Amended Agenda

PLANNING COMMISSION
REGULAR MEETING

Green Sheet Items #5, #6, and #7 Information updated after posting the Agenda.

Meeting Agenda

Thursday, September 11, 2025
6:30 PM
City Council Chambers
9700 Seventh Ave.,
Hesperia, CA, 92345

Planning Department: (760) 947-1224

Planning Commission Members

Roger Abreo, Chair
Sophie Steeno, Vice Chair
Dale Burke, Commissioner
Earl Hodson V, Commissioner
Timothy Auman, Commissioner

Nathan Freeman, Director of Development Services
Ryan Leonard, Principal Planner
Assistant City Attorney

NOTE: In compliance with the Americans with Disability Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (760) 947-1224. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility.

To leave a Public Comment by phone, call and leave a recorded message at (760) 947-1224 up to 5:30 pm on the day of the scheduled meeting. City Council meetings may be viewed live or after the event on the City's website at www.hesperia a.go

AGENDA
HESPERIA PLANNING COMMISSION
9700 Seventh Ave., Council Chambers, Hesperia, CA 92345

As a courtesy, please silence your cell phones, pagers, and other electronic devices while the meeting is in session. Thank you.

Prior to action of the Planning Commission, any member of the audience will have the opportunity to address the legislative body on any item listed on the agenda, including those on the Consent Calendar. PLEASE SUBMIT A COMMENT CARD TO THE COMMISSION SECRETARY WITH THE AGENDA ITEM NUMBER NOTED.

CALL TO ORDER - 6:30 PM

A. Pledge of Allegiance to the Flag

B. Invocation

C. Roll Call

D. Reorganization of the Planning Commission

1. Election of Chair

2. Election of Vice Chair

E. Agenda Revisions and Announcements by Planning Secretary

JOINT PUBLIC COMMENTS

Please complete a "Comment Card" and give it to the Commission Secretary. Comments are limited to three (3) minutes per individual. State your name for the record before making your presentation. This request is optional, but very helpful for the follow-up process.

Under the provisions of the Brown Act, the Commission is prohibited from taking action on oral requests. However, Members may respond briefly or refer the communication to staff. The Commission may also request the Commission Secretary to calendar an item related to your communication at a future meeting.

CONSENT CALENDAR

1. Page 1 Consideration of the June 12, 2025 Planning Commission Meeting Minutes.

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the regular scheduled meeting on June 12, 2025.

Staff Person: Planning Specialist Maricruz Montes

Attachments: 6-12-25 PC Meeting Minutes

2. Page 5

Consideration of the August 14, 2025 Planning Commission Meeting Minutes.

Recommended Action:

It is recommended that the Planning Commission approve the Draft Minutes from the regular scheduled meeting on August 14, 2025.

Staff Person: Planning Specialist Maricruz Montes

Attachments: 8-14-25 Draft Meeting Minutes

PUBLIC HEARINGS

3. Page 7

Consideration of an appeal to the Planning Commission to overturn the Development Review Committees decision to adopt associated Mitigated Negative Declaration ("MND") and approve site plan review SPR23-00018.

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2025-10 denying appeal APP25-00001 and upholding the Development Review Committee (DRC) approval of site plan review SPR23-00018 and adoption of associated Mitigated Negative Declaration.

Staff Person: Assistant Planner Leilani Henry

Attachments: APP25-00001 Staff Report

Attachment 1- Appeal Application

Attachment 2- Land Use Map

Attachment 3- Aerial View

Attachment 4- ISMND

Attachment 5- NOI

Attachment 6- Comment Letters Received

Attachment 7- Conditions Of Approval

Attachment 8- Resolution PC 2025-10

4. Page 339

Conditional Use Permit CUP22-00016 in conjunction with Tentative Parcel Map No. 20883 (TPM24-00003) (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 Planning Commission adopt Resolution No. PC-2025-15, approving CUP22-00016 and Tentative Parcel Map No. 20883 (TPM24-00003) and adopting a Mitigated Negative Declaration.

Staff Person: Principal Planner Ryan Leonard

Attachments:
Staff Report
Attachment 1-Site Plan
Attachment 2- General Plan and Zoning Map
Attachment 3 -Aerial
Attachment 4- Color Elevation
Attachment 5- Color Rendering
Attachment 6-IS-MND
Attachment 6a-Responses to Comments
Attachment 7- Resolution No. PC-2025-15
Exhibit A-Conditions of Approval-CUP22-00016
Exhibit A1-Conditions of Approval-TPM24-00003

5. Page 679

Development Code Amendment DCA25-00003; Applicant: City of Hesperia; Area affected: City-wide

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2025-12 recommending that the City Council introduce and place on first reading an ordinance approving DCA25-00003, modifying development standards associated with Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (Junior ADUs).

Staff Person: Senior Planner Edgar Gonzalez

Attachments:
PC Staff Report
Resolution No. 2025-12
Exhibit A

6. Page 693

Consideration of Specific Plan Amendment SPLA25-00004 to remove existing provision allowing building height to increase up to 150 feet based on additional front yard setback for properties located west of Interstate 15; and increasing the maximum building height from 60 feet to 35 feet within the Commercial Industrial Business Park Zone of the Main Street and Freeway Corridor Specific Plan.

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2025-11 recommending that the City Council introduce and place on first reading an ordinance approving SPLA25-00004.

Staff Person: Associate Planner Leilani Henry

Attachments: Staff Report SPLA25-00004
Attachment 1: Main Street and Freeway Corridor Specific Plan Land Uses Map
Attachment 2: Resolution NO. PC-2025-11
Attachment 3: Exhibit A

7. Page 701

Draft Objective Design Standards for Multifamily and Mixed-Use Development

Recommended Action:

It is recommended that the Planning Commission adopt Resolution No. PC-2025-13 recommending that the City Council: 1) Adopt Objective Design Standards (ODS) for multifamily and mixed-use residential projects; and 2) Approve a Development Code Amendment (DCA25-00002) and Specific Plan Amendment (SPLA25-00002) incorporating the ODS into the Hesperia Municipal Code and the Main Street and Freeway Corridor Specific Plan (MSFCSP).

Staff Person: Principal Planner Ryan Leonard

Attachments: Staff Report
Attachment 1- Resolution No. 2025-13
Attachment 2- Exhibit A-Multifamily and Mixed Use Objective Design Standards
Attachment 2- Exhibit A-ODS Checklist
Attachment 3-Exhibit B Development Code Amendment DCA25-00003 and Specific Plan Amendment SPLA25-00002

PLANNING DIVISION REPORT

The Planning staff may make announcements or reports concerning items of interest to the Commission and the public.

A. DRC Comments

B. Major Project Update

ASSISTANT CITY ATTORNEY REPORT

The Assistant Attorney may make comments of general interest to the City.

DIRECTOR REPORT

The Director may make announcements or reports concerning items of interest to the Commission or the public.

PLANNING COMMISSION COMMENTS

The Commission Members may make comments of general interest to the City.

ADJOURNMENT

I, Maricruz Montes, Planning Commission Secretary of the City of Hesperia, California do hereby certify that I caused to be posted the foregoing agenda on Friday, September 5, 2025 at 5:30 p.m. pursuant to California Government Code §54954.2.

Maricruz Montes,
Planning Commission Secretary

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City of Hesperia

Meeting Minutes - Draft

PLANNING COMMISSION REGULAR MEETING

City Council Chambers
9700 Seventh Avenue
Hesperia, CA 92345

Thursday, June 12, 2025

CALL TO ORDER - 6:32 PM

A. Pledge of Allegiance to the Flag
Pledge led by Commissioner Timothy Auman.

B. Invocation
Invocation led by Chair Abreo.

C. Roll Call

Present 4 - Commissioner Hodson V, Commissioner Burke, Chair Roger Abreo, and Commissioner Auman

Absent 1 - Vice Chair Steeno

D. Reorganization of Planning Commission

A motion was made by Chair Abreo, seconded by Commissioner Burke, that this item be continued. The motion carried by the following vote:

Aye:	4	Commissioner Hodson V, Commissioner Burke, Chair Abreo and Commissioner Auman
Nay:	0	
Absent:	1	Vice Chair Steeno

E. Agenda Revisions and Announcements by Planning Secretary

There were no revisions made to the agenda.

PRESENTATION

Capital Improvement Program (CIP) Presentation by Cassandra Sanchez, Director of Public Works.

JOINT PUBLIC COMMENTS

Public Comments opened at 6:58 pm.
Public Comment from Robert Davis.
Public Comments closed at 7:02 pm.

CONSENT CALENDAR

1. Consideration of the May 8, 2025, Planning Commission Meeting Minutes.

Recommended Action:
It is recommended that the Planning Commission approve the Draft Minutes from the regularly scheduled meeting on May 8,2025.

Sponsor: Planning Specialist Maricruz Montes

A motion was made by Commissioner Auman, seconded by Commissioner Burke, that this item be approved. The motion carried by the following vote:

Aye:	3	Commissioner Burke, Chair Abreo and Commissioner Auman
Nay:	0	
Absent:	1	Vice Chair Steeno
Abstain:	1	Commissioner Hodson V

PUBLIC HEARINGS

2. Development Code Amendment DCA24-00003 and Specific Plan Amendment SPLA24-00005; Applicant: City of Hesperia; Area affected: City-wide.

Recommended Action:
That the Planning Commission adopt Resolution No. PC-2025-07 recommending that the City Council introduce and place on first reading an ordinance approving Development Code Amendment DCA24-00003 and Specific Plan Amendment SPLA24-00005 to prohibit the establishment of new, or the expansion of existing outdoor pallet yards and indoor pallet manufacturing facilities.

Sponsor: Senior Planner Edgar Gonzalez

A motion was made by Commissioner Burke, seconded by Commissioner Hudson, that the proposed Development Code Amendment be forwarded to the City Council with a recommendation to modify the proposed standards to allow indoor and outdoor pallet yard facilities only within the General Manufacturing (I2) zone, subject to the following regulations:

- **A minimum 1,000-foot separation from all residential zones and sensitive uses.**
- **Outdoor pallet stacks be limited to a maximum height of 12 feet.**
- **Requirements to install an outdoor fire suppression system.**
- **A Citywide cap limiting the maximum number of pallet yard facilities, whether indoor or outdoor, to two.**

The motion carried by the following vote:

Aye:	4 -	Commissioner Hodson V, Commissioner Burke, Chair Abreo and Commissioner Auman
Nay:	0	
Absent:	1 -	Vice Chair Steeno

Meeting went into recess 8:32 pm.

Meeting reconvened 8:46 pm.

3. 2025 General Plan Update

Recommended Action:

It is recommended that the Planning Commission adopt Resolution Nos. PC-2025-08 and PC-2025-09 recommending that the City Council: 1) Certify the Addendum as being complete in compliance with the California Environmental Quality Act (CEQA); and 2) Adopt the updated Land Use Element, Circulation Element, and Health and Safety Element.

Sponsor: Principal Planner Ryan Leonard

A motion was made by Commissioner Hodson V, seconded by Commissioner Auman, that this item be forwarded to the City Council recommending adoption. The motion carried by the following vote:

Aye:	4	Commissioner Hodson V, Commissioner Burke, Chair Abreo and Commissioner Auman
Nay:	0	
Absent:	1	Vice Chair Steeno

PLANNING DIVISION REPORT

Principal Planner Ryan Leonard thanked everyone for attending and expressed appreciation to the Commissioners for adopting the General Plan, which will be presented to City Council in July. He noted that the General Plan serves as the blueprint for the City's development over the next 10 to 30 years and is a significant document that reflects how the City will grow and develop. He acknowledged the year-and-a-half-long effort put into the update and thanked the consultants for their contributions. He also noted that the previous General Plan was last updated in 2010 and emphasized that the current version reflects the input and involvement of the Planning Commissioners. Principal Planner Leonard highlighted recent DRC approved projects, including the redevelopment of the corner of Seventh Avenue and Main Street, where a Starbucks and McDonald's were approved, involving the demolition of an existing used car lot. He informed the Commission that the next Planning Commission meeting will include the next component of the General Plan: Objective Design Standards for all multi-family developments. He also mentioned the upcoming comprehensive code development update and future workshops, noting there is much to look forward to.

ASSISTANT CITY ATTORNEY REPORT

Nothing to report.

DIRECTOR REPORT

Director Nathan Freeman recognized staff and PlaceWorks for their incredible amount of work in preparing the agenda. He noted that an overview of the Economic Development Element will be presented to the City Council on July 15th, with the same presentation scheduled for the Planning Commission in August.

PLANNING COMMISSION COMMENTS

Commissioner Auman thanked staff for the detailed presentation, particularly highlighting the focus on living wages and increasing employment opportunities in Hesperia.
Commissioner Burke expressed appreciation to everyone involved in the presentation and to the public for their participation. He noted the City's ongoing efforts to get things right and also took a moment to remember the Fire of 1979.

Commissioner Hodson shared that he is a fifth-generation resident raised in the High Desert and emphasized that what the City is doing is significant. He acknowledged the time and dedication invested in the City's progress and thanked all those involved.
Chair Abreo agreed with his fellow Commissioners and thanked staff for the information provided. He complimented consultant Cory for delivering the presentation efficiently and clearly, while also lightheartedly joking about Cory's quick delivery. He also thanked Jolene for her contributions and wished everyone a safe Fourth of July. Chair Abreo concluded by informing residents about upcoming community engagement opportunities.

ADJOURNMENT

Meeting adjourned at 10:13 PM until the next regular meeting.

Maricruz Montes
Planning Commission Secretary

Roger Abreo, Planning Commission Chair

Thursday, August 14, 2025

CALL TO ORDER - 6:36 PM

A. **Pledge of Allegiance to the Flag**
Pledge led by Commissioner Dale Burke.

. **Invocation**
Invocation led by Chair Abreo.

C. **Roll Call**

Present 5 - Commissioner Hodson V, Commissioner Burke, Chair Roger Abreo, Commissioner Auman, and Vice Chair Steeno

E. **Agenda Revisions and Announcements by Planning Secretary**

Due to the absence of legal counsel, all voting items were continued to the next regular Planning Commission meeting scheduled for September 11, 2025. Items may appear out of order as a result.

D. **Reorganization of the Planning Commission**

No action was taken. The item was continued to the September 11, 2025, Planning Commission meeting.

JOINT PUBLIC COMMENTS

The Public Comment period was opened at 6:39 p.m.
There were no public comments.
The Public Comment period was closed at 6:39 p.m.

CONSENT CALENDAR

1. Consideration of the June 12, 2025 Planning Commission Meeting Minutes.
Recommended Action:
It is recommended that the Planning Commission approve the Draft Minutes from the regular scheduled meeting on June 12, 2025.

Sponsor: Planning Specialist Maricruz Montes

No action was taken. The item was continued to the September 11, 2025, Planning Commission meeting.

DISCUSSION

. Draft Objective Design Standards for Multi-Family and Mixed -Use Development

Recommended Action:
The Draft Objective Design Standards (ODS) are being presented to the Planning Commission as a discussion item only; no action will be taken at this time.

Sponsor Principal Planner Ryan Leonard

o a tion re uired.

PUBLIC HEARINGS

. Consideration of an appeal to the Planning Commission to overturn the Development Review Committees' decision to adopt associated Mitigated Negative Declaration ("MND") and approve site plan review SPR23-00018.

e ommended A tion

It is recommended that the Planning Commission adopt Resolution No. PC-2025-10 denying appeal APP25-00001 and upholding the Development Review Committee (DRC) approval of site plan review SPR23-00018 and adoption of associated Mitigated Negative Declaration.

Sponsor Associate Planner Leilani Henry

o a tion as ta en. he item as ontinued to the Septem er , 5, anning ommission meeting.

A G S

Principal Planner Ryan Leonard informed the Commissioners that the Objective Design Standards will be presented once more at the upcoming Planning Commission Meeting on September 11, 2025.

ASS S A A T

Not present at the meeting.

Director Nathan Freeman advised that he will be providing an economic update at the next meeting.

A G SS S

Commissioner Burke commented on the ongoing issues related to school traffic at Juniper Elementary.
Commissioner Hodson V had no comments.
Vice Chair Steeno referenced the City of Hesperia's recent decision to deny any future pallet shelter locations and expressed enthusiasm about the ongoing construction throughout the City, particularly the new Amazon warehouse development.
Commissioner Auman thanked staff for the time and effort put into preparing the agenda. He also voiced additional concerns regarding traffic near Juniper Elementary School and the unsafe conditions it is creating. Additionally, he shared information about available cooling stations to help keep residents and others safe during the heat wave.
Chair Abreo acknowledged the commissioner's concerns regarding school traffic and offered his professional insight on the matter.

A

Meeting adjourned at 7:28 pm until the next regular meeting on September 11, 2025.

Maricruz Montes,
Planning Commission Secretary

Roger Abreo,
Chair- Planning Commission

DATE: September 11, 2025

TO: Planning Commission

FROM: Nathan R. Freeman, Director of Development Services

BY: Ryan Leonard, Principal Planner
Leilani Henry, Assistant Planner

SUBJECT: Appeal to the Planning Commission (APP25-00001); Applicant Supporters Alliance for Environmental Responsibility "SAFER"; APN: 0410-051-11

RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2025-10, denying appeal APP25-00001 and upholding the Development Review Committee's (DRC) decision to adopt the Mitigated Negative Declaration ("MND") associated with the approval of site plan review SPR23-00018.

BACKGROUND

Proposal: On April 23, 2025, the DRC approved Site Plan Review SPR23-00018, to construct two industrial warehouse buildings totaling 79,778 square feet on approximately 5.2 acres of vacant land. As a part of the approval, the DRC made an environmental determination pursuant to the California Environmental Quality Act (CEQA) and adopted the associated Mitigated Negative Declaration (SCH No.2025021160). There were no public comments during the meeting.

On April 30, 2025, Lozeau Drury submitted, on behalf of the Supporters Alliance for Environmental Responsibility (SAFER), an application to appeal the decision of the Development Review Committee to the Planning Commission. 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 project is located on the southwest corner of Mojave Street and "E" Avenue. The site is within General Industrial (GI) zone of the Main Street and Freeway Corridor Specific Plan. The surrounding land is designated as noted on the General Plan Land Use Map (Attachment 2). The property is currently vacant. An automotive and body repair facility exists to the north. To the south is an abandoned non-conforming residence which has remained vacant for over 10 years. The properties to the east and west are vacant (Attachment 3).

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)

A Notice of Intent (Attachement 5) was distributed on February 26, 2025 and the IS/MND was released for a 30-day public review period from February 28, 2025 to March 31, 2025 (SCH No.2025021160). The environmental document was circulated to local, state and federal agencies and organizations as well as surrounding property owners. During the review period, 4 comment letters were received (Attachment 6). Of these, the Mojave Water Agency and the Mojave Desert Air Quality Management District expressed satisfaction with the proposed mitigation measures. The California Department of Fish and Wildlife (CDFW) provided additional recommended mitigation measures, which were incorporated into the project's conditions of approval. The fourth comment letter was submitted by the law firm Lozeau Drury LLP, on behalf of Supporters Alliance for Environmental Responsibility (SAFER). The letter requests the preparation of an Environmental Impact Report (EIR) due to concerns with possible environmental impacts that the project might have that may not have been addressed within the IS/MND.

Although SAFER's comment letter raises concerns, it does not include site-specific evidence indicating that impacts to biological resources cannot be mitigated. All potential impacts were evaluated in the Initial Study, and mitigation measures have been incorporated as conditions of approval.

Per CEQA Guidelines §15064, an EIR is required if there is substantial evidence of a fair argument that the project may have a significant environmental effect. The comment letter does not provide substantial evidence. The Initial Study determined that there would be a less than significant impact with mitigation to habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service, as well as conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. The following mitigation measure was placed:

> *BIO Mitigation No. 1. Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.*

Additionally, in response to the comment letter received from the CDFW, conditions of approval were added requiring a nesting bird survey, a Strembed Alternation Agreement, and a Burrowing Owl survey (Attachment 7).

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 conditions of approval 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

Planning Commission adopt Resolution No. PC-2025-10 (Attachment 7), denying the appeal (APP25-00001), and upholding the Development Review Committee's decision to adopt the IS/MND (SCH# 2025021160) for the Project.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENTS

1. Appeal Application
2. Land Use Map
3. Aerial View
4. IS/MND
5. NOI
6. Comment Letters Received
    a. CDFW
    b. MWA
    c. MDAQMD
    d. Lozeau Drury
7. Conditions of Approval
8. Resolution PC-2025-10

City of Hesperia
PLANNING DIVISION

APPLICATION FOR APPEAL

FEES

$364.00 ☒ Appeal from Staff to Planning Commission
$324.00 ☐ Appeal from Planning Commission to City Council

NOTICE: This form must be filed prior to the effective action date for the project action being appealed (normally 10 days). Appeal applications received after this time period will not be accepted.

As every project action is based upon a set of findings and conditions, you should focus your appeal toward changing those findings, and/or conditions. If you need assistance, contact the City of Hesperia, Planning Division at 947-1200.

For appeals to Planning Commission, completed application should be submitted with the specified fee, to the Community Development Department, 9700 Seventh Ave., Hesperia.

You may attach additional pages or other documentation to this application.

Project Action Date: 4/23/2025

File No: SPR23-00018 SCH No. 2025021160 Date Appeal Filed: 4/30/2025

Project Applicant(s): Wei Ding/ DW Bickmore LLC

Appellant's Name: Supporters Alliance for Environmental Responsibility “SAFER”

Appellant's Address: 1939 Harrison St., Suite 150

City: Oakland Zip: 94612 Phone No. (510) 836 - 4200

Assessor's Parcel No. of Subject Property:

0410-051-11

General Location of Property:

This property is located on the southwest corner of Mojave Avenue and “E” Avenue.

A P P E A L S T A T E M E N T

1. I/We hereby appeal to the City of Hesperia: (Check One)

   [X] Planning Commission

   [ ] City Council

2. I/We are appealing the project action taken to:

   [ ] DENY the project [ ] DENY the project without prejudice

   [X] APPROVE the project [ ] APPROVE the project with conditions (attach a copy of the conditions, if they are the subject of the appeal).

   [ ] ADOPT a Negative Declaration

   [ ] OTHER (specify) _____

3. Detail <u>what</u> is being appealed and <u>what</u> action or change you seek. Specifically address the findings, mitigation measures, conditions and/or policies with which you disagree. Also, state exactly what action/ changes you would favor.

   SAFER appeals the Design Review Commission ("DRC") April 23rd, 2025 decision to approve SPR23-00018, (SCH No.2025021160) and the adoption of the associated Mitigated Negative Declaration ("MND").The prepared MND does not adequately analyze the projects adverse environmental impacts. SAFER requests that the city instead prepare an Environmental Impact Report to adequately analyze and mitigate the Project's significant adverse environmental impacts.

4. State why you are appealing - be specific. Reference any errors or omissions - attach any supporting documentation.

   The reasons for this appeal are set forth in the attached letter dated April 29, 2025.

I/We certify that I/We are the:

[ ] Legal Owner(s)

[ ] Authorized Legal Agent(s)

[X] Other Interested Person(s)

Mitchell E. Thielemann
Signature of Appellant(s)

DATE: 4/29/2025

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Via Email

April 29, 2025

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Re: Comment on the Initial Study and Mitigated Negative Declaration for Bickmore Warehouse Project (SCH 2025021160)

Dear Ms. Henry, Mr. Hearn, and Ms. Sayre

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Bickmore Warehouse Project**,** including all actions related or referring to the proposed construction of two new warehouse buildings located on the southwest corner of Mojave Street and East Avenue in the City of Hesperia ("Project").

After careful review of the Initial Study and Mitigated Negative Declaration ("MND") prepared for the Project, SAFER has concluded that the MND does not adequately analyze the Project's impacts and that there is a fair argument that the Project may have adverse environmental impacts. We therefore request that the City of Hesperia ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq. SAFER's comments are supported by the analysis of several highly qualified experts, which are attached hereto.

PROJECT DESCRIPTION

The Project would involve the construction and subsequent operation of two new warehouse buildings within the currently undeveloped 5.22-acre (202,261 square foot) project site. Warehouse 1 would consist of 39,530 square feet of floor area, including 36,101 square feet of

warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,028 square feet of floor area, including 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would be single level with a maximum height of 41 feet. Parking areas would be located to the eastern and southern portion of the site, including a total of 73 parking spaces.

As discussed below, the Project will have many undisclosed or inadequately mitigated environmental impacts, including significant negative effects on biological resources.

LEGAL STANDARD

As the California Supreme Court has held "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320 [citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505].) "Significant environmental effect" is defined very broadly as "a substantial or potentially substantial adverse change in the environment." (Pub. Res. Code § 21068; *see also* 14 CCR § 15382.)

The EIR is the very heart of CEQA. *Bakersfield Citizens for Local Control v. City of Bakersfield (*2004) 124 Cal.App.4th 1184, 1214 (*Bakersfield Citizens*); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927. The EIR is an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." *Bakersfield Citizens,* 124 Cal.App.4th at 1220. The EIR also functions as a "document of accountability," intended to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." *Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392. The EIR process "protects not only the environment but also informed self-government." *Pocket Protectors,* 124 Cal.App.4th at 927.

Where an initial study shows that the project may have a significant effect on the environment, a mitigated negative declaration may be appropriate. However, a mitigated negative declaration is proper *only* if the project revisions would avoid or mitigate the potentially significant effects identified in the initial study "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." PRC §§ 21064.5 and 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331. In that context, "may" means a reasonable possibility of a significant effect on the environment. PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors,* 124 Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–05.

Under the "fair argument" standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency's decision. 14 CCR § 15064(f)(1); *Pocket Protectors,* 124

Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602. The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. *Pocket Protectors*, 124 Cal.App.4th at 928. The "fair argument" standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

> This 'fair argument' standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency's decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.
>
> Kostka & Zischke, *Practice Under CEQA*, §6.29, pp. 273–74.

The Courts have explained that "it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is de novo, with *a preference for resolving doubts in favor of environmental review*." *Pocket Protectors*, 124 Cal.App.4th at 928 (emphasis in original).

DISCUSSION

I. THERE IS SUBSTANTIAL EVIDENCE OF A FAIR ARGUMENT THAT THE PROJECT WILL HAVE POTENTIALLY SIGNIFICANT IMPACTS ON BIOLOGICAL RESOURCES.

An EIR is required because substantial evidence in the record indicates a fair argument that the Project will have significant biological impacts. Specifically, expert wildlife biologist Dr. Shawn Smallwood, Ph.D. has concluded that the Project site has value as a habitat for special status species and that the Project will have significant impacts on biological resources. Dr. Smallwood's comments and CV are attached as Exhibit A.[1] Additionally, Rare Plant Ecologist Christopher Winchell has concluded that the Project will result in significant impacts to special status plant species and burrowing owls. Mr. Winchell's comments and CV are attached as Exhibit B.[2]The City therefore must prepare an EIR for the Project. Dr. Smallwood's comments are supported by a site visit by wildlife biologist Noriko Smallwood ("Ms. Smallwood").[3] Mr.

[1] Ex. A, at 1.
[2] Ex. B, at 1.
[3] Ex. A, at 2.

Winchell's comments are supported by a site visit performed on March 14, 2025 to determine the suitability or presence of special-status plant and animal species.[4]

1. The MND Fails to Adequately Describe the Project's Environmental Setting.

The City inadequately characterized the existing environmental setting by failing to conduct adequate field surveys and desktop review. Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. *Communities for a Better Envt. v. So. Coast Air Qual. Mgmt. Dist*. (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

> "…must include a description of the physical environmental conditions in the vicinity of the project, ***as they exist at the time [environmental analysis] is commenced***, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." (Emphasis added.)

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125.) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula, supra,* 87 Cal.App.4th 99, 121-123.)

The MND takes a mistaken view of species and habitat, stating that "[s]ensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type.[5] However, the relationship between habitat and species involves much more than just a vegetation complex assigned to a "habitat type."[6]. The MND is misleading in that it insinuates that sensitive species do not exist on the site merely because certain unidentified vegetation complexes are supposedly not present on the site.[7]

The MND claims that "[a]ccording to the United States Fish and Wildlife Service, there are no wetland or migratory bird nesting areas located within the project site," and that "[n]o offsite . . . migratory bird nesting areas would be affected by the proposed development since all development will be confined to the project site. *As a result, no impacts would occur.*"[8] However, the MND does not report the basis of these findings. No surveys or reports are cited and there is no other evidence to support this claim.[9]

[4] Ex. B, at 2.
[5] MND, at 32.
[6] Ex. A, page 10.
[7] Id.
[8] MND, page 33.
[9] Ex. A, page 11.

There are also notable inconsistencies between the City's conclusions regarding the environmental setting.[10] For example, the MND repeatedly characterizes the project site as "showing signs of human disturbances"[11] later described as "severe artificial disturbances associated with off-road vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping."[12] However, the MND also reports that "**the site in its entirety is undisturbed**."[13] While there do appear to be signs of disturbances, they were not severe enough to prevent the occurrence of 34 Joshua trees on the site, nor the wildlife that Ms. Smallwood and Mr. Winchell detected on and around the site.[14] The City's repeated inconsistences and exaggerations preclude an understanding of the environmental setting and an effective impact analysis of the environmental setting.

The MND's environmental setting characterization is also deficient because no wildlife surveys have been completed at the project site. The City did not send any professional ecologists to survey the site, and the MND provides no reason for this deficiency of the CEQA review process.[15] Similarly, there were no protocol-level detection surveys conducted for monarch butterflies, Crotch's bumble bee, Mohave Desert tortoises, Mohave ground squirrels, Swainson's hawks, burrowing owls, or LeConte's thrashers.[16] While there was a survey conducted for Joshua trees, the CDFW guidelines for rare plants was not implemented. Therefore, Joshua trees aside, the findings of the MND lack connection to field surveys of plants and wildlife and there is no substantial evidence to support the MND's conclusions of less-than-significant impacts.

Dr. Smallwood notes that the MND does not report on the findings of any desktop review.[17] Similarly, USFWS findings are reported, but no source documents are cited. There is no evidence in the MND that a review of wildlife occurrence records was completed.[18] The omission of this review is a major deficiency that prevents disclosure of potential environmental impacts that would result from this project.

Numerous special status species will be adversely affected by the Project. "Special Status Species" is a universal term used in the scientific community for species that are considered sufficiently rare that they require special consideration and/or protection and should be, or have been, listed as rare, threatened or endangered by the Federal and/or State governments. Based on a database review and Ms. Smallwood's' site visit, Dr. Smallwood estimates that 114 special-status species of wildlife are known to occur on or near enough to the site to warrant analysis of occurrence potential.[19] Four (4) special status species were recorded on or just off the project site,

[10] Id.
[11] MND, pages 3, 7, 9, 21, 24, 27, 32.
[12] Id. at 37.
[13] Id. at 33 (emphasis added).
[14] Ex. A, page 11.
[15] Id. at 12.
[16] Id.
[17] Id. at 12.
[18] Id.
[19] Id.

and nearly half of these species have reportedly been seen within 4 miles of the project site.[20] Ms. Smallwood's brief site visit survey identified 4 special status species on the proposed Project site: one species on the U.S. Fish and Wildlife Service Bird of Conservation Concern (BCC) (California gull), two species on the Taxa to Watch List (California gull; California horned lark), one species on Bird of Prey (BOP) listed under California Fish and Game Code 3503.5 (American Kestrel), and one species located on the California Species of Special Concern list (Loggerhead shrike).[21]

Furthermore, Mr. Winchell's survey identified suitable burrowing owl foraging and nesting habitat on the Project site, as well as suitable habitat for desert kit fox and California ground squirrel, which dig burrows suitable for burrowing owl use.[22] Mr. Winchell's site visit determined that the site has potential to support 11 special-status plant species, including crowned muilla and the Western Joshua tree.[23] Therefore, the site supports multiple special-status species of wildlife, and carries the potential to support many more.

Because the MND fails to accurately describe the Project's environmental setting, a fair argument exists that the Project may have a significant impact on wildlife requiring preparation of an EIR..

2. The MND Lacks Evidence to Support a Finding that the Project Will Not Interfere with Wildlife Movement.

The MND provides no serious analysis of the potential for the project to interfere with wildlife movement in the region. The MND merely states that "[t]he site's utility as a habitat and a migration corridor is constrained by the presence of an adjacent roadways and the development that is present in the neighboring areas. *As a result, no impacts would occur*."[24] However, the MND cites no evidence that the adjacent roads and/or development constrain habitats or wildlife movement in any way.[25] If the MND's reasoning carried any weight, Ms. Smallwood should not have been able to see wildlife on the site.[26]

Further, the City did not retain any wildlife ecologists to survey the project site or surroundings. There was no program of observation to characterize wildlife use of the site for movement, nor any surveys to determine which species of wildlife occur on or around the site.[27] The existence of roads does not truly serve as a barrier to wildlife movement, as wildlife collisions with automobiles is one of the largest anthropogenic sources of wildlife mortality.[28]

[20] Id.
[21] Id. at 7.
[22] Ex. B, at 3.
[23] Id. at 1.
[24] MND, at 34 (emphasis added).
[25] Ex. A, at 19.
[26] Id.
[27] Id.
[28] Id.

A fair argument can be made for the need to prepare an EIR to appropriately analyze the potential impacts to volant wildlife, as well as potential mitigation strategies.

3. There is Substantial Evidence that the Project will have a Significant Impact on Biological Resources as a Result of Traffic Collisions.

As a result of increased traffic resulting from the Project, Dr. Smallwood identified likely impacts to special-status species. Indeed, mortality and injures caused by project-generated traffic is one of the project's most substantial impacts to wildlife.[29] "Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic. . .including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building."[30] Vehicle collisions with special-status species is not a minor issue, but rather results in the death of millions of species each year, and impacts have been found to be significant at the population level.[31]

Based on his calculations, Dr. Smallwood predicts that the Project's annual VMT[32] would cause 731 vertebrate wildlife fatalities per year due to project-generated traffic, including special-status species.[33] Dr. Smallwood concludes the Project's traffic-related injuries and fatalities to wildlife constitutes a significant impact.[34] The MND does not address this potential impact and therefore lacks any evidence that the impact will not be significant. An EIR is necessary to appropriately analyze the impact of wildlife collision mortality resulting from project-generated traffic.

4. There is Substantial Evidence that the Project will have a Significant Impact on Biological Resources as a Result of Habitat Loss and the Resulting Lost Breeding Capacity.

While habitat loss results in the immediate decline in birds and other animals, it also results in a permeant loss of productive capacity.[35] The MND does not attempt to estimate the numerical or productive capacities of the site for nesting birds as a result of habitat lost from Project Development. This is likely because the MND improperly concludes that birds do not nest on the site. Contrary to the MND's conclusion, Ms. Smallwood observed at least 11 species of nesting birds on her site visit.[36] Ms. Smallwood's survey was only a reconnaissance survey, and therefore unsuitable for detecting all bird nests.

[29] Id.
[30] Id.
[31] Id.
[32] While the MND does not report a prediction of annual vehicle miles traveled ("VMT"), Dr. Smallwood was able to predict VMT based on his experience analyzing traffic collision impacts at similar warehouse projects.
[33] Id. at 21-22.
[34] Id. at 22.
[35] Id. at 18.
[36] Id. at 18.

Based on field research, Dr. Smallwood estimates that development of the Project would result in the loss of 5.1 nest sites, 7.1 nest attempts, and 20.6 fledgling birds per year at the project site, which would result in an ongoing yearly loss of 23 birds.[37] Most, if not all, of these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act.[38] This loss of nests and birds each year is a potentially significant impact that has not been analyzed. An EIR is required to fully analyze the Project's impact on lost breeding capacity, and to mitigate that impact.

5. There is a Fair Argument that the Project Will Adversely Affect Special Status Species.

Dr. Smallwood proposes numerous mitigations measures that could vastly reduce the above impacts, such as measures to improve wildlife safety along roads, compensatory mitigation bird-window collisions, compensatory mitigation for road mortality, and funding of wildlife rehabilitation facilities. These mitigation measures should be analyzed in an EIR, alongside appropriate mitigation measures based on a valid characterization of the environmental setting and imposed if feasible.

Therefore, the Project will have a substantial adverse effect on special status species, and continuation of the Project without preparing and circulating an EIR will lead to habitat disturbance and modifications that will directly and indirectly affect special status species.

6. The Project's Cumulative Impacts Analysis is Fundamentally Flawed

Recognizing that several projects may together have a considerable impact, CEQA requires an agency to consider the "cumulative impacts" of a project along with other projects in the area. (Pub. Res. Code § 21083(b); 14 Cal. Code Regs. §15355(b).) If a project may have cumulative impacts, the agency must prepare an EIR, since "a project may have a significant effect on the environment if '[t]he possible effects of a project are individually limited but cumulatively considerable.'" (*CBE,* 103 Cal.App.4th at 98, 114; *Kings County Farm Bur.*, 221 Cal.App.3d at 721.) It is vital that an agency assess "'the environmental damage [that] often occurs incrementally from a variety of small sources . . .'" (*Bakersfield Citizens For Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214.)

The cumulative impacts analysis in the MND is fundamentally flawed. The MND concludes that "[t]he proposed project *would not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein."[39] This conclusion is unsupported by substantial

[37] Id.
[38] Id. at 19.
[39] MND, at 89.

evidence. It is premised on the idea that no wildlife occurs on the project site.[40] However, as discussed above, special status wildlife and plants are present on site and there is substantial evidence that the Project will have significant impacts on biological resources. A cumulative impacts analysis that complies with CEQA must be completed.

II. THE MND'S PROPOSED BIOLOGICAL MITIGATION MEASURES ARE INSUFFICIENT TO BRING THE BIOLOGICAL RESOURCES IMPACTS TO A LEVEL BELOW SIGNIFICANCE.

An MND is improper because there is no evidence that the Project's proposed mitigation measures will not avoid or mitigate the potentially significant biological resources impacts "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." PRC §§ 21064.5 and 21080(c)(2).

Dr. Smallwood and Mr. Winchell identified the multiple special status species and habitat on or near the Project site that will be impacted by the Project. However, the formulation of appropriate mitigation cannot occur until an adequate survey effort for wildlife on and around the project site is conducted.[41] The available protocol level detection survey guidelines also need to be implemented for multiple special-status species.[42] The single proposed mitigation measure is insufficient and therefore cannot guarantee that proposed measures will reduce the impacts below significance.

1. The MND does not disclose impacts to Western Joshua Trees.

Western Joshua Trees are a candidate species under the California Endangered Species Act.[43] At least 34 WJT are found on the Project site. However, the MND makes no assessment of the impacts that Project will have on Western Joshua Trees, and the conclusion that any impacts will be less-than-significant with mitigation is unsupported.

Appendix B of the MND is a Protected Plant Preservation Plan. This Plan details a survey conducted to determine the number of WJT on the Project site, and the number of WJT suitable for transplantation. However, neither the MND nor the Preservation Plan disclose whether, and to what extent, the Project will impact WJTs on the Project site. Because the Project may have a significant impact on WJTs, an EIR is required.

2. The MND's Mitigation of Impacts to Western Joshua Trees Violate CEQA.

In general, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines §

[40] Ex. A, at 22.
[41] Id. at 22.
[42] Id.
[43] https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/FAQ#602113850-is-wjt-still-a-candidate-under-the-california-endangered-species-act

15370.) A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (14 CCR § 15364.) Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (14 CCR § 15126.4(a)(2).)

Mitigation Measure BIO-1 provides:

> Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.[44]

This mitigation measure violates CEQA in numerous ways.

First, there is no evidence that obtaining an incidental take permit and a payment of a fee will actually minimize, reduce, avoid, rectify, or compensate for lost Joshua Trees as required by (CEQA Guidelines § 15370.) Moreover, there is no explanation of whether or how compliance with WJTCA would reduce impacts to a less than significant level under CEQA since there is no disclosure of what the Project's impacts on Joshua Trees will be.

