impacts:

Construction of the proposed Project is likely to result in permanent impacts to existing natural communities, including Mojave Desert Scrub, California Juniper Woodland, and Atriplex Scrub; however, in recent years, the proposed Project area has been disturbed by continued surrounding development. Most of the permanent impacts are focused in areas that are directly adjacent to existing roadways and are heavily disturbed; however, the proposed Project will minimize permanent impacts to natural communities by implementing the minimization measures identified in Section 2.4-6 of the environmental document.

Permanent impacts to wetlands and riparian habitat are considered less than significant with incorporated mitigation, as described in Section 2.4.6 of the Final EIR.

As described in the Project's Biological Resources Survey, wildlife likely cross Ranchero Road at many different locations along its length, with no preference being clear. The Project occurs along an existing roadway; therefore, it is not expected to interfere with existing wildlife movement and would have a less than significant impact on this resource.

Permanent impacts of the proposed Project on existing natural communities include permanent impacts to Mojave Desert Scrub, California Juniper Woodland, and Atriplex Scrub; however, in recent years, vegetation communities near the proposed Project area have been disturbed and encroached upon by continued surrounding development. Most permanent impacts to vegetation will occur in areas that are directly adjacent to existing roadways and are heavily disturbed; however, the proposed Project will minimize permanent impacts to natural communities by implementing the minimization measures identified in Section 2.4-6 of the environmental document.

The property contains California juniper and Joshua trees, which are protected under the City of Hesperia Municipal Code. Title 16 Development Code, Chapter 16.24 Protected Plants requires that: "land use applications, building permits, and all other development permits (e.g., grading, mobile home set downs), shall consider and include a review of any proposed native tree or plant removal" (City of Hesperia, 1997). Trees that must be inventoried include any desert native trees and/or plants with stems 2 inches or greater in diameter or a height of 6 feet or greater, including the aforementioned species. All plants protected by the State Desert Native Plants Act and all riparian vegetation (within 200 feet of a stream) must also be inventoried (City of Hesperia, 2007). The proposed Project will also conform to the County of San Bernardino's goals as identified in the County's General Plan (2007) under *Desert Region Goals and Policies of the Conservation Element*.

Only one special-status species was observed in the Project area during the Project's focused rare plant survey; however, there is suitable habitat for seven sensitive plant species. Through implementation of avoidance, minimization, and/or mitigation measures, less than significant permanent impacts are expected for the following species: Booth's evening primrose, Pygmy poppy, Sagebrush loeflingia, and Short-joint beavertail cactus.

Sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*) has suitable habitat in the Project area and was observed in three separate locations along the Project corridor during focused rare plant surveys. This species has a moderate potential to occur, with a record occurrence 6.3 miles north of the Project's western terminus (CNDDDB, 2009).

Sagebrush loeflingia was observed during the field survey in three separate locations along the Project corridor; however, it is not classified as rare, threatened, or endangered by state law according to the most recent State and Federally Listed Endangered, Threatened, and Rare Plants of California list (CDFW, 2013). Therefore, based on these studies, the City and County do not anticipate impacts to any plant species that would require further analysis, permitting, or mitigation.

Of the 21 sensitive animal species documented by the California Natural Diversity Database (CNDDDB), suitable habitat is present for only 9 species. Each of these is briefly discussed below.

Desert tortoise (*Gopherus agassizii*) habitat in the Project area is relatively small and marginal, with several disturbances, including urban developments, foot traffic, trash dumping, and vehicle traffic. Even though there is natural habitat present within the Project area, the surrounding area is developed with residential and commercial properties with little remaining undisturbed desert vegetation. The Project area is effectively within an island of habitat that has very tenuous connectivity to any large open space areas with high-quality habitat. No desert tortoises or desert tortoise sign were observed during the habitat assessment, and the species is presumed to be extirpated from the Project area. No records of desert tortoise were found in Hesperia in the CNDDDB, and the nearest record was in northern Adelanto, more than 13 miles northwest of the Project area. For these reasons, no impacts to Desert tortoises are anticipated as a result of the proposed Project.

San Diego coast horned lizard (*Phrynosoma coronatum blainvillei*) has suitable habitat within the Project area, with the closest known record located 3.5 miles southwest of the western terminus of the Project area (CNDDDB, 2009). This species has a high potential to occur. Less than significant impacts are expected as a result of the proposed Project.

Coastal western whiptail (*Aspidoscelis tigris stejnegeri*) has suitable habitat within the Project area, with the closest known record located 8 miles southwest of the western terminus of the Project area (CNDDDB, 2009). This species has a moderate potential to occur. Less than significant impacts are expected as a result of the proposed Project.

Cooper's hawk (*Accipiter cooperii*) has no suitable nesting habitat within the Project area, and the closest known record is located 2 miles north of the Project area (CNDDDB, 2009). This species may hunt for prey within habitats found within the Project area; however, this species has a low potential to occur. No impact to this species is anticipated as a result of the proposed Project.

Burrowing owl (*Athene cunicularia*) has suitable open scrub habitats and grassland within the Project area. No burrowing owls or burrowing owl burrows were observed during the habitat suitability assessment; however, there are multiple occurrences of burrowing owl within 10 miles of the Project area, and several locations within 5 miles of the Project area. The nearest recorded concentrations of owls are located 6 to 7 miles northwest of the Project area (CNDDDB, 2009). Although no burrowing owls seem to be currently present within the Project area, the area supports suitable habitat and potential burrow locations for this species; therefore, the burrowing owl has a high potential to occur.

