

City of Hesperia STAFF REPORT



DATE: March 3, 2026

TO: Mayor and Council Members

FROM: Rachel Molina, City Manager

BY: Orlando Acevedo, Director of Development Services
Ryan Leonard, Principal Planner

SUBJECT: Appeal to the City Council (APP25-00003 – Appellant: Supporters Alliance for Environmental Responsibility (“SAFER”): Applicant: Bobby Kang, CEO- Cargo Solutions Express; APNs: 3064-591-12,13,17,18, and 3064-631-01

RECOMMENDED ACTION

It is recommended that the City Council adopt Resolution No. 2026-02, denying appeal APP25-00003 and upholding the Planning Commission’s decision to adopt the Mitigated Negative Declaration (“MND”) associated with the approval of Conditional Use Permit CUP22-00016 and Tentative Parcel Map TPM24-00003.

BACKGROUND

Proposal: On September 11, 2025, the Planning Commission approved CUP22-00016 to construct two warehouse buildings, each totaling approximately 75,894 square feet in size, on approximately 20.3 gross acres in conjunction with Tentative Parcel Map No. 20883 TPM24-00003 to consolidate five existing parcels into two new parcels. As a part of the approval, the Planning Commission made an environmental determination pursuant to the California Environmental Quality Act (CEQA) and adopted the associated Mitigated Negative Declaration (SCH No.2025060948). During the public hearing, the appellant spoke in opposition to the project.

On September 17, 2025, Lozeau Drury submitted, on behalf of the Supporters Alliance for Environmental Responsibility (SAFER), an application to appeal the decision of the Planning Commission to the City Council. The appellant generally asserts that the Mitigated Negative Declaration does not adequately analyze the project’s impacts and requests the preparation of an Environmental Impact Report to analyze potential significant impacts on Biological Resources (Attachment 1).

Current General Plan, Zoning and Land Uses: The site is within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated and zoned as noted on Attachment 2. The site is currently vacant. Land uses to the north, south, and west of the site also consist of vacant land. The Interstate 15 -freeway is located immediately east of the site followed by vacant land (Attachment 3). Entitlement applications were recently approved for a 414,700 square foot warehouse immediately north of the site (CUP21-00010); a 742,000 square foot warehouse building immediately to the northwest of the site (CUP21-00004) as well as an additional 1,108,000 square foot warehouse building also to the north of the site (CUP21-00005).

ISSUES/ANALYSIS

Given the size and significance of the project, environmental review under the California Environmental Quality Act (CEQA) is required. A qualified CEQA consultant prepared an Initial Study (IS), which concluded that all potentially significant environmental impacts could be reduced to a less-than-significant level with the implementation of specific mitigation measures. As a result, a Mitigated Negative Declaration (MND) was prepared for the project (Attachment 4).

The mitigated negative declaration was circulated for public review from June 18, 2025 to July 21, 2025 (SCH No. 2025060948). The environmental document was circulated to local, state and federal agencies, and local organizations as well as surrounding property owners. During the public review period five comment letters were received from the following agencies/individuals:

- Mojave Water Agency-Confirming that the Mojave Water Agency does not have any conflicts with the project.
- Lozeau Drury- Concerned that the IS/MND was prepared improperly under the California Environmental Quality Act due to the IS/MND's failure to adequately assess and mitigate the project's potentially significant environmental impacts. Requests that an environmental impact report be prepared for the project.
- Southern California Gas- SoCalGas Distribution does not have any conflicts with the project.
- Mojave Desert Air Quality Management District- Does not have any conflicts with the project and stated that the owner/operator is required to obtain a Dust Control Plan (DCP) for the project.
- California Department of Fish and Wildlife- Requests that the proposed mitigation measures in the IS/MND be revised to ensure that potential project impacts remain at less than significant impact levels. These revised mitigation measures are incorporated in the conditions of approval and the Mitigation Monitoring and Reporting Program.

The IS/MND, along with the comment letters received and the responses to those comments, are included as Attachments 4, 5 and 6.

Although the appellant's comment letter raises concerns regarding potential impacts to biological resources, it does not provide site-specific evidence demonstrating that such impacts cannot be mitigated to a less-than-significant level. All potential biological resource impacts were evaluated in the Initial Study, and additional mitigation measures were incorporated in response to agency comments, including those provided by the California Department of Fish and Wildlife.

The Initial Study concluded that project-related impacts to biological resources would be reduced to a less-than-significant level through implementation of mitigation measures requiring, among other actions: issuance of an Incidental Take Permit for the authorized removal of Western Joshua trees; focused pre-construction burrowing owl surveys; pre-construction general wildlife surveys for sensitive species and potential nesting habitat; pre-construction breeding bird surveys for active nests or suitable nesting sites; compensatory mitigation through payment of in-lieu fees to a qualified mitigation bank if Joshua trees or California juniper trees are removed; preparation of

a desert native vegetation survey and preservation plan; and focused surveys for Mohave ground squirrel conducted during the appropriate seasonal window.

These mitigation measures, including compliance with the Western Joshua Tree Conservation Act, focused biological surveys, avoidance measures, and monitoring requirements, are incorporated as enforceable conditions of approval and are subject to implementation through the adopted Mitigation Monitoring and Reporting Program (MMRP) (Attachment 7).

Pursuant to CEQA Guidelines Section 15064, preparation of an Environmental Impact Report is required only where there is substantial evidence supporting a fair argument that a project may have a significant environmental effect. While the appellant's comment letter requests preparation of an EIR, it does not present substantial, site-specific evidence demonstrating that the project would result in significant impacts to biological resources. As documented in the Initial Study, potential impacts related to habitat modification; impacts to species identified as candidate, sensitive, or special-status species under local or regional plans, policies, or regulations; impacts to species identified by the California Department of Fish and Wildlife or the U.S. Fish and Wildlife Service; and potential conflicts with local policies or ordinances protecting biological resources, including tree preservation requirements, would be reduced to a less-than-significant level through implementation of the adopted mitigation measures. Accordingly, the record does not support a fair argument that the project may have a significant environmental effect, and preparation of an Environmental Impact Report is not required.

Conclusion: The Initial Study and Mitigated Negative Declaration were prepared and completed in compliance with the provisions of CEQA, the State CEQA Guidelines, and the City's Local CEQA Guidelines.

All potential impacts have been mitigated to less-than-significant levels, and the mitigation measures further protect the project's impact on biological resources. Therefore, there is no substantial evidence to support the need for preparation of an EIR. It is recommended that the City Council adopt Resolution No. 2026-02 (Attachment 8), denying the appeal (APP25-00003), and upholding the Planning Commission's decision to adopt the IS/MND (SCH# SCH No. 2025060948) for the Project.

CITY GOAL SUPPORTED BY THIS ITEM

Future Development - Facilitate balanced growth to ensure cohesive community development and pursue economic development.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Appeal Application
2. General Plan Land Use Map

3. Aerial
4. IS/MND
5. Comment Letters Received
 - a. Mojave Water Agency
 - b. Lozeau Drury
 - c. Southern California Gas
 - d. Mojave Desert Air Quality Management District
 - e. California Department of Fish and Wildlife
6. Response to Comments
7. Final Mitigation Monitoring and Reporting Program
8. Resolution 2026-02
9. Planning Commission Staff Report and Attachments