Second, paying a fee does not constitute adequate mitigation unless there is evidence that the fees will fund a specific mitigation plan that will actually be implemented in its entirety. (*Napa Citizens for Honest Gov. v. Bd. Of Supervisors* (2001) 91 CallApp.4th 342 (no evidence that impacts will be mitigated simply by paying a fee); *Anderson First Coal. v. City of Anderson* (2005) 130 Ca.App.4th 1173 (traffic mitigation fee is inadequate because it does not ensure that mitigation measure will actually be implemented); see also Save Our Peninsula Committee v. Monterey County Bd. of Supervisors, supra, 87 Cal.App.4th 99, 140 [commitment to pay fees without any evidence that mitigation will actually occur is inadequate].) No such evidence is provided here.

Third, Even if paying a fee did mitigate the impact – which there is no evidence of - the fee amount will not be determined until some later time after CEQA review is complete, improperly deferring mitigation.

Fourth, the MND also improperly defers mitigation by stating "Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit." Lead agencies may defer formulating

[44] MND, p. 34.

mitigation until after project approval only "when it is impractical or infeasible to include those details during the project's environmental review." (CEQA Guidelines § 15126.4(a)(1)(B); *see also POET, LLC v. State Air Res. Bd.* (2013) 218 Cal.App.4th 681, 736.) In the limited circumstances where deferring mitigation is justified, the EIR must (1) commit itself to the mitigation, (2) adopt specific performance standards the mitigation will achieve, and (3) identify the types of potential actions that can feasibly achieve that performance standard. (Guidelines § 15126.4, subd. (a)(1)(B).) The MND does none of this.

Finally, there is no explanation of why 3 of the 34 trees were deemed suitable for transplantation, yet nothing in the mitigation measure requires any transplantation.

While not included in the mitigation measure, the MND states that "CDFW may require relocation of WJT based on the final WJT census." It is unclear if the MND considers this mitigation. If so, it is improper under CEQA because there is no evidence that relocation will actually occur or that relocation will reduce impacts to less-than-significant, particularly given the Protection Plan's conclusion that only 3 of the 34 trees are suitable for transplantation. Where feasibility is called into question, the agency must demonstrate feasibility. (*Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309 [mitigation calling for a future use permit for sludge disposal was improperly deferred because there was no evidence of feasibility in the face of uncertainty: "the record discloses that the applicant presented no plans for sludge disposal and that no solution was readily available."].)

Also not included in mitigation measure Bio-1, the MND lists three "minimization measures" that are "applicable to the Joshua Tree that is present on the project site." The first minimization measure is;

> The Joshua tree will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the city where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.

MND, p. 33.

This measure is vague, uncertain, and the efficacy is unsupported. Again, only 3 of the 34 trees on site are suitable for transplantation according to the Protection Plan. There is no evidence that cutting up and discarding 31 of the 34 protected Joshua Trees will mitigate impacts to these trees. In fact, the mitigation measure here seems to actually cause an impact, and this impact must be analyzed.

Moreover, the literature-based justification for determining transplantation suitability of Western Joshua trees was not provided.[45] The plan states that transplant suitability is "based on industry standards," and provides a list of the suitability criteria without citation or reference, resulting in the exclusion of four of the seven living western Joshua trees occurring on the project

[45] Ex. B, at 3.

site.[46] However, based upon the CDFW's Western Joshua Tree Relocation Guidelines and Protocols, Mr. Winchell concluded that all seven living Joshua trees on the Project site are suitable for transplantation.[47]

Moreover, the MND does not disclose how these vaguely described "minimization measures" will be enforced. Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. 14 CCR § 15126.4(a)(2). *See Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement). Here, there is no discussion of whether and now any of the "minimization measures" will be enforced, violating CEQA.

Relying only on a mitigation measure that violates CEQA and vague measures not included as enforceable mitigation measures, there is no evidence that impacts to Joshua Trees will be reduce below significance. An EIR is needed to analyze and mitigate the Project's potentially significant impact and adopt CEQA-compliant mitigation measures to mitigate impacts on the protected Western Joshua Trees.

3. The City Fails to Implement Mitigation Measures to Protect Wildlife Species Observed on the Project Site.

There is more than a fair argument that an EIR is necessary to adequately identify and formulate mitigation measures for the bird species observed on and near the Project site. The City not only fails to propose any mitigation for potential wildlife impacts—it fails to address these impacts altogether. The MND requires no mitigation for wildlife and provides no justification for this critical gap in the CEQA review process. No wildlife surveys were conducted at the Project site, and the MND fails to explain this omission.

An EIR is essential to develop an effective mitigation strategy. At a minimum, the City must conduct both reconnaissance-level and protocol-level surveys for special-status species. However, none of these surveys were conducted as part of the MND. The only wildlife survey conducted regarding the Project was a brief, less-than-three-hour perimeter survey conducted by Ms. Smallwood, who did not even have access to the interior of the Project site. Yet, despite these limitations, her short survey still identified four special-status species.

The MND fails to accurately characterize the environmental setting, as it includes no survey data to establish a baseline for protected wildlife species in the area. The City then uses this lack of data to justify the complete absence of any wildlife mitigation measures. Given that even a limited perimeter survey detected multiple special-status species, the need for further data is clear. So too is the City's failure to incorporate any measures to address potential wildlife impacts into the MND or the Project itself. For these reasons, preparation of an EIR is not only warranted

[46] Id.
[47] Id.

but necessary to support a legally adequate impact analysis and to formulate appropriate and feasible mitigation measures.

CONCLUSION

For the foregoing reasons, SAFER requests that the City prepare an Environmental Impact Report to analyze and mitigate the Project's significant adverse environmental impacts.

Sincerely,

Mitchell E. Thielemann

Mitchell E. Thielemann
LOZEAU DRURY LLP

EXHIBIT A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Leilani Henry, Assistant Planner
City of Hesperia Development Department, Planning Division
9700 Seventh Avenue
Hesperia, California 92345

19 March 2025

RE: Bickmore Warehouse

Dear Ms. Henry,

I write to comment on potential impacts to biological resources from the proposed Bickmore Warehouse project, which I understand would add two warehouses totaling 79,778 square-feet of floor space on 5.22 acres at the southwest corner of Mojave Street and E Avenue in Hesperia, California. I comment on the analyses of impacts to biological resources in the Initial Study/Mitigated Negative Declaration (IS/MND).

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and Raptor Research Foundation, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-seven years. My CV is attached.

THE WILDLIFE COMMUNITY AS BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts specifies that such evaluation includes potential impacts to special-status species. However, an important policy of CEQA is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not restricted to special-status species, but applies to wildlife populations and plant and animal communities. In fact, the CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." The CEQA Checklist Evaluation assigns priority to special-status species to balance

information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

All wildlife species should be of concern in a CEQA review, but the CEQA prioritizes special-status species. The species I consider to be special-status species are those listed in California's Special Animals List inclusive of threatened and endangered species under the California and federal Endangered Species Acts, candidates for listing under CESA and FESA, California's Fully Protected Species, California species of special concern, and California's Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406), continental and region-specific US Fish and Wildlife Service Birds of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf), and naturally rare species such as raptors protected by California's Birds of Prey laws, Fish and Game Code Sections 3503, 3503.5, 3505 and 3513 (see https://wildlife.ca.gov/Conservation/Birds/Raptors).

SITE VISIT

On my behalf, Noriko Smallwood, a wildlife biologist with a Master's Degree from California State University Los Angeles, visited the site of the proposed project for 2.83 hours from 06:14 to 09:04 hours on 6 March 2025. She walked the site's perimeter where accessible, stopping to scan for wildlife with use of binoculars. Noriko recorded all species of vertebrate wildlife she detected, including those whose members flew over the site or were seen nearby, off the site. Animals of uncertain species identity were either omitted or, if possible, recorded to the Genus or higher taxonomic level.

Conditions were sunny with 10-17 MPH south wind and temperatures of 37-42° F. The site is mostly undisturbed with Joshua tree woodland (Photos 1-3).

Noriko saw California gull (Photo 4), loggerhead shrike and American kestrel (Photos 5 and 6), common raven (Photo 7), rock pigeon (Photo 8), house finch (Photos 9 and 10), among the other species listed in Table 1. Noriko detected 14 species of vertebrate wildlife at or adjacent to the project site, including four species with special status (Table 1).

Noriko Smallwood certifies that the foregoing and following survey results are true and accurately reported.

Noriko Smallwood

Photos 1, 2, and 3. *Views of the project site, which contains Joshua tree (top), creosote (all), cholla (bottom), among other plant species,* 6 March *2025. Photos by Noriko Smallwood.*

Photo 4. *California gull on the project site,* 6 March *2025. Photo by Noriko Smallwood.*

Photos 5 and 6. *Loggerhead shrike just off of the project site (left), and American kestrel on the project site (right),* 6 March *2025. Photos by Noriko Smallwood.*

Photo 7. *Common raven on the project site,* 6 March *2025. Photo by Noriko Smallwood.*

Photo 8. *Rock pigeons on the project site,* 6 March *2025. Photo by Noriko Smallwood.*

Photos 9 and 10. *House finches on the project site,* 6 March *2025. Photos by Noriko Smallwood.*

Table 1. *Species of wildlife Noriko observed during 2.83 hours of survey on 6 March 2025.*

Common name	***Species name***	**Status**[1]	**Notes**
Rock pigeon	*Columba livia*	Non-native	Flew over, perched just off site
California gull	*Larus californicus*	BCC, WL	Flew over
American kestrel	*Falco sparverius*	BOP	Flew over
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Perched on Joshua tree just off site
Common raven	*Corvus corax*		Foraged, flew over
California horned lark	*Eremophila alpestris actia*	WL	On site and flew over
Tree swallow	*Tachycineta bicolor*		Flock flew over
Mountain bluebird	*Sialia currucoides*		Perched just off site
House sparrow	*Passer domesticus*	Non-native	Just off site
House finch	*Haemorphous mexicanus*		Foraged
Sparrow sp.			Likely Savannah sparrow or white-crowned sparrow
California ground squirrel	*Otospermophilus beecheyi*		Burrows
Domestic dog	*Canis familiaris*	Non-native	3 observed
Kangaroo rat	*Dipodomys sp.*		Many burrows

[1] Listed on Special Animals List as SSC = California Species of Special Concern (see Shuford and Gardali 2008 for numbers indicating priority of concern) or WL = Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406); listed by U.S. Fish and Wildlife Service as BCC = Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); or protected as BOP = Birds of Prey (California Fish and Game Code 3503.5).

The species of wildlife Noriko detected at the project site comprised only a sampling of the species that were present during her survey. To demonstrate this, I fit a nonlinear regression model to Noriko's cumulative number of vertebrate species detected with time into her survey to predict the number of species that she would have detected with a longer survey or perhaps with additional biologists available to assist her. The model is a logistic growth model which reaches an asymptote that corresponds with the maximum number of vertebrate wildlife species that could have been detected during the survey. In this case, the model fit to her survey data predict 15 species of vertebrate wildlife were available to be detected during each of her surveys, or only 1 more species than she detected (Figure 1).

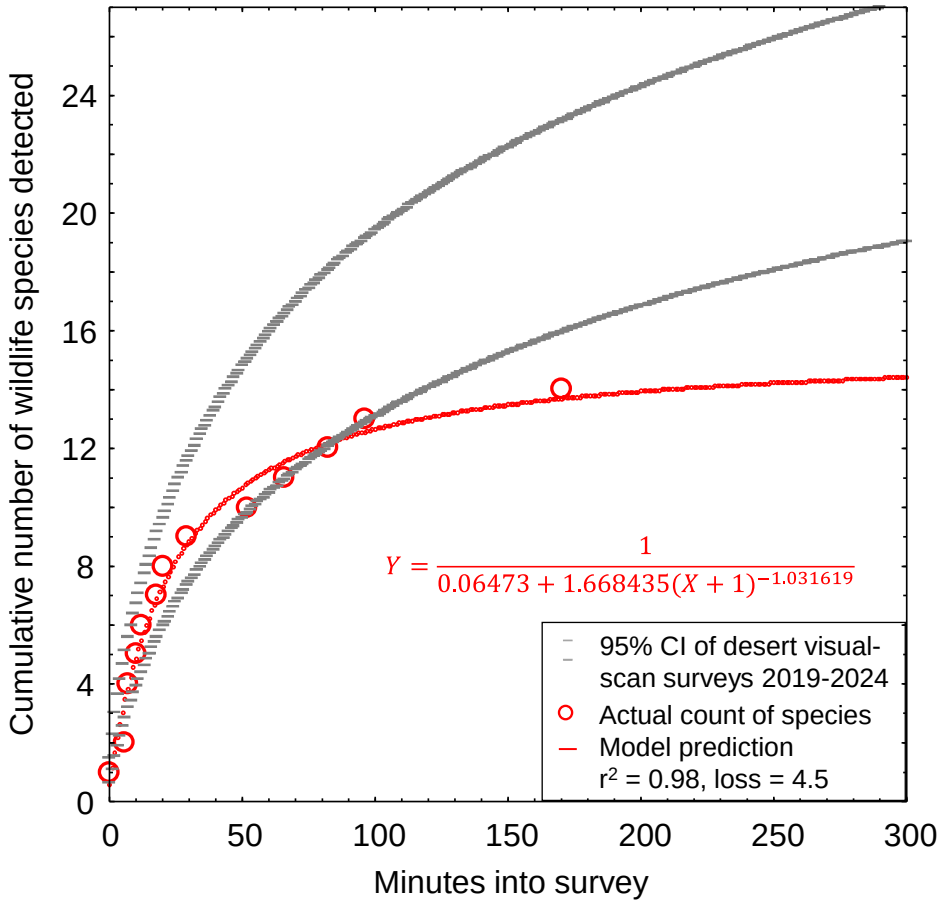


Figure 1. *Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan survey on 6 March 2025.*

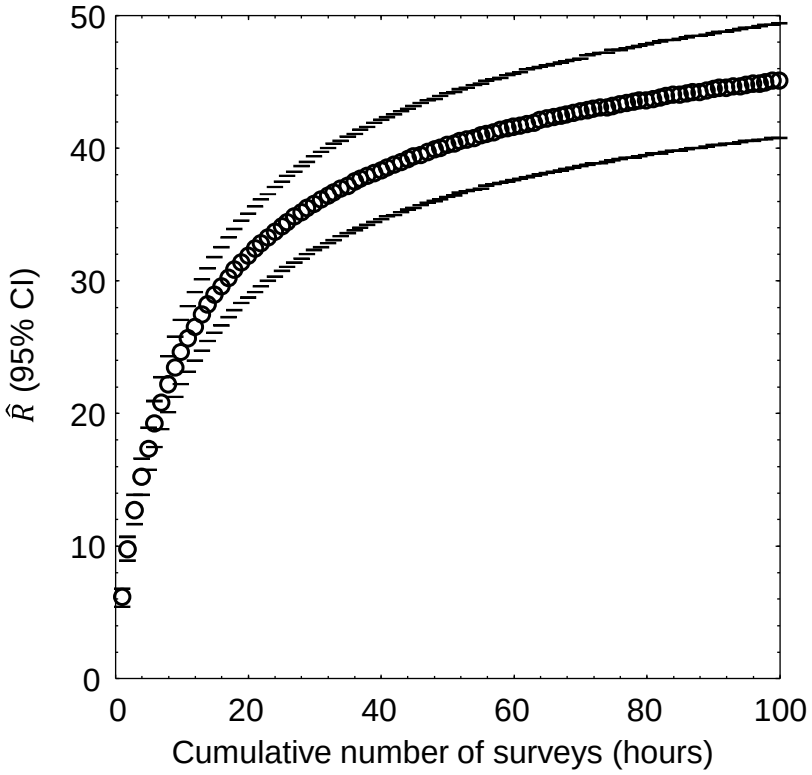
Unknown is the identity of the species Noriko missed, but the pattern in her data indicates average use of the project site compared to 19 surveys at other desert sites she and I have completed in California (Figure 1). Importantly, however, the species Noriko did and did not detect on 6 March composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, and the members of many others would visit the site only periodically while patrolling large home ranges.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko's one survey. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex

methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficients of determination, r^2, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 12.2 species over my first 2.83 hours of surveys at my research site in the Altamont Pass (2.83 hours to match the 2.83 hours Noriko surveyed at the project site), which composed 21.4% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 14 species Noriko detected after her 2.83 hours of survey at the project site likely represented 21.4% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $14/0.214 = 65$ species of vertebrate wildlife at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 65 predicted species, then continued surveys would eventually detect 19 special-status species of vertebrate wildlife.

Figure 2. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely irrelevant to the utility of the graph to the interpretation of survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere.*



Because my prediction of 65 species of vertebrate wildlife, including 19 special-status species of vertebrate wildlife, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of the site must be larger. Noriko's reconnaissance survey should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than her one survey to inventory the project site's wildlife community. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort.

EXISTING ENVIRONMENTAL SETTING

The first step in analysis of potential project impacts to biological resources is to accurately characterize the existing environmental setting, including the wildlife community and any key ecological relationships and known and ongoing threats to special-status species. A reasonably accurate characterization of the environmental setting can provide the baseline against which to analyze potential project impacts. For these reasons, characterization of the environmental setting, including the project site's regional setting, is one of the CEQA's essential analytical steps. Methods to achieve this first step typically include (1) surveys of the site for biological resources, and (2) reviews of literature, databases and local experts for documented occurrences of special-status species. In the case of the proposed project, these required steps remain incomplete and misleading.

Before I begin my comments on field surveys and desktop review, I need to address a mistaken view of species and habitat. According to the IS/MND (p. 32), "Sensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type." Habitat is defined as the portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997, Morrison et al. 1998), whereas a habitat type refers to a vegetation complex. A species' habitat is not just a vegetation complex (Hall et al. 1997, Krausman 2016). A habitat is the home of a species, as it provides the cover, forage, templates for breeding, and opportunities for socialization, the combination of which is specific to the species, but which encompasses a portion of the aerosphere, underlying soils, water bodies and the biological community where the species is resident or seasonal at both ends of a migration route and all places in between. In other words, habitat is much more than a vegetation complex assigned to a "habitat type." Habitats of some species are more restricted geographically than of others, often contributing to species being referred to as sensitive because habitat loss to these species comprises a larger proportion of remaining habitat. Also contributing to the sensitivity of a species is the degree to which humans seek to take the species' habitat for economic gain. Thus, the IS/MND's insinuation is misleading that habitat types to which sensitive species are specialized and dependent upon do not exist on the project site. The insinuation pigeon-holes sensitive species into unidentified vegetation complexes that are supposedly not present.

For many species, it is unclear why the species is experiencing numerical decline or spatial contraction and therefore is labeled as sensitive. By far the most often hypothesized reasons are habitat loss and habitat fragmentation, but one specific portion of the habitat might account for the decline. The burrowing owl is a useful example, because it has long been associated with a wide range of open environments including the very environment of the project site, and it has long been described as exploitive of disturbed environments such as areas graded for roads or construction projects. Despite its seemingly robust nature, the burrowing owl is in rapid decline across all of California, recently prompting the California Fish and Game Commission to designate it a candidate for listing under the California Endangered Species Act. Habitat loss and habitat fragmentation is likely causing the decline of the burrowing owl, but a specific part of the burrowing owl's habitat might explain a disproportionate amount of the decline, and that is the loss of an important mutualist species – the ground squirrel (K. S. Smallwood unpublished data; Smallwood and Morrison 2018, 2024).

The IS/MND reports, "According to the United States Fish and Wildlife Service, there are no wetland or migratory bird nesting areas located within the project site." Unreported, however, is the basis of the USFWS 's findings. Did the USFWS perform surveys on the site? If the findings originate from a USFWS report, no such report is cited.

Shortly after the above statement, the IS/MND claims "No offsite … migratory bird nesting areas would be affected by the proposed development since all development will be confined to the project site. *As a result, no impacts would occur*." This finding combined with the previous finding implies that migratory birds do not nest anywhere. The IS/MND's findings cannot possibly be true. The bases of these findings are not reported, because they do not exist.

Furthermore, I am suspicious that the City paid little attention to what it wrote about the environmental setting. As an example, having repeatedly characterized the project site as "showing signs of human disturbances" (IS/MND: 3, 7, 9, 21, 24, 27, 32), which were later described as "severe artificial disturbances associated with offroad vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping" (twice stated on p. 37), the IS/MND (p. 33) reports, "The site in its entirety is undisturbed." Of course, the site is not entirely undisturbed, nor are the disturbances that the IS/MND as severe in their consequences to plants and wildlife as the IS/MND implies. The disturbances were insufficiently severe to prevent the occurrences of 34 Joshua trees on the site, nor the wildlife that Noriko Smallwood detected on and around the site.

Environmental Setting informed by Field Surveys

To the CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the proposed project site, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this

information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources.

Other than Noriko Smallwood's survey, no surveys for wildlife have been completed at the project site. The City did not send any professional wildlife ecologists to survey the site. The IS/MND provides no reason for this deficiency of the CEQA review, but the failure to complete surveys for wildlife is a major deficiency that prevents disclosure of potential environmental impacts that would result from the project. The project should not move forward without having the appropriate foundation for impacts analyses and the formulation of a mitigation strategy.

Not only has there been no reconnaissance survey for wildlife on the project site, but no protocol-level detection surveys have been conducted for monarch, Crotch's bumble bee, Mohave Desert tortoises, Mohave ground squirrels, Swainson's hawks, burrowing owls or LeConte's thrashers. RCA (2023) surveyed the project site for Joshua trees, but not for any other species of rare plants. Thus, the CDFW (2018) survey guidelines for rare plants have also yet to be implemented. Except for Joshua trees, the findings of the IS/MND lack any connection to field surveys of plants and wildlife.

Environmental Setting informed by Desktop Review

The purpose of literature and database reviews and of consulting with local experts is to inform the field survey, and to augment interpretation of its outcome. Analysts need this information to identify which species are known to have occurred at or near the project site, and to identify which other special-status species could conceivably occur at the site due to geographic range overlap and migration flight paths.

The IS/MND does not report on the findings of any desktop review. Findings of the USFWS are reported, but no source document is cited. The IS/MND presents no evidence that a review of wildlife occurrence records was completed. The IS/MND provides no reason for this deficiency of the CEQA review process, but the omission of a desktop review is a major deficiency that prevents disclosure of potential environmental impacts that would result from the project. The project should not move forward without having the appropriate foundation for impacts analyses and the formulation of a mitigation strategy.

In my assessment based on a database review and a site visit, 114 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Of these 114 species, 4 (3.5%) were recorded on or just off the project site, and another 17 (15%) species have been documented within 1.5 miles of the site ('Very close'), another 29 (25%) within 1.5 and 4 miles ('Nearby'), and another 54 (47%) within 4 to 30 miles ('In region'). Almost half (44%) of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports multiple special-status species of wildlife and carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences. The site is far richer in special-status species than the City would have the reader believe.

Table 2. *Occurrence likelihoods of special-status bird species inferred from proximities of occurrence records in eBird/iNaturalist records (https://eBird.org, https://www.inaturalist.org) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. Entries in bold font identify species detected by Noriko Smallwood.*

Common name	***Species name***	**Status[1]**	**Database records, Site visit**
Monarch	*Danaus plexippus*	FC	In region
Crotch's bumble bee	*Bombus crotchii*	CCE	Very close
Western pond turtle	*Emys marmorata*	SSC	In region
Mojave desert tortoise	*Gopherus agassizii*	FT, CE	In region
Blainville's horned lizard	*Phrynosoma blainvillii*	SSC	In region
Brant	*Branta bernicla*	SSC2	In region
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL	Nearby
Redhead	*Aythya americana*	SSC2	Nearby
Barrow's goldeneye	*Bucephala islandica*	SSC	In region
Western grebe	*Aechmophorus occidentalis*	BCC	Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC	In region
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE	In region
Black swift	*Cypseloides niger*	SSC3, BCC	In region
Vaux's swift	*Chaetura vauxi*	SSC2	Nearby
Costa's hummingbird	*Calypte costae*	BCC	Very close
Calliope hummingbird	*Selasphorus calliope*	BCC	In region
Rufous hummingbird	*Selasphorus rufus*	BCC	Nearby
Allen's hummingbird	*Selasphorus sasin*	BCC	Nearby
American avocet	*Recurvirostra americana*	BCC	Nearby
Mountain plover	*Charadrius montanus*	SSC2, BCC	In range
Snowy plover	*Charadrius nivosus*	BCC	In region
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC	In range
Long-billed curlew	*Numenius americanus*	WL	In region
Marbled godwit	*Limosa fedoa*	BCC	In region
Pectoral sandpiper	*Calidris melanotos*	BCC	In region
Short-billed dowitcher	*Limnodromus griseus*	BCC	In region
Lesser yellowlegs	*Tringa flavipes*	BCC	In region

Common name	***Species name***	**Status[1]**	**Database records, Site visit**
Willet	*Tringa semipalmata*	BCC	In region
Franklin's gull	*Leucophaeus pipixcan*	BCC	In region
Heermann's gull	*Larus heermanni*	BCC	In region
California gull	*Larus californicus*	BCC, WL	**On site**
California least tern	*Sternula antillarum browni*	FE, CE, CFP	In region
Black tern	*Chlidonias niger*	SSC2, BCC	Nearby
Common loon	*Gavia immer*	SSC	Very close
Double-crested cormorant	*Phalacrocorax auritus*	WL	Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1	Nearby
Least bittern	*Ixobrychus exilis*	SSC2	In region
White-faced ibis	*Plegadis chihi*	WL	Nearby
Turkey vulture	*Cathartes aura*	BOP	Very close
Osprey	*Pandion haliaetus*	WL, BOP	Very close
White-tailed kite	*Elanus luecurus*	CFP, BOP	In region
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL	In region
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP	Nearby
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP	Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Very close
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP	Nearby
Red-shouldered hawk	*Buteo lineatus*	BOP	Nearby
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Nearby
Red-tailed hawk	*Buteo jamaicensis*	BOP	Very close
Ferruginous hawk	*Buteo regalis*	WL, BOP	Nearby
Zone-tailed hawk	*Buteo albonotatus*	BOP	In region
Harris' hawk	*Parabuteo unicinctus*	WL, BOP	In region
Rough-legged hawk	*Buteo lagopus*	BOP	In region
American barn owl	*Tyto furcata*	BOP	Nearby
Western screech-owl	*Megascops kennicotti*	BOP	In region
Great horned owl	*Bubo virginianus*	BOP	Very close
Burrowing owl	*Athene cunicularia*	BCC, CCE, SSC2, BOP	Very close
Long-eared owl	*Asio otus*	BCC, SSC3, BOP	In region

Common name	***Species name***	**Status[1]**	**Database records, Site visit**
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP	In region
Lewis's woodpecker	*Melanerpes lewis*	BCC	In region
Nuttall's woodpecker	*Picoides nuttallii*	BCC	Very close
American kestrel	*Falco sparverius*	BOP	**On site**
Merlin	*Falco columbarius*	WL, BOP	Very close
Peregrine falcon	*Falco peregrinus*	BOP	Nearby
Prairie falcon	*Falco mexicanus*	WL, BOP	Nearby
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2	Nearby
Willow flycatcher	*Empidonax trailii*	CE	Nearby
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE	In region
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2	Nearby
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	In region
Gray vireo	*Vireo vicinior*	SSC2	In region
Loggerhead shrike	*Lanius ludovicianus*	SSC2	**Just off site**
Oak titmouse	*Baeolophus inornatus*	BCC	Very close
Verdin	*Auriparus flaviceps*	BCC	Very close
California horned lark	*Eremophila alpestris actia*	WL	**On site**
Bank swallow	*Riparia riparia*	CT	Nearby
Purple martin	*Progne subis*	SSC2	In region
Wrentit	*Chamaea fasciata*	BCC	In region
Black-tailed gnatcatcher	*Polioptila melanura*	WL	In region
California thrasher	*Toxostoma redivivum*	BCC	Nearby
LeConte's thrasher	*Toxostoma lecontei*	SSC1, BCC	In region
Cassin's finch	*Haemorhous cassinii*	BCC	Nearby
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Very close
Black-chinned sparrow	*Spizella atrogularis*	BCC	In region
Gray-headed junco	*Junco hyemalis caniceps*	WL	In region
Bell's sparrow	*Amphispiza b. belli*	WL	In region
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2	In range
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL	In region

Common name	*Species name*	Status[1]	Database records, Site visit
Yellow-breasted chat	*Icteria virens*	SSC3	Nearby
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	SSC3	Nearby
Bullock's oriole	*Icterus bullockii*	BCC	Nearby
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	In region
Lucy's warbler	*Leiothlypis luciae*	SSC3	In region
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC	In region
Yellow warbler	*Setophaga petechia*	SSC2	Nearby
Summer tanager	*Piranga rubra*	SSC1	Nearby
California myotis	*Myotis californicus*	WBWG:L	In region
Small-footed myotis	*Myotis ciliolabrum*	WBWG: M	In range
Canyon bat	*Parastrellus hesperus*	WBWG: M	In region
Big brown bat	*Episticus fuscus*	WBWG: L	In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG: M	In range
Hoary bat	*Lasiurus cinereus*	WBWG: M	In region
Spotted bat	*Euderma maculatum*	SSC, WBWG: H	In range
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG: H	In region
Pallid bat	*Antrozous pallidus*	SSC, WBWG: H	In range
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L	In region
Western mastiff bat	*Eumops perotis*	SSC, WBWG: H	In range
San Diego black-tailed jackrabbit	*Lepus californicus bennettii*	SSC	In region
Mohave ground squirrel	*Xerospermophilus mohavensis*	CT	In region
Pallid San Diego pocket mouse	*Chaetodipus fallax pallidus*	SSC	In range
Los Angeles pocket mouse	*Perognathus longimembris brevinasus*	SSC	In region
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC	In range
American badger	*Taxidea taxus*	SSC	In region
Mountain lion	*Puma concolor*	CCT	Very close

[1] Listed on Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT or FE = federal threatened or endangered, FC = federal candidate for listing, CCT or CCE = Candidate California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (see Shuford and Gardali 2008 for numbers indicating priority of concern), CT or CE = California threatened or endangered, SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species'

range, associated with habitat that is declining in extent, and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively, per Shuford and Gardali 2008), WL = Taxa to Watch List, and WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); listed by U.S. Fish and Wildlife Service (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf) as BCC = Bird of Conservation Concern; or protected as BOP = Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

At least a fair argument can be made for the need to prepare an EIR to accurately characterize the existing environmental setting that is needed to appropriately analyze impacts and formulate mitigation measures.

BIOLOGICAL IMPACTS ASSESSMENT

Accurate characterization of the existing environmental setting is an essential foundation for analysis of potential project impacts, but other than for Joshua trees, the IS/MND provides no foundation for impacts analysis related to plants and wildlife. An impacts analysis should consider whether and how the proposed project would affect members of each potentially occurring special-status species. In the following, I analyze several types of impacts likely to result from the project, none of which is addressed in the IS/MND.

HABITAT LOSS AND HABITAT FRAGMENTATION

The IS/MND does not attempt to estimate the numerical or productive capacities of the site for nesting birds, probably because the IS/MND concludes that birds do not nest on the site. This conclusion, however, is not credible. The site is proven to serve as habitat to at least 14 species of wildlife which Noriko observed on the site, but the number of avian nest sites remains unknown. Because Noriko's survey was only a reconnaissance survey therefore unsuitable for detecting all bird nests on the site, estimating total nest density of birds was not possible. Fortunately, we have performed such surveys at other sites to estimate total nest density.

Franzeb (1978) estimated a total nest density of 0.183 nests/ha in California's southeastern desert environments, and Kozma and Mathews (1997) estimated total nest densities of 0.26 nests/acre in arroyos and 0.109 nests/acre on the uplands in the Chihuahuan Desert of New Mexico. As part of an ongoing study, Noriko Smallwood estimated 3.8 nests/acre on a 3.16-acre site of grassland in Murrieta, 0.62 nests/acre on a 4.83-acre site, and 0.93 nests/acre on grassland of the San Joaquin Wildlife Area. The average of the above is 0.98 nests/acre. This density applied to the 5.22 acres of the project site would predict 5.1 nest sites per year. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate an average 7.1 nest attempts per year at the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 20.6 fledglings/year at the project site.

The loss of 5.1 nest sites and 7.1 nest attempts and 20.6 fledglings per year would qualify as significant impacts that have not been analyzed in the IS/MND. But the impacts would not end with the immediate loss of nest sites. Assuming an average bird generation time of 5 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 23 birds per year denied to California.

The loss of 23 birds per year would be a loss of considerable productive capacity that is currently provided by the project site. Most if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which most strongly protect breeding migratory birds. Therefore, at least a fair argument can be made for the need to prepare an EIR to appropriately analyze project impacts to birds in the form of lost productive capacity caused by habitat loss.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. Unfortunately, the IS/MND provides no serious analysis of the potential for the project to interfere with wildlife movement in the region. The IS/MND (p. 34) merely states, "The site's utility as a habitat and a migration corridor is constrained by the presence of an adjacent roadways and the development that is present in the neighboring areas. *As a result, no impacts would occur*." However, the IS/MND cites no evidence that adjacent roads or adjacent development constrain habitats or wildlife movement in any way. If there was any veracity to the reasoning in the IS/MND on this issue, then Noriko Smallwood should not have been able to see the wildlife that she did.

The City of Hesperia did not retain any wildlife ecologists to survey the project site or its surroundings, as is standard practice in support of CEQA review. There has been no program of observation to characterize how wildlife use the site for movement in the region, let alone any surveys to determine which species of wildlife occur on or around the site. Given this lack of diligence to the CEQA review process, the City merely speculates that roads preclude habitat and wildlife movement. If the existence of roads truly serve as barriers to wildlife movement, then the issue of roadkill wildlife would not exist, but as I discuss below, one of the largest – if not the largest -- anthropogenic sources of wildlife mortality is collisions of wildlife with automobiles.

At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the project's potential impacts to volant wildlife and how those impacts to movement can be mitigated.

TRAFFIC IMPACTS TO WILDLIFE

The IS/MND neglects to address one of the project's most obvious, substantial impacts to wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photos 1—4), including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to

8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

Photo 1. *A white-tailed antelope squirrel runs across the road just in the Coachella Valley, 26 May 2022. Such road crossings are usually successful, but too often prove fatal to the animal.*

Photo 2. *A coyote uses the crosswalk to cross a road on 2 February 2023. Not all drivers stop, nor do all animals use the crosswalk. Too often, animals are injured or killed when they attempt to cross roads.*

Photos 3 and 4. *Raccoon killed on Road 31 just east of Highway 505 in Solano County (left; photo taken on 10 November 2018), and mourning dove killed by vehicle on a California road (right; photo by Noriko Smallwood, 21 June 2020.)*

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,028 animals killed per mile along a county road in Contra Costa County. The estimated numbers of fatalities were 1.75% birds, 26.4% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 67.4% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 4.4% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

Predicting project-generated traffic impacts to wildlife

The IS/MND does not report a prediction of annual VMT that would be generated by the project. However, I have kept track of predicted annual VMT at other proposed warehouse projects, from which I can generate a mean annual VMT per square foot of floor space. Based on 33 other warehouse projects, the mean annual VMT/sf was 21.54. Applying this mean to the 79,778 sf of the proposed warehouse would predict 1,718,418 annual VMT.

During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars

and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted annual VMT would predict 731 vertebrate wildlife fatalities per year due to project-generated traffic.

Based on my analysis, the project-generated traffic would cause substantial, significant impacts to wildlife. The IS/MND does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts.

At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the impact of wildlife collision mortality resulting from project-generated traffic.

CUMULATIVE IMPACTS

The cumulative impacts analysis is fundamentally flawed, as its premise of no wildlife occurring on the project site lacks foundation in evidence. According to the IS/MND (p. 89), "The proposed project *would not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein." This analysis is conclusory. A cumulative impacts analysis needs to be completed.

MITIGATION MEASURES

The IS/MND requires no mitigation for potential project impacts to wildlife. The only mitigation required for biological resources is directed to the 34 Joshua trees determined to occupy the site. Below are my comments on the Joshua tree mitigation followed by recommendations for mitigation that should be considered in an EIR.

Before I comment specifically on mitigation, however, I will repeat myself that the formulation of appropriate mitigation can only follow an adequate survey effort for wildlife on and around the project site. The available protocol-level detection survey guidelines also need to be implemented for multiple special-status species.

BIO Mitigation No. 1. Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.

Comment: Attainment of an ITP is not assured, but the BIO Mitigation No. 1 includes no statement of uncertainty about acquiring an ITP. Furthermore, nothing is said of the

relocation guidelines, nor of effectiveness monitoring and reporting. The required mitigation for take of Joshua trees appears incomplete.

RECOMMENDED MEASURES

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by bird-window collisions and the project-generated road traffic in the region. I suggest that this mitigation can be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments. Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

Fund Wildlife Rehabilitation Facilities: Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured by collisions with the building's windows and with automobiles traveling to and from the building.

Thank you for your consideration,

Shawn Smallwood, Ph.D.

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Curriculum Vitae

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Born May 3, 1963 in
Sacramento, California.
Married, father of two.

Ecologist

Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Wildlife monitoring and field study using GPS, thermal imaging, behavior surveys;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that inform management decisions.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 762 professional reports, including:
- 90 peer reviewed publications
- 24 in non-reviewed proceedings
- 646 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 92 public presentations of research results

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and advised

the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Instructed Mammalogy, Behavioral Ecology, and Ornithology Lab, Contemporary Environmental Issues, Natural Resources Conservation.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Shu Geng and Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Informed academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws. Testified at public hearings on endangered species issues.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning, and quantitative assessment of land units for their conservation and restoration opportunities basedon ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County

to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science, *U.C. Davis*. Under Dr. Shu Geng's mentorship, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Managed and analyzed a data base of energy use in California agriculture. Assisted with landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing statewide mountain lion track count for long-term monitoring.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

Projects

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I have collaborated with a GIS analyst and managed a crew of five field biologists performing golden eagle behavior surveys and nocturnal surveys on bats and owls. The goal is to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. Focused behavior surveys began May 2012 and continue. Collision hazard models have been prepared for seven wind projects, three of which were built. Planning for additional repowering projects is underway.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a $718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founds of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook *et al*. v. Rockwell International *et al*., No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a $553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

Expert testimony and declarations on proposed residential and commercial developments, gas-fired power plants, wind, solar and geothermal projects, water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans and Natural Communities Conservation Programs. Testified before multiple government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. Prepared expert witness reports and court declarations, which are summarized under Reports (below).

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a "properly functioning HCP." Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson's hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersion of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental technology transfer to China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up technologies and trade opportunities between the US and China.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

Peer Reviewed Publications

Smallwood, K. S. 2022. Utility-scale solar impacts to volant wildlife. Journal of Wildlife Management: e22216. https://doi.org/10.1002/jwmg.22216

Smallwood, K. S., and N. L. Smallwood. 2021. Breeding Density and Collision Mortality of Loggerhead Shrike (*Lanius ludovicianus*) in the Altamont Pass Wind Resource Area. Diversity 13, 540. https://doi.org/10.3390/d13110540.