However, although the site does support suitable habitat for burrowing owl, its isolation and high level of disturbance lead to the conclusion that this species is not likely to occur within the Project area. The impact areas are within existing City/County ROW and private property. Because the impact area is adjacent to an urban arterial roadway, much of the proposed Project area is currently being utilized as a shoulder by vehicles and commercial trucks. For these reasons, it is unlikely that any listed species, including burrowing owl, occupy vegetation within the Project impact area. This species is not expected to be present within the Project area;

however, preconstruction surveys will be conducted to confirm absence of burrowing owl as detailed below.

As identified in measure BIO-6, a preconstruction survey for burrowing owl will be conducted by a qualified biologist no more than thirty (30) days prior to ground-disturbing activities to determine the presence or absence of burrowing owls on the site. If there are resident owls found during the preconstruction survey, then the City of Hesperia will develop a Burrowing Owl Mitigation and Monitoring Plan (BOMMP) and work with the California Department of Fish and Wildlife (CDFW) to determine and implement measures to minimize impacts.

Should occupied burrowing owl burrows be directly impacted, less than significant impacts are anticipated as a result of the proposed Project through implementation of avoidance and minimization measures.

Le Conte's thrasher (*Toxostoma lecontei*) has suitable habitat within the Project area. The closest known record is located 3.25 miles northeast of the eastern terminus of the Project area (CNDDDB, 2009); therefore, this species has a high potential to occur. Through implementation of measure BIO-4, less than significant impacts to this species are anticipated as a result of the proposed Project.

Gray vireo (*Vireo vicinior*) has suitable habitat within the Project area. The closest known record is located 1.25 miles east of the eastern terminus of the Project area (CNDDDB, 2009); therefore, this species has a high potential to occur. Through implementation of measure BIO-4, less than significant impacts to this species are anticipated as a result of the proposed Project.

Mohave ground squirrel (*Spermophilus mohavensis*) has only marginal habitat present within the Project area, with very limited connectivity to other fragmented habitat within urban portions of Hesperia and Apple Valley. Nearly all of the historic sightings of Mohave ground squirrel date back more than 30 years. The one most recent sighting is separated from the Project area by large tracts of developed residential properties. Although the site does support natural desert habitat, its isolation, lack of constituent habitat elements for the Mohave ground squirrel, and lack of nearby recent sightings lead to the conclusion that the squirrel would not occur within the Project area. No impact to this species is anticipated as a result of the proposed Project.

American badger (*Taxidea taxus*) has suitable habitat within the Project area, but no observations of this species have been documented in the nearby vicinity. Additionally, the surrounding region is fragmented into smaller pieces that are not suitable to the badger's needs; therefore, this species has a low potential to occur. No impacts to this species are anticipated as a result of the proposed Project.

Avoidance, Minimization, and/or Mitigation Measures:

The proposed Project contains jurisdictional waters that would be impacted by the Project. In addition, construction of the Project would require the removal of native desert vegetation that may provide habitat for certain sensitive species. The following measures would apply to the proposed Project to mitigate impacts to less than significant:

- **BIO-1:** Necessary permits from United States Army Corps of Engineers (USACE), CDFW, and Regional Water Quality Control Board (RWQCB) will be obtained prior to construction

within jurisdictional areas. Potential impacts to listed species will be mitigated through conservation of core populations in conservation areas.

- **BIO-2:** The following measures will be incorporated into a Stormwater Pollution Prevention Plan (SWPPP) to be prepared for the proposed Project in accordance with the General Construction Stormwater Permit:
 - Areas proposed to be used for equipment access (e.g., temporary construction roads) within streambed habitats will be protected from soil compaction and erosion to the extent feasible through the use of BMPs such as geomats or rubber-tired equipment.
 - To eliminate the release of pollutants within sensitive habitats, the Project will locate staging areas outside of streambeds and other jurisdictional features.
 - Equipment used in and around waters of the U.S. should be in good working order and free of dripping or leaking engine fluids.
 - All vehicle maintenance, staging, and materials storage will occur at least 300 feet from all waters of the U.S.
 - Any necessary equipment washing will occur where the water cannot flow into the stream channel.
- **BIO-3:** Orange construction fencing and/or brightly colored staking will be used where recommended by the biologist and to delineate environmentally sensitive areas.
- **BIO-4:** A biological monitor will be present during work in the vicinity of environmentally sensitive areas to ensure that direct or indirect impacts to these areas are avoided during construction.
- **BIO-5:** Construction activities, such as clearing and grubbing, will occur outside the bird breeding season (approximately September to February) to minimize impacts to nesting birds. If construction is required to occur during the bird nesting season (March 1 to August 31), then a preclearance nesting bird survey will be conducted by a qualified biologist, and buffer zones around active nests will be established as appropriate. If the preconstruction survey identifies occupation of nesting birds within the Project area, then a 250-foot buffer around the nest shall be maintained until a qualified biologist has determined that the nest is no longer occupied.
- **BIO-6:** A preconstruction survey for burrowing owl shall be conducted by a qualified biologist no more than thirty (30) days prior to ground-disturbing activities to determine the presence or absence of burrowing owls on the site. If there are resident owls found during the preconstruction survey, then the City of Hesperia will develop a Burrowing Owl Mitigation and Monitoring Plan (BOMMP) and work with CDFW to determine and implement measures to minimize impacts.
- **BIO-7:** To the extent feasible, impacted desert trees (i.e., Joshua trees) or plants more than 6 feet in height or with stems more than 2 inches in diameter would be transplanted or stockpiled for future transplanting within the area directly impacted by Project construction and site clearance.
- **BIO-8:** Provide replacement landscaping or vegetation to disturbed areas consistent with the natural surroundings, and in accordance with City Code Section 16.24.150 and County Codes 88.01.050 (Tree or Plant Removal Permits) and 88.01.060 (Desert Native Plant Protection).