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Comments on Environmental Documents (Year; pages)

I was retained or commissioned to comment on environmental planning and review documents, including:

- Shirk & Riggin Industrial Park Application, Visalia (2022; 22);
- Duarte Industrial Application, Visalia (2022; 17);
- Amond World Cold Storage Warehouse IS/MND, Madera (2022; 23);
- Replies on Schulte Logistics Centre EIR, Tracy (2022; 28);
- Alta Cuvee Mixed Use Project Recirculated IS/MND, Ranch Cucamonga (2022; 8);
- Fourth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 9);
- Replies on 1242 20th Street Wellness Center Project FEIR, Santa Monica (2022; 5);
- 656 South San Vicente Medical Office Project EIR, Los Angeles (2022; 21);
- UCSF New Hospital at Parnassus Heights DEIR. San Francisco (2022; 40);
- DPR-21-021Warehouse IS, Modesto (2022; 19);
- Ormat Brawley Solar Project DEIR, Brawley (2022; 37);
- Site visits to Heber 1 Geothermal Repower Project IS/MND (2022; 31);
- Heritage Industrial Center Design Review, Chula Vista (2022; 13);
- Temporary Outdoor Vehicle Storage DEIR, Port of Hueneme (2022; 29);
- CNU Medical Center and Innovation Park DEIR, Natomas (2022; 35);
- Beverly Boulevard Warehouse IS/MND, Pico Rivera (2021; 28);
- Hagemon Properties IS/MND Amendment, Bakersfield (2022; 23);
- Airport Distribution Center IS/MND, Redding (2021; 22);
- Orchard on Nevada Warehouse Staff Report, Redlands (2021; 24);
- Landings Logistics Center Exemption, Bakersfield (2021; 19);
- Replies on Hearn Veterans Village IS/MND, Santa Rosa (2021; 22);
- North Central Valley BESS Project IS/MND, Stockton (2021; 37);
- 2nd Replies on Heber 1 Geothermal Repower Project IS/MND (2022; 21);
- Stagecoach Solar DEIR, Barstow (2021; 24);
- Updated Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2021; 35);
- Freedom Circle Focus Area and Greystar General Plan Amendment Project EIR, San Jose (2021; 43);
- Operon HKI Warehouse IS/MND, Perris (2021; 26);
- Fairway Business Park Phase III IS/MND, Lake Elsinore (2021; 23);
- South Stockton Commerce Center IS/MND, Stockton (2021; 31);
- Starpoint Warehouse IS/MND, San Bernardino (2021; 24);
- Replies on Heber 1 Geothermal Repower Project IS/MND (2021; 15);
- Heber 1 Geothermal Repower Project IS/MND (2021; 11);

- Alviso Hotel Project IS/MND, San Jose (2021; 43);
- Replies on Easton Research Park West IS/MND, Rancho Cordova (2021; 3);
- Easton Research Park West IS/MND, Rancho Cordova (2021; 31);
- US Cold Storage DEIR, Hesperia (2021; 30);
- 1242 20th Street Wellness Center Project FEIR, Santa Monica (2021; 23);
- Third visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 10);
- Roseland Creek Community Park Project IS/MND, Santa Rosa (2021; 23);
- Vista Mar Declaration of Irreparable Harm, Pacifica (2021; 3);
- LogistiCenter at Fairfield IS/MND (2021; 25);
- Alta Cuvee Mixed Use Project IS/MND, Ranch Cucamonga (2021; 29);
- Caligrows Architectural and Site Plan Review, Patterson (2021; 21);
- 1055 E. Sandhill Avenue Warehouse IS/MND, Carson (2021; 10);
- Chestnut & Tenth Street Commercial Project IS/MND, Gilroy (2021; 27);
- Libitzky Management Warehouse IS/MND, Modesto (2021; 20);
- 3rd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 10);
- Medical Office Building DEIR, Santa Cruz (2021; 30);
- Scannell Warehouse DEIR, Richmond (2021; 24);
- Diamond Heights Application, San Francisco (2021; 24);
- Costa Azul Mixed-Use EIR Addendum, San Diego (2021; 25);
- Woodland Research Park DEIR (2021; 45);
- 2nd Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 9);
- Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 3);
- Diamond Street Industrial IS/MND, San Marcos (2021; 28);
- DHS 109 Industrial Park IS/MND, Desert Hot Springs (2021; 33);
- Jersey Industrial Complex Rancho Cucamonga (2022; 22);
- 1188 Champions Drive Parking Garage Staff Report, San Jose (2021; 5);
- San Pedro Mountain, Pacifica (2021; 22);
- Pixior Warehouse IS/MND, Hesperia (2021; 29);
- 2nd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 9);
- Hearn Veterans Village IS/MND, Santa Rosa (2021; 23);
- Second visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 11);
- Replies on Station East Residential/Mixed Use EIR, Union City (2021; 26);
- Schulte Logistics Centre EIR, Tracy (2021; 30);
- 4150 Point Eden Way Industrial Development EIR, Hayward (2021; 13);
- Airport Business Centre IS/MND, Manteca (2021; 27);
- Dual-branded Hotel IS/MND, Santa Clara (2021; 26);
- Legacy Highlands Specific Plan EIR, Beaumont (2021; 47);
- UC Berkeley LRDP and Housing Projects #1 and #2 EIR (2021; 27);
- Santa Maria Airport Business Park EIR, Santa Maria (2021; 27);
- Replies on Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 20);
- Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 35);
- Inland Harbor Warehouse NOD, Ontario (2021; 8);
- Alvarado Specific Plan DEIR, La Mesa (2021; 35);
- Harvill Avenue and Rider Street Terminal Project MND, Riverside (2021; 23);

- Gillespie Field EIR Addendum, El Cajon (2021; 28);
- Heritage Wind Energy Project section 94-c siting process, New York (2021: 99);
- Commercial Street Hotels project Site Plans, Oakland (2021; 19);
- Heber 1 Geothermal Repower Project MND, El Centro (2021; 11);
- Citrus-Slover Warehouse Project MND, Fontana (2021; 20);
- Scott Ranch Project RDEIR (Davidon Homes), Petaluma (2021; 31);
- Replies on StratosFuel Renewable H2 Project MND, Victorville (2021; 5);
- StratosFuel Renewable H2 Project MND, Victorville (2021; 25);
- Replies on PARS Global Storage MND, Murietta (2021; 22);
- Baldwin-Zacharias Master Plans EIR, Patterson (2021; 38);
- 1000 Gibraltar Drive EIR, Milpitas (2021; 20);
- Mango Avenue Industrial Warehouse Project, Fontana, MND (2021; 20);
- Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 25);
- Replies on UCSF Comprehensive Parnassus Heights Plan EIR (2021; 13);
- 14 Charles Hill Circle Design Review (2021; 11);
- SDG Commerce 217 Warehouse IS, American Canyon (2021; 26);
- Mulqueeney Ranch Wind Repowering Project DSEIR (2021; 98);
- Clawiter Road Industrial Project IS/MND, Hayward (2021; 18);
- Garnet Energy Center Stipulations, New York (2020);
- Heritage Wind Energy Project, New York (2020: 71);
- Ameresco Keller Canyon RNG Project IS/MND, Martinez (2020; 11);
- Cambria Hotel Project Staff Report, Dublin (2020; 19);
- Central Pointe Mixed-Use Staff Report, Santa Ana (2020; 20);
- Oak Valley Town Center EIR Addendum, Calimesa (2020; 23);
- Coachillin Specific Plan MND Amendment, Desert Hot Springs (2020; 26);
- Stockton Avenue Hotel and Condominiums Project Tiering to EIR, San Jose (2020; 19);
- Cityline Sub-block 3 South Staff Report, Sunyvale (2020; 22);
- Station East Residential/Mixed Use EIR, Union City (2020; 21);
- Multi-Sport Complex & Southeast Industrial Annexation Suppl. EIR, Elk Grove (2020; 24);
- Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2020; 27);
- 2nd comments on 1296 Lawrence Station Road, Sunnyvale (2020; 4);
- 1296 Lawrence Station Road, Sunnyvale (2020; 16);
- Mesa Wind Project EA, Desert Hot Springs (2020; 31);
- 11th Street Development Project IS/MND, City of Upland (2020; 17);
- Vista Mar Project IS/MND, Pacifica (2020; 17);
- Emerson Creek Wind Project Application, Ohio (2020; 64);
- Replies on Wister Solar Energy Facility EIR, Imperial County (2020; 12);
- Wister Solar Energy Facility EIR, Imperial County (2020; 28);
- Crimson Solar EIS/EIR, Mojave Desert (2020, 35) not submitted;
- Sakioka Farms EIR tiering, Oxnard (2020; 14);
- 3440 Wilshire Project IS/MND, Los Angeles (2020; 19);
- Replies on 2400 Barranca Office Development Project EIR, Irvine (2020; 8);
- 2400 Barranca Office Development Project EIR, Irvine (2020; 25);
- Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 4);

- 2nd comments on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 8);
- Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 3);
- Lots 4-12 Oddstad Way Project IS/MND, Pacifica (2020; 16);
- Declaration on DDG Visalia Warehouse project (2020; 5);
- Terraces of Lafayette EIR Addendum (2020; 24);
- AMG Industrial Annex IS/MND, Los Banos (2020; 15);
- Replies to responses on Casmalia and Linden Warehouse, Rialto (2020; 15);
- Clover Project MND, Petaluma (2020; 27);
- Ruby Street Apartments Project Env. Checklist, Hayward (2020; 20);
- Replies to responses on 3721 Mt. Diablo Boulevard Staff Report (2020; 5);
- 3721 Mt. Diablo Boulevard Staff Report (2020; 9);
- Steeno Warehouse IS/MND, Hesperia (2020; 19);
- UCSF Comprehensive Parnassus Heights Plan EIR (2020; 24);
- North Pointe Business Center MND, Fresno (2020; 14);
- Casmalia and Linden Warehouse IS, Fontana (2020; 15);
- Rubidoux Commerce Center Project IS/MND, Jurupa Valley (2020; 27);
- Haun and Holland Mixed Use Center MND, Menifee (2020; 23);
- First Industrial Logistics Center II, Moreno Valley IS/MND (2020; 23);
- GLP Store Warehouse Project Staff Report (2020; 15);
- Replies on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 29);
- 2nd comments on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 34);
- Beale WAPA Interconnection Project EA & CEQA checklist (2020; 30);
- Levine-Fricke Softball Field Improvement Addendum, UC Berkeley (2020; 16);
- Greenlaw Partners Warehouse and Distribution Center Staff Report, Palmdale (2020; 14);
- Humboldt Wind Energy Project DEIR (2019; 25);
- Sand Hill Supplemental EIR, Altamont Pass (2019; 17);
- 1700 Dell Avenue Office Project, Campbell (2019, 28);
- 1180 Main Street Office Project MND, Redwood City (2019; 19:
- Summit Ridge Wind Farm Request for Amendment 4, Oregon (2019; 46);
- Shafter Warehouse Staff Report (2019; 4);
- Park & Broadway Design Review, San Diego (2019; 19);
- Pinnacle Pacific Heights Design Review, San Diego (2019; 19);
- Pinnacle Park & C Design Review, San Diego (2019; 19);
- Preserve at Torrey Highlands EIR, San Diego (2019; 24);
- Santana West Project EIR Addendum, San Jose (2019; 18);
- The Ranch at Eastvale EIR Addendum, Riverside County (2020; 19);
- Hageman Warehouse IS/MND, Bakersfield (2019; 13);
- Oakley Logistics Center EIR, Antioch (2019; 22);
- 27 South First Street IS, San Jose (2019; 23);
- 2nd replies on Times Mirror Square Project EIR, Los Angeles (2020; 11);
- Replies on Times Mirror Square Project EIR, Los Angeles (2020; 13);
- Times Mirror Square Project EIR, Los Angeles (2019; 18);
- East Monte Vista & Aviator General Plan Amend EIR Addendum, Vacaville (2019; 22);
- Hillcrest LRDP EIR, La Jolla (2019; 36);

- 555 Portola Road CUP, Portola Valley (2019; 11);
- Johnson Drive Economic Development Zone SEIR, Pleasanton (2019; 27);
- 1750 Broadway Project CEQA Exemption, Oakland (2019; 19);
- Mor Furniture Project MND, Murietta Hot Springs (2019; 27);
- Harbor View Project EIR, Redwood City (2019; 26);
- Visalia Logistics Center (2019; 13);
- Cordelia Industrial Buildings MND (2019; 14);
- Scheu Distribution Center IS/ND, Rancho Cucamonga (2019; 13);
- Mills Park Center Staff Report, San Bruno (2019; 22);
- Site visit to Desert Highway Farms IS/MND, Imperial County (2019; 9);
- Desert Highway Farms IS/MND, Imperial County (2019; 12);
- ExxonMobil Interim Trucking for Santa Ynez Unit Restart SEIR, Santa Barbara (2019; 9);
- Olympic Holdings Inland Center Warehouse Project MND, Rancho Cucamonga (2019; 14);
- Replies to responses on Lawrence Equipment Industrial Warehouse, Banning (2019; 19);
- PARS Global Storage MND, Murietta (2019; 13);
- Slover Warehouse EIR Addendum, Fontana (2019; 16);
- Seefried Warehouse Project IS/MND, Lathrop (2019; 19)
- World Logistics Center Site Visit, Moreno Valley (2019; 19);
- Merced Landfill Gas-To-Energy Project IS/MND (2019; 12);
- West Village Expansion FEIR, UC Davis (2019; 11);
- Site visit, Doheny Ocean Desalination EIR, Dana Point (2019; 11);
- Replies to responses on Avalon West Valley Expansion EIR, San Jose (2019; 10);
- Avalon West Valley Expansion EIR, San Jose (2019; 22);
- Sunroad – Otay 50 EIR Addendum, San Diego (2019; 26);
- Del Rey Pointe Residential Project IS/MND, Los Angeles (2019; 34);
- 1 AMD Redevelopment EIR, Sunnyvale (2019; 22);
- Lawrence Equipment Industrial Warehouse IS/MND, Banning (2019; 14);
- SDG Commerce 330 Warehouse IS, American Canyon (2019; 21);
- PAMA Business Center IS/MND, Moreno Valley (2019; 23);
- Cupertino Village Hotel IS (2019; 24);
- Lake House IS/ND, Lodi (2019; 33);
- Campo Wind Project DEIS, San Diego County (DEIS, (2019; 14);
- Stirling Warehouse MND site visit, Victorville (2019; 7);
- Green Valley II Mixed-Use Project EIR, Fairfield (2019; 36);
- We Be Jammin rezone MND, Fresno (2019; 14);
- Gray Whale Cove Pedestrian Crossing IS/ND, Pacifica (2019; 7);
- Visalia Logistics Center & DDG 697V Staff Report (2019; 9);
- Mather South Community Masterplan Project EIR (2019; 35);
- Del Hombre Apartments EIR, Walnut Creek (2019; 23);
- Otay Ranch Planning Area 12 EIR Addendum, Chula Vista (2019; 21);
- The Retreat at Sacramento IS/MND (2019; 26);
- Site visit to Sunroad – Centrum 6 EIR Addendum, San Diego (2019; 9);
- Sunroad – Centrum 6 EIR Addendum, San Diego (2018; 22);
- North First and Brokaw Corporate Campus Buildings EIR Addendum, San Jose (2018; 30);

- South Lake Solar IS, Fresno County (2018; 18);
- Galloo Island Wind Project Application, New York (not submitted) (2018; 44);
- Doheny Ocean Desalination EIR, Dana Point (2018; 15);
- Stirling Warehouse MND, Victorville (2018; 18);
- LDK Warehouse MND, Vacaville (2018; 30);
- Gateway Crossings FEIR, Santa Clara (2018; 23);
- South Hayward Development IS/MND (2018; 9);
- CBU Specific Plan Amendment, Riverside (2018; 27);
- 2nd replies to responses on Dove Hill Road Assisted Living Project MND (2018; 11);
- Replies to responses on Dove Hill Road Assisted Living Project MND (2018; 7);
- Dove Hill Road Assisted Living Project MND (2018; 12);
- Deer Ridge/Shadow Lakes Golf Course EIR, Brentwood (2018; 21);
- Pyramid Asphalt BLM Finding of No Significance, Imperial County (2018; 22);
- Amáre Apartments IS/MND, Martinez (2018; 15);
- Petaluma Hill Road Cannabis MND, Santa Rosa (2018; 21);
- 2nd comments on Zeiss Innovation Center IS/MND, Dublin (2018: 12);
- Zeiss Innovation Center IS/MND, Dublin (2018: 32);
- City of Hope Campus Plan EIR, Duarte (2018; 21);
- Palo Verde Center IS/MND, Blythe (2018; 14);
- Logisticenter at Vacaville MND (2018; 24);
- IKEA Retail Center SEIR, Dublin (2018; 17);
- Merge 56 EIR, San Diego (2018; 15);
- Natomas Crossroads Quad B Office Project P18-014 EIR, Sacramento (2018; 12);
- 2900 Harbor Bay Parkway Staff Report, Alameda (2018; 30);
- At Dublin EIR, Dublin (2018; 25);
- Fresno Industrial Rezone Amendment Application No. 3807 IS (2018; 10);
- Nova Business Park IS/MND, Napa (2018; 18);
- Updated Collision Risk Model Priors for Estimating Eagle Fatalities, USFWS (2018; 57);
- 750 Marlborough Avenue Warehouse MND, Riverside (2018; 14);
- Replies to responses on San Bernardino Logistics Center IS (2018; 12);
- San Bernardino Logistics Center IS (2018; 19);
- CUP2017-16, Costco IS/MND, Clovis (2018; 11);
- Desert Land Ventures Specific Plan EIR, Desert Hot Springs (2018; 18);
- Ventura Hilton IS/MND (2018; 30);
- North of California Street Master Plan Project IS, Mountain View (2018: 11);
- Tamarind Warehouse MND, Fontana (2018; 16);
- Lathrop Gateway Business Park EIR Addendum (2018; 23);
- Centerpointe Commerce Center IS, Moreno Valley (2019; 18);
- Amazon Warehouse Notice of Exemption, Bakersfield (2018; 13);
- CenterPoint Building 3 project Staff Report, Manteca (2018; 23);
- Cessna & Aviator Warehouse IS/MND, Vacaville (2018; 24);
- Napa Airport Corporate Center EIR, American Canyon (2018, 15);
- 800 Opal Warehouse Initial Study, Mentone, San Bernardino County (2018; 18);
- 2695 W. Winton Ave Industrial Project IS, Hayward (2018; 22);

- Trinity Cannabis Cultivation and Manufacturing Facility DEIR, Calexico (2018; 15);
- Shoe Palace Expansion IS/MND, Morgan Hill (2018; 21);
- Newark Warehouse at Morton Salt Plant Staff Report (2018; 15);
- Northlake Specific Plan FEIR "Peer Review", Los Angeles County (2018; 9);
- Replies to responses on Northlake Specific Plan SEIR, Los Angeles County (2018; 13);
- Northlake Specific Plan SEIR, Los Angeles County (2017; 27);
- Bogle Wind Turbine DEIR, east Yolo County (2017; 48);
- Ferrante Apartments IS/MND, Los Angeles (2017; 14);
- The Villages of Lakeview EIR, Riverside (2017; 28);
- Data Needed for Assessing Trail Management Impacts on Northern Spotted Owl, Marin County (2017; 5);
- Notes on Proposed Study Options for Trail Impacts on Northern Spotted Owl (2017; 4);
- Pyramid Asphalt IS, Imperial County (Declaration) (2017; 5);
- San Gorgonio Crossings EIR, Riverside County (2017; 22);
- Replies to responses on Jupiter Project IS and MND, Apple Valley (2017; 12);
- Proposed World Logistics Center Mitigation Measures, Moreno Valley (2017, 2019; 12);
- MacArthur Transit Village Project Modified 2016 CEQA Analysis (2017; 12);
- PG&E Company Bay Area Operations and Maintenance HCP (2017; 45);
- Central SoMa Plan DEIR (2017; 14);
- Suggested mitigation for trail impacts on northern spotted owl, Marin County (2016; 5);
- Colony Commerce Center Specific Plan DEIR, Ontario (2016; 16);
- Fairway Trails Improvements MND, Marin County (2016; 13);
- Review of Avian-Solar Science Plan (2016; 28);
- Replies on Pyramid Asphalt IS, Imperial County (2016; 5);
- Pyramid Asphalt IS, Imperial County (2016; 4);
- Agua Mansa Distribution Warehouse Project Initial Study (2016; 14);
- Santa Anita Warehouse MND, Rancho Cucamonga (2016; 12);
- CapRock Distribution Center III DEIR, Rialto (2016: 12);
- Orange Show Logistics Center IS/MND, San Bernardino (2016; 9);
- City of Palmdale Oasis Medical Village Project IS/MND (2016; 7);
- Comments on proposed rule for incidental eagle take, USFWS (2016, 49);
- Replies on Grapevine Specific and Community Plan FEIR, Kern County (2016; 25);
- Grapevine Specific and Community Plan DEIR, Kern County (2016; 15);
- Clinton County Zoning Ordinance for Wind Turbine siting (2016);
- Hallmark at Shenandoah Warehouse Project Initial Study, San Bernardino (2016; 6);
- Tri-City Industrial Complex Initial Study, San Bernardino (2016; 5);
- Hidden Canyon Industrial Park Plot Plan 16-PP-02, Beaumont (2016; 12);
- Kimball Business Park DEIR (2016; 10);
- Jupiter Project IS and MND, Apple Valley, San Bernardino County (2016; 9);
- Revised Draft Giant Garter Snake Recovery Plan of 2015 (2016, 18);
- Palo Verde Mesa Solar Project EIR, Blythe (2016; 27);
- Reply on Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 14);
- Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 41);
- Reply on Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 38);

- Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 31);
- Second Reply on White Pines Wind Farm, Ontario (2015, 6);
- Reply on White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 10);
- White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 9);
- Proposed Section 24 Specific Plan Agua Caliente Band of Cahuilla Indians DEIS (2015, 9);
- Replies on 24 Specific Plan Agua Caliente Band of Cahuilla Indians FEIS (2015, 6);
- Sierra Lakes Commerce Center Project DEIR, Fontana (2015, 9);
- Columbia Business Center MND, Riverside (2015; 8);
- West Valley Logistics Center Specific Plan DEIR, Fontana (2015, 10);
- Willow Springs Solar Photovoltaic Project DEIR (2015, 28);
- Alameda Creek Bridge Replacement Project DEIR (2015, 10);
- World Logistic Center Specific Plan FEIR, Moreno Valley (2015, 12);
- Elkhorn Valley Wind Power Project Impacts, Oregon (2015; 143);
- Bay Delta Conservation Plan EIR/EIS, Sacramento (2014, 21);
- Addison Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Addison Wind Energy Project DEIR, Mojave (2014, 15);
- Addison and Rising Tree Wind Energy Project FEIR, Mojave (2014, 12);
- Palen Solar Electric Generating System FSA (CEC), Blythe (2014, 20);
- Rebuttal testimony on Palen Solar Energy Generating System (2014, 9);
- Seven Mile Hill and Glenrock/Rolling Hills impacts + Addendum, Wyoming (2014; 105);
- Rising Tree Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Rising Tree Wind Energy Project DEIR, Mojave (2014, 15);
- Soitec Solar Development Project PEIR, Boulevard, San Diego County (2014, 18);
- Oakland Zoo expansion on Alameda whipsnake and California red-legged frog (2014; 3);
- Alta East Wind Energy Project FEIS, Tehachapi Pass (2013, 23);
- Blythe Solar Power Project Staff Assessment, California Energy Commission (2013, 16);
- Clearwater and Yakima Solar Projects DEIR, Kern County (2013, 9);
- West Antelope Solar Energy Project IS/MND, Antelope Valley (2013, 18);
- Cuyama Solar Project DEIR, Carrizo Plain (2014, 19);
- Desert Renewable Energy Conservation Plan (DRECP) EIR/EIS (2015, 49);
- Kingbird Solar Photovoltaic Project EIR, Kern County (2013, 19);
- Lucerne Valley Solar Project IS/MND, San Bernardino County (2013, 12);
- Tule Wind project FEIR/FEIS (Declaration) (2013; 31);
- Sunlight Partners LANDPRO Solar Project MND (2013; 11);
- Declaration in opposition to BLM fracking (2013; 5);
- Blythe Energy Project (solar) CEC Staff Assessment (2013;16);
- Rosamond Solar Project EIR Addendum, Kern County (2013; 13);
- Pioneer Green Solar Project EIR, Bakersfield (2013; 13);
- Replies on Soccer Center Solar Project MND (2013; 6);
- Soccer Center Solar Project MND, Lancaster (2013; 10);
- Plainview Solar Works MND, Lancaster (2013; 10);
- Alamo Solar Project MND, Mojave Desert (2013; 15);
- Replies on Imperial Valley Solar Company 2 Project (2013; 10);
- Imperial Valley Solar Company 2 Project (2013; 13);

- FRV Orion Solar Project DEIR, Kern County (PP12232) (2013; 9);
- Casa Diablo IV Geothermal Development Project (2013; 6);
- Reply on Casa Diablo IV Geothermal Development Project (2013; 8);
- Alta East Wind Project FEIS, Tehachapi Pass (2013; 23);
- Metropolitan Air Park DEIR, City of San Diego (2013;);
- Davidon Homes Tentative Subdivision Rezoning Project DEIR, Petaluma (2013; 9);
- Oakland Zoo Expansion Impacts on Alameda Whipsnake (2013; 10);
- Campo Verde Solar project FEIR, Imperial Valley (2013; 11pp);
- Neg Dec comments on Davis Sewer Trunk Rehabilitation (2013; 8);
- North Steens Transmission Line FEIS, Oregon (Declaration) (2012; 62);
- Summer Solar and Springtime Solar Projects IS/MND Lancaster (2012; 8);
- J&J Ranch, 24 Adobe Lane Environmental Review, Orinda (2012; 14);
- Replies on Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 8);
- Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 9);
- Desert Harvest Solar Project EIS, near Joshua Tree (2012; 15);
- Solar Gen 2 Array Project DEIR, El Centro (2012; 16);
- Ocotillo Sol Project EIS, Imperial Valley (2012; 4);
- Beacon Photovoltaic Project DEIR, Kern County (2012; 5);
- Butte Water District 2012 Water Transfer Program IS/MND (2012; 11);
- Mount Signal and Calexico Solar Farm Projects DEIR (2011; 16);
- City of Elk Grove Sphere of Influence EIR (2011; 28);
- Sutter Landing Park Solar Photovoltaic Project MND, Sacramento (2011; 9);
- Rabik/Gudath Project, 22611 Coleman Valley Road, Bodega Bay (CPN 10-0002) (2011; 4);
- Ivanpah Solar Electric Generating System (ISEGS) (Declaration) (2011; 9);
- Draft Eagle Conservation Plan Guidance, USFWS (2011; 13);
- Niles Canyon Safety Improvement Project EIR/EA (2011; 16);
- Route 84 Safety Improvement Project (Declaration) (2011; 7);
- Rebuttal on Whistling Ridge Wind Energy Power DEIS, Skamania County, (2010; 6);
- Whistling Ridge Wind Energy Power DEIS, Skamania County, Washington (2010; 41);
- Klickitat County's Decisions on Windy Flats West Wind Energy Project (2010; 17);
- St. John's Church Project DEIR, Orinda (2010; 14);
- Results Radio Zone File #2009-001 IS/MND, Conaway site, Davis (2010; 20);
- Rio del Oro Specific Plan Project FEIR, Rancho Cordova (2010;12);
- Results Radio Zone File #2009-001, Mace Blvd site, Davis (2009; 10);
- Answers to Questions on 33% RPS Implementation Analysis Preliminary Results Report (2009; 9);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Second Declaration) (2008; 17);
- Draft 1A Summary Report to CAISO (2008; 10);
- Hilton Manor Project Categorical Exemption, County of Placer (2009; 9);
- Protest of CARE to Amendment to the Power Purchase and Sale Agreement for Procurement of Eligible Renewable Energy Resources Between Hatchet Ridge Wind LLC and PG&E (2009; 3);

- Tehachapi Renewable Transmission Project EIR/EIS (2009; 142);
- Delta Shores Project EIR, south Sacramento (2009; 11 + addendum 2);
- Declaration in Support of Care's Petition to Modify D.07-09-040 (2008; 3);
- The Public Utility Commission's Implementation Analysis December 16 Workshop for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 9);
- The Public Utility Commission's Implementation Analysis Draft Work Plan for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 11);
- Draft 1A Summary Report to California Independent System Operator for Planning Reserve Margins (PRM) Study (2008; 7.);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Declaration) (2008; 16);
- Colusa Generating Station, California Energy Commission PSA (2007; 24);
- Rio del Oro Specific Plan Project Recirculated DEIR, Mather (2008: 66);
- Replies on Regional University Specific Plan EIR, Roseville (2008; 20);
- Regional University Specific Plan EIR, Roseville (2008: 33);
- Clark Precast, LLC's "Sugarland" project, ND, Woodland (2008: 15);
- Cape Wind Project DEIS, Nantucket (2008; 157);
- Yuba Highlands Specific Plan EIR, Spenceville, Yuba County (2006; 37);
- Replies to responses on North Table Mountain MND, Butte County (2006; 5);
- North Table Mountain MND, Butte County (2006; 15);
- Windy Point Wind Farm EIS (2006; 14 and Powerpoint slide replies);
- Shiloh I Wind Power Project EIR, Rio Vista (2005; 18);
- Buena Vista Wind Energy Project NOP, Byron (2004; 15);
- Callahan Estates Subdivision ND, Winters (2004; 11);
- Winters Highlands Subdivision IS/ND (2004; 9);
- Winters Highlands Subdivision IS/ND (2004; 13);
- Creekside Highlands Project, Tract 7270 ND (2004; 21);
- Petition to California Fish and Game Commission to list Burrowing Owl (2003; 10);
- Altamont Pass Wind Resource Area CUP renewals, Alameda County (2003; 41);
- UC Davis Long Range Development Plan: Neighborhood Master Plan (2003; 23);
- Anderson Marketplace Draft Environmental Impact Report (2003; 18);
- Negative Declaration of the proposed expansion of Temple B'nai Tikyah (2003; 6);
- Antonio Mountain Ranch Specific Plan Public Draft EIR (2002; 23);
- Replies on East Altamont Energy Center evidentiary hearing (2002; 9);
- Revised Draft Environmental Impact Report, The Promenade (2002; 7);
- Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center (2002; 3);
- UC Merced -- Declaration (2002; 5);
- Replies on Atwood Ranch Unit III Subdivision FEIR (2003; 22);
- Atwood Ranch Unit III Subdivision EIR (2002; 19);
- California Energy Commission Staff Report on GWF Tracy Peaker Project (2002; 20);
- Silver Bend Apartments IS/MND, Placer County (2002; 13);
- UC Merced Long-range Development Plan DEIR and UC Merced Community Plan DEIR (2001; 26);

- Colusa County Power Plant IS, Maxwell (2001; 6);
- Dog Park at Catlin Park, Folsom, California (2001; 5);
- Calpine and Bechtel Corporations' Biological Resources Implementation and Monitoring Program (BRMIMP) for the Metcalf Energy Center (2000; 10);
- Metcalf Energy Center, California Energy Commission FSA (2000);
- US Fish and Wildlife Service Section 7 consultation with the California Energy Commission regarding Calpine and Bechtel Corporations' Metcalf Energy Center (2000; 4);
- California Energy Commission's Preliminary Staff Assessment of the proposed Metcalf Energy Center (2000: 11);
- Site-specific management plans for the Natomas Basin Conservancy's mitigation lands, prepared by Wildlands, Inc. (2000: 7);
- Affidavit of K. Shawn Smallwood in Spirit of the Sage Council, et al. (Plaintiffs) vs. Bruce Babbitt, Secretary, U.S. Department of the Interior, et al. (Defendants), Injuries caused by the No Surprises policy and final rule which codifies that policy (1999: 9).
- California Board of Forestry's proposed amended Forest Practices Rules (1999);
- Sunset Skyranch Airport Use Permit IS/MND (1999);
- Ballona West Bluffs Project Environmental Impact Report (1999; oral presentation);
- Draft Recovery Plan for Giant Garter Snake (Fed. Reg. 64(176): 49497-49498) (1999; 8);
- Draft Recovery Plan for Arroyo Southwestern Toad (1998);
- Pacific Lumber Co. (Headwaters) HCP & EIR, Fortuna (1998; 28);
- Natomas Basin HCP Permit Amendment, Sacramento (1998);
- San Diego Multi-Species Conservation Program FEIS/FEIR (1997; 10);

Comments on other Environmental Review Documents:

- Proposed Regulation for California Fish and Game Code Section 3503.5 (2015: 12);
- Statement of Overriding Considerations related to extending Altamont Winds, Inc.'s Conditional Use Permit PLN2014-00028 (2015; 8);
- Covell Village PEIR, Davis (2005; 19);
- Bureau of Land Management Wind Energy Programmatic EIS Scoping (2003; 7.);
- NEPA Environmental Analysis for Biosafety Level 4 National Biocontainment Laboratory (NBL) at UC Davis (2003: 7);
- Notice of Preparation of UC Merced Community and Area Plan EIR, on behalf of The Wildlife Society—Western Section (2001: 8.);
- Preliminary Draft Yolo County Habitat Conservation Plan (2001; 2 letters totaling 35.);
- Merced County General Plan Revision, notice of Negative Declaration (2001: 2.);
- Notice of Preparation of Campus Parkway EIR/EIS (2001: 7.);
- Draft Recovery Plan for the bighorn sheep in the Peninsular Range (*Ovis candensis*) (2000);
- Draft Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*), on behalf of The Wildlife Society—Western Section (2000: 10.);
- Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement, on behalf of The Wildlife Society—Western Section (2000: 7.);
- State Water Project Supplemental Water Purchase Program, Draft Program EIR (1997);
- Davis General Plan Update EIR (2000);
- Turn of the Century EIR (1999: 10);

- Proposed termination of Critical Habitat Designation under the Endangered Species Act (Fed. Reg. 64(113): 31871-31874) (1999);
- NOA Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, termed the HCP 5-Point Policy Plan (Fed. Reg. 64(45): 11485 - 11490) (1999; 2 + attachments);
- Covell Center Project EIR and EIR Supplement (1997).

Position Statements I prepared the following position statements for the Western Section of The Wildlife Society, and one for nearly 200 scientists:

- Recommended that the California Department of Fish and Game prioritize the extermination of the introduced southern water snake in northern California. The Wildlife Society--Western Section (2001);
- Recommended that The Wildlife Society—Western Section appoint or recommend members of the independent scientific review panel for the UC Merced environmental review process (2001);
- Opposed the siting of the University of California's 10th campus on a sensitive vernal pool/grassland complex east of Merced. The Wildlife Society--Western Section (2000);
- Opposed the legalization of ferret ownership in California. The Wildlife Society--Western Section (2000);
- Opposed the Proposed "No Surprises," "Safe Harbor," and "Candidate Conservation Agreement" rules, including permit-shield protection provisions (Fed. Reg. Vol. 62, No. 103, pp. 29091-29098 and No. 113, pp. 32189-32194). This statement was signed by 188 scientists and went to the responsible federal agencies, as well as to the U.S. Senate and House of Representatives.

Posters at Professional Meetings

Leyvas, E. and K. S. Smallwood. 2015. Rehabilitating injured animals to offset and rectify wind project impacts. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S., J. Mount, S. Standish, E. Leyvas, D. Bell, E. Walther, B. Karas. 2015. Integrated detection trials to improve the accuracy of fatality rate estimates at wind projects. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S. and C. G. Thelander. 2005. Lessons learned from five years of avian mortality research in the Altamont Pass WRA. AWEA conference, Denver, May 2005.

Neher, L., L. Wilder, J. Woo, L. Spiegel, D. Yen-Nakafugi, and K.S. Smallwood. 2005. Bird's eye view on California wind. AWEA conference, Denver, May 2005.

Smallwood, K. S., C. G. Thelander and L. Spiegel. 2003. Toward a predictive model of avian fatalities in the Altamont Pass Wind Resource Area. Windpower 2003 Conference and Convention, Austin, Texas.

Smallwood, K.S. and Eva Butler. 2002. Pocket Gopher Response to Yellow Star-thistle Eradication as part of Grassland Restoration at Decommissioned Mather Air Force Base, Sacramento County,

California. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and Michael L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratoides*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and E.L. Fitzhugh. 1989. Differentiating mountain lion and dog tracks. Third Mountain Lion Workshop, Prescott, AZ.

Smith, T. R. and K. S. Smallwood. 2000. Effects of study area size, location, season, and allometry on reported *Sorex* shrew densities. Annual Meeting of the Western Section of The Wildlife Society.

Presentations at Professional Meetings and Seminars

Long-Term Population Trend of Burrowing Owls in the Altamont. Golden Gate Audubon, 21 October 2020.

Long-Term Population Trend of Burrowing Owls in the Altamont. East Bay Regional Park District 2020 Stewardship Seminar, Oakland, California, 18 November 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Society, 28 September 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Society, 28 September 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Survey, 7 February 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Survey, 7 February 2020.

Dog detections of bat and bird fatalities at wind farms in the Altamont Pass Wind Resource Area. East Bay Regional Park District 2019 Stewardship Seminar, Oakland, California, 13 November 2019.

Repowering the Altamont Pass. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Developing methods to reduce bird mortality in the Altamont Pass Wind Resource Area, 1999-2007. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Conservation and recovery of burrowing owls in Santa Clara Valley. Santa Clara Valley Habitat Agency, Newark, California, 3 February 2017.

Mitigation of Raptor Fatalities in the Altamont Pass Wind Resource Area. Raptor Research Foundation Meeting, Sacramento, California, 6 November 2015.

From burrows to behavior: Research and management for burrowing owls in a diverse landscape. California Burrowing Owl Consortium meeting, 24 October 2015, San Jose, California.

The Challenges of repowering. Keynote presentation at Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 10 March 2015.

Research Highlights Altamont Pass 2011-2015. Scientific Review Committee, Oakland, California, 8 July 2015.

Siting wind turbines to minimize raptor collisions: Altamont Pass Wind Resource Area. US Fish and Wildlife Service Golden Eagle Working Group, Sacramento, California, 8 January 2015.

Evaluation of nest boxes as a burrowing owl conservation strategy. Sacramento Chapter of the Western Section, The Wildlife Society. Sacramento, California, 26 August 2013.

Predicting collision hazard zones to guide repowering of the Altamont Pass. Conference on wind power and environmental impacts. Stockholm, Sweden, 5-7 February 2013.

Impacts of Wind Turbines on Wildlife. California Council for Wildlife Rehabilitators, Yosemite, California, 12 November 2012.

Impacts of Wind Turbines on Birds and Bats. Madrone Audubon Society, Santa Rosa, California, 20 February 2012.

Comparing Wind Turbine Impacts across North America. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Alameda County Scientific Review Committee meeting, 17 February 2011

Comparing Wind Turbine Impacts across North America. Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 3 May 2011.

Update on Wildlife Impacts in the Altamont Pass Wind Resource Area. Raptor Symposium, The Wildlife Society—Western Section, Riverside, California, February 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Raptor Symposium, The Wildlife Society - Western Section, Riverside, California, February 2011.

Wildlife mortality caused by wind turbine collisions. Ecological Society of America, Pittsburgh, Pennsylvania, 6 August 2010.

Map-based repowering and reorganization of a wind farm to minimize burrowing owl fatalities. California burrowing Owl Consortium Meeting, Livermore, California, 6 February 2010.

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Symposium on bird collisions with wind turbines. Wild Bird Society of Japan, Tokyo, Japan, 4 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13th Annual Conference, UC Santa Barbara, 27 October 2006.

Fatality associations as the basis for predictive models of fatalities in the Altamont Pass Wind Resource Area. EEI/APLIC/PIER Workshop, 2006 Biologist Task Force and Avian Interaction with Electric Facilities Meeting, Pleasanton, California, 28 April 2006.

Burrowing owl burrows and wind turbine collisions in the Altamont Pass Wind Resource Area. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, February 8, 2006.

Mitigation at wind farms. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Incorporating data from the California Wildlife Habitat Relationships (CWHR) system into an impact assessment tool for birds near wind farms. Shawn Smallwood, Kevin Hunting, Marcus Yee, Linda Spiegel, Monica Parisi. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Toward indicating threats to birds by California's new wind farms. California Energy Commission, Sacramento, May 26, 2005.

Avian collisions in the Altamont Pass. California Energy Commission, Sacramento, May 26, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. EPRI Environmental Sector Council, Monterey, California, February 17, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Associations between avian fatalities and attributes of electric distribution poles in California. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Minimizing avian mortality in the Altamont Pass Wind Resources Area. UC Davis Wind Energy Collaborative Forum, Palm Springs, California, December 14, 2004.

Selecting electric distribution poles for priority retrofitting to reduce raptor mortality. Raptor Research Foundation Meeting, Bakersfield, California, November 10, 2004.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. Annual Meeting of the Society for Ecological Restoration, South Lake Tahoe, California, October 16, 2004.

Lessons learned from five years of avian mortality research at the Altamont Pass Wind Resources Area in California. The Wildlife Society Annual Meeting, Calgary, Canada, September 2004.

The ecology and impacts of power generation at Altamont Pass. Sacramento Petroleum Association, Sacramento, California, August 18, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Consortium meeting, Hayward, California, February 7, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Symposium, Sacramento, November 2, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. National Wind Coordinating Committee, Washington, D.C., November 17, 2003.

Raptor Behavior at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

California mountain lions. Ecological & Environmental Issues Seminar, Department of Biology, California State University, Sacramento, November, 2000.

Intra- and inter-turbine string comparison of fatalities to animal burrow densities at Altamont Pass. National Wind Coordinating Committee, Carmel, California, May, 2000.

Using a Geographic Positioning System (GPS) to map wildlife and habitat. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Suggested standards for science applied to conservation issues. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Ecological restoration in the context of animal social units and their habitat areas. Society for Ecological Restoration, September 24, 1999.

Relating Indicators of Ecological Health and Integrity to Assess Risks to Sustainable Agriculture and Native Biota. International Conference on Ecosystem Health, August 16, 1999.

A crosswalk from the Endangered Species Act to the HCP Handbook and real HCPs. Southern California Edison, Co. and California Energy Commission, March 4-5, 1999.

Mountain lion track counts in California: Implications for Management. Ecological & Environmental Issues Seminar, Department of Biological Sciences, California State University, Sacramento, November 4, 1998.

"No Surprises" -- Lack of science in the HCP process. California Native Plant Society Annual Conservation Conference, The Presidio, San Francisco, September 7, 1997.

In Your Interest. A half hour weekly show aired on Channel 10 Television, Sacramento. In this episode, I served on a panel of experts discussing problems with the implementation of the Endangered Species Act. Aired August 31, 1997.

Spatial scaling of pocket gopher (*Geomyidae*) density. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Estimating prairie dog and pocket gopher burrow volume. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Ten years of mountain lion track survey. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Small animal control. Session moderator and speaker at the California Farm Conference, Sacramento, California, Feb. 28, 1995.

Small animal control. Ecological Farming Conference, Asylomar, California, Jan. 28, 1995.

Habitat associations of the Swainson's Hawk in the Sacramento Valley's agricultural landscape. 1994 Raptor Research Foundation Meeting, Flagstaff, Arizona.

Alfalfa as wildlife habitat. Seed Industry Conference, Woodland, California, May 4, 1994.

Habitats and vertebrate pests: impacts and management. Managing Farmland to Bring Back Game Birds and Wildlife to the Central Valley. Yolo County Resource Conservation District, U.C. Davis, February 19, 1994.

Management of gophers and alfalfa as wildlife habitat. Orland Alfalfa Production Meeting and Sacramento Valley Alfalfa Production Meeting, February 1 and 2, 1994.

Patterns of wildlife movement in a farming landscape. Wildlife and Fisheries Biology Seminar

Series: Recent Advances in Wildlife, Fish, and Conservation Biology, U.C. Davis, Dec. 6, 1993.

Alfalfa as wildlife habitat. California Alfalfa Symposium, Fresno, California, Dec. 9, 1993.

Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.

Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.

Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.

Landscape Ecology Study of Pocket Gophers in Alfalfa. Alfalfa Field Day, U.C. Davis, July 1993.

Patterns of wildlife movement in a farming landscape. Spatial Data Analysis Colloquium, U.C. Davis, August 6, 1993.

Sound stewardship of wildlife. Veterinary Medicine Seminar: Ethics of Animal Use, U.C. Davis. May 1993.

Landscape ecology study of pocket gophers in alfalfa. Five County Grower's Meeting, Tracy, California. February 1993.

Turbulence and the community organizers: The role of invading species in ordering a turbulent system, and the factors for invasion success. Ecology Graduate Student Association Colloquium, U.C. Davis. May 1990.

Evaluation of exotic vertebrate pests. Fourteenth Vertebrate Pest Conference, Sacramento, California. March 1990.

Analytical methods for predicting success of mammal introductions to North America. The Western Section of the Wildlife Society, Hilo, Hawaii. February 1988.

A state-wide mountain lion track survey. Sacramento County Dept Parks and Recreation. April 1986.

The mountain lion in California. Davis Chapter of the Audubon Society. October 1985.

Ecology Graduate Student Seminars, U.C. Davis, 1985-1990: Social behavior of the mountain lion; Mountain lion control; Political status of the mountain lion in California.

Other forms of Participation at Professional Meetings

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Berlin, Germany, March 2015.

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Stockholm,

Sweden, February 2013.

- Workshop co-presenter at Birds & Wind Energy Specialist Group (BAWESG) Information sharing week, Bird specialist studies for proposed wind energy facilities in South Africa, Endangered Wildlife Trust, Darling, South Africa, 3-7 October 2011.

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 2-5 May 2011.

- Chair of Animal Damage Management Session, The Wildlife Society, Annual Meeting, Reno, Nevada, September 26, 2001.

- Chair of Technical Session: Human communities and ecosystem health: Comparing perspectives and making connection. Managing for Ecosystem Health, International Congress on Ecosystem Health, Sacramento, CA August 15-20, 1999.

- Student Awards Committee, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

- Student Mentor, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Printed Mass Media

Smallwood, K.S., D. Mooney, and M. McGuinness. 2003. We must stop the UCD biolab now. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2002. Spring Lake threatens Davis. Op-Ed to the Davis Enterprise.

Smallwood, K.S. Summer, 2001. Mitigation of habitation. The Flatlander, Davis, California.

Entrikan, R.K. and K.S. Smallwood. 2000. Measure O: Flawed law would lock in new taxes. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2000. Davis delegation lobbies Congress for Wildlife conservation. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 1998. Davis Visions. The Flatlander, Davis, California.

Smallwood, K.S. 1997. Last grab for Yolo's land and water. The Flatlander, Davis, California.

Smallwood, K.S. 1997. The Yolo County HCP. Op-Ed to the Davis Enterprise.

Radio/Television

PBS News Hour,

FOX News, Energy in America: Dead Birds Unintended Consequence of Wind Power

Development, August 2011.

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Mountain lion attacks (with guest Professor Richard Coss). 23 April 2009;

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Wind farm Rio Vista Renewable Power. 4 September 2008;

KQED QUEST Episode #111. Bird collisions with wind turbines. 2007;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. December 27, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. May 3, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. February 8, 2001;

KDVS Speaking in Tongues (host Ron Glick & Shawn Smallwood), California Energy Crisis: 1 hour. Jan. 25, 2001;

KDVS Speaking in Tongues (host Ron Glick), Headwaters Forest HCP: 1 hour. 1998;

Davis Cable Channel (host Gerald Heffernon), Burrowing owls in Davis: half hour. June, 2000;

Davis Cable Channel (hosted by Davis League of Women Voters), Measure O debate: 1 hour. October, 2000;

KXTV 10, In Your Interest, The Endangered Species Act: half hour. 1997.

Committees

- Scientific Review Committee, Alameda County, Altamont Pass Wind Resource Area
- Ph.D. Thesis Committee, Steve Anderson, University of California, Davis
- MS Thesis Committee, Marcus Yee, California State University, Sacramento

Other Professional Activities or Products

Testified in Federal Court in Denver during 2005 over the fate of radio-nuclides in the soil at Rocky Flats Plant after exposure to burrowing animals. My clients won a judgment of $553,000,000. I have also testified in many other cases of litigation under CEQA, NEPA, the Warren-Alquist Act, and other environmental laws. My clients won most of the cases for which I testified.

Testified before Environmental Review Tribunals in Ontario, Canada regarding proposed White Pines, Amherst Island, and Fairview Wind Energy projects.

Testified in Skamania County Hearing in 2009 on the potential impacts of zoning the County for development of wind farms and hazardous waste facilities.

Testified in deposition in 2007 in the case of O'Dell et al. vs. FPL Energy in Houston, Texas.

Testified in Klickitat County Hearing in 2006 on the potential impacts of the Windy Point Wind Farm.

Memberships in Professional Societies

The Wildlife Society
Raptor Research Foundation

Honors and Awards

Fulbright Research Fellowship to Indonesia, 1987
J.G. Boswell Full Academic Scholarship, 1981 college of choice
Certificate of Appreciation, The Wildlife Society—Western Section, 2000, 2001
Northern California Athletic Association Most Valuable Cross Country Runner, 1984
American Legion Award, Corcoran High School, 1981, and John Muir Junior High, 1977
CIF Section Champion, Cross Country in 1978
CIF Section Champion, Track & Field 2 mile run in 1981
National Junior Record, 20 kilometer run, 1982
National Age Group Record, 1500 meter run, 1978

Community Activities

District 64 Little League Umpire, 2003-2007
Dixon Little League Umpire, 2006-07
Davis Little League Chief Umpire and Board member, 2004-2005
Davis Little League Safety Officer, 2004-2005
Davis Little League Certified Umpire, 2002-2004
Davis Little League Scorekeeper, 2002
Davis Visioning Group member
Petitioner for Writ of Mandate under the California Environmental Quality Act against City of Woodland decision to approve the Spring Lake Specific Plan, 2002
Served on campaign committees for City Council candidates

EXHIBIT B

Memorandum

To: Richard Drury, Lozeau Drury LLP

From: Christopher Winchell
Biologist, Rare Plant Ecologist

Date: March 26, 2024

Re: Bickmore Warehouse Site Visit and Response to ISMND

Introduction

This memorandum documents the findings of the Bickmore Warehouse site visit in Hesperia, CA, including suitability determinations of special-status plants, western Joshua tree transplantation, identification of potentially regulated habitats, and incidental wildlife observations. This memorandum also provides an analysis of the Bickmore Warehouse ISMND relating to biological impacts.

Methodology

Prior to the site visit, multiple sources of data were queried to identify recorded special-status plant species within the project and surrounding area, including published literature and public datasets. Special-status plant species include those that have Federal, State, local, or California Rare Plant Rank (CRPR) designations. This information was obtained from the following sources:

- Calflora
- California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database
- California Native Plant Society's Online Inventory of Rare and Endangered Plants of California
- Consortium of California Herbaria (CCH2)
- U.S. Department of Agriculture's Natural Resources Conservation Service Soil Survey Geographic Database

The results of this search determined that at least 10 special-status plant species have potential to occur on the proposed project site. Determinations were based upon soils, vegetation alliances, and the proximity of existing records to the site.

- Booth's evening primrose (*Eremothera boothii* ssp. *boothii*), 2B.3
- Crowned muilla (*Muilla coronata*), CRPR 4.2
- Desert cymopteris (*Cymopteris deserticola*), CRPR 1B.2
- Indian breadroot (*Pediomelum castoreum*), CRPR 1B.2
- Mojave monardella (*Monardella exilis*), CRPR 4.2
- Mojave spineflower (*Chorizanthe spinosa*), CRPR 4.2
- Pygmy poppy (*Canbya candida*), CRPR 4.2
- Sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*), CRPR 2B.2
- Short joint beavertail (*Opuntia basilaris* var. *brachyclada*), CRPR 1B.2
- Torrey's box thorn (*Lycium torreyi*), CRPR 4.2

The site visit was performed on March 14, 2025 by biologist Christopher Winchell to determine the site's suitability for special-status plant and animal species.

Results

The site consists of anthropogenically disturbed Mohave desert scrub, with sandy to gravelly soils and a non-native herbaceous understory with a sparse shrub layer. The site is bordered by development and disturbed to intact Mohave desert scrub. A historic desert wash runs through the southern end of the project site and drains through a culvert under E Avenue; however, the wash appears to no longer have connectivity to the Mojave River due to development.

A total of seven living WJTs were detected within the project site boundary. WJTs were observed distributed throughout the site, with all but one in generally good health.

The site supports suitable conditions for the 10 special-status plant species identified as having potential to occur. However, none were confirmed to be present.

The site's vegetation structure, which can be characterized as open scrubland, was also found to be suitable for burrowing owl (*Athen cunicularia*), a CDFW Species of Special Concern. A potential kit fox den complex and suitably sized rodent burrows were observed along the perimeter of the site. Additionally, California ground squirrel (*Otospermophilus beechyi*), which dig suitable burrowing owl burrows, were observed in the vicinity of the site.

Discussion

The seven living WJTs found on the proposed project site during the March 2025 site visit is consistent with the Rare Plant Preservation Plan completed in 2023 by RCA Associates, Inc. The RCA analysis indicated that three of the seven WJTs are suitable for transplantation. The factors for determining transplantation suitability outlined by the plan include damage, health, height, lean, proximity to other WJT, root exposure, and branching. Three WJTs were excluded from translocation due to height and excessive branching and/or lean. However, these trees were found to be suitable for transplantation during the March 2025 site visit based upon CDFW's Western Joshua Tree Relocation Guidelines and Protocols. The relocation guidelines do not exclude transplantation of trees based on height, branching, or lean, except in cases where trees exceed seven meters due to post transplantation stability concerns. The remaining WJT excluded for transplantation was rejected due to poor health. The CDFW guidelines and protocols also do not exclude WJT due to health, however, they do prioritize transplantation of trees where 60% or more of the branches are alive.

While the site has largely been anthropogenically disturbed, it was found to have potentially suitable conditions for the 10 special-status plant species identified as having potential to occur. Of these, five have a CRPR of 1B and 2B, ranks given to species that are rare, threatened, or endangered in California. Should any of these species occur on the site, implementation of the project would result in population reduction or loss and would require CEQA analysis to determine impact significance. The other five special-status plant species have a California Rare Plant Rank of 4, which is given to species of limited distribution, but are generally not considered to be rare, threatened, or endangered. However, when evaluating impacts to Rank 4 species, local rarity, regional distribution can provide rationale to consider CRPR 4 species occurrences as regionally rare and therefore CEQA analysis may be justified. Based upon existing information, the CRPR 4 species determined to have potential to occur onsite are also regionally uncommon to rare and may also require CEQA analysis should they be present onsite.

Suitable burrowing owl foraging and nesting habitat is present on and adjacent to the site. The open scrub habitat found onsite presents ideal foraging conditions for burrowing owl as it allows for greater

visibility and movement of foraging owls. The site also supports suitable habitat for desert kit fox and California ground squirrel, which dig burrows suitable for burrowing owl use, including those used for breeding. A number of potentially suitable burrows, including possible California ground squirrel and a desert kit fox den observed on the margins of the project site further indicate the site is suitable for burrowing owl use. Given the presence of suitable foraging habitat and potentially suitable burrows for burrowing owl use, protocol surveys may be necessary to determine if the project will result in significant impacts to the species or its habitat.

Conclusion/Comment

While the Bickmore Warehouse ISMND and the Rare Plant Preservation Plan do address western Joshua tree impacts, literature-based justification for determining transplantation suitability of western Joshua trees was not provided. The plan states that transplant suitability is "based on industry standards" and provides a bulleted list of the suitability criteria without citation or reference, resulting in the exclusion of four of the seven living western Joshua trees occurring on the project site. However, based upon CDFW's Western Josua Tree Relocation Guidelines and Protocols, all seven western Joshua trees are suitable for transplantation.

The project site may support suitable habitat for 10 special-status plant species, five of which meet the definition of being rare, threatened, or endangered in California, and five additional species that have a limited distribution but may also meet those criteria. Because suitable special-status plant habitat is present, surveys should be initiated to determine if any of these species occur on the site to evaluate if the project will result in significant impacts to any of these species.

The site and surrounding lands also support suitable burrowing owl foraging, denning, and nesting habitat. To determine presence and to minimize or prevent significant impacts to burrowing owl, protocol surveys should be implemented.

Based upon the findings of the site visit and literature review of the project and surrounding area, construction of the Bickmore Warehouse without CEQA review may result in significant impacts special-status plant species and burrowing owl.

Should you have any questions please contact me at (559) 907-6999 or cjwinchell@gmail.com.

Sincerely,

Christopher Winchell

Christopher J. Winchell

PO Box 421, Prather CA, 93651 • cjwinchell@gmail.com • 559.907.6999

PROFESSIONAL PROFILE

Mr. Winchell has been a professional biologist for over 20 years specializing in vegetation and rare plant surveys throughout California and has over 15 years of experience conducting wildlife surveys. Experienced with CEQA and NEPA document preparation and agency coordination and has led large scale field surveys and monitoring efforts for nearly 10 years.

HIGHLIGHTS

- Special-status plant surveys
- Habitat mapping and assessments
- Nesting bird surveys and monitoring
- Wildlife surveys and monitoring
- Wetland delineations and monitoring
- Management of biological surveys and monitoring activities
- Management Plans
- CEQA/NEPA document preparation
- Client, Contractor, Field Team, and Agency communication

EDUCATION

BS, Biology (Ecology and Evolution), Fresno State University

Wetland Delineation Certification from the Wetland Training Institute

PUBLICATIONS

J. C. Stebbins, C. J. Winchell, and J. V. H. Constable. 2013. *Helianthus winteri* (Asteraceae), a new perennial species from the southern Sierra Nevada foothills, California. Aliso 31:19–24.

MEMBERSHIPS/OTHER EXPERIENCE

PROFESSIONAL EXPERIENCE

Senior Biologist, Imago Biological Consulting *2024–Present*

- Rare plant surveys, taxonomy, assessments, habitat mapping
- Wildlife surveys and habitat assessments for a number of special-status species including Yosemite toad, California red-legged frog, California tiger salamander, foothill /Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, and burrowing owl.
- Biological monitoring: lead construction monitor, nesting bird lead, wetland, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Preparation of budgets and proposals.
- Agency coordination

Senior Biologist, Novaterra Biological Consulting
2021–Present

- Rare plant surveys, taxonomy, assessments, habitat mapping
- Wildlife surveys and habitat assessments for a number of special-status species including Yosemite toad, California red-legged frog, California tiger salamander, foothill /Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, and burrowing owl.
- Biological monitoring: lead construction monitor, nesting bird lead, wetland, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Preparation of budgets and proposals.
- Agency coordination

Senior Biologist, Colibri Ecological Consulting
2018–2021

- University of California, Berkley, Jepson Herbarium: workshop instructor.
- California Native Plant Society: Sequoia Chapter Rare Plant Chair; class and workshop instructor and coordinator.
- Sierra Foothill Conservancy: native plant instructor, and volunteer for 20 years.
- TWS: Led Carrizo Plain wildflower classes.
- Attended various workshops and rare plant treasure hunts. CRPR status reviewer for 4 regions.
- Maintains a personal herbarium with over 7,000 specimens
- Ongoing educational and biological collaborations with instructors at Fresno State University and Fresno City College.

- Rare plant surveys, taxonomy, assessments, habitat mapping, BA/BE preparation.
- Wetland delineations, LSAA and 401 permit preparation.
- Wildlife surveys and habitat assessments for Sierra Nevada red fox, pacific fisher, Yosemite toad, California red-legged frog, California tiger salamander, foothill / Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, burrowing, great grey owl, and spotted owl.
- Biological monitoring: lead construction monitor, wetland, nesting bird, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Agency coordination

Ecologist II, H. T. Harvey & Associates
2008–2018

- Rare plant surveys, taxonomy, vegetation assessments, and habitat mapping.
- Wetland delineations, LSAA and 401 permit preparation.
- Wildlife surveys and habitat assessments for giant kangaroo rat, Tipton kangaroo rat, San Joaquin antelope squirrel, San Joaquin kit fox, Sierra Nevada red fox, fisher, Yosemite toad, California red-legged frog, foothill /mountain yellow-legged frog, western pond turtle, valley elderberry longhorn beetle northern goshawk burrowing, great grey, and spotted owl. Blunt-nosed level II surveyor.
- Biological monitoring; lead construction monitor, wetland, nesting bird, plant, and wildlife.
- Preparation of CEQA and NEPA documents: EIR, BA/BE, IS, ND, MND, and other survey documents.
- Agency coordination
- Preparation of habitat management plans.
- Preparation of proposals and budgets.
- Small to large scale project plant and wildlife survey design and management.

Associate Biologist, John Stebbins Biological Consulting
2002–2014

- Rare and cultural plant surveys.
- Nesting bird surveys.
- Valley elderberry longhorn beetle surveys and monitoring.
- Wetland delineations.

Botanist, Sierra National Forest
2004–2009

- Rare plant surveys.
- Wetland delineations, montane fen mapping.
- Montane meadow evaluations.
- Yosemite toad, fisher, spotted owl, great grey owl, and northern goshawk surveys.
- Noxious weed surveys and eradication.
- Preparation of internal agency survey documents.
- Taxonomy and herbarium maintenance.

Biologist, McCormick Biological
2004–2008

- Blunt-nosed leopard lizard surveys.
- Rare plant surveys and habitat mapping.

Biologist, Barbara Leitner Biological Consulting

2003–2006

- Assisted mohave ground squirrel trapping at Naval Air Weapons Station China Lake.
- Vegetation surveys and noxious weed eradication at Naval Air Weapons Station China Lake.
- Habitat restoration and management.
- Rare plant surveys and habitat mapping

RECENT PROJECT EXAMPLES

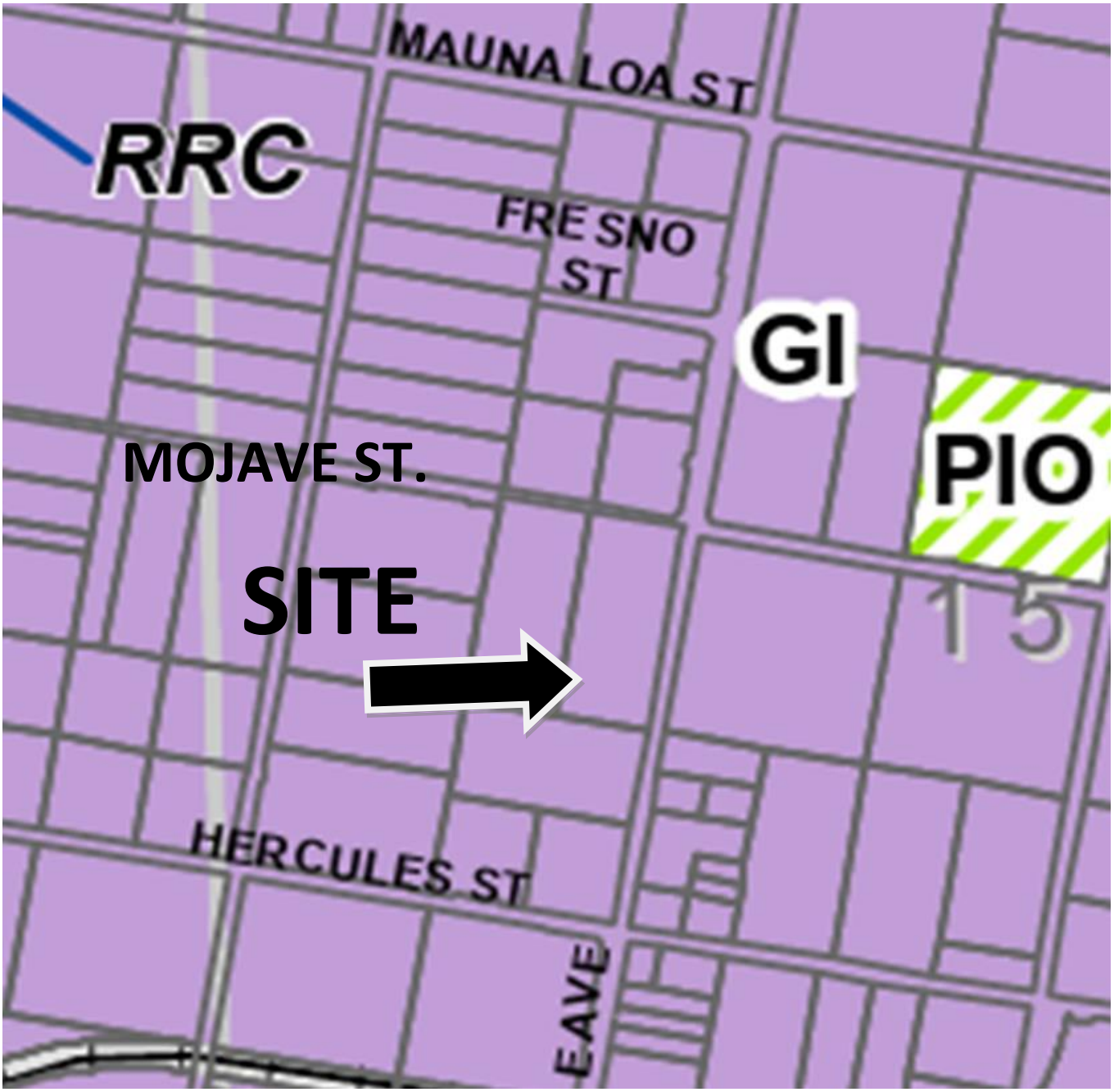
- Lead botanist for rare plant surveys and vegetation mapping, burrowing owl protocol survey field lead for Southern California Edison's Lake Success Transmission and Distribution Project in Tulare County.
- Lead botanist for the Bullhead Solar project in Kern County.
- Designated Botanist and field lead for the Camino Solar Project Bakersfield cactus translocation project in Kern County
- Lead botanist for Southern California Edison's Canal Project in Riverside County.
- Construction lead monitor and Nesting Bird Lead for Southern California Edison's Big Creek System tower raising and reconductoring project, Lake Success Transmission and Distribution Project, and multiple CEMA Transmission Right of Way Projects. Conducted rare plant, wetland, and wildlife surveys and assessments in addition to lead monitor duties.
- Conducted rare plant and wildlife surveys for Southern California Edison's pole replacement program from Fresno to Kern County.
- Conducted rare plant and wildlife surveys, performed wetland delineations, weed assessments; drafted sections of the EIR, weed management plan, and habitat management plan; and monitored construction for the California Valley Solar Ranch

project in San Luis Obispo County. Played integral role, as a lead taxonomist, in identifying rare plants and assessing habitat for these species, implementing best management practices during construction near sensitive resources. Continuing long-term rare plant, vegetation study plots, and wetland monitoring of conservation lands. Designated Biologist for giant kangaroo rat, San Joaquin kit fox, and San Joaquin antelope squirrel.

- Conducted rare plant surveys, performed wetland delineations, drafted sections of the EIR and plant survey reports for the California Flats Solar Project in San Luis Obispo County. Lead taxonomist, designed and implemented intensive and adaptive survey protocols to compensate for drought conditions during the multi-year survey effort.
- Conducted rare plant surveys on conservation lands associated with the Panoche Valley Solar Farm project in Kings and Monterey Counties. Also conducted giant kangaroo precinct surveys for the following the large population expansion of the species throughout the proposed project site during construction. Lead crews, assisted with the development of survey methodology, managed data for this multi-month effort.
- Conducted and managed rare plant and blunt-nosed leopard lizard surveys, and drafted survey reports for the Alamo Spring Solar Project in Kings County. Lead surveyor for both the plant and blunt-nosed leopard lizard surveys; budget and schedule management, survey design and implementation.
- Conducted rare plant surveys, blunt-nosed leopard lizard surveys, wildlife surveys, performed wetland and nest monitoring, and drafted survey reports for a variety of Caltrans road projects in Fresno, Kings, and Kern Counties. Played a key role in survey design, budgeting, field crew management for rare plant and blunt-nosed leopard lizard surveys; conducted kit fox spotlight surveys, and performed multi-year nest and wetland monitoring for the Kings River Expressway project. Caltrans Designated Biologist for Swainson's hawk.
- Lead Construction Monitor for the Quinto Solar Project in Fresno County. Conducted surveys for rare plants. Monitored sensitive species and resources such as San Joaquin kit fox, badger, Swainson's hawk, rare plants, and wetlands; implemented BMP's, and maintained constant client communication.
- Conducted rare plant and weed surveys, drafted survey reports including BA/BE's, and provided weed management consultation for a variety of Ponderosa and Sierra Telephone projects from Fish Camp to Bass Lake.

- Conducted biological surveys and weed assessments in the Sierra Nevada Mountains for Southern California Edison's Deteriorated Pole Program and Pacific Gas and Electric's Operation Maintenance Program in Fresno, Madera, Mariposa, and Tulare Counties for 7 years.
- Conducted biological assessments, rare plant surveys, invasive species mapping, and drafted conservation baseline reports for conservation lands managed by Sierra Foothill Conservancy and Sequoia Riverlands Trust in the Sierra Nevada Mountains and Central Valley.
- Conducted rare plant and weed surveys, drafted survey reports, weed management plans for a variety of solar projects in the Central Valley including Pumpjack Solar, Wildwood Solar, and Westside solar.

ATTACHMENT 2: Land Use Map

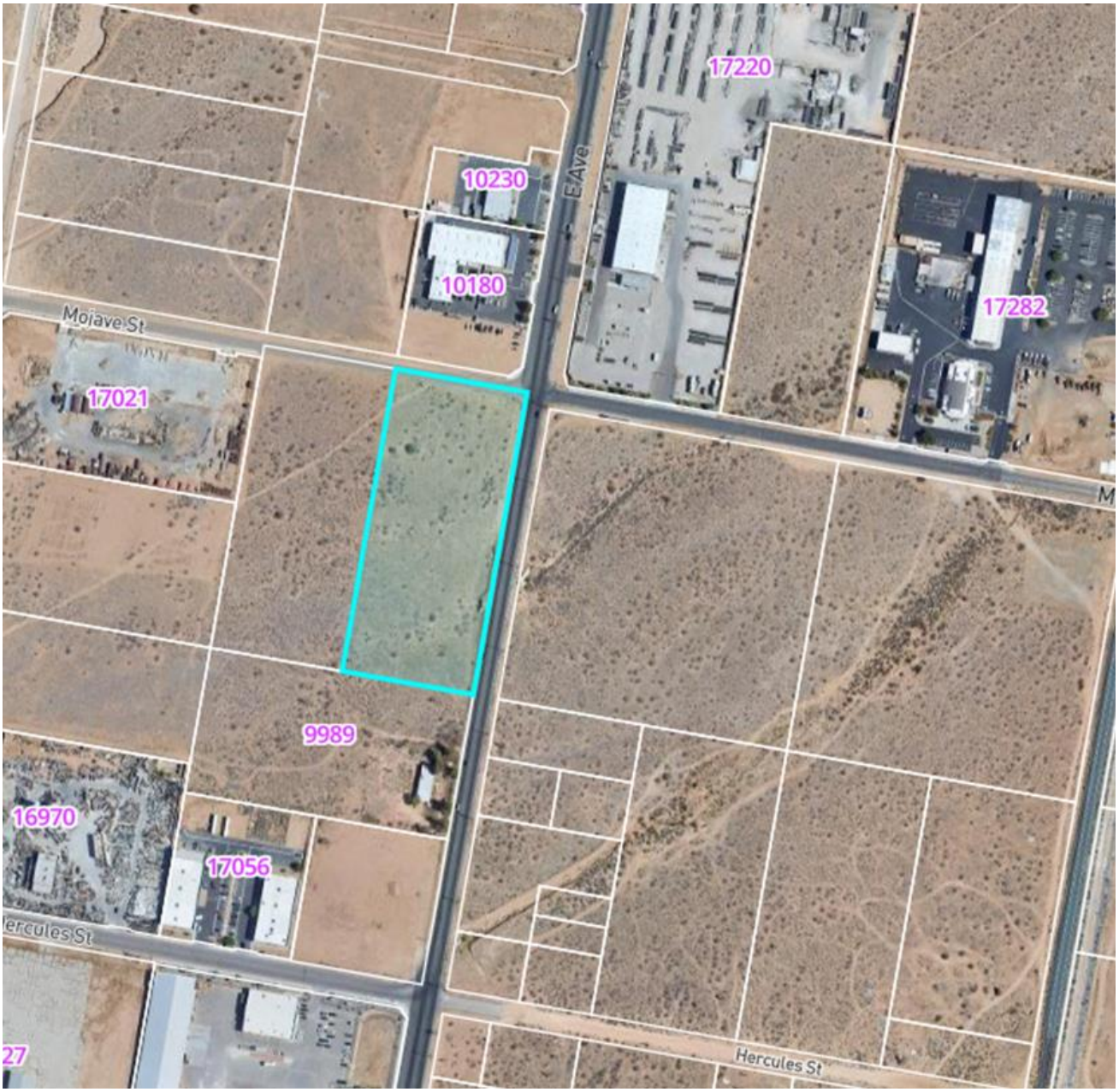


APPLICANT(S): SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY (SAFER)	**FILE NO(S):** APP25-00001
LOCATION: SOUTHWEST CORNER OF MOJAVE STREET AND E AVENUE	**APN:** 0410-051-11

PROPOSAL: AN APPEAL TO THE CITY PLANNING COMMISION FOR THE DEVELOPMENT REVIEW COMMITTEE (“DRC”) APRIL 23RD, 2025 DECISION TO ADOPT ASSOCIATED MITIGATED NEGATIVE DECLARATION (“MND”) AND APPROVE SPR23-00018, (SCH NO.2025021160) TO CONSTRUCT TWO INDUSTRIAL WAREHOUSE BUILDINGS TOTALING 79,778 SQUARE FEET ON 5.2 ACRES WITHIN THE GENERAL INDUSTRIAL (GI) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED AT THE SOUTHWEST CORNER OF MOJAVE AVENUE AND "E" AVENUE (APPLICANT: SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY “SAFER”; APN 0410-051-11).

N

ATTACHMENT 3: Aerial View



APPLICANT(S): SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY (SAFER)	**FILE NO(S):** APP25-00001
LOCATION: SOUTHWEST CORNER OF MOJAVE STREET AND E AVENUE	**APN:** 0410-051-11
PROPOSAL: AN APPEAL TO THE CITY PLANNING COMMISION FOR THE DEVELOPMENT REVIEW COMMITTEE (“DRC”) APRIL 23RD, 2025 DECISION TO ADOPT ASSOCIATED MITIGATED NEGATIVE DECLARATION (“MND”) AND APPROVE SPR23-00018, (SCH NO.2025021160) TO CONSTRUCT TWO INDUSTRIAL WAREHOUSE BUILDINGS TOTALING 79,778 SQUARE FEET ON 5.2 ACRES WITHIN THE GENERAL INDUSTRIAL (GI) ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN LOCATED AT THE SOUTHWEST CORNER OF MOJAVE AVENUE AND "E" AVENUE (APPLICANT: SUPPORTERS ALLIANCE FOR ENVIRONMENTAL RESPONSIBILITY “SAFER”; APN 0410-051-11).	**N** ↑

INITIAL STUDY & MITIGATED NEGATIVE DECLARATION

BICKMORE WAREHOUSE 5.22 ACRE SITE
SWC OF MOJAVE ST AND E AVENUE
APN 0410-05-111
HESPERIA, CALIFORNIA 92344

LEAD AGENCY:

CITY OF HESPERIA
PLANNING DIVISION
9700 SEVENTH AVENUE
HESPERIA, CALIFORNIA 92345

REPORT PREPARED BY:

BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING
2211 S. HACIENDA BOULEVARD, SUITE 107
HACIENDA HEIGHTS, CALIFORNIA 91745

JANUARY 2025

HESP 012

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MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Bickmore Warehouse 5.22 Acre Site

PROJECT APPLICANT: Wei Ding, DW Bickmore, LLC., 15740 Myrtlewood Ave, Chino, California 91708

PROJECT LOCATION: The 5.22 acre project site is located in the north-central portion of the City of Hesperia, California. The project site is undeveloped and does not have a legal address assigned to the property. The proposed project site is located on the southwest corner of Mojave Street and E Avenue. Mojave Street extends along the project site's north side and E avenue extends along the sites east side. The project site's latitude and longitude are 34°26'5.35"N, -117°17'23.71"W. The project site is located within the United States Geological Survey (USGS) 7 ½ Minute, Hesperia, California Quadrangle (1956), Township 4 North, Range 4 West.

CITY AND COUNTY: City of Hesperia, San Bernardino County.

PROJECT: The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. The project would consist of 9 truck dock doors including 3 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks and west of the two buildings. Vehicular access to the site would include one entrance for employees and patrons only and 2 entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with E avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. All three entrances are guarded by a security gate fence. For safety and security, screen walls in addition to combo walls consisting of masonry and wrought iron will surround the entire project site. Current conditions on the property include a desert scrub community showing signs of human disturbances. There are 34 Joshua Trees located within the boundaries of the property.

EVALUATION FORMAT: The attached initial study is prepared in accordance with the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21000, et seq. and the State CEQA Guidelines (California Code of Regulations Section 15000, et seq.). Specifically, the preparation of the attached Initial Study was guided by Section 15063 of the State CEQA Guidelines. The project was evaluated based on its effect on 21 categories of environmental factors. Each factor is reviewed by responding to a series of questions regarding the impact of the project on each element of the overall factor. The Initial Study checklist includes a formatted analysis that provides a determination of the effect of the project on the factor and its elements. The effect of the project is categorized into one of the following four categories of possible determinations:

Potentially Significant Impact	Less than Significant With Mitigation Incorporated	Less than Significant	No Impact

Substantiation is then provided to justify each determination. One of the four following conclusions is then provided as a summary of the analysis for each of the major environmental factors.

No Impact: No impacts are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact: No significant adverse impacts are identified or anticipated, and no mitigation measures are required.

Less than Significant Impact with Mitigation: Possible significant adverse impacts have been identified or anticipated and mitigation measures are required as a condition of the project's approval to reduce these impacts to a level below significance.

Potentially Significant Impact: Significant adverse impacts have been identified or anticipated. An Environmental Impact Report (EIR) is required to evaluate these impacts.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below will be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist in the attached Initial Study.

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

DETERMINATION: (To be completed by the Lead Agency) On the basis of this initial evaluation, the following finding is made:

☐	The proposed project *COULD NOT* have a significant effect on the environment, and a *NEGATIVE DECLARATION* shall be prepared.
X	Although the proposed project could have a significant effect on the environment, there shall not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A *MITIGATED NEGATIVE DECLARATION* shall be prepared.
☐	The proposed project *MAY* have a significant effect on the environment, and an *ENVIRONMENTAL IMPACT REPORT* is required.
☐	The proposed project *MAY* have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An *ENVIRONMENTAL IMPACT REPORT* is required, but it must analyze only the effects that remain to be addressed.
☐	Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an *earlier EIR or NEGATIVE DECLARATION* pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that *earlier EIR or NEGATIVE DECLARATION,* including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature _____ Date _____

The project is also described in greater detail in the attached Initial Study.

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1. INTRODUCTION

1.1 OVERVIEW OF THE PROPOSED PROJECT

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. The project would consist of 9 truck dock doors including 3 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks and west of the two buildings. Vehicular access to the site would include one entrance for employees and patrons only and 2 entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with E avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. All three entrances are guarded by a security gate fence. For safety and security, screen walls in addition to combo walls consisting of masonry and wrought iron will surround the entire project site. The facility would be open from Monday through Friday.

The project site is vacant and includes a desert scrub community that exhibits signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (*Larrea tridentata*), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site.[1]

1.2 PURPOSE OF THIS STUDY

The City of Hesperia is the designated *Lead Agency,* and as such, the City will be responsible for the project's environmental review. Section 21067 of California Environmental Quality Act (CEQA) defines a Lead Agency as the public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect on the environment.[2] As part of the proposed project's environmental review, the City of Hesperia has authorized the preparation of this Initial Study.[3] The primary purpose of CEQA is to ensure that decision-makers and the public understand the environmental implications of a specific action or project. An additional purpose of this Initial Study is to ascertain whether the proposed project will have the potential for significant adverse impacts on the environment once it is implemented. Pursuant to the CEQA Guidelines, additional purposes of this Initial Study include the following:

[1] RCA Associates, Inc. *Protected Plant Preservation Plan, City of Hesperia, APN 0410-051-11*. August 23, 2023.