3. Hydrology and Water Quality

Potential Significant Impact:

Whether implementation of the proposed Project would: violate water quality standards of waste discharge requirements; substantially deplete groundwater supplies or interferes substantially with groundwater recharge; substantially alter the existing drainage pattern of the site or area; 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; otherwise substantially degrade water quality; place housing within a 100-year flood hazard area; expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam; or increase risk of loss by seiche, tsunami, or mudflow.

Finding:

Potential impacts of the Project on hydrology and water quality are discussed in detail in Section 2.9 of the Draft EIR. Based on the entire record before us, this City Council finds no significant impact related to hydrology and water quality.

Facts in Support of the Finding:

Construction Impacts:

The greatest potential for water quality impacts from the proposed Project would be during construction. The total disturbed soil area (DSA) anticipated for this Project is 9.25 acres. Construction of the proposed Project may require the use of temporary drainage conveyance systems to decrease the potential for erosion. Additionally, the increase in impervious surface would increase onsite runoff, and it is anticipated that existing storm drain facilities would need to be modified and additional overside drains may have to be added. Because these facilities would be modified to accommodate additional flows, the capacity of the existing storm drain systems would not be exceeded. The effects to the existing storm drain system as a result of the proposed Project would be less than significant.

Proposed construction activities would involve stockpiling, grading, excavation, dredging, paving, and other earth-disturbing activities resulting in the alteration of existing drainage patterns. These types of activities would constitute a temporary alteration of drainage patterns. The Project-specific SWPPP would include BMPs designed to minimize stormwater and erosional impacts during construction by implementing BMPs such as temporary silt fence, temporary fiber rolls, hydroseeding, street sweeping, and temporary cover. Compliance with the Construction General Permit (CGP) would minimize the potential for construction activities to alter natural drainages via deposition of sediments; therefore, compliance with the CGP would reduce the risk of short-term erosion resulting from drainage alterations during construction to a less than significant impact.

Erosion and siltation in the Project area would be increased during construction of the proposed Project due to activities such as clearing, grubbing, and excavation. Detailed construction plans for the proposed improvements have not been completed; therefore, the exact amounts of increased erosion and siltation cannot be estimated. However, permanent erosion control BMPs, such as channel lining, riprap energy dissipation, and landscaping, will also help minimize the potential for erosion and siltation from this Project.

Because the proposed Project would disturb more than 1-acre during construction, the General Construction Permit CAS000002 would require preparation of a SWPPP prior to construction. The SWPPP would identify which appropriate construction BMPs would be implemented to avoid adverse water quality impacts during construction. The Project would have to comply with the requirements of any other related permits from the RWQCB and the provisions of the General Construction Permit CASD000002 issued for construction Projects. The amount of sediment entering the Mojave watershed in the Project area is expected to be minimal with implementation of a SWPPP. Permanent erosion control BMPs, such as channel lining, riprap energy dissipation, and landscaping, will also help minimize the amount of sediment from this Project.

Several engineering features of the Project have the potential to degrade water quality. Examples of these features include paving of existing and new roadbed, adjusting the vertical alignment based on design speed criteria, adjusting cross-street features to conform to new improvements, extending drainage facilities, and relocating utilities. Because the proposed Project would result in the disturbance of more than 1-acre of soil during construction, the Project will need to comply with the National Pollutant Discharge Elimination System (NPDES) CGP, which will require the preparation and implementation of a SWPPP that identifies Construction Site BMPs. These BMPs would be implemented to avoid adverse water quality impacts during construction. The Project would have to comply with the requirements of any other related permits from the RWQCB and the provisions of the CGP.

The amount of sediment entering the Mojave watershed in the Project area is expected to be minimal with implementation of a SWPPP. The SWPPP will identify a combination of soil stabilization BMPs, sediment control BMPs, tracking control BMPs, and wind erosion control BMPs to be implemented. Examples of Construction Site BMPs that are anticipated to be implemented on this Project are temporary silt fence, temporary fiber rolls, hydroseeding, street sweeping, and temporary cover. A final determination of the Construction Site BMP strategy will be determined at a subsequent Project phase. With the preparation and implementation of a SWPPP, no water quality standards or waste discharge requirements (WDRs) would be violated; therefore, construction of the Build Alternative is not expected to substantially degrade water quality within the Mojave Watershed.

The construction and proposed culvert extensions associated with this Project may require dewatering. Dewatering may be required after a storm event if runoff becomes pooled in any depressions at the construction site or if groundwater is encountered during excavation activities. Groundwater dewatering discharge could adversely affect surface water quality if effluent that is rich in sediment or contaminated with chemicals is not managed properly. Extracted groundwater may contain pollutants that may be a result of the decomposition of organic materials (e.g., hydrogen sulfide), leaking underground storage tanks (LUSTs), surface spills, sewage, other passed land uses, or the potential presence of nutrients (i.e., phosphorous and nitrogen compounds). Results from soil boring samples will determine if dewatering is required for areas within the proposed Project limits.

Currently, discharges of groundwater from construction and Project dewatering to surface waters within the Project limits must comply with WDRs issued by the Lahontan RWQCB for limited threat discharges to surface waters (Order No. R6T-2008-0003, NPDES NO. CAG996001). Discharges covered by this permit include, but are not limited to, diverted stream flows,

construction dewatering, and dredge spoils dewatering, as well as several other activities. Because all dewatering operations that may be necessary as a result of implementing the Build Alternative would need to comply with Order No. R6T-2008-0003 (NPDES NO. CAG996001), no impacts to surface water quality resulting from dewatering activities are expected. Furthermore, because the Build Alternative for the proposed project would not utilize groundwater for any purposes, and no runoff would be infiltrated into groundwater basins, no impacts to groundwater quality are expected.