[2] California, State of. *California Public Resources Code. Division 13, Chapter 2.5. Definitions.* as Amended 2001. §21067.

[3] Ibid. (CEQA Guidelines) §15050.

- To provide the City of Hesperia with information to use as the basis for deciding whether to prepare an environmental impact report (EIR), mitigated negative declaration, or negative declaration for a project;
- To facilitate the project's environmental assessment early in the design and development of the proposed project;
- To eliminate unnecessary EIRs; and,
- To determine the nature and extent of any impacts associated the proposed project.

Although this Initial Study was prepared with consultant support, the analysis, conclusions, and findings made as part of its preparation fully represent the independent judgment and position of the City of Hesperia, in its capacity as the Lead Agency. The City determined, as part of this Initial Study's preparation, that a Mitigated Negative Declaration is the appropriate environmental document for the proposed project's CEQA review. Certain projects or actions may also require oversight approvals or permits from other public agencies. These other agencies are referred to as *Responsible Agencies* and *Trustee Agencies*, pursuant to Sections 15381 and 15386 of the State CEQA Guidelines.[4] This Initial Study and the *Notice of Intent to Adopt (NOIA) a Mitigated Negative Declaration* will be forwarded to responsible agencies, trustee agencies, and the public for review and comment. This Initial Study and Mitigated Negative Declaration will be forwarded to the State of California Office of Planning Research (the State Clearinghouse). A 30-day public review period would be provided to allow these entities and other interested parties to comment on the proposed project and the findings of this Initial Study.[5] Questions and/or comments should be submitted to the following:

Leilani Henry, Assistant Planner
City of Hesperia Development Department, Planning Division
9700 Seventh Avenue
Hesperia, California 92345

1.3 INITIAL STUDY'S ORGANIZATION

The following annotated outline summarizes the contents of this Initial Study:

- *Section 1 Introduction* provides the procedural context surrounding this Initial Study's preparation and insight into its composition.
- *Section 2 Project Description* provides an overview of the existing environment as it relates to the project area and describes the proposed project's physical and operational characteristics.
- *Section 3 Environmental Analysis* includes an analysis of potential impacts associated with the construction and the subsequent operation of the proposed project.
- *Section 4 Conclusions* summarizes the findings of the analysis.
- *Section 5 References* identifies the sources used in the preparation of this Initial Study.

[4] California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.5, Section 21067 and Section 21069.* 2000.

[5] California, State of. Public Resources Code Division 13. *The California Environmental Quality Act. Chapter 2.6, Section 2109(b).* 2000.

2. PROJECT DESCRIPTION

2.1 PROJECT LOCATION

The proposed project site is located in the north-central portion of the City of Hesperia. The City of Hesperia is located in southwestern portion of San Bernardino County in the southwestern Mojave Desert physiographic subregion. This physiographic subregion is more commonly referred to as either the "Victor Valley" or the "High Desert" due to its approximate elevation of 2,900 feet above sea level. The Victor Valley is separated from the more populated areas of coastal Southern California by the Cajon Pass which serves to separate the San Bernardino and San Gabriel mountains.

The City of Hesperia is bounded on the north by Victorville and Apple Valley, unincorporated San Bernardino County (Oro Grande); on the east by Apple Valley and unincorporated San Bernardino County (Bell Mountain); the south by the City of Hesperia and unincorporated San Bernardino County (Oak Hills); and on the west by unincorporated San Bernardino County (Baldy Mesa). Regional access to the City of Hesperia is provided by three area highways: the Mojave Freeway (Interstate 15), extending in a southwest to northeast orientation through the center of the City; U.S. Highway 395, traversing the western portion of the City in a northwest to southeast orientation; and Palmdale Road (State Route 18), which traverses the southern portion of the City in an east to west orientation.[6] The location of Hesperia, in a regional context, is shown in Exhibit 2-1. A citywide map is provided in Exhibit 2-2.

The 5.22 acre project site is located in the north-central portion of the City of Hesperia. The project site is undeveloped and does not have a legal address assigned to the property. The proposed project site is located on the southwest corner of Mojave Street and E Avenue. Mojave Street extends along the project site's north side and E Avenue extends along the site's east side. The project site's latitude and longitude are 34°26'5.35"N, -117°17'23.71"W. The project site is located within the United States Geological Survey (USGS) Hesperia, California 7 ½ Minute Quadrangle (1956), Township 4 North, Range 4 West. A local vicinity map is provided in Exhibit 2-3. An aerial photograph of the site and the surrounding area is provided in Exhibit 2-4.

2.2 ENVIRONMENTAL SETTING

The proposed project site is located on a 5.22-acre site that is currently vacant. Current conditions on the property include a desert scrub community showing signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (*Larrea tridentata*), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site.[7] The project site is located within the Mainstreet / Freeway Corridor Specific Plan (MSFC-SP). The project site's Land use and Zoning Designation is *General Industrial* (GI).[8]

[6] Google Earth. Website accessed October 2, 2023.

[7] RCA Associates, Inc. *Protected Plant Preservation Plan, City of Hesperia, APN 0410-051-11*. August 23, 2023.

[8] City of Hesperia. *General Plan Land Use*. October 5, 2023.

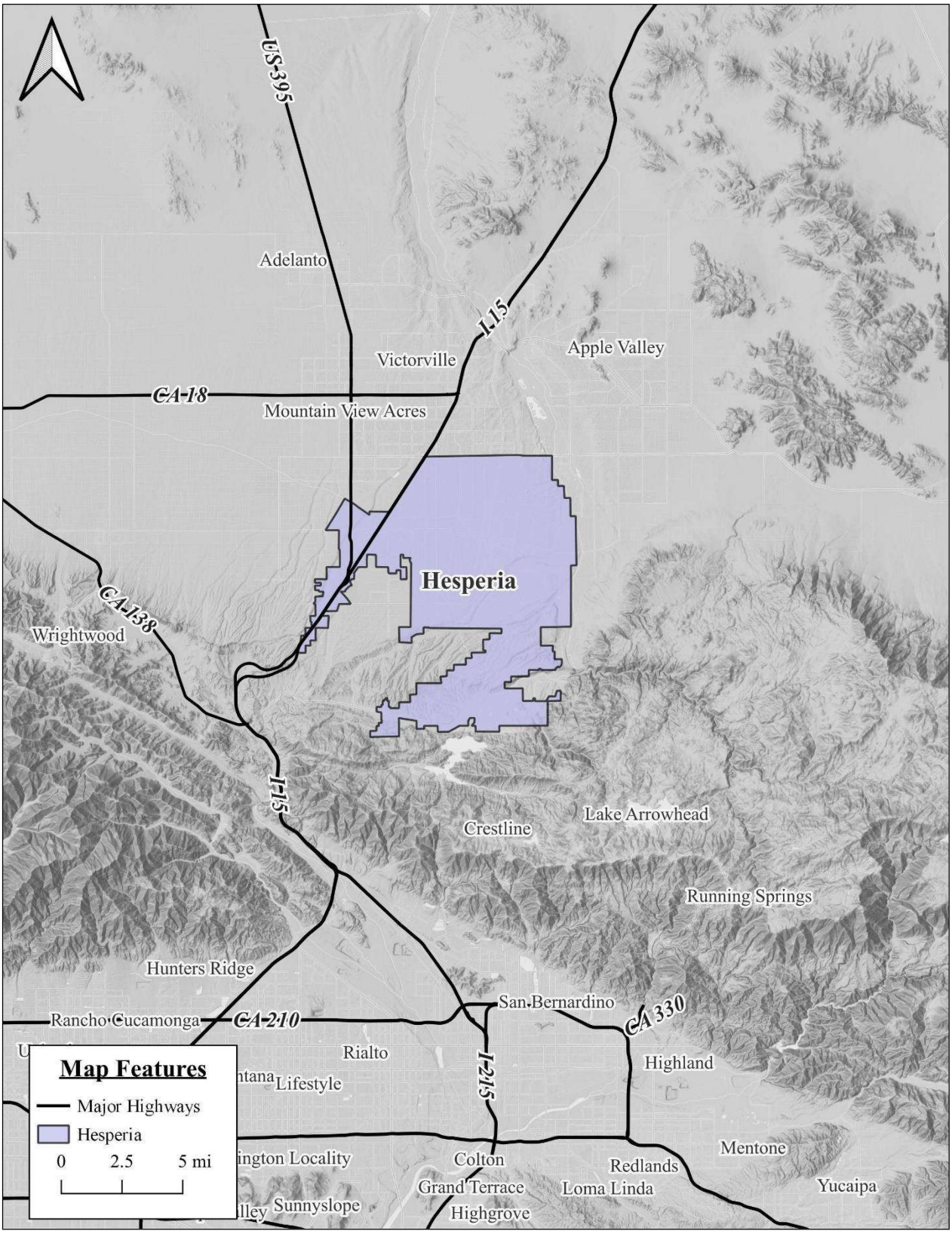

EXHIBIT 2-1 REGIONAL MAP
SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

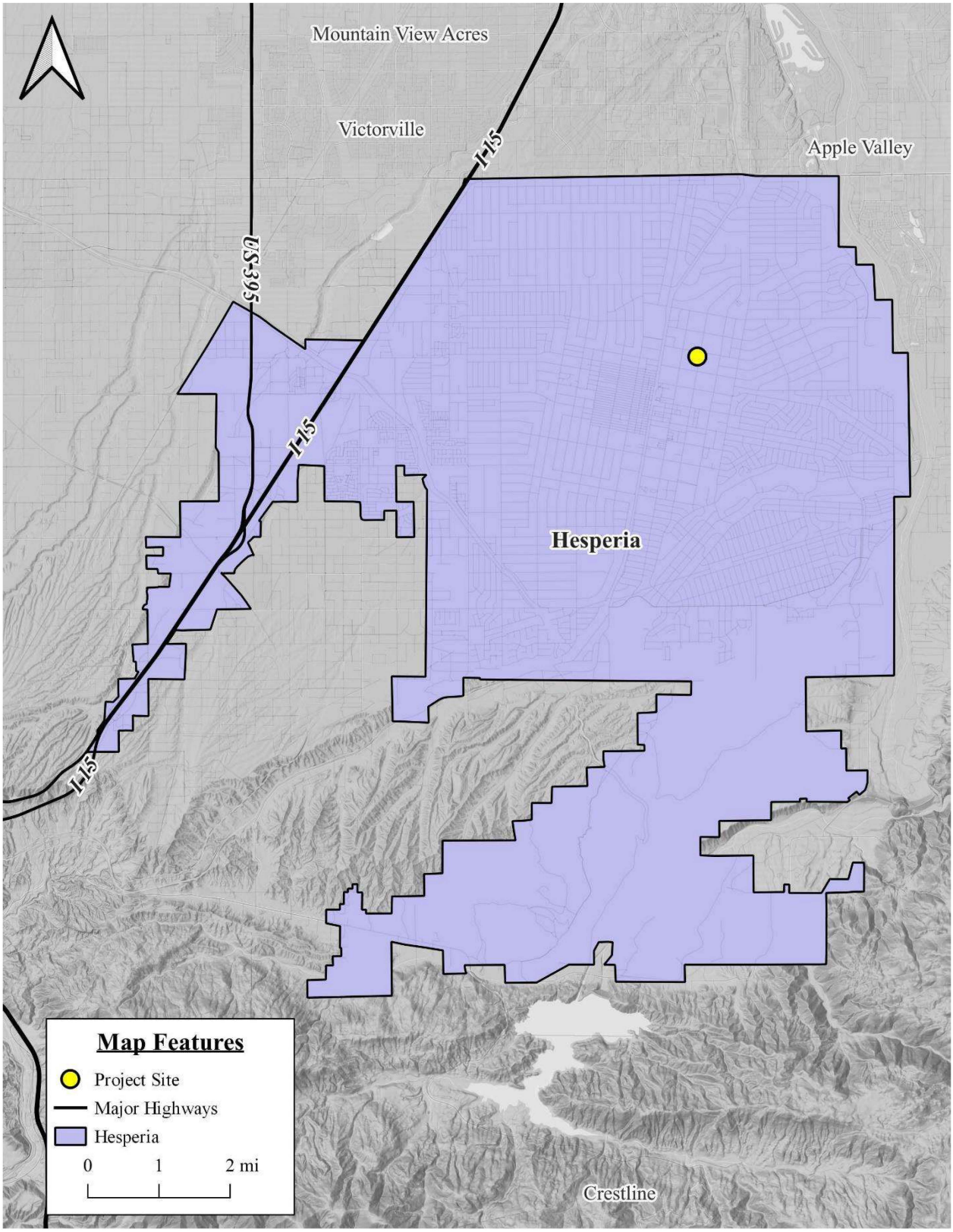

EXHIBIT 2-2 CITYWIDE MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

EXHIBIT 2-3 LOCAL MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

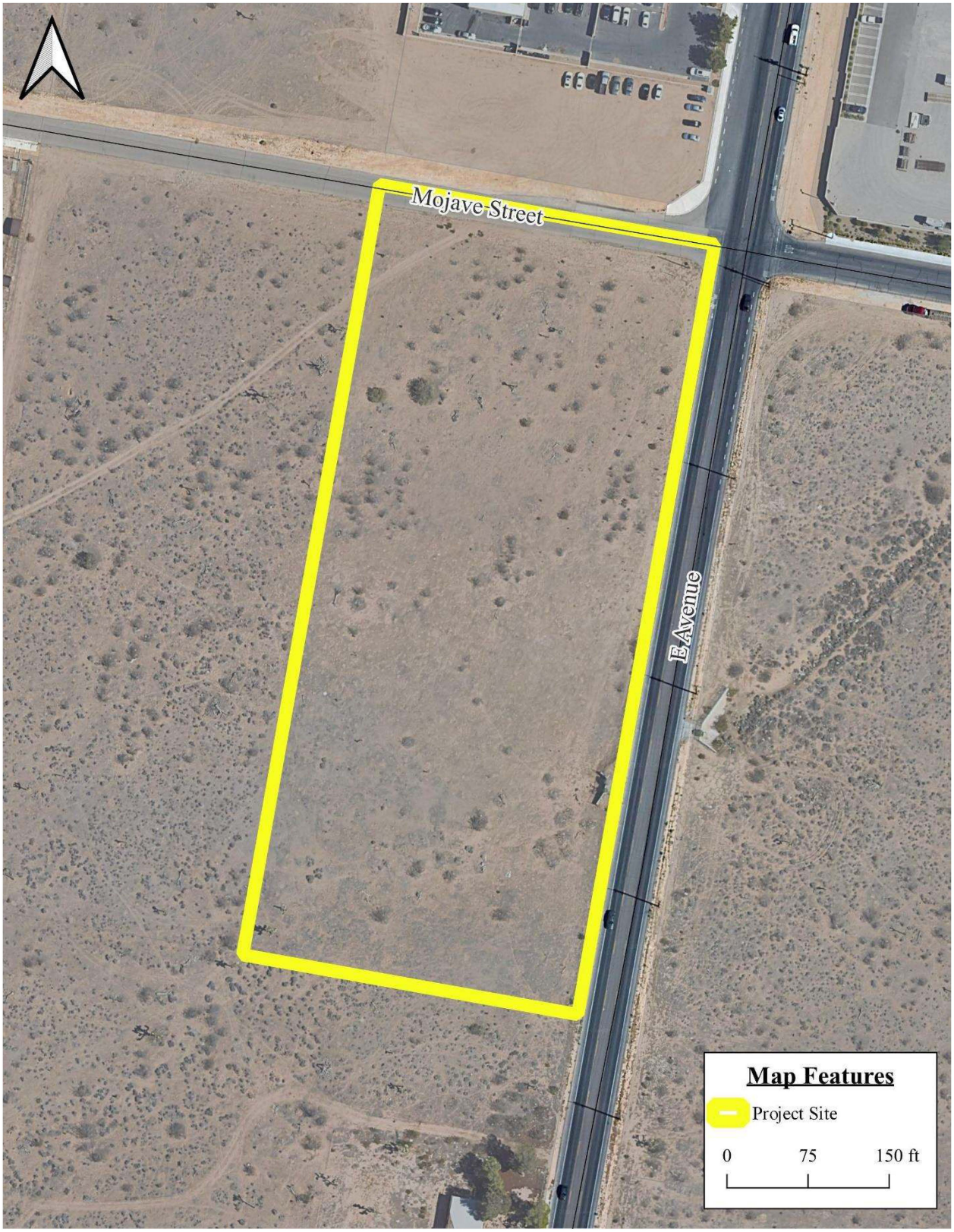

EXHIBIT 2-4 AERIAL MAP

SOURCE: BLODGETT BAYLOSIS ENVIRONMENTAL PLANNING

Land uses and development located in the vicinity of the proposed project site are outlined below:

- *North of the project site:* Mojave Street extends along the project site's north side. An industrial development, Classic Collision, is located on the north side of the aforementioned street at 10180 E Avenue. The Land Use and Zoning for this area is *General Industrial* (GI).
- *West of the project site:* Abutting the project site to the west, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).
- *South of the project site:* Abutting the project site to the south is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI)
- *East of the project site:* "E" Avenue extends along the project site's east side. Further east, on the east side of "E" Avenue, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).[9]

An aerial photograph of the project site and the surrounding area is provided in Exhibit 2-4.

2.3 PHYSICAL CHARACTERISTICS OF THE PROPOSED PROJECT

The key physical elements of the proposed project are outlined below.

- *Site Plan*. The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet.
- *Warehouse Building 1*. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. The new building would consist of a single level with a maximum height of approximately 41 feet. A total of 3 raised loading dock doors and 1 ground level door would be provided along the north elevation of Warehouse 1. The main public entrance and office area is located at the southeast corner of the building. The truck maneuvering areas would be located to the west of the buildings.
- *Warehouse Building 2*. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The new building would consist of a single level with a maximum height of approximately 41 feet. A total of 4 raised loading dock doors and 1 ground level door would be provided along the south elevation of Warehouse 2. The main public entrance and office area is located at the northeast corner of the building.
- *Landscaping*. Landscaping would total 36,387 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. All of the landscaping would consist of xeriscape (drought tolerant) plant specimens.
- *Access and Circulation*. Vehicular access to the site would include one entrance for employees and patrons and two entrances for trucks only. The 30 feet wide employee and patron vehicular access

[9] City of Hesperia. *General Plan Land Use*. October 5, 2023.

would be located east of the site and would connect with "E" Avenue. The 30 feet wide truck only entrances are located in the northwest and southeast corners of the project site. All three entrances are secured by security gates. For safety and security, screen walls in addition to combo walls consisting of masonry and wrought iron will surround the entire project site.

- *Parking*. Parking areas would be located in the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces.
- *Utilities*. The proposed project would connect to existing water and sewer lines located in "E" Avenue.[10]

The proposed site plan is illustrated in Exhibit 2-5. The proposed building elevations are included in Exhibit 2-6.

2.4 OPERATIONAL CHARACTERISTICS OF THE PROPOSED PROJECT

DW Bickmore, LLC intends the project to be a storage facility. The facility would be open from Monday through Friday. The proposed project is anticipated to employ between 10-20 individuals onsite at any given time. The onsite employees' functions are limited to business transactions, site maintenance, and warehousing operations. The hours of operation for the proposed project would be 5 days a week, 8:00 AM to 5:00 PM.

2.5 CONSTRUCTION CHARACTERISTICS

The construction for the current proposed project is assumed to commence in June 2025 and would take approximately twelve months to complete. The key construction phases are outlined in the paragraphs that follow.

- *Grading Phase*. The project site would be graded and readied for the construction. This phase would require one month to complete. The typical heavy equipment used during this construction phase would include graders, bulldozers, offroad trucks, back-hoes, and trenching equipment.

- *Site Preparation Phase*. During this phase, the building footings, utility lines, and other underground infrastructure would be installed. This phase would require one month to complete. The typical heavy equipment used during this construction phase would include bulldozers, offroad trucks, back-hoes, front-end loaders, cranes, and forklifts.

- *Building Construction Phase*. The new buildings would be constructed during this phase. This phase will take approximately nine months to complete. The typical heavy equipment used during this construction phase would include offroad trucks, cranes, and fork-lifts. This task will take approximately seven months to complete.

[10] The Austin Company. S5 Bickmore Hesperia. Site Plan. Sheet A100. May 06, 2024.

- *Paving, Landscaping, and Finishing Phase*. The development site would be paved during this phase. This phase will take approximately one months to complete. The typical heavy equipment used during this construction phase would include trucks, backhoes, rollers, pavers, and trenching equipment.

2.6 DISCRETIONARY ACTIONS

A Discretionary Action is an action taken by a government agency (for this project, the government agency is the City of Hesperia) that calls for an exercise of judgment in deciding whether to approve a project. The following discretionary approvals are required:

- Site Plan Review (SPR) 23-00018; and
- Approval of the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP).

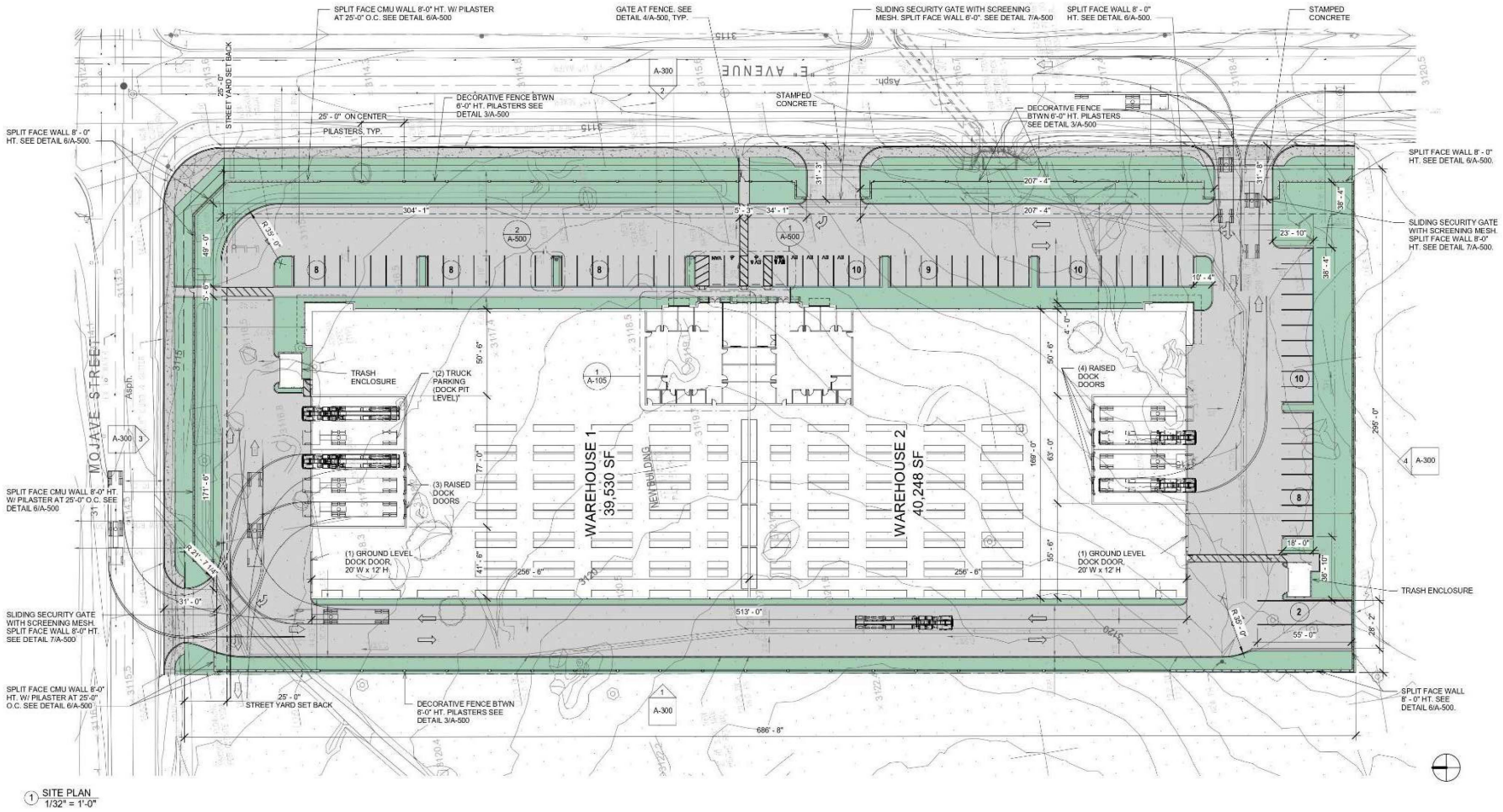

EXHIBIT 2-5 SITE PLAN OF PROJECT SITE

SOURCE: THE AUSTIN COMPANY

EXHIBIT 2-6 PROPOSED BUILDING ELEVATIONS

SOURCE: THE AUSTIN COMPANY

3. ENVIRONMENTAL ANALYSIS

This section of the Initial Study analyzes the potential environmental impacts that may result from the proposed project's implementation. The issue areas evaluated in this Initial Study include the following:

Aesthetics (Section 3.1);
Agricultural & Forestry Resources (Section 3.2);
Air Quality (Section 3.3);
Biological Resources (Section 3.4);
Cultural Resources (Section 3.5);
Energy (Section 3.6);
Geology & Soils (Section 3.7);
Greenhouse Gas Emissions; (Section 3.8);
Hazards & Hazardous Materials (Section 3.9);
Hydrology & Water Quality (Section 3.10);
Land Use & Planning (Section 3.11);
Mineral Resources (Section 3.12);
Noise (Section 3.13);
Population & Housing (Section 3.14).
Public Services (Section 3.15);
Recreation (Section 3.16);
Transportation (Section 3.17);
Tribal Cultural Resources (Section 3.18);
Utilities (Section 3.19);
Wildfire (Section 3.20); and,
Mandatory Findings of Significance (Section 3.21).

3.1 AESTHETICS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect on a scenic vista?			✕	
B. Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?				✕
C. Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?				✕
D. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?				✕

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on aesthetics if it results in any of the following:

- The proposed project would have an adverse effect on a scenic vista, except as provided in PRC Sec. 21099.
- The proposed project would have an adverse effect on scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.
- The proposed project would substantially degrade the existing visual character or quality of public views of the site and its surroundings (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality. or,
- The proposed project would, except as provided in Public Resources Code Section 21099, create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

The evaluation of aesthetics and aesthetic impacts is generally subjective, and it typically requires the identification of key visual features in the area and their importance. The characterization of aesthetic impacts involves establishing the existing visual characteristics including visual resources and scenic vistas that are unique to the area. Visual resources are determined by identifying existing landforms (e.g., topography and grading), views (e.g., scenic resources such as natural features or urban characteristics), and existing light and glare characteristics (e.g., nighttime illumination). Changes to the existing aesthetic environment associated with the proposed project's implementation are identified and *qualitatively* evaluated based on the proposed modifications to the existing setting and the viewers' sensitivity. The project-related impacts are then compared to the context of the existing setting, using the threshold criteria discussed above.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project have a substantial adverse effect on a scenic vista? ● Less Than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Current conditions on the property include a desert scrub community showing signs of human disturbances. There are 34 Joshua Trees within the boundaries of the property. The dominant scenic views from the project site includes distant views of the San Bernardino and San Gabriel Mountains, located south, southwest and southeast of the site and the City. In addition, local views are already dominated by neighboring development and the nearby I-15 freeway. The proposed project shall be designed, constructed, and operated in accordance with General Plan Policy LU-8.5 of the Land Use Element, which requires all development within the City to "Adopt design standards that will ensure land use compatibility and enhance the visual environment by providing attractive, aesthetically pleasing development which is sensitive to the unique local characteristics of the Hesperia community." In accordance with City policy, the Applicant shall provide replacement landscaping or vegetation to disturbed areas consistent with the natural surroundings, and in accordance with City Municipal Code Section 16.24.150 (Subject Desert Native Plants) and County Codes 88.01.050 (Tree or Plant Removal Permits) and 88.01.060 (Desert Native Plant Protection). Pursuant to these codes, landscaping shall be selected and incorporated to be drought-tolerant and shall complement existing natural and manmade features, including the dominant landscaping of surrounding areas. Through compliance with the City General Plan and Municipal Code, the proposed project would minimize the contrast between project features and the surrounding Mojave Desert landscape and ensure adverse effects on scenic vistas remain less than significant. No mitigation is required. In addition, views from the mountains will not be obstructed. Once operational, views of the aforementioned mountains will continue to be visible from the public right-of-way. *As a result, the impacts would be less than significant.*

B. *Would the project substantially damage scenic resources including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? ● No Impact.*

According to the California Department of Transportation, none of the streets located adjacent to the proposed project site are not designated scenic highways and there are no state or county designated scenic highways in the vicinity of the project site.[11] The City of Hesperia General Plan identifies prominent view sheds within the City. These view sheds are comprised primarily of undeveloped desert land, the Mojave River, and distant views of the San Bernardino Mountains.[12] Lastly, the project site is currently vacant and does not contain any buildings listed in the State or National register. *As a result, no impacts would occur.*

[11] California Department of Transportation. *Official Designated Scenic Highways.*

[12] City of Hesperia General Plan Website accessed on October 2, 2023.

C. *Would the project substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality? ● No Impact.*

There are no protected views in the vicinity of the project site and the City does not contain any scenic vistas in the vicinity of the project site. In addition, the City does not have any zoning regulations or other regulations governing scenic quality other that the development standards for which the new development will conform to. *As a result, no impacts would occur.*

D. *Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? ● No Impact.*

Project-related sources of nighttime light would include parking area exterior lights, security lighting, and vehicular headlights. In addition, the City of Hesperia Municipal Code Section 16.16.415 includes design standards for outdoor lighting that apply to new development in the City (the site is located in the *General Industrial* (GI) zone district). The site's development would involve the installation of outdoor lighting necessary for safety and security as well as to accommodate night-time business operations. All lighting would comply with the development standards contained in the City's Zoning Code. The Municipal Code lighting standards govern the placement and design of outdoor lighting fixtures to ensure adequate lighting for public safety while also minimizing light pollution and glare and precluding nuisance (e.g., blinking/flashing lights, unusually high intensity or needlessly bright lighting). It is important to note that there are no light sensitive land uses located in the vicinity of the project site. *As a result, no impacts are anticipated.*

MITIGATION MEASURES

The analysis of aesthetics indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

3.2 AGRICULTURE & FORESTRY RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses?				✖
B. Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract?				✖
C. Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?				✖
D. Would the project result in the loss of forest land or conversion of forest land to a non-forest use?				✖
E. Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on agriculture and forestry resources if it results in any of the following:

- The proposed project would convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- The proposed project would conflict with existing zoning for agricultural use, or a Williamson Act contract.
- The proposed project would conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)).
- The proposed project would result in the loss of forest land or conversion of forest land to non-forest use.
- The proposed project would involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

The California Department of Conservation Farmland Mapping and Monitoring Program (FMMP) was established in 1982 to track changes in agricultural land use and to help preserve areas of Important Farmland. It divides the state's land into eight categories of land use designation based on soil quality and existing agriculture uses to produce maps and statistical data. These maps and data are used to help

preserve productive farmland and to analyze impacts on farmland. Prime Farmland, Farmland of Statewide Importance, Unique Farmland, and Farmland of Local Importance are all Important Farmland and are collectively referred to as Important Farmland in this analysis. The highest rated Important Farmland is Prime Farmland. The California Land Conservation Act of 1965, or the Williamson Act, allows a city or county government to preserve agricultural land or open space through contracts with landowners. The County has areas that are currently agriculture preserves under contract with San Bernardino County through the Williamson Act of 1965. Contracts last 10 years and are automatically renewed unless a notice of nonrenewal is issued.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Current conditions on the property include a desert scrub community showing signs of human disturbances. There are 34 Joshua Trees within the boundaries of the property.

According to the California Department of Conservation, the project site nor the surrounding properties do not contain any areas of Farmland of Statewide Importance, and no agricultural uses are located onsite or adjacent to the property. The implementation of the proposed project would not involve the conversion of any prime farmland, unique farmland, or farmland of statewide importance to urban uses. *As a result, no impacts would occur.*[13]

B. *Would the project conflict with existing zoning for agricultural uses, or a Williamson Act Contract? ● No Impact.*

There are no agricultural uses located within the site that would be affected by the project's implementation. According to the California Department of Conservation Division of Land Resource Protection, the project site is not subject to a Williamson Act Contract.[14] *As a result, no impacts would occur.*

[13] California Department of Conservation, Division of Land Resource Protection, Farmland Mapping, and Monitoring Program. *California Important Farmland Finder*.

[14] California Department of Conservation. *State of California Williamson Act Contract Land*. https://maps.conservation.ca.gov/dlrp/WilliamsonAct/

C. *Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))? ● No Impact.*

There are no forest lands or timber lands located within or adjacent to the site. An adjacent property located to the north is disturbed and contains structures. Furthermore, the site's existing zoning designation does not contemplate forest land or timber land uses. *As a result, no impacts would occur.*

D. *Would the project result in the loss of forest land or conversion of forest land to a non-forest use? ● No Impact.*

No forest lands are located within the project site. The proposed use will be restricted to the site and would not affect any forest land or farmland. No loss or conversion of forest lands to urban uses would result from the proposed project's implementation. *As a result, no impacts would occur.*

E. *Would the project involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to a non-forest use? ● No Impact.*

The project would not involve the disruption or damage of the existing environment resulting in a loss of farmland to nonagricultural use or conversion of forest land to non-forest use. The site does not contain any agricultural or forestry vegetation. No farmland conversion impacts would occur with the implementation of the proposed project. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of agricultural and forestry resources indicated that no impact on these resources would occur as part of the proposed project's implementation. As a result, no mitigation is required.

3.3 AIR QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with or obstruct implementation of the applicable air quality plan?				✖
B. Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?		✖		
C. Would the project expose sensitive receptors to substantial pollutant concentrations?			✖	
D. Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✖	

The air quality worksheets are included in Appendix A.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on air quality if it results in any of the following:

- The proposed project would conflict with or obstruct implementation of the applicable air quality plan.
- The proposed project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.
- The proposed project would expose sensitive receptors to substantial pollutant concentrations.
- The proposed project would result in other emissions (such as those leading to odors adversely affecting a substantial number of people.

The Mojave Desert Air Quality Management District (MDAQMD) has established quantitative thresholds for short-term (construction) emissions and long-term (operational) emissions for the criteria pollutants listed below. Projects in the Mojave Desert Air Basin (MDAB) generating construction and operational-related emissions that exceed any of the following emissions thresholds are considered to be significant under CEQA.

- *Ozone (O_3)* is a nearly colorless gas that irritates the lungs, and damages materials and vegetation. Ozone is formed by photochemical reaction (when nitrogen dioxide is broken down by sunlight).
- *Carbon Monoxide (CO)* is a colorless, odorless toxic gas that interferes with the transfer of oxygen to the brain and is produced by the incomplete combustion of carbon-containing fuels emitted as vehicle exhaust. The threshold is 548 pounds per day of carbon monoxide (CO).

- *Nitrogen Oxide (NO_x)* is a yellowish-brown gas, which at high levels can cause breathing difficulties. NO_x is formed when nitric oxide (a pollutant from burning processes) combines with oxygen. The daily threshold is 137 pounds per day of nitrogen oxide (NO_x).
- *Sulfur Dioxide* (SO_2) is a colorless, pungent gas formed primarily by the combustion of sulfur-containing fossil fuels. Health effects include acute respiratory symptoms. The daily threshold is 137 pounds per day of sulfur oxides (SO_x).
- *PM_{10} and $PM_{2.5}$* refers to particulate matter less than ten microns and two and one-half microns in diameter, respectively. Particulates of this size cause a greater health risk than larger-sized particles since fine particles can more easily cause irritation. The daily threshold is 82 pounds per day of PM_{10} and 65 pounds per day of $PM_{2.5}$.
- *Reactive Organic Gasses (ROG)* refers to organic chemicals that, with the interaction of sunlight photochemical reactions may lead to the creation of "smog." The daily threshold is 137 pounds per day of ROG.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project conflict with or obstruct implementation of the applicable air quality plan? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Current conditions on the property include a desert scrub community showing signs of human disturbances. There are 34 Joshua Trees within the boundaries of the property.

Air quality impacts may occur during the construction or operation of a project, and may come from stationary sources (e.g., industrial processes, generators), mobile sources (e.g., automobiles, trucks), or area (e.g., residential water heaters) sources. Projects that are consistent with the projections of employment and population forecasts identified in the Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS) prepared by SCAG are considered consistent with the MDAQMP growth projections, since the RTP/SCS forms the basis of the land use and transportation control portions of the MDAQMP. According to the Growth Forecast Appendix prepared by SCAG for the 2020-2045 RTP/SCS, the City of Hesperia is projected to increase to 10,200 jobs in 2040 from 7,200 jobs in 2020.[15] The proposed project will not introduce any new residents and the proposed project is anticipated to employ 10 to 20 individuals onsite at any given time. Therefore, the proposed project is not in conflict with the growth projections established for the City by SCAG. The project's construction emissions would be below the thresholds of significance established by the MDAQMD (the project's daily construction emissions are summarized in Table 3-1). In addition, the proposed project's long-term (operational) airborne emissions will be below levels that the

[15] Southern California Association of Governments. 2020-2045 *Regional Transportation Plan/Sustainable Communities Strategy. Demographics & Growth Forecast.* November 2021.

MDAQMD considers to be a significant impact (refer to Table 3-2). *As a result, no impacts would occur.*

B. *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard? ● Less than Significant Impact with Mitigation.*

According to the MDAQMD, any project is significant if it triggers or exceeds the MDAQMD daily emissions threshold identified previously and noted at the bottom of Tables 3-1 and 3-2. In general, a project will have the potential for a significant air quality impact if any of the following are met:

- Generates total emissions (direct and indirect) that exceeds the MDAQMD thresholds (the proposed project emissions are less than the thresholds as indicated in Tables 3-1 and 3-2);
- Results in a violation of any ambient air quality standard when added to the local background (the proposed project will not result, in any violation of these standards);
- Does not conform with the applicable attainment or maintenance plan(s) (the proposed project is in conformance with the City's Zoning and General Plan); and,
- Exposes sensitive receptors to substantial pollutant concentrations, including those resulting in a cancer risk greater than or equal to 10 in a million and/or a Hazard Index (HI) (non-cancerous) greater than or equal to 1 (the proposed project will not expose sensitive receptors to substantial pollutant concentrations nor is the site located near any sensitive receptors).

The proposed project's construction and operation will not lead to a violation of the above-mentioned criteria. The analysis of daily construction and operational emissions was prepared utilizing the California Emissions Estimator Model (CalEEMod V.2022.1.1.29). As shown in Table 3-1, relevant daily construction emissions will not exceed the MDAQMD significance thresholds.

Table 3-1 Estimated Daily Construction Emissions in lbs./day

Construction Phase	ROG	NOx	CO	SO2	PM10	PM2.5
Maximum Daily Emissions	37.9	14.1	16.1	0.03	3.54	1.96
Daily Thresholds	137	137	548	137	82	65
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2022.1.1.29

While the construction-related emissions will be below thresholds, the following mitigation measures will be required to further reduce potential construction-related emissions.

- The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project;
- The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.
- The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils

through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.
- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

Long-term emissions refer to those air quality impacts that would occur once the proposed project has been constructed and is operational. These impacts will continue over the operational life of the project. The two main sources of operational emissions include mobile emissions and area emissions related to off-site electrical generation. The analysis of long-term operational impacts summarized in Table 3-2 also used the CalEEMod V.2022.1.1.29 computer model. The analysis summarized in Table 3-2 indicates that the operational (long-term) emissions will be below the MDAQMD daily emissions thresholds.

Table 3-2 Estimated Operational Emissions in lbs./day

Operational Phase	ROG	NOx	CO	SO2	PM10	PM2.5
Total Maximum Daily (lbs./day)	3.09	1.05	9.50	0.02	1.15	0.32
Daily Thresholds	137	137	548	137	82	65
Significant Impact?	No	No	No	No	No	No

Source: CalEEMod V.2022.1.1.29

The analysis presented in Tables 3-1 and 3-2 reflect projected emissions that are typically higher during the summer months and represent a worse-case scenario. As indicated in Tables 3-1 and 3-2, the impacts are considered to be less than significant. In addition, the MDAQMD Rule Book contains numerous regulations governing various activities undertaken within the district. Among these regulations is Rule 403.2 – Fugitive Dust Control for the South Coast Planning Area, which was adopted in 1996 for the purpose of controlling fugitive dust. Adherence to Rule 403.2 regulations is required for all projects undertaken within the district. Future construction truck drivers must also adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes.[3] Adherence to the aforementioned standard condition will minimize odor impacts from diesel trucks. Adherence to Rule 403 Regulations and Title 13 - §2485 of the California Code of Regulations will reduce potential impacts. *As a result, the impacts would be less than significant with mitigation.*

C. *Would the project expose sensitive receptors to substantial pollutant concentrations? ● Less than Significant Impact*

The nearest sensitive receptor to the project site include LaVerne Elementary Preparatory Academy located approximately 2,400 feet to the east of the project site. According to the MDAQMD, residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive receptor land uses. The

following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated: any industrial project within 1,000 feet; a distribution center (40 or more trucks per day) within 1,000 feet; a major transportation project within 1,000 feet; a dry cleaner using perchloroethylene within 500 feet; and a gasoline dispensing facility within 300 feet. The proposed warehouse is not located within 1,000 feet of the sensitive receptor. *As a result, the impacts would be less than significant.*

D. *Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people? ● Less than Significant Impact.*

The proposed project would be required to adhere to the rules governing nuisance odors. All truck drivers visiting the site must adhere to Title 13 - §2485 of the California Code of Regulations, which limits the idling of diesel-powered vehicles to less than five minutes. Adherence to the aforementioned standard condition will minimize odor impacts from diesel trucks. Furthermore, adherence to MDAQMD Rule 402 Nuisance Odors will minimize odors generated during daily activities. Adherence to the existing regulations governing "nuisance odors" will reduce potential impacts. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The following mitigation measures have been incorporated herein to further reduce the potential air quality impacts to levels that are less than significant.

AIR Mitigation No. 1. The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project.

AIR Mitigation No. 2. The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.

AIR Mitigation No. 3. The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

AIR Mitigation No. 4. All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

AIR Mitigation No. 5. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

3.4 BIOLOGICAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		✖		
B. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✖
C. Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				✖
D. Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites?				✖
E. Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✖		
F. Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan?				✖

The biological report is included in Appendix B.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on biological resources if it results in any of the following:

- The proposed project would have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.
- The proposed project would have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service.
- The proposed project would have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.
- The proposed project would interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

- The proposed project would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- The proposed project would conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Sensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type. Due to loss of habitat, some of these species have been designated by either, or both, the federal and state government resource agencies as threatened or endangered. Species listed as threatened include those whose numbers have dropped to such low levels and/or whose populations are so isolated that the continuation of the species could be jeopardized. Endangered species are those with such limited numbers or subject to such extreme circumstances that they are considered in imminent danger of extinction. Other government agencies and resource organizations also identify sensitive species, those that are naturally rare and that have been locally depleted and put at risk by human activities. While not in imminent danger of jeopardy or extinction, sensitive species are considered vulnerable and can become candidates for future listing as threatened or endangered.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? ● Less than Significant Impact with Mitigation.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. Current conditions on the property include a desert scrub community showing signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (Larrea tridentata), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site.[16]

Based on the Protected Plant Preservation Plan that was prepared for the site, there are thirty-four (34) Joshua trees located on the property. This conclusion was based on: (1) trees which were 0.6 meters or greater in height and less than 3 meters tall (approximate); (2) in good health; (3), two branches or less; (4) density of trees (i.e., no clonal trees); (5) no exposed roots; (6) and trees that are not leaning over excessively. Prior to the initiation of western Joshua tree removal, relocation, replanting, trimming, or pruning or any activity that may result in take of western Joshua trees (WJT) on site, the Project Proponent should obtain an Incidental Take Permit (ITP) under the Western Joshua Tree Conservation Act (WJTCA) of Fish and Game Code (§§ 1927- 1927.12). California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Mitigation for

[16] RCA Associates, Inc. *Protected Plant Preservation Plan, City of Hesperia, APN 0410-051-11*. August 23, 2023.

WJTCA would occur per the stem count per the WJTCA census in lieu fee. The mitigation fee for each tree size class is identified in Fish and Game Code section 1927.3 (d) and (e) and adjusted annually in compliance with Fish and Game Code section 1927.8(b). Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. Additionally, CDFW may require relocation of WJT based on the final WJT census. A Relocation Plan must be approved by CDFW prior to the issuance of a WJTCA ITP. The following minimization measures are applicable to the Joshua Tree that is present on the project site.

1. The Joshua tree will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the city where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.
2. Earthen berms will be created around each tree by the biologist prior to excavation and the trees will be watered approximately one week before transplanting. Watering the trees prior to excavation will help make excavation easier, ensure the root ball will hold together, and minimize stress to the tree.
3. The tree will be moved to a pre-selected location which has already been excavated and will be placed and oriented in the same direction as their original direction. The hole will be backfilled with native soil, and the transplanted tree will be immediately watered. A numbered metal tag was placed on the north side of the tree and the tree was also flagged with surveyor's flagging. The biologist will develop a watering regimen to ensure the survival of the transplanted trees. The watering regimen will be based upon the needs of the trees and the local precipitation.

The impacts will be less than significant with the above mitigation measures.

B. *Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? ● No Impact.*

According to the United States Fish and Wildlife Service, there are no wetland or migratory bird nesting areas located within the project site. The site in its entirety is undisturbed. In addition, there is no riparian habitat located on-site or in the surrounding areas. No offsite wetland or migratory bird nesting areas would be affected by the proposed development since all development will be confined to the project site. *As a result, no impacts would occur.*

C. *Would the project have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? ● No Impact.*

No wetland areas or riparian habitats (e.g., wetlands, vernal pools, critical habitats for sensitive species, etc.) were found on National Wetlands Inventory.[17] *As a result, no impacts would occur.*

[17] U.S. Fish & Wildlife Service. *National Wetlands Inventory Mapper*. Accessed October 3, 2023.

D. *Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory life corridors, or impede the use of native wildlife nursery sites? ● No Impact.*

The site's utility as a habitat and a migration corridor is constrained by the presence of an adjacent roadways and the development that is present in the neighboring areas. *As a result, no impacts would occur.*

E. *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? ● Less than Significant with Mitigation.*

Current conditions on the property include a desert scrub community showing signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (Larrea tridentata), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site.[18]

There are thirty-four (34) Joshua trees located on the property and three (3) of the trees are suitable for relocation/transplanting. This conclusion was based on: (1) trees which were 0.6 meters or greater in height and less than 3 meters tall (approximate); (2) in good health; (3), two branches or less; (4) density of trees (i.e., no clonal trees); (5) no exposed roots; (6) and trees that are not leaning over excessively. *The impacts will be less than significant with Bio Mitigation No. 1. mitigation measure.*

F. *Would the project conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? ● No Impact.*

The proposed project's implementation would not be in conflict with the provisions of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plans. *As a result, no impacts are anticipated.*

MITIGATION MEASURES

There are thirty-four (34) Joshua trees located on the property and three (3) of the trees are suitable for relocation/transplanting. The following mitigation would apply:

BIO Mitigation No. 1. Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.

[18] RCA Associates, Inc. *Protected Plant Preservation Plan, City of Hesperia, APN 0410-051-11.* August 23, 2023.

3.5 CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?				✖
B. Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?		✖		
C. Would the project disturb any human remains, including those interred outside of dedicated cemeteries?			✖	

The cultural resources report is included in Appendix C.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on cultural resources if it results in any of the following:

- The proposed project would cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.
- The proposed project would cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.
- The proposed project would disturb any human remains, including those interred outside of formal cemeteries.

Historic structures and sites are defined by local, State, and Federal criteria. A site or structure may be historically significant if it is locally protected through a General Plan or historic preservation ordinance. In addition, a site or structure may be historically significant according to State or Federal criteria even if the locality does not recognize such significance. To be considered eligible for the National Register, a property's significance may be determined if the property is associated with events, activities, or developments that were important in the past, with the lives of people who were important in the past, or represents significant architectural, landscape, or engineering elements. Specific criteria include the following:

- Districts, sites, buildings, structures, and objects that are associated with the lives of significant persons in or past;
- Districts, sites, buildings, structures, and objects that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or,
- Districts, sites, buildings, structures, and objects that have yielded or may be likely to yield, information important in history or prehistory.

Ordinarily, properties that have achieved significance within the past 50 years are not considered eligible for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A religious property deriving primary significance from architectural or artistic distinction or historical importance;
- Districts, sites, buildings, structures, and objects that are associated with events that have made a significant contribution to the broad patterns of our history;
- A building or structure removed from its original location that is significant for architectural value, or which is the surviving structure is associated with a historic person or event;
- A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life;
- A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
- A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;
- A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or,
- A property achieving significance within the past 50 years if it is of exceptional importance.[19]

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet.

Mr. Orozco from BCR completed an archaeological records search using SCCIC records of California State University, Fullerton, for the current project. This archival research reviewed the status of all recorded historic and prehistoric cultural resources, and survey and excavation reports completed within the project site boundaries and within a one-mile radius of it. Additional resources reviewed included the National Register of Historic Places (National Register), the California Register, the Built Environmental Resource Directory (BERD), and documents and inventories published by the California Office of Historic Preservation. These include the lists of California Historical Landmarks, California Points of Historical Interest, Listing of National Register Properties, and the Inventory of Historic Structures. An intensive-level cultural resources field survey of the project site was conducted on May 2, 2024. The survey was

[19] U. S. Department of the Interior, National Park Service. National Register of Historic Places. http://nrhp.focus.nps.gov. 2010.

conducted by walking parallel transects spaced approximately 15 meters apart across the project site. Digital photographs were taken at various points within the project site.

Data from the South Central Coastal Information Center (SCCIC) revealed that 16 previous cultural resource studies have taken place, and four cultural resources has been identified within the one-mile research radius of the project site. None of the previous studies have assessed the project site and no cultural resources have been identified within its boundaries. During the field survey, BCR Consulting archaeologists identified no cultural resources (including historic-period or prehistoric archaeological sites, or historic-period architectural resources) of any kind within the project site boundaries. The project has been subject to severe artificial disturbances associated with offroad vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping. Vegetation was characteristic of creosote scrubland and Joshua tree woodland habitats, which afforded surface visibility of 60 percent. Surficial sediments observed were chiefly composed of dry, brown sandy loam, with low levels of gravel. None of the previous studies have assessed the project site and no cultural resources have been identified within its boundaries. *As a result, no impacts would occur.*

B. *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? ● Less than Significant Impact with Mitigation.*

Data from the South Central Coastal Information Center (SCCIC) revealed that 16 previous cultural resource studies have taken place, and four cultural resources has been identified within the one-mile research radius of the project site. None of the previous studies have assessed the project site and no cultural resources have been identified within its boundaries. During the field survey, BCR Consulting archaeologists identified no cultural resources (including historic-period or prehistoric archaeological sites, or historic-period architectural resources) of any kind within the project site boundaries. The project has been subject to severe artificial disturbances associated with offroad vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping. Vegetation was characteristic of creosote scrubland and Joshua tree woodland habitats, which afforded surface visibility of 60 percent. Surficial sediments observed were chiefly composed of dry, brown sandy loam, with low levels of gravel. None of the previous studies have assessed the project site and no cultural resources have been identified within its boundaries.

The current study attempted to determine whether significant archaeological deposits were present on the proposed project site. Although none were yielded during the records search and field survey, ground-disturbing activities have the potential to reveal buried deposits not observed on the surface. Prior to the initiation of ground-disturbing activities, field personnel should be alerted to the possibility of buried prehistoric or historic cultural deposits. In the event that field personnel encounter buried cultural materials, work in the immediate vicinity of the find should cease and a qualified archaeologist should be retained to assess the significance of the find. The qualified archaeologist shall have the authority to stop or divert construction excavation as necessary. If the qualified archaeologist finds that any cultural resources present meet eligibility requirements for listing on the California Register or the

National Register of Historic Places (National Register), plans for the treatment, evaluation, and mitigation of impacts to the find will need to be developed. Prehistoric or historic cultural materials that may be encountered during ground-disturbing activities include: historic-period artifacts such as glass bottles and fragments, cans, nails, ceramic and pottery fragments, and other metal objects; historic-period structural or building foundations, walkways, cisterns, pipes, privies, and other structural elements; prehistoric flaked-stone artifacts and debitage (waste material), consisting of obsidian, basalt, and or cryptocrystalline silicates; groundstone artifacts, including mortars, pestles, and grinding slabs; dark, greasy soil that may

be associated with charcoal, ash, bone, shell, flaked stone, groundstone, and fire affected rocks; human remains. Since it is possible that previously unrecognized resources could exist at the site, the proposed project would be required to adhere to the following mitigation measures:

- In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted.
- If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.
- If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

The aforementioned mitigations will reduce the impacts to levels that are less than significant.

C. *Would the project disturb any human remains, including those interred outside of dedicated cemeteries? ● Less than Significant Impact.*

There are no dedicated cemeteries located in the vicinity of the project site. The proposed project will be restricted to the project site and therefore will not affect any dedicated cemeteries in the vicinity. Notwithstanding, the following mitigation is mandated by the California Code of Regulations (CCR) Section 15064.5(b)(4):

> "A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures."

Additionally, Section 5097.98 of the Public Resources Code states:

> "In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with (b) Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the

discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission."

Adherence to the aforementioned standard condition will ensure potential impacts remain at levels that are less than significant.

MITIGATION MEASURES

Since it is possible that previously unrecognized resources could exist at the site, the proposed project would be required to adhere to the following mitigation measures:

CUL Mitigation No. 1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within **TCR Mitigation No. 1**, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

CUL Mitigation No. 2. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within **TCR Mitigation No. 1**. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

CUL Mitigation No. 3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

3.6 ENERGY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation?		✖		
B. Would the project conflict with or obstruct a State or local plan for renewable energy or energy efficiency?			✖	

The energy and utilities worksheets are provided in Appendix D.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on energy resources if it results in any of the following:

- The proposed project would result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during the proposed project's construction or operation.
- The proposed project would conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

Energy and natural gas consumption were estimated using default energy intensities by building type in CalEEMod. In addition, it was assumed the new buildings would be constructed pursuant to the 2022 CALGreen standards, which was considered in the CalEEMod inputs.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operation? ● Less than Significant Impact with Mitigation.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. As shown in Table 3-3, the proposed project would consume approximately 1,049 kWh of electricity and 12,499 cubic feet of natural gas per day.

Table 3-3 Proposed Project's Energy Consumption

Energy Type	Daily Energy Consumption
Electrical Consumption	1,049 kWh/day
Natural Gas Consumption	12,499 Cu. Ft./day

Source: Blodgett Baylosis Environmental Planning

The project Applicant will be required to work closely with the local electrical utility company to identify existing and future strategies that will be effective in reducing energy consumption. The project Applicant will be required to implement the following mitigation measures as a means to reduce electrical consumption:

- The project must employ, as much as possible, the use of glass or translucent plastic materials on building roof and gables to allow natural daylight in work areas.
- The project must use motion activated lighting in the structural improvements to reduce energy use at night.

Adherence to the above-mentioned mitigations would reduce the impacts to levels that are less than significant.

B. *Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency? ● Less Than Significant Impact.*

On January 12, 2010, the State Building Standards Commission adopted updates to the California Green Building Standards Code (Code) which became effective on January 1, 2011. The California Code of Regulations (CCR) Title 24, Part 11: California Green Building Standards (Title 24) became effective to aid efforts to reduce GHG emissions associated with energy consumption. Title 24 now requires that new buildings reduce water consumption, employ building commissioning to increase building system efficiencies, divert construction waste from landfills, and install low pollutant-emitting finish materials. The proposed project will be required to comply with all pertinent Title 24 requirements along with other Low Impact Development (LID) requirements. *As a result, the potential impacts would be less than significant.*

MITIGATION MEASURES

The analysis determined that the following mitigation measures will be required to reduce potential energy consumption:

ENE Mitigation No. 1. The project must employ, as much as possible, the use of glass or translucent plastic materials on building roof and gables to allow natural daylight in work areas.

Since some operations and security functions may be carried out during non-daylight hours, an additional mitigation measure is suggested to reduce energy consumption during those times.

ENE Mitigation No. 2. The project must use motion activated lighting in the building to reduce energy use at night.

3.7 GEOLOGY & SOILS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving.			✖	
i). Would the project, directly or indirectly, cause rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; Refer to Division of Mines and Geology Special Publication 42.			✖	
ii). Would the project, directly or indirectly, cause Strong seismic ground shaking?			✖	
iii). Would the project, directly or indirectly, cause seismic-related ground failure, including liquefaction;				✖
iv). Would the project, directly or indirectly, cause landslides?				✖
B. Would the project result in substantial soil erosion or the loss of topsoil?			✖	
C. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			✖	
D. Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			✖	
E. Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?				✖
F. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on geology and soils if it results in any of the following:

- The proposed project would, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42); strong seismic ground shaking; seismic-related ground failure, including liquefaction; and, landslides?
- The proposed project would result in substantial soil erosion or the loss of topsoil.

- The proposed project would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- The proposed project would be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.
- The proposed project would have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.
- The proposed project would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The proposed project's potential seismic and soils risk was evaluated in terms of the site's proximity to earthquake faults and unstable soils.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project, directly or indirectly, cause potential substantial adverse effects, including the risk of loss, injury, or death? • Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. Surface ruptures are visible instances of horizontal or vertical displacement, or a combination of the two. The amount of ground shaking depends on the intensity of the earthquake, the duration of shaking, soil conditions, type of building, and distance from the epicenter or fault. The potential impacts from fault rupture and ground shaking are considered no greater for the project site than for the surrounding areas given the distance between the site and the fault trace. Other potential seismic issues include ground failure and liquefaction. Ground failure is the loss in stability of the ground and includes landslides, liquefaction, and lateral spreading. *As a result, the potential impacts would be less than significant.*

i). *Would the project, directly or indirectly, cause rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; Refer to Division of Mines and Geology Special Publication 42. • Less than Significant Impact.*

The City of Hesperia is located in a seismically active region. Earthquakes from several active and potentially active faults in the Southern California region could affect the proposed project site. In 1972, the Alquist-Priolo Earthquake Zoning Act was passed in response to the damage sustained in the 1971 San Fernando Earthquake. The Alquist-Priolo Earthquake Fault Zoning Act's main purpose is to prevent the construction of buildings used for human occupancy on the surface trace of active faults. A list of cities and counties subject to the Alquist-Priolo Earthquake Fault Zones is available on the State's Department of

Conservation website. The City of Hesperia is not on the list.[20] The nearest significant active fault zones are Cleghorn fault zone and the North Frontal thrust system, which are approximately 6 miles southeast of the project City.[21] Surface ruptures are visible instances of horizontal or vertical displacement, or a combination of the two. The amount of ground shaking depends on the intensity of the earthquake, the duration of shaking, soil conditions, type of building, and distance from epicenter or fault. The potential impacts from fault rupture and ground shaking are considered no greater for the project site than for the surrounding areas given the distance between the site and the fault trace. Other potential seismic issues include ground failure and liquefaction. Ground failure is the loss in stability of the ground and includes landslides, liquefaction, and lateral spreading. The project site is not located within a liquefaction zone.[22] According to the United States Geological Survey, liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. *As a result, the potential impacts would be less than significant.*

ii). *Would the project, directly or indirectly, cause strong seismic ground shaking. ● Less than Significant Impact.*

Surface ruptures are visible instances of horizontal or vertical displacement, or a combination of the two. The amount of ground shaking depends on the intensity of the earthquake, the duration of shaking, soil conditions, type of building, and distance from the epicenter or fault. The potential impacts from fault rupture and ground shaking are considered no greater for the project site than for the surrounding areas given the distance between the site and the fault trace. *As a result, the potential impacts are less than significant.*

iii). *Would the project, directly or indirectly, cause seismic-related ground failure, including liquefaction. ● No Impact.*

According to the United States Geological Survey, liquefaction is the process by which water-saturated sediment temporarily loses strength and acts as a fluid. The risk for liquefaction is no greater on-site than it is for the region. The project site and the City of Hesperia is located outside of a liquefaction zone.[23] *As a result, no impacts would occur.*

iv). *Would the project, directly or indirectly, cause landslides? ● No Impact.*

According to the United States Geological Survey, a landslide is defined as the movement of a mass of rock, debris, or earth down a slope. The project site is level with little to no slopes in the surrounding area. *As a result, no impacts would occur.*

B. *Would the project result in substantial soil erosion or the loss of topsoil? ● Less than Significant Impact.*

The University of California, Davis SoilWeb database was consulted to determine the nature of the soils that

[20] California Department of Conservation. *Table 4, Cities and Counties Affected by Alquist Priolo Earthquake Fault Zones as of January 2010.*

[21] California Department of Conservation. *Fault Activity Map of California.* https://maps.conservation.ca.gov/cgs/fam/

[22] California State Geoportal. *CGS Seismic Hazards Program: Liquefaction Zones.* February 11, 2022.

[23] Ibid.

underlie the project site. According to the University of California, Davis SoilWeb database, the property is underlain by soils of various associations including Bryman, Cajon, Mojave Variant, and Helendale and is classified as Bryman Loamy Fine Sand. Slopes range from 2 to 5 percent.[24] The proposed project's contractors will be required to adhere to specific requirements that govern wind and water erosion during site preparation and construction activities. Following development, a large portion of the project site would be paved over or landscaped. The project's construction will not result in soil erosion with adherence to those development requirements that restrict storm water runoff (and the resulting erosion) and require soil stabilization. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. Prior to initiating construction, contractors must obtain coverage under an NPDES permit, which is administered by the State. In order to obtain an NPDES permit, the project Applicant must prepare a Stormwater Pollution Prevention Plan (SWPPP). The County has identified sample construction Best Management Practices (BMPs) that may be included in the mandatory SWPPP. The use of these construction BMPs identified in the mandatory SWPPP will prevent soil erosion and the discharge of sediment into the local storm drains during the project's construction phase. *As a result, the impacts would be less than significant.*

C. *Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? ● Less than Significant Impact.*

The proposed project's construction will not result in soil erosion since the project's contractors must implement the construction BMPs identified in the mandatory SWPPP. The BMPs will minimize soil erosion and the discharge of sediment off-site. Additionally, the project site is not located within an area that could be subject to landslides or liquefaction.[25] The soils that underlie the project site possess a low potential for shrinking and swelling. Soils that exhibit certain shrink swell characteristics become sticky when wet and expand according to the moisture content present at the time. Since the soils have a low shrink-swell potential, lateral spreading resulting from an influx of groundwater is slim. The likelihood of lateral spreading will be further reduced since the project's implementation will not require grading and excavation that would extend to depths required to encounter groundwater. Moreover, the project will not result in the direct extraction of groundwater. *As a result, the potential impacts would be less than significant.*

D. *Would the project be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property? ● Less than Significant Impact.*

According to the University of California, Davis SoilWeb database, the property is underlain by soils of various associations including Bryman, Cajon, Mojave Variant, and Helendale associations.[26] According to the U.S. Department of Agriculture, these soils are acceptable for the development of commercial and

[24] UC Davis. *SoilWeb*. Website accessed October 3, 2023.

[25] California State Geoportal. *CGS Seismic Hazards Program: Liquefaction Zones*. February 11, 2022.

[26] UC Davis. *SoilWeb*. Website accessed October 3, 2023.

industrial buildings.[27] *As a result, the impacts would be less than significant.*

E. *Would the project have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater? ● No Impact.*

No septic tanks will be used as part of the proposed project's implementation. *As a result, no impacts would occur.*

F. *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? ● No Impact*

The surface deposits in the proposed project area are composed entirely of younger Quaternary Alluvium. This younger Quaternary Alluvium is unlikely to contain significant vertebrate fossils, at least in the uppermost layers. The closest fossil vertebrate locality is LACM 7786, between Hesperia and the former George Air Force Base. This locality produced a fossil specimen of meadow vole, *Microtus*. The next closest vertebrate fossil locality from these deposits is LACM 1224, west of Spring Valley Lake, which produced a specimen of fossil camel, *Camelops*. Additionally, on the western side of the Mojave River below the bluffs, an otherwise unrecorded specimen of mammoth was collected in 1961 from older Quaternary Alluvium deposits. No significant new excavation or grading would occur. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis determined that the proposed project will not result in significant impacts related to geological or paleontological resources and no mitigation measures are required.

[27] United States Department of Agriculture. Natural Resources Conservation Service. Website accessed October 3, 2023.

3.8 GREENHOUSE GAS EMISSIONS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✖	
B. Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✖	

The air quality and GHG worksheets are provided in Appendix A.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on greenhouse gas emissions if it results in any of the following:

- The proposed project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.
- The proposed project would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). The accumulation of GHG in the atmosphere regulates the earth's temperature. Without these natural GHG, the Earth's surface would be about 61°F cooler. However, emissions from fossil fuel combustion have elevated the concentrations of GHG in the atmosphere to above natural levels. These man-made GHG will have the effect of warming atmospheric temperatures with the attendant impacts of changes in the global climate, increased sea levels, and changes to the worldwide biome. The major GHG that influence global warming are described below.

- *Water Vapor*. Water vapor is the most abundant GHG present in the atmosphere. While water vapor is not considered a pollutant, while it remains in the atmosphere it maintains a climate necessary for life. Changes in the atmospheric concentration of water vapor is directly related to the warming of the atmosphere rather than a direct result of industrialization. As the temperature of the atmosphere rises, more water is evaporated from ground storage (rivers, oceans, reservoirs, soil). Because the air is warmer, the relative humidity can be higher (in essence, the air is able to "hold" more water when it is warmer), leading to more water vapor in the atmosphere. As a GHG, the higher concentration of water vapor is then able to absorb more thermal indirect energy radiated from the Earth, thus further warming the atmosphere. When water vapor increases in the atmosphere, more of it will eventually also condense into clouds, which are more able to reflect incoming solar radiation. This will allow less energy to reach the Earth's surface thereby affecting surface temperatures.
- *Carbon Dioxide (CO_2)*. The natural production and absorption of CO_2 is achieved through the terrestrial biosphere and the ocean. Manmade sources of CO_2 include the burning coal, oil, natural gas, and wood. Since the industrial revolution began in the mid-1700's, these activities have

increased the atmospheric concentrations of CO_2. Prior to the industrial revolution, concentrations were fairly stable at 280 parts per million (ppm). The International Panel on Climate Change (IPCC Fifth Assessment Report, 2014) Emissions of CO_2 from fossil fuel combustion and industrial processes contributed about 78% of the total GHG emissions increase from 1970 to 2010, with a similar percentage contribution for the increase during the period 2000 to 2010.

- *Methane (CH_4).* CH_4 is an extremely effective absorber of radiation, although its atmospheric concentration is less than that of CO_2. Methane's lifetime in the atmosphere is brief (10 to 12 years), compared to some other GHGs (such as CO_2, N_2O, and Chlorofluorocarbons (CFCs). CH_4 has both natural and anthropogenic sources. It is released as part of the biological processes in low oxygen environments, such as in swamplands or in rice production (at the roots of the plants). Over the last 50 years, human activities such as growing rice, raising cattle, using natural gas, and mining coal have added to the atmospheric concentration of methane. Other human-related sources of methane production include fossil-fuel combustion and biomass burning.
- *Nitrous Oxide (N_2O).* Concentrations of N_2O also began to increase at the beginning of the industrial revolution. In 1998, the global concentration of this GHG was documented at 314 parts per billion (ppb). N_2O is produced by microbial processes in soil and water, including those reactions which occur in fertilizer containing nitrogen. In addition to agricultural sources, some industrial processes (fossil fuel-fired power plants, nylon production, nitric acid production, and vehicle emissions) also contribute to its atmospheric load. It is also commonly used as an aerosol spray propellant.
- *Chlorofluorocarbons (CFC).* CFCs are gases formed synthetically by replacing all hydrogen atoms in methane or ethane (C_2H_6) with chlorine and/or fluorine atoms. CFCs are nontoxic, nonflammable, insoluble, and chemically unreactive in the troposphere (the level of air at the Earth's surface). CFCs have no natural source but were first synthesized in 1928. It was used for refrigerants, aerosol propellants, and cleaning solvents. Due to the discovery that they are able to destroy stratospheric ozone, a global effort to halt their production was undertaken and in 1989 the European Community agreed to ban CFCs by 2000 and subsequent treaties banned CFCs worldwide by 2010. This effort was extremely successful, and the levels of the major CFCs are now remaining level or declining. However, their long atmospheric lifetimes mean that some of the CFCs will remain in the atmosphere for over 100 years.
- *Hydrofluorocarbons (HFC).* HFCs are synthetic man-made chemicals that are used as a substitute for CFCs. Out of all the GHGs, they are one of three groups with the highest global warming potential. The HFCs with the largest measured atmospheric abundances are (in order), HFC-23 (CHF_3), HFC-134a (CF_3CH_2F), and HFC-152a (CH_3CHF_2). Prior to 1990, the only significant emissions were HFC-23. HFC-134a use is increasing due to its use as a refrigerant. Concentrations of HFC-23 and HFC-134a in the atmosphere are now about 10 parts per trillion (ppt) each. Concentrations of HFC-152a are about 1 ppt. HFCs are manmade and used for applications such as automobile air conditioners and refrigerants.
- *Perfluorocarbons (PFC).* PFCs have stable molecular structures and do not break down through the chemical processes in the lower atmosphere. High-energy ultraviolet rays about 60 kilometers above Earth's surface are able to destroy the compounds. Because of this, PFCs have very long lifetimes, between 10,000 and 50,000 years. Two common PFCs are tetrafluoromethane (CF_4) and hexafluoroethane (C_2F_6). Concentrations of CF_4 in the atmosphere are over 70 ppt. The two main sources of PFCs are primary aluminum production and semiconductor manufacturing.

- *Sulfur Hexafluoride (SF_6).* SF_6 is an inorganic, odorless, colorless, nontoxic, nonflammable gas. SF_6 has the highest global warming potential of any gas evaluated; 23,900 times that of CO_2. Concentrations in the 1990s where about 4 ppt. Sulfur hexafluoride is used for insulation in electric power transmission and distribution equipment, in the magnesium industry, in semiconductor manufacturing, and as a tracer gas for leak detection.

The MDAQMD mass emissions threshold was previously 100,000 tons (90,720 metric tons (MT)) CO2E per year. The MDAQMD emission threshold is not recognized as a valid threshold, hence, the South Coast Air Quality Management District (SCAQMD) mass emission threshold would be used. The SCAQMD threshold for commercial land uses is 3,000 MTCO2E per year.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? ● Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet.

The State of California requires CEQA documents to include an evaluation of greenhouse gas (GHG) emissions or gases that trap heat in the atmosphere. GHG emissions are emitted by both natural processes and human activities. Examples of GHG that are produced both by natural and industrial processes include carbon dioxide (CO_2), methane (CH_4), and nitrous oxide (N_2O). Carbon dioxide equivalent, or CO_2E, is a term that is used for describing different greenhouses gases in a common and collective unit. The SCAQMD established the 3,000 MTCO2 threshold for commercial land uses. As indicated in Table 3-4, the operational CO2E is 460 metric tons per year, which is well below the threshold.

Table 3-4 Greenhouse Gas Emissions Inventory

Source	GHG Emissions (Metric tons/year)			
	CO2	CH4	N2O	CO2E
Total Operational Emissions	420	1.29	0.03	460
Total Construction Emissions	144	--	--	145
Significance Threshold				**3,000**

Source: CalEEMod V.2022.1.1.29

Furthermore, as mentioned in Section 3.17 Transportation, the projected vehicle trips to and from the site will not be significant given the proposed use. *As a result, the impacts would be less than significant.*

B. *Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing emissions of greenhouse gases? ● Less than Significant Impact.*

The San Bernardino County Transit Authority (SBCTA) authorized the preparation of a county-wide Regional Greenhouse Gas Reduction Plan. This plan was adopted in March 2021. The plan contains multiple reduction measures that would be effective in reducing GHG emissions throughout the SBCTA

region. The lack of development in the immediate area may preclude residents from obtaining employment or commercial services within City boundaries, thus compelling residents to travel outside of City boundaries for employment and commercial services. It is important to note that the California Department of Transportation as well as the Counties of Los Angeles and San Bernardino are engaged in an effort to construct a multi-modal transportation corridor consisting of public transit, a new freeway, and bicycle lanes known as the High Desert Corridor (HDC). The aforementioned regional program will reduce potential GHG emissions related to excessive VMTs to levels that are less than significant.

Those Partnership jurisdictions, including Hesperia, choosing to complete and adopt local Climate Action Plans (CAPs) that are consistent with the County's GHG Reduction Plan and with the prior Regional Plan Program EIR and the addendum or supplemental CEQA document prepared by SBCOG will be able to tier their future project-level CEQA analyses of GHG emissions from their CAP. In 2010, the City of Hesperia completed a CAP. The City participated in this regional effort as a study to inform their decision to update or revise their existing CAP. As part of this effort, the City of Hesperia has selected a goal to reduce its community GHG emissions to a level that is 40% below its 2020 level of GHG emissions by 2030. The City will meet and exceed this goal subject to reduction measures that are technologically feasible and cost-effective through a combination of state (~70%) and local (~30%) efforts. The Pavley vehicle standards, the State's low carbon fuel standard, the RPS, and other state measures will reduce GHG emissions in Hesperia's on-road, off-road, and building energy sectors in 2030. An additional reduction of 110,304 $MTCO_2E$ will be achieved primarily through the following local measures, in order of reductions achieved: GHG Performance Standard for Existing Development (PS-1); Water Efficiency Renovations for Existing Buildings (Water-2); and Waste Diversion and Reduction (Waste-2). Hesperia's Plan has the greatest impacts on GHG emissions in the building energy, on-road transportation, and waste sectors. The proposed project will not involve or require any variance from an adopted plan, policy, or regulation governing GHG emissions. As a result, no potential conflict with an applicable greenhouse gas policy plan, policy, or regulation would occur. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The analysis of potential impacts related to greenhouse gas emissions indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.9 HAZARDS & HAZARDOUS MATERIALS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✖	
B. Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✖	
C. Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✖	
D. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				✖
E. Would the project for a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				✖
F. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				✖
G. Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on hazards and hazardous materials if it results in any of the following:

- The proposed project would create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.
- The proposed project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- The proposed project would emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- The proposed project would be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment.
- The proposed project would result in a safety hazard or excessive noise for people residing or working in the project area located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

- The proposed project would impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.
- The proposed project would expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

Hazardous materials refer generally to hazardous substances that exhibit corrosive, poisonous, flammable, and/or reactive properties and have the potential to harm human health and/or the environment. Hazardous materials are used in a wide variety of products (household cleaners, industrial solvents, paint, pesticides, etc.) and in the manufacturing of products (e.g., electronics, newspapers, plastic products). Hazardous materials can include petroleum, natural gas, synthetic gas, acutely toxic chemicals, and other toxic chemicals that are used in agriculture, commercial, and industrial uses; businesses; hospitals; and households. Accidental releases of hazardous materials can occur from a variety of causes, including highway incidents, warehouse fires, train derailments, shipping accidents, and industrial incidents.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? ● Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages.

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. *As a result, the impacts will be less than significant.*

B. *Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? ● Less than Significant Impact.*

The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. As a result, the likelihood of encountering contamination or other environmental concerns is remote. *The impacts will be less than significant.*

C. *Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? ● Less than Significant Impact.*

The nearest school is the LaVerne Elementary Preparatory Academy, located approximately 2,300 feet to the east. The project's construction would require the use of diesel fuel to power the construction equipment. The diesel fuel would be properly sealed in tanks and would be transported to the site by truck. Other hazardous materials that would be used on-site during the project's construction phase include, but are not limited to, gasoline, solvents, architectural coatings, and equipment lubricants. These products are strictly controlled and regulated and in the event of any spill, cleanup activities would be required to adhere to all pertinent protocols. The Applicant will be required to prepare a safety and hazard mitigation plan that indicates those protocols that must be adhered to in the event of an accident. This plan will be reviewed and approved by the City prior to the issuance of the Occupancy Permit. As indicated in Subsection D, the project site is not listed in either the CalEPA's Cortese List or the Envirostor database. Underground storage tanks (USTs) will be provided. The chemicals that will be transported and stored on-site are regulated by the US EPA and the CalEPA. *The impacts would be less than significant.*

D. *Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? ● No Impact.*

Government Code Section 65962.5 refers to the Hazardous Waste and Substances Site List, commonly known as the Cortese List. The Cortese List is a planning document used by the State and other local agencies to comply with CEQA requirements that require the provision of information regarding the location of hazardous materials release sites. A search was conducted through the California Department of Toxic Substances Control Envirostor website to identify whether the project site is listed in the database as a Cortese site. The project site is not identified as a Cortese site.[28] *Therefore, no impacts would occur.*

D. *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or a public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area? ● No Impact.*

The project site is not located within an airport land use plan and is not located within two miles of a public airport or public use airport.[29] The nearest airport to the site is the Hesperia Airport that is located approximately 3.9 miles to the southwest. The Southern California Logistics Airport is located approximately 11.4 miles to the northwest of the project site.[30] The project will not introduce any structures that will interfere with the approach and take off of airplanes utilizing any regional airports as the maximum height of any of the buildings is expected to be just over 10-feet.[31] *As a result, no impacts would occur.*

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[28] CalEPA. *DTSC's Hazardous Waste and Substances Site List - Site Cleanup (Cortese List).* http://www.dtsc.ca.gov/SiteCleanup/Cortese_List.cfm.

[29] Toll-Free Airline. *San Bernardino County Public and Private Airports, California.* http://www.tollfreeairline.com/california/sanbernardino.htm.

[30] Google Maps. Website accessed October 04, 2023.

[31] The Austin Company. S5 Bickmore Hesperia. Site Plan. Sheet A100. May 06, 2024.

E. *Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? ● No Impact.*

At no time will any adjacent street be completely closed to traffic during the proposed project's construction. In addition, all construction staging must occur on-site. *As a result, no impacts would occur.*

F. *Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires? ● No Impact.*

The project site, along with the entire City is located within a "moderate fire hazard severity zone" and Local Responsibility Area (LRA).[32] The vegetation currently on the project site will be removed and replaced with drought tolerant landscaping. The minimal amount of vegetation on the project site will not expose people or structures to a risk of loss involving wildfires. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of potential impacts related to Hazards and Hazardous Materials indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

[32] CalFire. *Very High Fire Hazard Severity Zone Map for SW San Bernardino County*. http://frap.fire.ca.gov/webdata/maps/san_bernardino_sw/

3.10 HYDROLOGY & WATER QUALITY

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?			✖	
B. Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✖	
C. Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:			✖	
i). Would the project result in substantial erosion or siltation on- or off-site;			✖	
ii). Would the project substantially increase the rate or amount of surface runoff in a manner in which would result in flooding on- or off-site.			✖	
iii). Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			✖	
iv). Would the project impede or redirect flood flows?			✖	
E. Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on hydrology and water quality if it results in any of the following:

- The proposed project would violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality.
- The proposed project would substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin.
- The proposed project would substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or, impede or redirect flood flows.
- The proposed project would risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.

- The proposed project would conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality? ● Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet.