Permanent Impacts:

The proposed Project would increase the existing impervious surface area within the Project site by 9.3 acres. Because the Upper Mojave Watershed Area is approximately 549,333 acres, the addition of 9.3 acres of impervious surface would not substantially affect the overall amount of runoff or the amount of discharge into natural surface drainages. Additionally, because runoff would be collected and conveyed into a designed drainage network, the proposed Project would not significantly alter the existing pattern of natural surface drainage in the Project vicinity. With the implementation of Permanent BMPs, the proposed Project would not significantly impact water quality because it would not substantially contribute to the exceedance of any adopted water quality standard or conflict with objectives, plans, goals, policies, or implementation of the Lahontan RWQCB's Basin Plan.

The Upper Mojave Watershed Area is approximately 549,333 acres. The proposed additional impervious area (9.3 acres) within the watershed makes up a small percentage of this area. This is expected to create a minor localized increase in urban runoff within the Project vicinity. With the minor increase in impervious surface, an increase in peak flow in the overall flow regime for the Project area is anticipated; however, this increase would be addressed by the construction of AC dikes along the outer edges of the proposed roadway to convey stormwater to the overside drain and ultimately convey it to the proposed extended culverts. The currently proposed storm drainage system design includes extension of existing CMP drainage culverts under Rancho Road and overside drains on both sides of the roadway pavement. Such a design would entail largely maintaining the existing drainage pattern across the subject roadway corridor. Most of the surface water from the Project would be diverted to proposed permanent BMPs or designed collection drainage areas along the roadway. Because runoff from the proposed Project would be conveyed to stabilized drainage facilities, and the use of Permanent BMPs would be implemented, impacts to surface water would be less than significant.

The final plans that will be prepared during the plans, specifications, and estimate (PS&E) phase will determine the final amount of impervious paved surface areas. Given these considerations, the proposed Project would not have a significant impact on local water resources and quality under CEQA.

Streams crossing Rancho Road within the Project area are not 303(d) listed; hence, these drainages are not subject to any total maximum daily load (TMDL) discharge restrictions. Considering the increasing residential and commercial development in the surrounding community, traffic volume is expected to grow substantially in the future. Consequently, the amount of motor vehicle-related pollutants discharged into the watershed and drainage channels from impervious surfaces would increase with or without implementation of the proposed Project. By incorporating temporary and permanent avoidance, minimization, and mitigation measures into the Project plans, the increase in motor vehicle-related pollutants from the

proposed Project would have a less than significant impact on surface water quality under CEQA. In fact, because the Project would reduce traffic congestion, pollutants from traffic congestion during peak periods could also decrease. Finally, because the increased area of impervious surface is small compared to the local watershed, the proposed Project would not significantly impact local water resources and quality under CEQA,

As mentioned above, groundwater in the Project area is at considerable depth, likely on the order of 200 feet below ground surface. While water would be used as a dust palliative and for other purposes during construction, these uses would not adversely affect groundwater supply. Based on the depth to groundwater within the study area and the relatively shallow excavation depths associated with the Project, the proposed Project would not impact the groundwater aquifer.

An online search for the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRMs) determined that there are no maps for the subject area; hence, no flood hazard zones have been designated for the Project area. In summary, the proposed Project would not be located in a designated flood zone. Once constructed, the proposed roadway improvements would not impede or redirect flood flows. There are no levees or dams near the Project that would be subject to failure and expose people or structures associated with the Project to a significant risk of loss, injury, or death involving flooding.

The proposed Project would have less than significant impacts to water resources because it would not substantially affect the overall amount of runoff, the amount of discharge into natural surface drainages, or the existing pattern of natural surface drainage in the Project vicinity. Furthermore, the proposed Project would not significantly impact water quality because it would not substantially contribute to the exceedance of any adopted water quality standard or conflict with objectives, plans, goals, policies, or implementation of the Lahontan RWQCB's Basin Plan.

Avoidance, Minimization, and/or Mitigation Measures:

Implementation of the mitigation measures described below will reduce all impacts to less than significant. Mitigation measures in the drainages will be developed in conjunction with those developed for jurisdictional wetland impacts. Any discharges of sediment or other wastes, including wastewater, to waters of the United States or waters of the State must be avoided to the maximum extent practicable. Final design of the Project will limit disturbance to natural water bodies and drainage systems, including ephemeral drainage systems, and provide adequate buffers of native vegetation along drainage systems to lessen erosion and protect water quality.

Lining runoff channels with impermeable surfaces, such as concrete or grouted riprap, will be discouraged.

- **HWQ-1:** Concentrated flow conveyance systems (e.g., drainage ditches, dikes, berms) will be designed to ensure that flows to drainage channels will not result in increased erosion, sedimentation, or any contaminant conveyance to the extent feasible. Slope/surface protection systems that utilize hard surfaces, such as concrete or equivalent materials, will be designed to minimize erosion to the extent feasible.
- **HWQ-2:** During construction, waste management BMPs will be implemented. These BMPs consist of procedural and structural BMPs for handling, storing, and disposing of wastes generated by a construction Project.

- **HWQ-3:** During construction, soil stabilization BMPs will be incorporated. These BMPs consist of preparing the soil surface and applying soil stabilizing media, such as straw mulch, soil binders, and geotextile mats.
- **HWQ-4:** During construction, non-stormwater BMPs, such as vehicle and equipment maintenance, will be implemented to limit the potential for pollutants to impact surface waters.
- **HWQ-5:** In an effort to uphold water quality standards, the proposed Project will require Section 404, 401, and 1602 permits. Construction will not commence within jurisdictional areas until these permits are issued by the respective resource agencies. The conditions of these permits will be incorporated into the Project.
- **HWQ-6:** A SWPPP shall be prepared by the Contractor and reviewed by the City for approval prior to commencement of any soil-disturbing activities. The SWPPP shall address all State and federal stormwater control requirements and regulations. The SWPPP shall address all construction-related activities, equipment, and materials that have the potential to impact water quality. The SWPPP shall include BMPs to control pollutants, sediment from erosion, stormwater runoff, and other construction-related impacts.
- **HWQ-7:** The City shall file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB) at least thirty (30) days prior to any soil-disturbing activities.
- **HWQ-8:** All work will conform to NPDES requirements as described in *NPDES Permit for General Construction Activities* (Order No. 2009-0009-DWQ, NPDES No. CAS000002). These include, but are not limited to, temporary sediment control, temporary soil stabilization, scheduling, waste management, materials handling, and other non-stormwater BMPs.
- **HWQ-9:** Construction activities will give special attention to stormwater pollution control during the rainy season, defined as August 1 through October 1, and from November 1 through May 1. No work should be conducted whenever rain is predicted. Water Pollution Control BMPs will be used to minimize impacts to receiving waters. Measures will be incorporated to contain all vehicle loads and avoid any tracking of materials.
- **HWQ-10:** As described by the Mojave Watershed Storm Water Management Plan, the Lahontan RWQCB requires implementation of soil stabilization and sediment control BMPs to protect the Mojave River and its tributaries during thunder and flash flood storms during the rainy season. Soil stabilization and sediment controls will be implemented to protect the Mojave River and, if applicable, all equipment will be removed from waterways prior to flash floods.
- **HWQ-11:** Post-construction maintenance BMPs, including routine maintenance work to keep the Project site free of debris, such as litter pickup, toxics control, street sweeping, drainage, and channel cleaning, will be incorporated into the Project. Permanent soil stabilization BMPs will be incorporated into Project design, such as preservation of existing vegetation, concentrated flow conveyance systems (e.g., drainage ditches, dikes, berms, swales), and slope/surface protection systems that use vegetation. Appropriate BMPs will be selected during final design.
- **HWQ-12:** The proposed Project would be designed to prevent the flooding of Ranchero Road, cross streets, and adjacent lands.

- **HWQ-13:** The Rancho Road drainage facilities would be designed to accommodate a 10-year return frequency storm per local guidelines.
- **HWQ-14:** 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.

4. Noise and Vibration

Construction Noise and Vibration Impacts:

Potential Significant Impact:

The EIR evaluated and concluded that the construction activities could result in temporary or periodic increase in ambient noise levels and vibration in the Project vicinity resulting in exposure of persons to, or generation of, noise levels in excess of standards established in the City’s General Plan or Noise Ordinance.

Finding:

Based on the entire record before us, this City Council finds that this impact is potentially significant but will be mitigated to a level of less than significant with the implementation of mitigation measures NOI-1 through NOI-7. The City Council finds that mitigation measures NOI-1 through NOI-7 are incorporated into the Mitigation Monitoring and Reporting Program for the Project, which will be implemented as specified therein, thereby reducing the potentially significant construction noise impacts.

Facts in Support of the Finding:

While the mitigation measures discussed below will reduce construction noise and vibration to the extent feasible, it is anticipated that operational noise generated by the Project may periodically exceed the City of Hesperia's General Plan Noise Element Noise Standard; however, Section 16.20.125 of the Hesperia Municipal Code exempts: “Temporary construction, repair, or demolition activities between 7:00 a.m. and 7:00 p.m. except Sundays and federal holidays.” In addition to the City's noise ordinance, HMC Section 16.20.130 states that: “No vibration shall be allowed which can be felt without the aid of instruments at or beyond the lot line; nor will any vibration be permitted which produces a particle velocity greater than or equal to 0.2-inch per second measured at or beyond the lot line.” The same construction activity exemption applied to noise impacts is also applied to vibration impacts.

Accordingly, as a CEQA threshold, it will be applied any time, not just outside periods when construction is exempt under the Municipal Code. For construction noise impacts, noise standards from the Municipal Code and County Code are applied as appropriate. A significant construction-related noise impact will be deemed to occur if sensitive land uses would be exposed to construction-generated noise exceeding Municipal Code standards outside of exempted hours. A significant construction-related vibration impact will be deemed to occur if sensitive land uses would be exposed to detectable vibration levels posing a risk of building

damage standards at any time. These vibration thresholds are based on Municipal and County code provisions; however, with implementation of mitigation measures NOI-1 through NOI-7, enumerated and discussed above, this potentially significant impact will be reduced to a less than significant level. Accordingly, with implementation of mitigation measures, the Project's operational noise will not result in a substantial temporary or periodic increase in ambient noise levels and vibration in the Project vicinity above levels existing without the Project. Noise impacts from construction of the proposed Project will be mitigated to the greatest extent possible through construction scheduling and implementation of BMPs and minimization measures as indicated in the environmental commitments record in the EIR.