In its existing condition, the proposed project site is undeveloped, disturbed land. The project Applicant will be required to adhere to Section 8.30 Surface and Groundwater Protection of the Municipal Code which regulates erosion and sediment control. In addition, stormwater discharges from construction activities that disturb one or more acres, or smaller sites disturbing less than one acre that are part of a common plan of development or sale, are regulated under the National Pollutant Discharge Elimination System (NPDES) stormwater permitting program. *As a result, the impacts would be less than significant.*

B. *Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin? ● Less than Significant Impact.*

No new direct construction related impacts to groundwater supplies, or groundwater recharge activities would occur as part of the proposed project's implementation. Water used to control fugitive dust will be transported to the site via truck. No direct ground water extraction would occur. Furthermore, the construction and post-construction BMPs will address contaminants of concern from excess runoff, thereby preventing the contamination of local groundwater. As a result, there would be no direct groundwater withdrawals associated with the proposed project's implementation. *As a result, the impacts would be less than significant.*

C. *Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces? ● Less than Significant Impact.*

The proposed project's location will be restricted to the proposed project site and would not alter the course of any stream or river that would lead to on- or off-site siltation or erosion. The site is presently undeveloped though there are no stream channels or natural drainages that occupy the property. The site would be designed so the proposed hardscape surfaces (the building and paved areas) will percolate into the landscaped and other impervious areas. *As a result, the potential impacts would be less than significant.*

i). *Would the project result in a substantial erosion or siltation on- or off-site; ● Less than Significant Impact.*

The project applicant will be required to abide by Hesperia's City Ordinance Chapter 8.30.210 that requires all applicants for projects involving construction activities, regardless of size, to submit an Erosion and Sediment Control Plan ("ESCP") to the City for review and approval as mentioned in subsection A. *With conformance to the ordinance, the impacts would be less than significant.*

ii). *Would the project result substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; ● Less than Significant Impact.*

The project's construction will be restricted to the designated project site and the project will not alter the course of any stream or river that would lead to flooding. Impervious surface will be added to the currently undisturbed project site. *As a result, the impacts would be less than significant.*

iii). *Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; ● Less than Significant Impact.*

As mentioned previously, impervious surface will be added to the currently largely undisturbed project site. Landscaping would total 36,387 square feet. This landscaping would be located along the "E" Avenue frontages. The proposed project will have Infiltration Trenches along "E" Avenue to retain the necessary DCV, Design Capture Volume, per the WQMP requirements. *As a result, the impacts would be less than significant.*

iv). *Would the project impede or redirect flood flows? ● Less than Significant Impact.*

The proposed project's location will be restricted to the proposed project site and will not alter the course of any stream or river that would lead to on- or off-site siltation or erosion. The site is presently undeveloped though there are no stream channels or natural drainages that occupy the property. Landscaping would total 5,993 square feet and would be located along the Lemon Street and "E" Avenue frontages. The proposed project will have Infiltration Trenches along 'E' Ave. to retain the necessary DCV, Design Capture Volume, per the WQMP requirements. *As a result, the potential impacts would be less than significant.*

D. *In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation? ● No Impact.*

According to the Federal Emergency Management Agency (FEMA) flood insurance maps obtained for the City of Hesperia, the proposed project site is not located in a Flood Hazard zone.[33] The proposed project site is also not located in an area that is subject to inundation by seiche or tsunami. In addition, the project site is located inland approximately 65 miles from the Pacific Ocean and the project site would not be exposed to the effects of a tsunami.[34] *As a result, no impacts would occur.*

[33] Federal Emergency Management Agency. *Flood Insurance Rate Mapping Program*. 2021.

[34] Google Earth. Website accessed October 04, 2023.

E. *Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan? ● No Impact.*

The project Applicant will be required to adhere to Section 8.30 Surface and Groundwater Protection of the Municipal Code which regulates erosion and sediment control. This Section of the City of Hesperia Municipal Code is responsible for implementing the NPDES and MS4 stormwater runoff requirements. In addition, the project's operation will not interfere with any groundwater management or recharge plan because there are no active groundwater management recharge activities on-site or in the vicinity. *As a result, no impacts would occur.*

MITIGATION MEASURES

As indicated previously, hydrological characteristics will not substantially change as a result of the proposed project. As a result, no mitigation is required.

3.11 LAND USE & PLANNING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project physically divide an established community?				✖
B. Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, acting as Lead Agency, a project may be deemed to have a significant adverse impact on mineral resources if it results in any of the following:

- The proposed project would physically divide an established community.
- The proposed project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project physically divide an established community? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet.

The proposed project site is located on a 5.22-acre site that is currently vacant. Current conditions on the property include a desert scrub community showing signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (*Larrea tridentata*), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site.[35] The project site is located within the Mainstreet / Freeway Corridor Specific Plan (MSFC-SP). The project site's Land use and Zoning Designation is *General Industrial* (GI).[36] Land uses and development located in the vicinity of the proposed project site are outlined below:

[35] RCA Associates, Inc. *Protected Plant Preservation Plan, City of Hesperia, APN 0410-051-11*. August 23, 2023.

[36] City of Hesperia. *General Plan Land Use*. October 5, 2023.

- *North of the project site:* Mojave Street extends along the project site's north side. An industrial development, Classic Collision, is located on the north side of the aforementioned street at 10180 E Avenue. The Land Use and Zoning for this area is *General Industrial* (GI).
- *West of the project site:* Abutting the project site to the west, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).
- *South of the project site:* Abutting the project site to the south is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI)
- *East of the project site:* "E" Avenue extends along the project site's east side. Further east, on the east side of "E" Avenue, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).[37]

The granting of the requested entitlements and subsequent construction of the proposed project will not result in any expansion of the use beyond the current boundaries. As a result, the project will not lead to any division of an existing established neighborhood. *As a result, no impacts would occur.*

B. *Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect? ● No Impact.*

The project site is located within the Mainstreet / Freeway Corridor Specific Plan (MSFC-SP). The project site's Land use and Zoning Designation is *General Industrial* (GI). According to the Hesperia General Plan, Industrial districts are appropriate for areas having or planned to have adequate sanitation, water, transportation, drainage, utilities, and public services available to meet the needs of this type of development. The industrial designations are not intended for general commercial uses, either of a retail or service nature that will attract non-industrial users, vehicular traffic, or incompatible uses into the industrial area. When possible, industrial areas should be separated from single family residential areas by commercial or multiple family residential designations, natural or manmade barriers such as drainage courses, utility easements, railroad tracks, or major arterials. Adequate land use and design buffers to mitigate impacts of truck traffic, noise, emissions, dust, and other potential land use conflicts must be addressed through the design review process within the Industrial designations.

The *General Industrial (GI)* designation is intended to permit the establishment of manufacturing and related uses within the city in areas which are protected from encroachment by incompatible residential uses. This designation permits the heaviest types of manufacturing and industrial uses with approval of a site plan or conditional use permit. Manufacturing, warehousing, and fabrication uses are all appropriate for this designation. Development within the General Industrial designation should occur at a Floor Area Ratio (FAR) not to exceed 1.0. The proposed project is consistent with the above General Plan guidelines. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis determined that no impacts on land use and planning would result upon the implementation of the proposed project. As a result, no mitigation measures are required.

[37]City of Hesperia. *General Plan Land Use*. October 5, 2023.

3.12 MINERAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✖
B. Would the project 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?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, acting as Lead Agency, a project may be deemed to have a significant adverse impact on mineral resources if it results in any of the following:

- The proposed project would physically divide an established community.
- The proposed project would cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

The Surface Mining and Reclamation Act of 1975 (SMARA) has developed mineral land classification maps and reports to assist in the protection and development of mineral resources. According to the SMARA, the following four mineral land use classifications are identified:

- *Mineral Resource Zone 1 (MRZ-1):* This land use classification refers to areas where adequate information indicates that no significant mineral deposits are present, or where it is judged that little likelihood exists for their presence.
- *Mineral Resource Zone 2 (MRZ-2):* This land use classification refers to areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood for their presence exists.
- *Mineral Resource Zone 3 (MRZ-3):* This land use classification refers to areas where the significance of mineral deposits cannot be evaluated from the available data. Hilly or mountainous areas underlain by sedimentary, metamorphic, or igneous rock types and lowland areas underlain by alluvial wash or fan material are often included in this category. Additional information about the quality of material in these areas could either upgrade the classification to MRZ-2 or downgrade it to MRZ-1.
- *Mineral Resource Zone 4 (MRZ-4):* This land use classification refers to areas where available information is inadequate for assignment to any other mineral resource zone.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet.

A review of California Division of Oil, Gas, and Geothermal Resources well finder indicates that there are no wells located in the vicinity of the project site.[38] The project site is not located in a Significant Mineral Aggregate Resource Area (SMARA) nor is it located in an area with active mineral extraction activities.[39] As indicated previously, the site is developed and there are no active mineral extraction activities occurring on-site or in the adjacent properties. *As a result, no impacts would occur.*

B. *Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? ● No Impact.*

As previously mentioned, no mineral, oil, or energy extraction and/or generation activities are located within the project site. Moreover, the proposed project will not interfere with any resource extraction activity. *Therefore, no impacts would occur.*

MITIGATION MEASURES

The analysis of potential impacts related to mineral resources indicated that no significant adverse impacts would result from the approval of the proposed project and its subsequent implementation. As a result, no mitigation measures are required.

[38] California, State of. Department of Conservation. California *Oil, Gas, and Geothermal Resources Well Finder*. *https://maps.conservation.ca.gov/doggr/wellfinder/#openModal/-117.41448/34.56284/14*.
[39] California Department of Conservation. *Mineral Land Classification Map for the Hesperia Quadrangle*. Map accessed October 04, 2023.

3.13 NOISE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		✖		
B. Would the project result in generation of excessive ground borne vibration or ground borne noise levels?			✖	
C. For a project located within the vicinity of a private airstrip or- an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on noise if it results in any of the following:

- The proposed project would result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- The proposed project would result in the generation of excessive ground borne vibration or ground borne noise levels.
- For a proposed project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?

Noise levels may be described using a number of methods designed to evaluate the "loudness" of a particular noise. The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans. The eardrum may rupture at 140 dB. In general, an increase of between 3.0 dB and 5.0 dB in the ambient noise level is considered to represent the threshold for human sensitivity. Noise level increases of 3.0 dB or less are not generally perceptible to persons with average hearing abilities. The most commonly used unit for measuring the level of sound is the decibel (dB). Zero on the decibel scale represents the lowest limit of sound that can be heard by humans.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? ● Less than Significant Impact with Mitigation.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. The project would consist of 9 truck dock doors including 3 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks and west of the two buildings. Vehicular access to the site would include one entrance for employees and patrons only and 2 entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with E avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. All three entrances are guarded by a security gate fence. For safety and security, screen walls in addition to combo walls consisting of masonry and wrought iron will surround the entire project site.

The maximum noise level allowed by Hesperia's code of ordinances is 65 dB during any time period. The major source of noise in the City of Hesperia and the project area is vehicular traffic. The level of vehicular traffic noise varies with many factors, including traffic volume, vehicle mix (truck percentage), traffic speed, and distance from the roadway. Other sources of noise include railroad, aircraft, industrial and commercial activity, and construction. The following noise standards are located within the City of Hesperia Municipal Code, Section 16.20.125: A. Noise Measurement. For the *General Industrial (GI)* zone, the 65 dB represents the noise standard for the zone. In addition, as stated within the City of Hesperia Municipal Code Section 16.20.125, no person shall operate or cause to be operated any source of sound at any location or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

- The noise standard for the receiving land use (as specified in subsection (B)(1) of this section) for a cumulative period of more than thirty (30) minutes in any hour; or
- The noise standard plus five dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or
- The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour; or
- The noise standard plus fifteen (15) dB(A) for a cumulative period of more than one minute in any hour; or

- The noise standard plus twenty (20) dB(A) for any period of time.

To ensure the project's potential noise impacts are mitigated, the following mitigation measures must be implemented:

- The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise during construction.

Adherence to the aforementioned mitigation measures will reduce the potential noise impacts to levels that are less than significant.

B. *Would the project result in generation of excessive ground-borne vibration or ground-borne noise levels? ● Less than Significant Impact.*

The nearest noise sensitive use is the Laverne Elementary School Preparatory Academy that is located approximately 2,300 feet to the east of the site. The construction of the proposed project will result in the generation of vibration and noise, though the vibrations and noise generated during the project's construction will not adversely impact the nearby sensitive receptors. The background vibration velocity level in residential areas is usually around 50 vibration velocity level (VdB). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity of 75 VdB is the approximately dividing line between barely perceptible and distinctly perceptible levels for many people. Sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors causes most perceptible indoor vibration. Construction activities may result in varying degrees of ground vibration, depending on the types of equipment, the characteristics of the soil, and the age and construction of nearby buildings.

The operation of construction equipment causes ground vibrations that spread through the ground and diminish in strength with distance. Ground vibrations associated with construction activities using modern construction methods and equipment rarely reach the levels that result in damage to nearby buildings though vibration related to construction activities may be discernible in areas located near the construction site. A possible exception is in older buildings where special care must be taken to avoid damage. The U.S. Department of Transportation (U.S. DOT) has guidelines for vibration levels from construction related to their activities and recommends that the maximum peak-particle-velocity (PPV) levels remain below 0.05 inches per second at the nearest structures. PPV refers to the movement within the ground of molecular particles and not surface movement. Vibration levels above 0.5 inches per second have the potential to cause architectural damage to normal dwellings. The U.S. DOT also states that vibration levels above 0.015 inches per second (in/sec) are sometimes perceptible to people, and the level at which vibration becomes an irritation to people is 0.64 inches per second.

Typical levels from vibration generally do not have the potential for any structural damage. Some construction activities, such as pile driving and blasting, can produce vibration levels that may have the potential to damage some vibration sensitive structures if performed within 50 to 100 feet of the structure. The reason that normal construction vibration does not result in structural damage has to do with several issues, including the frequency vibration and magnitude of construction related vibration. Unlike earthquakes, which produce vibration at very low frequencies and have a high potential for structural damage, most construction vibration is in the mid- to upper- frequency range, and therefore has a lower potential for structural damage.

The project's implementation will not require deep foundations since the underlying fill soils will be removed and the height of the proposed buildings will be limited. The new building would be constructed over a shallow foundation that will extend no more than three to four feet below ground surface (bgs). The use of shallow foundations precludes the use of pile drivers or any auger type equipment. However, other vibration generating equipment may be used on-site during construction. As stated above, the project will require the use of excavators, loaders, bulldozers, and haul trucks.

Once operational, the proposed project would not generate excessive ground-borne noise because the project will not require the use of equipment capable of creating ground-borne noise. The building would be used as an office and warehouse. The project will be required to adhere to all pertinent City noise control regulations. In addition, the cumulative traffic associated with the proposed project will not be great enough to result in a measurable or perceptible increase in traffic noise (it typically requires a doubling of traffic volumes to increase the ambient noise levels to 3.0 dBA or greater). *As a result, the impacts would be less than significant.*

C. *For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? ● No Impact.*

The project site is not located within an airport land use plan and the nearest airport to the site is the Hesperia Airport that is located approximately 3.9 miles to the southwest. The proposed use is not considered to be a sensitive receptor. As a result, the proposed project will not expose people residing or working in the project area to excessive noise levels related to airport uses. *As a result, no impacts would occur.*

MITIGATION MEASURES

The following mitigation will be required in order to further reduce construction noise:

NOI Mitigation No. 1. The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

3.14 POPULATION & HOUSING

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				✖
B. Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on population and housing if it results in any of the following:

- The proposed project would induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).
- The proposed project would displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? ● No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. Growth-inducing impacts are generally associated with the provision of urban services to an undeveloped or rural area. Growth-inducing impacts include the following:

- *New development in an area presently undeveloped and economic factors which may influence development*. The site is currently undeveloped though it has been disturbed. The proposed use is consistent with the *General Industrial (GI)* zone.
- *Extension of roadways and other transportation facilities.* Future roadway and infrastructure connections will serve the proposed project site only.
- *Extension of infrastructure and other improvements*. The installation of any new utility lines will not lead to subsequent offsite development since these utility connections will serve the site only.

- *Major off-site public projects (treatment plants, etc.).* The project's increase in demand for utility services can be accommodated without the construction or expansion of landfills, water treatment plants, or wastewater treatment plants.
- *The removal of housing requiring replacement housing elsewhere.* The site does not contain any housing units. As a result, no replacement housing will be required.
- *Additional population growth leading to increased demand for goods and services.* The project will result in an increase in employment. The proposed project is anticipated to employ 10 to 20 individuals onsite at any given time. The onsite employees' functions are limited to business transactions, site maintenance, and equipment operations/maintenance. This number of new employees can be accommodated by the local labor market.
- *Short-term growth-inducing impacts related to the project's construction.* The project will result in temporary employment during the construction phase.

The proposed project will utilize existing roadways and infrastructure. The proposed project will not result in any unplanned growth. *As a result, no impacts would occur.*

B. *Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere? ● No Impact.*

The project site is vacant and ungraded. The project site is located within the Mainstreet / Freeway Corridor Specific Plan (MSFC-SP). The project site's Land use and Zoning Designation is *General Industrial* (GI).[40] No housing units will be permitted, and none will be displaced as a result of the proposed project's implementation. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of potential population and housing impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

[40] City of Hesperia. *General Plan Land Use.* October 5, 2023.

3.15 PUBLIC SERVICES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i). Would the project result in substantial adverse physical impacts associated with Fire protection?			✖	
ii). Would the project result in substantial adverse physical impacts associated with Police protection?			✖	
iii). Would the project result in substantial adverse physical impacts associated with Schools?			✖	
iv). Would the project result in substantial adverse physical impacts associated with Parks?			✖	
v). Would the project result in substantial adverse physical impacts associated with Other public facilities?			✖	

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on public services if it results in any of the following:

- The proposed project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: fire protection, police protection, schools, parks or other public facilities.

ANALYSIS OF ENVIRONMENTAL IMPACTS

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

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level

with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site.

i). *Would the project result in substantial adverse physical impacts associated with fire protection? ● Less than Significant Impact.*

The City of Hesperia and the sphere of influence are served by the San Bernardino County Fire Department. Currently there are five fire stations within the City of Hesperia, Stations 301, 302, 303, 304, and 305. In addition, there are two stations outside of the City, which include Stations 22 and 23. The proposed project would only place an incremental demand on fire services since the project will be constructed with strict adherence to all pertinent building and fire codes. In addition, the proposed project would be required to implement all pertinent Fire Code Standards. Furthermore, the project will be reviewed by City and County building and fire officials to ensure adequate fire service and safety. *As a result, the impacts would be less than significant.*

ii). *Would the project result in substantial adverse physical impacts associated with police protection? ● Less than Significant Impact.*

Law enforcement services within the City are provided by the San Bernardino County Sheriff's Department which serves the community from one police station. The San Bernardino County Sheriff's Department provides police protection and crime prevention services for the City of Hesperia and its sphere of influence on a contractual basis. The Hesperia Police Department is located at 15840 Smoke Tree Street Amargosa Road approximately 1.62 miles to the southwest of the project site. This station is adjacent to the City Hall and Library, surrounding the Hesperia Civic Plaza. The primary potential security issues will be related to vandalism and potential burglaries during off-business hours. The project Applicant must install security cameras throughout the project site. *As a result, the impacts would be less than significant.*

iii). *Would the project result in substantial adverse physical impacts associated with schools? ● Less than Significant Impact.*

The Hesperia Unified School District (HUSD) is the largest school district in the high desert, covering nearly 160 square miles, serving approximately 21,000 students (K–12) on 26 separate campuses. The nearest school to the project site is the La Verne Elementary Preparatory Academy approximately 2,300 feet east of the site. Due to the nature of the proposed project (an industrial use), no direct enrollment impacts regarding school services would occur. The proposed project will not directly increase demand for school services. *As a result, the impacts on school-related services would be less than significant.*

iv). *Would the project result in substantial adverse physical impacts associated with parks? ● Less than Significant Impact.*

The Hesperia Recreation and Park District (HRPD) is an independent special district within the County of San Bernardino. HRPD was created in 1957 to meet the recreational needs of the community and encompasses approximately 100 square miles, including the 75 square miles within the City of Hesperia and much of the Sphere of Influence. HRPD constructs and maintains parks, recreation facilities, retention basins, Landscape Maintenance Districts, streetlights, and other recreational services and programs to the

community. The nearest park to the project site is Live Oak Park located 3,500 feet to the southeast of the project site. The proposed project would not result in any local increase in residential development (directly or indirectly) which could potentially impact the local recreational facilities. *As a result, the impacts would be less than significant.*

v). *Would the project result in substantial adverse physical impacts associated with other public facilities? ● Less than Significant Impact.*

The proposed project would not create direct local population growth which could potentially create demand for other governmental services. *As a result, l ess than significant impacts will result from the proposed project's implementation.*

MITIGATION MEASURES

The analysis of public service impacts indicated that no significant adverse impacts are anticipated, and no mitigation is required with the implementation of the proposed project.

3.16 RECREATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				✖
B. Would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on recreation if it results in any of the following:

- The proposed project would increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

- The proposed project would include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? • No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet.

The Hesperia Recreation and Park District (HRPD) is an independent special district within the County of San Bernardino. HRPD was created in 1957 to meet the recreational needs of the community and encompasses approximately 100 square miles, including the 75 square miles within the City of Hesperia and much of the Sphere of Influence. HRPD constructs and maintains parks, recreation facilities, retention basins, Landscape Maintenance Districts, streetlights, and other recreational services and programs to the community. No parks are located adjacent to the site. The nearest park to the project site is Live Oak Park located 3,500 feet to the southeast of the project site. The proposed project would not result in any

improvements that would potentially significantly physically alter any public park facilities and services. *As a result, no impacts would occur.*

B. *Would the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? ● No Impact.*

As previously indicated, the implementation of the proposed project would not affect any existing parks and recreational facilities in the City. No such facilities are located adjacent to the project site. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of potential impacts related to parks and recreation indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation measures are required.

3.17 TRANSPORTATION

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project conflict with a plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?			✖	
B. Conflict or be inconsistent with CEQA Guidelines §15064.3 subdivision (b)?			✖	
C. Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✖	
D. Would the project result in inadequate emergency access?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on transportation and circulation if it results in any of the following:

- The proposed project would conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.
- The proposed project would conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).
- The proposed project would substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).
- The proposed project would result in inadequate emergency access.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project conflict with a program, plan, or ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities? • Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet.

A total of 73 parking spaces would be provided including 65 standard parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet. The project would consist of 10 truck dock doors including 4 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the

south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks of the two buildings. Vehicular access to the site would include one entrance for employees and patrons and two entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with E Avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. All three entrances are guarded by a security gate fence.

Trip generation estimates for the project were developed using the trip rates contained in the Institute of Transportation Engineers' (ITE) Trip Generation, 11th Edition based on Warehouse Land use category (ITE Code 150). This ITE information was used to estimate existing and future traffic generated and this information is summarized in Table 3-5. As indicated in Table 3-5, the future project is anticipated to generate approximately 265 daily trips, with approximately 27 trips occurring during the AM peak hour, and 27 trips occurring during the PM peak hour.

Table 3-5 Trip Generation

Use	Gross Floor Area (KSF)	Daily	AM Peak Hour of Adjacent Street Traffic			PM Peak Hour of Adjacent Street Traffic		
			In	out	Total	In	Out	Total
Warehouse (ITE Land Use Category 150)	79.778	**Vehicle Trip Generation Rates (Trips per 1,000 Square Feet of Gross Floor Area)**						
		2.36	0.18	0.06	0.24	0.07	0.17	0.24
		Total Vehicle Trip Generation						
		188	14	5	19	6	14	19
	Mode Share	**Total Project Trip Generation by Vehicle Type**						
Passenger Cars (Percent of Total)	74.21%	140	11	4	14	4	10	14
2-Axle Trucks (Percent of Total)	4.55%	9	1	0	1	0	1	1
3-Axle Trucks (Percent of Total)	4.18%	8	1	0	1	0	1	1
4-Axle Trucks (Percent of Total)	17.04%	32	2	1	3	1	2	3
	PCE Factor	**Total Project Trip Generation in Passenger Car Equivalents (PCE)**						
Passenger Cars	1.0	140	11	4	14	4	10	14
2-Axle Trucks	1.5	13	1	0	1	0	1	1
3-Axle Trucks (Percent of Total)	2.0	16	1	0	2	0	1	2
4+Axle Trucks (Percent of Total)	3.0	96	7	2	10	3	7	10
Total		**265**	20	7	**27**	8	19	**27**

Source: Institute of Transportation Engineers. *Trip Generation Manual 11th Edition.*

As indicated in Table 3-5, the future project is anticipated to generate approximately 265 daily PCE trips, with approximately 27 trips occurring during the AM peak hour, and 27 trips occurring during the PM peak hour. *Therefore, the potential impacts are anticipated to be less than significant.*

B. *Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3 subdivision (b)? • Less than Significant Impact.*

VMT is defined as a measurement of miles traveled by vehicles in a certain region for a specified time period. VMT measures the use and efficiency of the transportation network within that region and is calculated from individual vehicle trips generated and their associated trip lengths. VMT accounts for two-way (round-trip) travel and is often estimated for a typical weekday for the purpose of measuring transportation impacts. After the signing of Senate Bill 743 (SB 743) in September 2013, the process of analyzing transportation impact under CEQA was significantly revised. SB 743 became a law effective July 1, 2020, and identifies VMT as the most appropriate CEQA transportation metric. The City's TIA Guidelines include VMT screening criteria, guidelines, and thresholds for analyzing transportation impacts under CEQA. The Guidelines state that a project needs to satisfy only one of the criteria below to be exempt from further VMT analysis.

1. The project is located within a Transit Priority Area (TPA).
2. The project is located in a low VMT generating area.
3. Project Type Screening (the project generates fewer than 110 daily vehicle trips or is considered a local-serving land use)

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

- *Screening Criteria 1* - Transit Priority Area Screening: According to the City's guidelines, projects located in a TPA may be presumed to have a less than significant impact. This presumption may not be appropriate if the project;

  1. Has a Floor Area Ratio (FAR) of less than 0.75;

  2. Includes more parking for use by residents, customers, or employees of the project than required by the jurisdiction (if the jurisdiction requires the project to supply parking);

  3. Is it inconsistent with the applicable Sustainable Communities Strategy (as determined by the lead agency, with input from the Metropolitan Planning Organization); or

  4. Replaces affordable residential units with a smaller number of moderate- or high-income residential units.

  A TPA is defined as a half-mile around an existing major transit stop or an existing stop along a high-quality transit corridor. Per Public Resources Code Section 21064.3, a major transit stop refers to a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. Per Public Resources Code Section 21155, a high-quality transit corridor is defined as a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. The

proposed project is located approximately 2,800 feet and 2,900 feet from a major transit stop, the Victor Valley Transit Center. In addition, Line 66 extends northerly on E Avenue from the aforementioned station. The proposed project has a floor area ratio of 0.354 which is less than the limit of 0.75 FAR. Although the proposed project does not meet the FAR criteria, the proposed project is consistent with all other applicable City TIA guidelines and City standards. Therefore, the proposed project meets the criteria for Transit Priority Area Screening and can be screened from further VMT analysis.

- *Screening Criteria 2* - Low VMT Area Screening: The City's guidelines include a screening threshold for projects located in a low VMT generating area. Low VMT generating area is defined as traffic analysis zones (TAZs) with a total daily VMT/Service Population (employment plus population) that is less than the current County of San Bernardino VMT/Service Population (noted to be 32.7 in the guidelines). The project's site was evaluated using the SBCTA VMT Screening Tool (SBCTA VMT Screening Tool (arcgis.com)). According to the results of the online tool, the Countywide VMT/Service Population of the project TAZ is higher than the County average. Therefore, the project would not meet Screening Criteria 2 – Low-VMT Area Screening.

- *Screening Criteria 3* –Project Type: According to the City's guidelines, projects which generate fewer than 110 daily vehicle trips, propose local serving retail (retail projects less than 50,000 square feet) or other local serving uses would have a less than significant impact on VMT. As shown in Table 1, the project would generate more than 110 daily trips and would have more than 50,000 square foot in floor area. The proposed project does not meet this screening criterion.

Because the project would meet Screening Criteria 1 – Transit Priority Area Screening, the project's impact on VMT would be considered less than significant and an analysis of VMT would not be required. As a result, the project will not result in a conflict or be inconsistent with Section 15064.3 subdivision (b) of the CEQA Guidelines. *As a result, the potential impacts will be less than significant.*

C. *Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ● Less than Significant Impact.*

The project would consist of 10 truck dock doors including 4 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks of the two buildings. Vehicular access to the site would include one entrance for employees and patrons and two entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with "E" Avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. All three entrances are guarded by a security gate fence. As indicated in Table 3-5, the future project is anticipated to generate approximately 265 daily PCE trips, with approximately 27 trips occurring during the AM peak hour, and 27 trips occurring during the PM peak hour. *As a result, the potential impacts will be less than significant.*

D. *Would the project result in inadequate emergency access? ● Less than Significant Impact.*

The proposed project would not affect emergency access to any adjacent parcels. At no time during construction will the adjacent public street be completely closed to traffic. All construction staging must

occur on-site. *As a result, the impacts would be less than significant.*

MITIGATION MEASURES

The analysis determined that the traffic impacts would be less than significant. As a result, no mitigation was required.

3.18 TRIBAL CULTURAL RESOURCES

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:		✖		
i) Would the project have listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or				✖
ii). Would the project have resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American.		✖		

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on tribal cultural resources if it results in any of the following:

- The proposed project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).
- The proposed project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

ANALYSIS OF ENVIRONMENTAL IMPACTS

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

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. A Tribal Resource is defined in Public Resources Code section 21074 and includes the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "non-unique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a).

Adherence to the standard condition presented in Subsection B under Cultural Resources will minimize potential impacts to levels that are less than significant. The City of Hesperia received a response from the Yuhaaviatam of San Manuel Nation (formerly San Manuel Band of Mission Indians) following the AB52 letters. The proposed project site is located on recognized Yuhaaviatam/Maarenga'yam land. The word Maara'yam, the People of Maara', is used to describe all peoples known today as Serrano. The name Yuhaaviatam, or People of the Pines, refers to the Serrano clan of our progenitor, Santos Manuel. The project area is located within the Serrano ancestral territory, which covers present-day Antelope Valley on the west, southwest Mojave Desert to the north, the Inland Empire north of the city of Riverside to the south, and the city of Twentynine Palms to the east. [41]

The site is also within an area of the City that has been disturbed due to adjacent development and there is a limited likelihood that artifacts would be encountered. The proposed project's construction would involve shallow excavation for the installation of building footings, utility lines, and other underground infrastructure. Ground disturbance would involve grading and earth-clearing activities for the installation of the grass and landscaping and other on-site improvements. In addition, the proposed project area is not located within an area that is typically associated with habitation sites, foraging areas, ceremonial sites, or burials. Nevertheless, mitigation was provided in the previous subsection.

i). *Would the listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k).* ● *No Impact*

[41] San Manuel Band of Mission Indians. History. https://sanmanuel-nsn.gov/culture/history . Website Accessed October 04, 2023.

Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following: included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. The project site is not listed in the Register. *As a result, no impacts would occur.*

ii). *Would the project have a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resource Code Section 5024.1 In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe? ● Less than Significant Impact with Mitigation.*

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

A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "non-unique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms to the criteria of subdivision (a). The following mitigation measures are required as a means to reduce potential tribal cultural resources impacts to levels that are less than significant:

- The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.
- Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

As a result, the impacts would be less than significant.

MITIGATION MEASURES

The following mitigation measures are required as a means to reduce potential tribal cultural resources impacts to levels that are less than significant:

TRC Mitigation No. 1. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and

Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

TRC Mitigation No. 2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

3.19 UTILITIES AND SERVICE SYSTEMS

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?			✖	
B. Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years?			✖	
C. Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			✖	
D. Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✖	
E. Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste?				✖

The energy and utilities worksheets are provided in Appendix D.

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on utilities if it results in any of the following:

- The proposed project would require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.
- The proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.
- The proposed project would result in a determination by the wastewater treatment provider which serves or may serve the proposed project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- The proposed project would generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.
- The proposed project would negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals.

- The proposed project would comply with Federal, State, and local management and reduction statutes and regulations related to solid waste.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects? • Less than Significant Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet.

There are no existing water or wastewater treatment plants, electric power plants, telecommunications facilities, natural gas facilities, or stormwater drainage infrastructure located on-site. Therefore, the project's implementation will not require the relocation of any of the aforementioned facilities. The project site is currently undeveloped though the site has existing electrical, sewer and water connections adjacent to the project site. The proposed project's connection can be adequately handled by the existing infrastructure. *As a result, the potential impacts will be less than significant.*

B. *Would the project have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years? • Less than Significant Impact.*

The Hesperia Water District (HWD) currently maintains 18 storage reservoirs within the distribution system with a total capacity of 49.5 million gallons. The City sits above the Upper Mojave River Basin within the jurisdiction of the Mojave Water Agency, and draws its water from the Alto sub-basin, which has a capacity of 2,086,000 acre-feet. Approximately 960,000 acre-feet of stored groundwater is estimated within the basin with an additional 1,126,000 acre-feet of storage capacity available through recharge efforts, as indicated in Table 3-6. The proposed project is estimated to consume 3,590 gallons of water on a daily basis. There are existing water and sewer lines located on "I" Street. *As a result, the impacts will be less than significant.*

Table 3-6 Projected Water Consumption

Project Element	Consumption Rate	Project Consumption
Warehouse (79,778 sq. ft.)	0.045 gals. /day/sq. ft.	3,590 gals. /day
Total		3,590 gals. /day

Source: Blodgett Baylosis Environmental Planning

C. *Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? ● Less than Significant Impact.*

Wastewater services are provided by the Victor Valley Wastewater Reclamation Authority (VVWRA). Currently the City is served by an interceptor system that extends approximately 15 miles from the regional treatment facility (Victorville) south to I Avenue and Hercules in the City of Hesperia. The interceptor system consists of both gravity and force main pipelines, ranging in size from 6-inch to 42-inch diameters. The City's sewer system collects to the VVWRA's 3-mile interceptor that runs along the northeast boundary of the City. Sewer lines range from 3 inches up to 21-inch lines within the City. From Table 3-7, the proposed project is estimated to generate 2,393 gallons of wastewater on a daily basis. The project's implementation will not create a substantial demand on existing infrastructure. *As a result, the impacts are expected to be less than significant.*

Table 3-7 Projected Effluent Generation

Project Element	Generation Rate	Project Generation
Warehouse (79,778 sq. ft.)	0.03 gals./day/sq. ft.	2,393 gals. /day
Total		2,393 gals. /day

Source: Blodgett Baylosis Environmental Planning

D. *Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals? ● Less than Significant Impact.*

Approximately 63 percent of the solid waste generated in Hesperia is being recycled, exceeding the 50 percent requirement pursuant to the California Integrated Waste Management Act of 1989 (AB939). Currently, about 150 tons of the solid waste generated by the City per day is sent to the landfill. This remaining solid waste is placed in transfer trucks and disposed of at the Victorville Sanitary Landfill at 18600 Stoddard Wells Road in Victorville, owned and operated by the County of San Bernardino. From Table 3-8, the proposed project is estimated to generate 712 pounds of solid waste on a daily basis. *As a result, the potential impacts will be less than significant.*

Table 3-8 Projected Solid Waste Generation

Project Element	Generation Rate	Project Generation
Warehouse (79,778 sq. ft.)	8.93 lbs./day/1,000 sq. ft.	712 lbs./day
Total		712 lbs./day

Source: Blodgett Baylosis Environmental Planning

E. *Would the project comply with Federal, State, and local management and reduction statutes and regulations related to solid waste? ● No Impact.*

The proposed project, like all other development in Hesperia and San Bernardino County, will be required to adhere to City and County ordinances with respect to waste reduction and recycling. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of utilities impacts indicated that no significant adverse impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.20 WILDFIRE

Environmental Issue Areas Examined	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
A. Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?				✖
B. Would the project due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				✖
C. Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				✖
D. Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				✖

THRESHOLDS OF SIGNIFICANCE AND METHODOLOGY

According to Appendix G of the CEQA Guidelines, a project may be deemed to have a significant adverse impact on wildfire risk and hazards if it results in any of the following:

- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, substantially impair an adopted emergency response plan or emergency evacuation plan.
- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.
- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.
- The proposed project would, if located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

ANALYSIS OF ENVIRONMENTAL IMPACTS

A. *Would the project substantially impair an adopted emergency response plan or emergency evacuation plan? • No Impact.*

The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot)

property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. The project site's General Plan designation is *Industrial*. The property currently has a Zoning land use designation of *Limited Manufacturing (I-1)*. Surface streets that will be improved at construction will serve the project site and adjacent area. The proposed project would not involve the closure or alteration of any existing evacuation routes that would be important in the event of a wildfire. At no time during construction will adjacent streets be completely closed to traffic. All construction staging must occur on-site. *As a result, no impacts would occur.*

B. *Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire? ● No Impact.*

The project site is located in the midst of an urbanized zoned area. The proposed project may be exposed to particulate emissions generated by wildland fires in the mountains (the site is located approximately 12 miles northeast and northwest of the San Gabriel and San Bernardino Mountains). However, the potential impacts would not be exclusive to the project site since criteria pollutant emissions from wildland fires may affect the entire City as well as the surrounding cities and unincorporated county areas. *As a result, no impacts would occur.*

C. *Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment? ● No Impact.*

The project site is located in an area that is classified as a Moderate fire risk severity within a Local Responsibility Area (LRA) and will not require the installation of specialized infrastructure such as fire roads, fuel breaks, or emergency water sources. *As a result, no impacts would occur.*

D. *Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes? ● No Impact.*

While the site is located within a moderate fire risk and local responsibility area, the proposed project site is located within an area classified as urban with relatively flat land. Therefore, the project will not expose future employees to flooding or landslides facilitated by runoff flowing down barren and charred slopes. *As a result, no impacts would occur.*

MITIGATION MEASURES

The analysis of wildfires impacts indicated that less than significant impacts would result from the proposed project's approval and subsequent implementation. As a result, no mitigation is required.

3.21 MANDATORY FINDINGS OF SIGNIFICANCE

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

The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this environmental assessment:

A. The proposed project *would not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.

B. The proposed project *would not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein.

C. The proposed project *would not* have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. As indicated in Section 3.1 through 3.20, the proposed project will not result in any significant unmitigable environmental impacts.

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4. CONCLUSIONS

4.1 FINDINGS

The Initial Study determined that the proposed project is not expected to have significant adverse environmental impacts. The following findings can be made regarding the Mandatory Findings of Significance set forth in Section 15065 of the CEQA Guidelines based on the results of this Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or eliminate important examples of the major periods of California history or prehistory.
- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.
- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

4.2 MITIGATION MEASURES

The following mitigation measures have been incorporated herein to further reduce the potential air quality impacts to levels that are less than significant.

AIR Mitigation No. 1. The Applicant shall prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project.

AIR Mitigation No. 2. The Applicant shall ensure that signage, compliant with Rule 403 Attachment, is erected at each project site entrance not later than the commencement of construction.

AIR Mitigation No. 3. The Applicant shall ensure the use of a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

AIR Mitigation No. 4. All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

AIR Mitigation No. 5. All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel, or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related track out onto paved surfaces and clean any project-related track out within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

There are thirty-four (34) Joshua trees located on the property and three (3) of the trees are suitable for relocation/transplanting. The following mitigation would apply:

BIO Mitigation No. 1. Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.

Since it is possible that previously unrecognized resources could exist at the site, the proposed project would be required to adhere to the following mitigation measures:

CUL Mitigation No. 1. In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within **TCR Mitigation No. 1**, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

CUL Mitigation No. 2. If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within **TCR Mitigation No. 1**. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

CUL Mitigation No. 3. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

The analysis determined that the following mitigation measures will be required to reduce potential energy consumption:

ENE Mitigation No. 1. The project must employ, as much as possible, the use of glass or translucent plastic materials on building roof and gables to allow natural daylight in work areas.