Avoidance, Minimization, and/or Mitigation Measures:

The following mitigation measures will mitigate construction source noise impacts to the extent feasible:

- **NOI-1:** Use newer equipment with improved noise muffling and ensure that all equipment items have the manufacturers' recommended noise abatement measures, such as mufflers, engine enclosures, and engine vibration isolators, intact and operational. Newer equipment will generally be quieter in operation than older equipment. All construction equipment should be inspected at periodic intervals to ensure proper maintenance and presence of noise control devices (e.g., mufflers and shrouding).
- **NOI-2:** To the extent feasible, the Contractor will turn off construction idling equipment. The Contractor will strive to keep noise levels from construction equipment relatively uniform and avoid impulsive noises.
- **NOI-3:** Between 7:00 p.m. and 10:00 p.m. on all days and between 7:00 a.m. and 7:00 p.m. on Sundays and federal holidays, any construction activities occurring within 700 feet of noise-sensitive areas must be accompanied by noise monitoring to assure compliance with the applicable noise thresholds and must immediately be modified to achieve compliance if necessary or ceased when/if compliance cannot be achieved. Between the hours of 10:00 p.m. and 7:00 a.m., the same provision applies when construction occurs within 1,150 feet of noise-sensitive areas.
- **NOI-4:** Where vibratory rollers are used within 30 feet of existing building structures during exempted hours, rollers shall be selected based on compaction force to assure that the 0.2-inch per second PPV threshold is not exceeded at the structure. Whenever vibratory rollers are used within 30 feet of such building structures, continuous vibration monitoring shall be performed and a plan shall be in place to allow immediate modification or cessation of any vibratory roller activity that generates vibrations exceeding the applicable threshold. Outside of exempted hours, activity constraints will need to be applied for perceptibility thresholds so that the corresponding distance will be more than 200 feet. As a practical matter, this will prevent the use of vibratory rollers on the Project outside of the exempted hours. When other vibration-generating construction equipment is used outside of exempted hours, it shall only be done when compliance with the perceptibility threshold can be verified through conservative vibration propagation modeling and/or continuous onsite vibration monitoring.
- **NOI-5:** To ensure that the surrounding community is aware of potential noise impacts during construction, the City and County will provide adequate public notification in advance of proposed construction activities.

- **NOI-6:** When possible, the use of construction equipment that creates high vibration levels will be limited, such as vibratory rollers and hammers operating in the proximity of residential structures or other sensitive land uses.
- **NOI-7:** The hours of vibration-intensive equipment use, such as vibratory rollers, will be restricted to daytime hours so that impacts to residents are minimal.

C. IMPACTS ANALYZED IN THE EIR AND DETERMINED TO BE SIGNIFICANT AND UNAVOIDABLE

With the implementation of all available and feasible mitigation measures recommended in the EIR, the following adverse impacts of the Project stated below are considered to be significant and unavoidable, based upon information in the EIR and in the administrative record. These impacts are considered significant and unavoidable despite the imposed mitigation measures which will reduce impacts to the extent feasible.

1. Noise and Vibration

Permanent Noise Impact:

Significant Unavoidable Impact:

The EIR evaluated and concluded that Project implementation is anticipated to result either individually or cumulatively with other planned projects an increase in operational traffic noise, which would exceed the City's and/or County's established exterior noise standards. Significant unavoidable noise impacts are anticipated to occur to adjacent residential homes along the Rancho Road corridor.

Finding:

Based on the entire record before us, this City Council finds that this impact is potentially significant and unavoidable. Noise impacts are discussed in detail in Section 2.12 of the EIR. The City Council finds that mitigation measure NOI-8 is incorporated into the Mitigation Monitoring and Reporting Program for the Project, which will be implemented as specified therein, thereby reducing the potentially significant operational noise impacts to certain residents. However, the City Council finds that the proposed mitigation measures would not completely mitigate the Project's operational noise impacts, which would remain significant and unavoidable.

Facts in Support of the Finding:

Operational noise generated by the Project may exceed the City of Hesperia's General Plan Noise Element Noise Standard. Specifically, a significant Project operational noise impact would occur if predicted outdoor noise levels at noise-sensitive receivers under future build conditions are higher than predicted noise levels under future no-build conditions and equal or exceed a Community Noise Equivalent Level (CNEL) of 65 A-weighted decibel (dBA). Under both future scenarios, area-wide traffic demand is predicted to be substantially higher than existing levels, and the Project would increase roadway capacity by widening the roadway from two to four lanes along Rancho Road, resulting in increased traffic volumes and traffic noise levels along the Project corridor relative to the future no-build condition.

Operation of the proposed Project is anticipated to produce potentially significant noise impacts to private properties along the Rancho Road corridor. Despite reasonable efforts to mitigate the impacts, including analyzing the use of soundwalls to abate noise impacts, the configuration of private property access points, topography, significant impacts to the community through property acquisition, and cost to implement make it infeasible to construct permanent soundwalls that can effectively abate potentially significant noise impacts. The use of rubberized asphalt pavement was also considered as a potential noise abatement measure, but it was determined to be infeasible due to many reasons described below.

Soundwalls were initially considered as a possible mitigation measure to abate potentially significant impacts; however, the implementation of soundwalls at certain locations will not adequately abate noise impacts due to the gaps between the soundwalls to accommodate property access driveways for residential homes directly located adjacent to Rancho Road. For soundwalls to abate traffic noise, a continuous soundwall is needed, but the gap for access driveways will allow traffic noise to propagate, rendering the soundwalls an ineffective noise abatement measure. The topography of some of the residential properties is below the elevation of Rancho Road and will require additional property acquisition to properly grade the area to construct the noise barrier. Property acquisition may displace several residents, which could result in significant impacts to the community. Because the proposed Project is an interim improvement, construction of the soundwalls will result in a significant throw-away cost when the ultimate six-lane configuration of Rancho Road is constructed, requiring the soundwalls to be demolished to accommodate construction of the additional lanes. It is anticipated that the ultimate six-lane configuration of Rancho Road will include soundwalls (if necessary).

The use of rubberized asphalt pavement was also considered as a potential noise abatement measure; however, because the area is not built-out, the use of rubberized asphalt will be difficult to repair when potholes need to be filled, or other street and utility improvements are required. Combining repairs of the rubberized asphalt with other materials, such as using common hot-mix asphalt, will not adhere to the properties of rubberized asphalt. Repairing the roadway with the same rubberized asphalt is anticipated to not result in proper adhesion or repair.

Additionally, utilizing rubberized asphalt would require continual repair of cracks and potholes to maintain the effectiveness of rubberized asphalt as an effective noise abatement measure. The cost of the material is approximately 20 percent greater compared to hot-mix asphalt; continual repairs of this type of pavement will equate this type of noise abatement unreasonable in terms of cost. As mentioned previously, the adhesion properties of the rubberized asphalt with other materials, including repairs to rubberized asphalt with the same material, is poor, resulting in continual repairs.

The infeasibility of implementing the abovementioned noise abatement measures will result in significant unavoidable noise impacts to those properties. In certain residential homes, assistance will be provided to select residents to install double-pane windows to aid in reducing traffic-related noise based on the criterion identified in NOI-8.

Double-pane windows are anticipated to abate operational traffic noise for certain properties along the Rancho Road corridor. It is anticipated that double-pane windows, as described in mitigation measure NOI-8, would only provide noise abatement to seven residences identified as APNs: 409-214-12, 409-222-48, 409-222-44, 409-222-38, 409-222-58, 405-241-03, and

405-241-04. Of these seven residences, only one property (APN 409-214-12) does not currently have double-pane windows installed. The Project will confirm this finding prior to completion of the final design of the Project. The City will coordinate with the property owner(s) who qualifies for the implementation of this noise abatement measure.

Avoidance, Minimization, and/or Mitigation Measures:

The following mitigation measures will mitigate operational noise impacts to the extent feasible:

- **NOI-8:** Provide double pane-windows to affected residential homes adjacent to Rancho Road within the Project area. Double-pane windows would only be provided at specific areas of the residential home where they would provide a reduction in traffic noise. The backyard or other areas of the property that would not provide traffic noise reduction would not be eligible for double-pane windows. Residential homes qualified for this mitigation measure must meet all of the following criterion:
 - Residential property must be identified as an noise impacted dwelling. Noise impact is defined as: Design Year with Project CNEL equals or exceeds 65 dBA or Project increase of 5 decibel (dB) or more resulting in CNEL of 60 dBA or more.
 - Residential property driveway access is located and directly provides access to Rancho Road.
 - Residential property currently does not have double-pane windows installed.

VI. STATEMENT OF OVERRIDING CONSIDERATIONS

The City Council of the City of Hesperia hereby declares that, pursuant to CEQA Guidelines Section 15093, the City Council has balanced the benefits of the proposed Project against any significant and unavoidable environmental impacts in determining whether to approve the proposed Project. If the benefits of the proposed Project outweigh the unavoidable adverse environmental impacts, those impacts are considered “acceptable.”

The City Council of the City of Hesperia hereby declares that the EIR has identified and discussed significant effects that may occur as a result of the Project. With the implementation of the mitigation measures discussed in the EIR, these impacts can be mitigated to a level of less than significant except for the unavoidable and significant impacts discussed in Section V(C) herein.

The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

The City Council hereby declares that to the extent any mitigation measures recommended to the City are not incorporated, such mitigation measures are infeasible because they would impose restrictions on the Project that would prohibit the realization of specific economic, social, and other benefits that this City Council finds outweigh the unmitigated impacts.

The City Council finds that except for the Project, the other alternatives set forth in the EIR are infeasible because they would prohibit the realization of the Project objectives and/or specific

economic, social, or other benefits that this City Council finds outweigh any environmental benefits of the alternatives.

The City Council hereby declares that, having reduced the adverse significant environmental effects of the Project, to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the Project, and having weighed the benefits of the Project against its unavoidable significant impact after mitigation, the City Council has determined that the social, economic, and environmental benefits of the Project outweigh the potential unavoidable significant impacts and render those potential significant impacts acceptable based upon the following considerations:

1. The Rancho Road Widening Project provides additional roadway capacity along Rancho Road to alleviate future traffic congestion.

The Project is anticipated to provide additional roadway capacity to facilitate planned growth in the future. According to the City's General Plan, approximately 41,400 to 47,800 vehicles per day would utilize Rancho Road in the future, which would exceed its intended two-lane operating capacity of 14,500 vehicles per day. Without the proposed interim widening of the roadway, significant traffic congestion and delays would likely occur along Rancho Road and could prompt motorists to take alternative routes resulting in increased traffic along other local streets.

2. The Rancho Road Widening Project enhances traffic flow and operations along the corridor

The Project would provide an additional lane in each direction along Rancho Road. The additional lane would provide a passing lane for slow-moving vehicles such as heavy trucks and vehicles turning to abutting driveways, which will enhance the flow of traffic along Rancho Road. An additional lane would also provide a benefit to emergency service providers by allowing emergency vehicles to better maneuver and weave through traffic along the corridor, which is anticipated to result in better emergency response times.

3. Roadway Improvements are anticipated to facilitate planned growth as described in the City of Hesperia's General Plan.

The proposed Project would facilitate planned growth in the City as discussed in the City of Hesperia General Plan (2010). Construction of the I-15/Rancho Road Interchange Project and the Rancho Road Underpass would necessitate the improvement along Rancho Road. These current roadway projects require the widening of Rancho Road to facilitate the planned growth within the area.

Each of the reasons for approval cited above is a separate and independent basis that justifies approval of the roadway widening Project. Thus, even if a court were to set aside any individual reason or reasons, the City of Hesperia hereby finds that it would stand by its determination that each reason, or any combination of reasons, is a sufficient basis for approving the Project irrespective of the significant and unavoidable impacts that may occur.

As the CEQA Lead Agency for the proposed action, the City of Hesperia has reviewed the Project description and the alternative presented in the EIR, and fully understands the Project and Project alternative proposed for development. Furthermore, the City Council finds that all

potential adverse environmental impacts and all feasible mitigation measures to reduce the impacts from the Project have been identified in the Draft EIR, the Final EIR, and public testimony. This City Council also finds that a reasonable range of alternatives was considered in the EIR and this document and finds that approval of the Project is appropriate.

This City Council has identified economic and social benefits and important policy objectives, above, which result from implementing the Project. The City Council has balanced these substantial social and economic benefits against the unavoidable significant adverse effects of the Project. Given the substantial social and economic benefits that will accrue from the Project, this City Council finds that the benefits identified herein override the unavoidable environmental effects.

PRC Section 21002 provides: “In the event specific economic, social and other conditions make infeasible such Project alternatives or such mitigation measures, individual Projects can be approved in spite of one or more significant effects thereof.” Section 21002.1(c) provides: “In the event that economic, social, or other conditions make it infeasible to mitigate one or more significant effects of a Project on the environment, the Project may nonetheless be approved or carried out at the discretion of a public agency...” Finally, CCR, Title 4, 15093 (a) states: “If the benefits of a proposed Project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered ‘acceptable’.”

The Findings required under CEQA (PRC Section 21000 and following) and the CEQA Guidelines (CCR, Title 14, Section 15000 and following), and in particular CEQA Guidelines §15091, made by the City, find that approval of the Ranchero Road Widening Project could result in significant environmental impacts that cannot be substantially lessened or avoided with the implementation of mitigation measures. Despite these significant and unavoidable impacts, the City chooses to approve the proposed Project on the basis that specific economic, legal, social, technological, or other benefits of the road widening Project outweigh and override these significant and unavoidable impacts.

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the Project outweighs the identified significant adverse environmental impacts of the Project that cannot be mitigated. The City Council finds that each of the Project benefits outweighs the unavoidable adverse environmental impacts identified in the Final EIR and, therefore, finds those impacts to be acceptable.

VII. CERTIFICATION OF EIR

CERTIFICATION

In accordance with CEQA Guidelines Section 15090, the City of Hesperia, as Lead Agency for the Project, certifies that:

- a. The Final EIR for the Project has been completed and processed in compliance with the requirements of CEQA;
- b. The Final EIR was presented to the City of Hesperia City Council, as the decision-making body for the City of Hesperia, who reviewed and considered the information contained in the Final EIR prior to approving the Project; and

c. The Final EIR reflects the City's independent judgment and analysis.

The City has exercised independent judgment in accordance with PRC Section 21082.1(c) in retaining its own environmental consultant, directing the consultant in preparation of the EIR, as well as reviewing, analyzing, and revising material prepared by the consultant.

The City Council finds that it has reviewed and considered the Final EIR evaluating the proposed Project; that the Final EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines; and that the Final EIR reflects the independent judgment of the City of Hesperia City Council.

The City Council declares that no new significant information as defined by the State CEQA Guidelines Section 15088.5 has been received by the City Council after circulation of the Draft EIR that would require recirculation.

The City Council certifies the EIR based on the following findings and conclusions:

Findings:

The Project would have the potential for creating significant adverse impacts. These significant adverse environmental impacts have been identified in the EIR and will require mitigation as set forth in the Findings. Significant adverse impacts that cannot be mitigated to a level of insignificance after mitigation include noise, as discussed in the Findings of Fact.

Conclusions:

Except as to those impacts stated above relating to traffic and circulation, air quality, and noise, all other significant environmental impacts from implementation of the proposed Project have been identified in the EIR and, with implementation of the mitigation measures identified, will be mitigated to a level of insignificance.

Alternatives to the proposed Project, which could potentially achieve the basic objectives of the proposed Project, have been considered and rejected in favor of the proposed Project.

Environmental, economic, social, and other considerations and benefits derived from development of the proposed Project override and make infeasible any alternatives to the proposed Project or further mitigation measures beyond those incorporated into the proposed Project.

VIII. RESOLUTION ADOPTING A MITIGATION MONITORING AND REPORTING PROGRAM

Pursuant to PRC Section 21081.6, the City Council hereby adopts a Mitigation Monitoring and Reporting Program attached hereto as Exhibit A. In the event of inconsistencies between the mitigation measures set forth herein and the Mitigation Monitoring and Reporting Program, the Mitigation Monitoring and Reporting Program shall control.

IX. RESOLUTION REGARDING CUSTODIAN OF RECORD

The documents and material that constitute the final record of proceedings on which these Findings have been based are located at the City of Hesperia. The custodian for these records is the City Clerk of the City of Hesperia. This information is provided in compliance with PRC Section 21081.6.

X. RESOLUTION REGARDING STAFF DIRECTION

A Notice of Determination shall be filed with the County of San Bernardino within five (5) working days of final Project approval.

XI. The Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 18th day of June 2013.

Bill Holland, Mayor

ATTEST:

Melinda Sayre-Castro, Assistant City Clerk