Since some operations and security functions may be carried out during non-daylight hours, an additional mitigation measure is suggested to reduce energy consumption during those times.

ENE Mitigation No. 2. The project must use motion activated lighting in the building to reduce energy use at night.

The following mitigation will be required in order to further reduce construction noise:

NOI Mitigation No. 1. The Applicant must ensure that the contractors use construction equipment that includes working mufflers and other sound suppression equipment as a means to reduce machinery noise.

The following mitigation measures are required as a means to reduce potential tribal cultural resources impacts to levels that are less than significant:

TRC Mitigation No. 1. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in CUL-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resource Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

TRC Mitigation No. 2. Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

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5. REFERENCES

5.1 PREPARERS

Blodgett Baylosis Environmental Planning
2211 S Hacienda Boulevard, Suite 107
Hacienda Heights, CA 91745
(626) 336-0033

Marc Blodgett, Project Principal
Raymond Wen, Project Planner

5.2 REFERENCES

The references that were consulted have been identified using footnotes.

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NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

PROJECT NAME: Bickmore Warehouse 5.22 Acre Site

SUBJECT: Notice of Intent to Adopt a Mitigated Negative Declaration - Environmental Review (California Environmental Quality Act, CEQA)

LEAD AGENCY: City of Hesperia
Development Department, Planning Division
9700 Seventh Avenue
Hesperia, California 92345

APPLICANT: Wei Ding, DW Bickmore, LLC., 15740 Myrtlewood Ave, Chino, California 91708

CITY/COUNTY: City of Hesperia, San Bernardino County

LOCATION: The 5.22 acre project site is located in the north-central portion of the City of Hesperia, California. The project site is undeveloped and does not have a legal address assigned to the property. The proposed project site is located on the southwest corner of Mojave Street and E Avenue. Mojave Street extends along the project site's north side and E avenue extends along the sites east side. The project site's latitude and longitude are 34°43'42"N, -117°29'01"W. The project site is located within the United States Geological Survey (USGS) 7 ½ Minute, Hesperia, California Quadrangle (1956), Township 4 North, Range 4 West.

DESCRIPTION: The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as *Warehouse 1* and *Warehouse 2,* within the 5.22 acre (202,261 square foot) property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would consist of a single level with a maximum height of approximately 41 feet. Parking areas would be located to the eastern and southern portions of the site. A total of 73 parking spaces would be provided including 63 standard parking spaces, 2 truck parking spaces, 4 EV standard parking spaces, 2 ADA compliant parking spaces and 2 ADA compliant EV parking spaces. Landscaping would total 36,387 square feet. The landscaping would be provided around the building, the site's perimeter, and along the roadway frontages. The project would consist of 9 truck dock doors including 3 raised doors and 1 ground level door along the north elevation of Warehouse 1 and 4 raised doors and 1 ground level door along the south elevation of Warehouse 2. Truck maneuvering area would be located opposite the receiving docks and west of the two buildings. Vehicular access to the site would include one entrance for employees and

Allison Lee, Mayor
Cameron Gregg, Mayor Pro Tem
Brigit Bennington, Council Member
Chris Ochoa, Council Member
Josh Pullen, Council Member

Rachel Molina, City Manager

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760-947-1000
TD 760-947-1119

www.cityofhesperia.us

patrons only and 2 entrances for trucks only. The 30 feet wide employee and patron vehicular access would be located east of the site in connection with E avenue. The 30 feet wide truck only entrances are located northwest and southeast corner of the project site. All three entrances are guarded by a security gate fence. For safety and security, screen walls in addition to combo walls consisting of masonry and wrought iron will surround the entire project site. Current conditions on the property include a desert scrub community showing signs of human disturbances. There are 34 Joshua Trees located within the boundaries of the property.

ENVIRONMENTAL INFORMATION: Current conditions on the property include a desert scrub community showing signs of human disturbances. The biological resources on the site consist of a desert scrub community typical of the area with creosote bush (*Larrea tridentata*), white-bursage (*Ambrosia dumosa*), kelch grass (*Schismus barbatus*), flatspine bur ragweed (*Ambrosia acanthicarpa*), Joshua tree (*Yucca brevifolia*), rubber rabbitbrush (*Ericameria nauseosa*) and silver cholla (*Cylindropuntia echinocarpa*) observed on the site. The project site is located within the Mainstreet / Freeway Corridor Specific Plan (MSFC-SP). The project site's Land use and Zoning Designation is *General Industrial* (GI).

Land uses and development located in the vicinity of the proposed project site are outlined below:

- *North of the project site:* Mojave Street extends along the project site's north side. An industrial development, Classic Collision, is located on the north side of the aforementioned street at 10180 E Avenue. The Land Use and Zoning for this area is *General Industrial* (GI).

- *West of the project site:* Abutting the project site to the west, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).

- *South of the project site:* Abutting the project site to the south is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI)

- *East of the project site:* "E" Avenue extends along the project site's east side. Further east, on the east side of "E" Avenue, is a vacant, undeveloped property. The Land Use and Zoning for this area is *General Industrial* (GI).

FINDINGS: The environmental analysis provided in the attached Initial Study indicates that the proposed project will not result in any significant impacts. For this reason, the City of Hesperia determined that a *Mitigated Negative Declaration* is the appropriate CEQA document for the proposed project. The following findings may be made based on the analysis contained in the attached Initial Study:

- The proposed project *will not* have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of an endangered, rare or threatened species or

eliminate important examples of the major periods of California history or prehistory.

- The proposed project *will not* have impacts that are individually limited, but cumulatively considerable.

- The proposed project *will not* have environmental effects which will cause substantially adverse effects on human beings, either directly or indirectly.

The environmental analysis prepared for the proposed project is provided in the attached Initial Study. The project is also described in greater detail in the attached Initial Study.

REVIEW: The City of Hesperia invites you to comment on the Initial Study/ Mitigated Negative Declaration. The public review period begins February 28, 2025 and ends on March 31, 2025. Written comments must be received at the City of Hesperia Development Department located at 9700 Seventh Avenue, Hesperia, California 92345. Attention: Leilani Henry, Assistant Planner or via email at lhenry@hesperiaca.gov by 5:00 PM on March 31, 2025. Copies of the Initial Study and Mitigated Negative Declaration will be available for public review at the following locations:

City of Hesperia, Planning Department
9700 Seventh Avenue
Hesperia, California 92345

Copies of the IS/MND can also be found online at https://www.cityofhesperia.us/. Please send your comments to the attention of Leilani Henry, Assistant Planner, City of Hesperia, Development Department, 9700 Seventh Avenue, Hesperia, California 92345. Your responses are requested by March 31, 2025.

Name

2/26/25
Date

FIGURE 1. CITYWIDE MAP

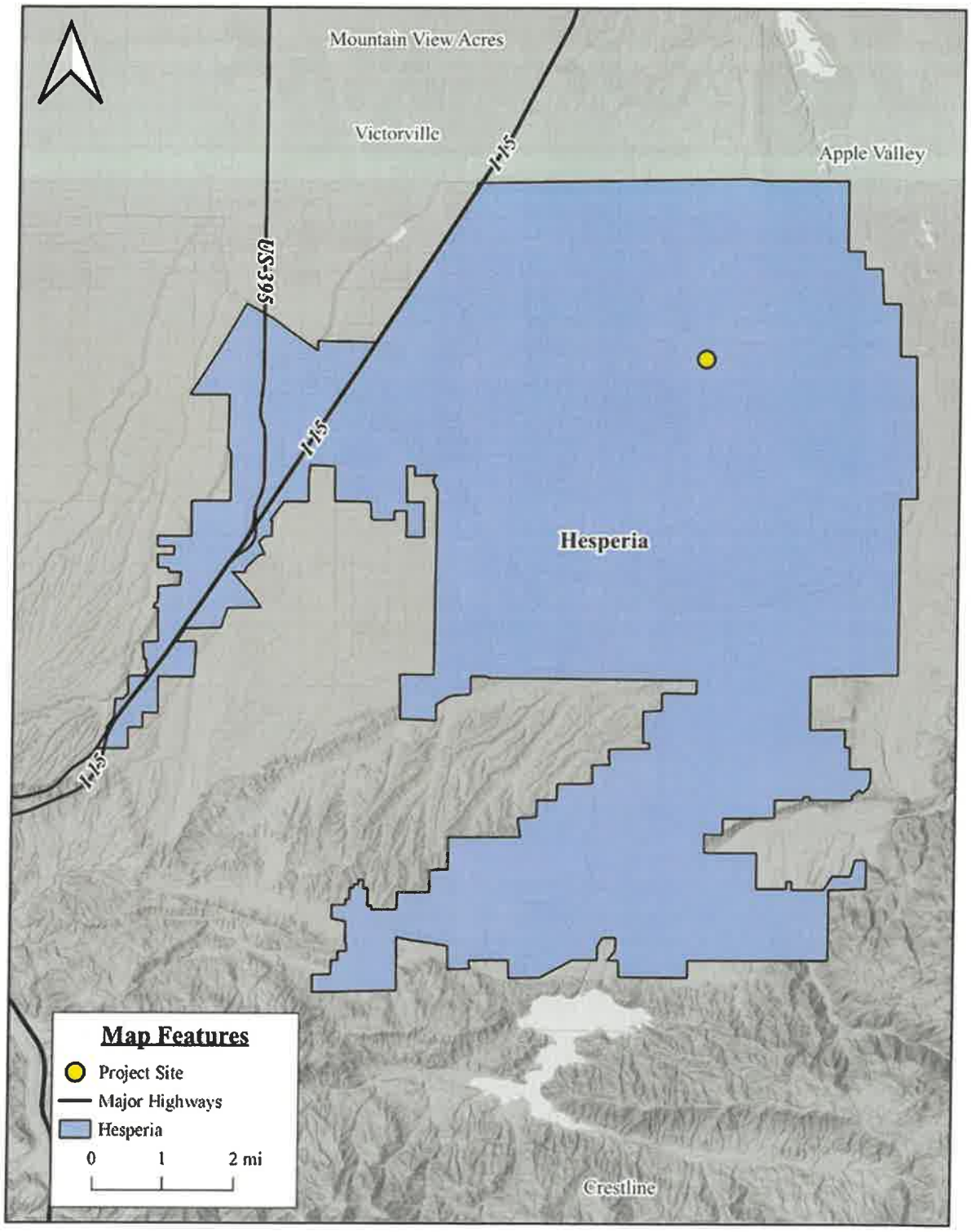
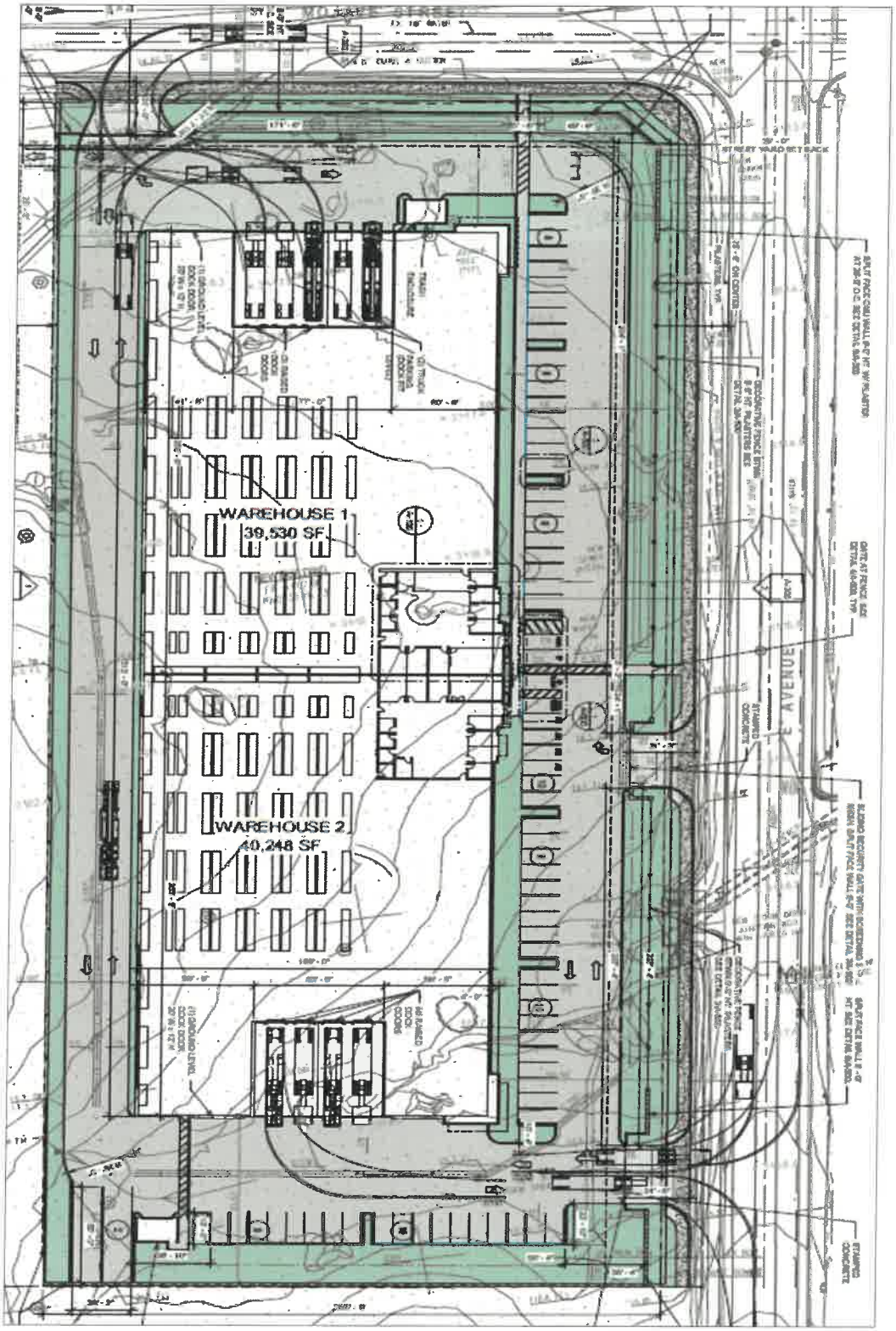


FIGURE 2. PROJECT LOCATION

FIGURE 3. PROJECT SITE PLAN



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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

March 18, 2025
Sent via email

Leilani Henry
Assistant Planner
City of Hesperia
9700 Seventh Ave
Hesperia, California 92345
lhenry@hesperiaca.gov

Bickmore Warehouse 5.22 Acre Site (Project)
Mitigated Negative Declaration (MND)
SCH# 2025021160

Dear Leilani Henry:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Hesperia (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: DW Bickmore, LLC.

Objective: The Project proposes the construction and subsequent operation of two new warehouse buildings within a 5.22-acre parcel. The first warehouse will be 39,530 square feet and the second warehouse will be 40,248 square feet. The rest of the parcel will be developed into parking lots for both cars and large trucks and landscaping.

Location: The Project is located in the north-central portion of the City of Hesperia, southwest of the corner of Mojave Street and E Avenue. The Project site's latitude and longitude are 34.434457°N, -117.290067°W.

Timeframe: Not specified

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document.

COMMENT # 1: Nesting Birds

Issue: The Project may have impacts on nesting birds, including CESA-listed birds, Species of Special Concern, and common birds that are subject to Fish and Game Code sections 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific impact: The Project as described could result in direct take associated with vehicle and equipment strike, indirect take associated with Project operations such as attracting predators, displacement, and reduction of habitat and habitat quality associated with road infrastructure.

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Why impact would occur: The MND does not require nesting bird pre-construction surveys to minimize and avoid impacts to nesting birds.

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW strongly recommends the adoption of BIO-2 for inclusion in the final MND.

Mitigation Measure: BIO-2 Pre-construction Nesting Bird Surveys (New)

A qualified avian biologist shall conduct pre-construction nesting bird surveys at the appropriate time of day/night, during appropriate weather conditions no more than 3 days prior to the initiation of ground disturbing activities. The survey shall focus on all suitable nesting areas such as but not limited to: trees, shrubs, bare ground, burrows, cavities, and structures. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be confirmed based on observations. If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for at least 1 hour for passerine birds and 4 hours for raptors. When an active nest is confirmed, the qualified avian biologist shall immediately establish a conservative buffer surrounding the nest based on their best professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. The qualified avian biologist shall monitor the next to determine the efficacy of the buffer and shall adjust the buffer accordingly if it is determined that birds are having an adverse reaction. The qualified avian biologist shall monitor the next daily until activities are no longer within 300 feet of the nest, or the fledglings become independent of their nest, or the nest has failed.

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COMMENT # 2: CDFW Streambed Alteration Agreement

Issue: Based on aerial imagery, a culvert is present on the Project site along E Avenue and the Project as described may result in substantial impacts to an unnamed desert wash.

Specific impact: Construction activities may result in the placement of fill material within streambeds, leading to the loss of desert wash habitat for biological resources.

Why impact would occur: Grading activities to construct the Project could potentially place fill within streambeds on the site, obstructing the natural flow of streams.

Evidence impact would be significant: Fish and Game Code section 1602 requires an entity to notify CDFW prior to commencing any activity that may do one or more of the following: Substantially divert or obstruct the natural flow of any river, stream or lake; Substantially change or use any material from the bed, channel or bank of any river, stream, or lake; or Deposit debris, waste or other materials that could pass into any river, stream or lake. Please note that "any river, stream or lake" includes those that are episodic (i.e., those that are dry for periods of time) as well as those that are perennial (i.e., those that flow year-round). This includes ephemeral streams, desert washes, and watercourses with a subsurface flow.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW strongly recommends the adoption of the following new measure, BIO-3, for inclusion in the final MND.

Mitigation Measure: BIO-3 CDFW Streambed Alteration Agreement (New)

Prior to construction activities, mapping of stream resources in the Project area shall be conducted to identify streams on site. If Project construction activities occur within a streambed, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.

COMMENT # 3: Burrowing owl (*Athene cunicularia*)

Issue: Burrowing owl is a candidate species under CESA. The Project has the potential to result in permanent and temporary loss and degradation of burrowing owl habitat. The Project may result in take of burrowing owl during construction and the life of the Project. If the Project, including Project construction or any Project related activity

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during the life of this Project, may result in the take of a CESA-listed species, CDFW recommends that the Project proponent seek appropriate authorization (i.e., Incidental Take Pemit [ITP]) prior to Project implementation.

Specific impact: The MND does not include pre-construction surveys for burrowing owl, a CESA candidate species.

Why impact would occur: Construction activities have the potential to take burrowing owls by collapsing burrows and modifying foraging and nesting habitat.

Evidence impact would be significant: The Project, as described, may result in injury, direct mortality, indirect mortality, disruption of breeding behavior, and/or may reduce reproductive capacity of burrowing owl. On October 10, 2024, the Fish and Game Commission designated burrowing owl as a candidate species under CESA. CDFW considers the take of burrowing owl and the loss of the species' habitat as a significant impact, unless mitigated to a level of less than significant, which would occur through a CESA ITP. Further, burrowing owl is protected under Fish and Game Code section 3503.5 and the Migratory Bird Treaty Act.

Recommended potentially feasible mitigation measure to reduce impacts to less than significant: CDFW strongly recommends new measure BIO-4 for inclusion in the final MND.

Mitigation Measure: BIO-4 Burrowing Owl (NEW)

Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation[2] (CDFG, 2012 or most recent version) for the Project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days, thus time lapses between Project activities require subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, impacts to burrowing owl shall be fully avoided. If impacts to burrowing owl are unavoidable, the City should apply for a CESA ITP.

Additional Comments and Suggestions

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[2] California Department of Fish and Wildlife. 2012. Staff Report on Burrowing Owl Mitigation.

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Submitting Data on Special Status Species

CDFW strongly recommends the Project proponent submits data to the California Natural Diversity Database at https://wildlife.ca.gov/Data/CNDDB/Submitting-Data, regarding any special status species such as but not limited to: desert tortoise, Bendire's thrasher, burrowing owl, Cooper's hawk, golden eagle, LeConte's thrasher, loggerhead shrike, northern harrier, prairie falcon, Swainson's hawk observed within or adjacent to the Project area.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jason Bill, Senior Environmental Scientist (Specialist) at Christopher.Bill@wildlife.ca.gov

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Sincerely,

DocuSigned by:
Alisa Ellsworth
84FBB8273E4C480...

Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
State.clearinghouse@opr.ca.gov

ATTACHMENTS

Attachment A: Mitigation Monitoring and Reporting Plan

REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: Microsoft Word - BUOW Staff Report_final_030712 REV 1.doc (ca.gov)

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Attachment A

Mitigation Monitoring and Reporting Plan

Biological Resources (BIO)		
Mitigation Measure	**Implementation Schedule**	**Responsible Party**
BIO-2 Pre-construction Nesting Bird Surveys A qualified avian biologist shall conduct pre-construction nesting bird surveys at the appropriate time of day/night, during appropriate weather conditions no more than 3 days prior to the initiation of ground disturbing activities. The survey shall focus on all suitable nesting areas such as but not limited to: trees, shrubs, bare ground, burrows, cavities, and structures. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be confirmed based on observations. If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for at least 1 hour for passerine birds and 4 hours for raptors. When an active nest is confirmed, the qualified avian biologist shall immediately establish a conservative buffer surrounding the nest based on their best professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. The qualified avian biologist shall monitor the next to determine the efficacy of the buffer and shall adjust the	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Avian Biologist

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buffer accordingly if it is determined that birds are having an adverse reaction. The qualified avian biologist shall monitor the next daily until activities are no longer within 300 feet of the nest, or the fledglings become independent of their nest, or the nest has failed.		
BIO-3 CDFW Streambed Alteration Agreement Prior to construction activities, mapping of stream resources in the Project area shall be conducted to identify streams on site. If Project construction activities occur within a streambed, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.	Prior to initiation of all ground disturbing activities	Project proponent
BIO-4 Burrowing Owl Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation (CDFG, 2012 or most recent version) for the Project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days, thus time lapses between Project activities require subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys confirm the presence of burrowing owls, impacts to burrowing	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

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owl shall be fully avoided. If impacts to burrowing owl are unavoidable, the City should apply for a CESA ITP.		

Mojave Water Agency

March 31, 2025

Leilani Henry, Assistant Planner
City of Hesperia, Planning Department
9700 Seventh Ave.
Hesperia, CA. 92345

Regarding: SPR23-00018

Dear Leilani,

This is to confirm that the Mojave Water Agency has no conflict with this project.

Sincerely,
Christy Huiner
Senior Water Resource Analyst
Mojave Water Agency
chuiner@mojavewater.org
760-946-7066

13846 Conference Center Drive
Apple Valley, CA 92307
Phone: (760) 946-7000 | Fax: (760) 240-2642
WWW.MOJAVEWATER.ORG

Mojave Desert Air Quality Management District
Brad Poiriez, *Executive Director*
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2022
www.MDAQMD.ca.gov • @MDAQMD

March 11, 2024

Leilani Henry, Assistant Planner
City of Hesperia, Planning Department
9700 Seventh Avenue
Hesperia, CA 92345

Project: Hesperia Bickmore Warehouse

Dear Ms. Henry:

The Mojave Desert Air Quality Management District (District) has reviewed the Project Notice and Initial Study for the proposed Bickmore Warehouse Project in Hesperia. The proposed project would involve the construction and subsequent operation of two new warehouse buildings, referred to as Warehouse 1 and Warehouse 2, within the 5.22-acre property. Warehouse 1 would consist of 39,530 square feet of floor area including a 36,101 square feet of warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,248 square feet of floor area including a 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet.

The District has reviewed the project notice and agrees with the findings of the initial study that this project would not result in an exceedance of MDAQMD significance thresholds. The District recommends that the City of Hesperia require the following dust mitigation measures be required for the construction portion of the development (enforceable by the District AND by the land use agency) should the project be approved:

- Prepare and submit to the MDAQMD, prior to commencing earth-moving activity, a dust control plan that describes all applicable dust control measures that will be implemented at the project;

- Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction.

- Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind

fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

- Obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to: Internal Combustion Engines with a manufacture's maximum continuous rating greater than 50 brake horsepower.

Thank you for the opportunity to review this Initial Study. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

Sincerely,

Chris Anderson
Planning and Air Monitoring Supervisor

CA/bg Hesp Bickmore Warehouse 2025 11 Mar

LOZEAU DRURY LLP

T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste 150
Oakland, CA 94612

www.lozeaudrury.com
Mitchell@lozeaudrury.com

Via Email

March 31, 2025

Leilani Henry, Assistant Planner
Development Services Department
Planning Division
City of Hesperia
9700 Seventh Avenue
Hesperia, California 92345
lhenry@cityofhesperia.us

Michael Hearn, Deputy Community Development Director
Development Services Department
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
developmentservices@cityofhesperia.us

Melinda Sayre, Deputy City Manager/City Clerk
City of Hesperia
Hesperia, CA 92345
cityclerk@cityofHesperia.us

Re: Comment on the Initial Study (IS) and Mitigated Negative Declaration (MND) for Bickmore Warehouse 5.22 Acre Site Project (SCH 2025021160)

Dear Ms. Henry, Mr. Hearn, and Ms. Sayre

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Bickmore Warehouse Project, including all actions related or referring to the proposed construction of two new warehouse buildings located on the southwest corner of Mojave Street and East Avenue (APN: 0410-05-111) in the City of Hesperia ("Project").

SAFER is concerned that the IS/MND is improper under the California Environmental Quality Act due to the IS/MND's failure to adequately assess the Project's potentially significant environmental impacts. SAFER requests that an environmental impact report (EIR) be prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated.

SAFER reserves the right to supplement this comment throughout the administrative process. Galante Vineyards v. Monterey Peninsula Water Management Dist., 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Mitchell E. Thielemann

Mitchell E. Thielemann
LOZEAU DRURY LLP

LOZEAU DRURY LLP

T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste 150
Oakland, CA 94612

www.lozeaudrury.com
Mitchell@lozeaudrury.com

Via Email

April 29, 2025

Leilani Henry, Assistant Planner
Development Services Department
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City of Hesperia
9700 Seventh Avenue
Hesperia, California 92345
lhenry@cityofhesperia.us

Michael Hearn, Deputy Community Development Director
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developmentservices@cityofhesperia.us

Melinda Sayre, Deputy City Manager/City Clerk
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Hesperia, CA 92345
cityclerk@cityofHesperia.us

Re: Comment on the Initial Study and Mitigated Negative Declaration for Bickmore Warehouse Project (SCH 2025021160)

Dear Ms. Henry, Mr. Hearn, and Ms. Sayre

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the Bickmore Warehouse Project, including all actions related or referring to the proposed construction of two new warehouse buildings located on the southwest corner of Mojave Street and East Avenue in the City of Hesperia ("Project").

After careful review of the Initial Study and Mitigated Negative Declaration ("MND") prepared for the Project, SAFER has concluded that the MND does not adequately analyze the Project's impacts and that there is a fair argument that the Project may have adverse environmental impacts. We therefore request that the City of Hesperia ("City") prepare an environmental impact report ("EIR") for the Project pursuant to the California Environmental Quality Act ("CEQA"), Public Resources Code section 21000, et seq. SAFER's comments are supported by the analysis of several highly qualified experts, which are attached hereto.

PROJECT DESCRIPTION

The Project would involve the construction and subsequent operation of two new warehouse buildings within the currently undeveloped 5.22-acre (202,261 square foot) project site. Warehouse 1 would consist of 39,530 square feet of floor area, including 36,101 square feet of

warehouse floor area and a 3,520 square foot office. Warehouse 2 would consist of 40,028 square feet of floor area, including 36,728 square feet of warehouse floor area and a 3,520 square foot office. The total floor area of the two buildings would be 79,778 square feet. The warehouses would be single level with a maximum height of 41 feet. Parking areas would be located to the eastern and southern portion of the site, including a total of 73 parking spaces.

As discussed below, the Project will have many undisclosed or inadequately mitigated environmental impacts, including significant negative effects on biological resources.

LEGAL STANDARD

As the California Supreme Court has held "[i]f no EIR has been prepared for a nonexempt project, but substantial evidence in the record supports a fair argument that the project may result in significant adverse impacts, the proper remedy is to order preparation of an EIR." (*Communities for a Better Env't v. South Coast Air Quality Mgmt. Dist.* (2010) 48 Cal.4th 310, 319-320 [citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 75, 88; *Brentwood Assn. for No Drilling, Inc. v. City of Los Angeles* (1982) 134 Cal.App.3d 491, 504–505].) "Significant environmental effect" is defined very broadly as "a substantial or potentially substantial adverse change in the environment." (Pub. Res. Code § 21068; *see also* 14 CCR § 15382.)

The EIR is the very heart of CEQA. *Bakersfield Citizens for Local Control v. City of Bakersfield (*2004) 124 Cal.App.4th 1184, 1214 (*Bakersfield Citizens*); *Pocket Protectors v. City of Sacramento* (2004) 124 Cal.App.4th 903, 927. The EIR is an "environmental 'alarm bell' whose purpose is to alert the public and its responsible officials to environmental changes before they have reached the ecological points of no return." *Bakersfield Citizens*, 124 Cal.App.4th at 1220. The EIR also functions as a "document of accountability," intended to "demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action." *Laurel Heights Improvements Assn. v. Regents of Univ. of Cal.* (1988) 47 Cal.3d 376, 392. The EIR process "protects not only the environment but also informed self-government." *Pocket Protectors*, 124 Cal.App.4th at 927.

Where an initial study shows that the project may have a significant effect on the environment, a mitigated negative declaration may be appropriate. However, a mitigated negative declaration is proper *only* if the project revisions would avoid or mitigate the potentially significant effects identified in the initial study "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." PRC §§ 21064.5 and 21080(c)(2); *Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 331. In that context, "may" means a reasonable possibility of a significant effect on the environment. PRC §§ 21082.2(a), 21100, 21151(a); *Pocket Protectors*, 124 Cal.App.4th at 927; *League for Protection of Oakland's etc. Historic Res. v. City of Oakland* (1997) 52 Cal.App.4th 896, 904–05.

Under the "fair argument" standard, an EIR is required if any substantial evidence in the record indicates that a project may have an adverse environmental effect—even if contrary evidence exists to support the agency's decision. 14 CCR § 15064(f)(1); *Pocket Protectors,* 124

Cal.App.4th at 931; *Stanislaus Audubon Society v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 150-51; *Quail Botanical Gardens Found., Inc. v. City of Encinitas* (1994) 29 Cal.App.4th 1597, 1602. The "fair argument" standard creates a "low threshold" favoring environmental review through an EIR rather than through issuance of negative declarations or notices of exemption from CEQA. *Pocket Protectors*, 124 Cal.App.4th at 928. The "fair argument" standard is virtually the opposite of the typical deferential standard accorded to agencies. As a leading CEQA treatise explains:

> This 'fair argument' standard is very different from the standard normally followed by public agencies in making administrative determinations. Ordinarily, public agencies weigh the evidence in the record before them and reach a decision based on a preponderance of the evidence. [Citations]. The fair argument standard, by contrast, prevents the lead agency from weighing competing evidence to determine who has a better argument concerning the likelihood or extent of a potential environmental impact. The lead agency's decision is thus largely legal rather than factual; it does not resolve conflicts in the evidence but determines only whether substantial evidence exists in the record to support the prescribed fair argument.
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> Kostka & Zischke, *Practice Under CEQA*, §6.29, pp. 273–74.

The Courts have explained that "it is a question of law, not fact, whether a fair argument exists, and the courts owe no deference to the lead agency's determination. Review is de novo, with *a preference for resolving doubts in favor of environmental review*." *Pocket Protectors*, 124 Cal.App.4th at 928 (emphasis in original).

DISCUSSION

I. THERE IS SUBSTANTIAL EVIDENCE OF A FAIR ARGUMENT THAT THE PROJECT WILL HAVE POTENTIALLY SIGNIFICANT IMPACTS ON BIOLOGICAL RESOURCES.

An EIR is required because substantial evidence in the record indicates a fair argument that the Project will have significant biological impacts. Specifically, expert wildlife biologist Dr. Shawn Smallwood, Ph.D. has concluded that the Project site has value as a habitat for special status species and that the Project will have significant impacts on biological resources. Dr. Smallwood's comments and CV are attached as Exhibit A.[1] Additionally, Rare Plant Ecologist Christopher Winchell has concluded that the Project will result in significant impacts to special status plant species and burrowing owls. Mr. Winchell's comments and CV are attached as Exhibit B.[2]The City therefore must prepare an EIR for the Project. Dr. Smallwood's comments are supported by a site visit by wildlife biologist Noriko Smallwood ("Ms. Smallwood").[3] Mr.

[1] Ex. A, at 1.
[2] Ex. B, at 1.
[3] Ex. A, at 2.

Winchell's comments are supported by a site visit performed on March 14, 2025 to determine the suitability or presence of special-status plant and animal species.[4]

1. The MND Fails to Adequately Describe the Project's Environmental Setting.

The City inadequately characterized the existing environmental setting by failing to conduct adequate field surveys and desktop review. Every CEQA document must start from a "baseline" assumption. The CEQA "baseline" is the set of environmental conditions against which to compare a project's anticipated impacts. *Communities for a Better Envt. v. So. Coast Air Qual. Mgmt. Dist.* (2010) 48 Cal. 4th 310, 321. Section 15125(a) of the CEQA Guidelines (14 C.C.R., § 15125(a)) states in pertinent part that a lead agency's environmental review under CEQA:

> "…must include a description of the physical environmental conditions in the vicinity of the project, ***as they exist at the time [environmental analysis] is commenced***, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." (Emphasis added.)

(See, *Save Our Peninsula Committee v. County of Monterey* (2001) 87 Cal.App.4th 99, 124-125.) As the court of appeal has explained, "the impacts of the project must be measured against the 'real conditions on the ground,'" and not against hypothetical permitted levels. (*Save Our Peninsula, supra*, 87 Cal.App.4th 99, 121-123.)

The MND takes a mistaken view of species and habitat, stating that "[s]ensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type.[5] However, the relationship between habitat and species involves much more than just a vegetation complex assigned to a "habitat type."[6]. The MND is misleading in that it insinuates that sensitive species do not exist on the site merely because certain unidentified vegetation complexes are supposedly not present on the site.[7]

The MND claims that "[a]ccording to the United States Fish and Wildlife Service, there are no wetland or migratory bird nesting areas located within the project site," and that "[n]o offsite . . . migratory bird nesting areas would be affected by the proposed development since all development will be confined to the project site. *As a result, no impacts would occur.*"[8] However, the MND does not report the basis of these findings. No surveys or reports are cited and there is no other evidence to support this claim.[9]

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[4] Ex. B, at 2.
[5] MND, at 32.
[6] Ex. A, page 10.
[7] Id.
[8] MND, page 33.
[9] Ex. A, page 11.

There are also notable inconsistencies between the City's conclusions regarding the environmental setting.[10] For example, the MND repeatedly characterizes the project site as "showing signs of human disturbances"[11] later described as "severe artificial disturbances associated with off-road vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping."[12] However, the MND also reports that "**the site in its entirety is undisturbed**."[13] While there do appear to be signs of disturbances, they were not severe enough to prevent the occurrence of 34 Joshua trees on the site, nor the wildlife that Ms. Smallwood and Mr. Winchell detected on and around the site.[14] The City's repeated inconsistences and exaggerations preclude an understanding of the environmental setting and an effective impact analysis of the environmental setting.

The MND's environmental setting characterization is also deficient because no wildlife surveys have been completed at the project site. The City did not send any professional ecologists to survey the site, and the MND provides no reason for this deficiency of the CEQA review process.[15] Similarly, there were no protocol-level detection surveys conducted for monarch butterflies, Crotch's bumble bee, Mohave Desert tortoises, Mohave ground squirrels, Swainson's hawks, burrowing owls, or LeConte's thrashers.[16] While there was a survey conducted for Joshua trees, the CDFW guidelines for rare plants was not implemented. Therefore, Joshua trees aside, the findings of the MND lack connection to field surveys of plants and wildlife and there is no substantial evidence to support the MND's conclusions of less-than-significant impacts.

Dr. Smallwood notes that the MND does not report on the findings of any desktop review.[17] Similarly, USFWS findings are reported, but no source documents are cited. There is no evidence in the MND that a review of wildlife occurrence records was completed.[18] The omission of this review is a major deficiency that prevents disclosure of potential environmental impacts that would result from this project.

Numerous special status species will be adversely affected by the Project. "Special Status Species" is a universal term used in the scientific community for species that are considered sufficiently rare that they require special consideration and/or protection and should be, or have been, listed as rare, threatened or endangered by the Federal and/or State governments. Based on a database review and Ms. Smallwood's' site visit, Dr. Smallwood estimates that 114 special-status species of wildlife are known to occur on or near enough to the site to warrant analysis of occurrence potential.[19] Four (4) special status species were recorded on or just off the project site,

[10] Id.
[11] MND, pages 3, 7, 9, 21, 24, 27, 32.
[12] Id. at 37.
[13] Id. at 33 (emphasis added).
[14] Ex. A, page 11.
[15] Id. at 12.
[16] Id.
[17] Id. at 12.
[18] Id.
[19] Id.

and nearly half of these species have reportedly been seen within 4 miles of the project site.[20] Ms. Smallwood's brief site visit survey identified 4 special status species on the proposed Project site: one species on the U.S. Fish and Wildlife Service Bird of Conservation Concern (BCC) (California gull), two species on the Taxa to Watch List (California gull; California horned lark), one species on Bird of Prey (BOP) listed under California Fish and Game Code 3503.5 (American Kestrel), and one species located on the California Species of Special Concern list (Loggerhead shrike).[21]

Furthermore, Mr. Winchell's survey identified suitable burrowing owl foraging and nesting habitat on the Project site, as well as suitable habitat for desert kit fox and California ground squirrel, which dig burrows suitable for burrowing owl use.[22] Mr. Winchell's site visit determined that the site has potential to support 11 special-status plant species, including crowned muilla and the Western Joshua tree.[23] Therefore, the site supports multiple special-status species of wildlife, and carries the potential to support many more.

Because the MND fails to accurately describe the Project's environmental setting, a fair argument exists that the Project may have a significant impact on wildlife requiring preparation of an EIR..

2. The MND Lacks Evidence to Support a Finding that the Project Will Not Interfere with Wildlife Movement.

The MND provides no serious analysis of the potential for the project to interfere with wildlife movement in the region. The MND merely states that "[t]he site's utility as a habitat and a migration corridor is constrained by the presence of an adjacent roadways and the development that is present in the neighboring areas. *As a result, no impacts would occur*."[24] However, the MND cites no evidence that the adjacent roads and/or development constrain habitats or wildlife movement in any way.[25] If the MND's reasoning carried any weight, Ms. Smallwood should not have been able to see wildlife on the site.[26]

Further, the City did not retain any wildlife ecologists to survey the project site or surroundings. There was no program of observation to characterize wildlife use of the site for movement, nor any surveys to determine which species of wildlife occur on or around the site.[27] The existence of roads does not truly serve as a barrier to wildlife movement, as wildlife collisions with automobiles is one of the largest anthropogenic sources of wildlife mortality.[28]

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[20] Id.
[21] Id. at 7.
[22] Ex. B, at 3.
[23] Id. at 1.
[24] MND, at 34 (emphasis added).
[25] Ex. A, at 19.
[26] Id.
[27] Id.
[28] Id.

A fair argument can be made for the need to prepare an EIR to appropriately analyze the potential impacts to volant wildlife, as well as potential mitigation strategies.

3. There is Substantial Evidence that the Project will have a Significant Impact on Biological Resources as a Result of Traffic Collisions.

As a result of increased traffic resulting from the Project, Dr. Smallwood identified likely impacts to special-status species. Indeed, mortality and injures caused by project-generated traffic is one of the project's most substantial impacts to wildlife.[29] "Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic. . .including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building."[30] Vehicle collisions with special-status species is not a minor issue, but rather results in the death of millions of species each year, and impacts have been found to be significant at the population level.[31]

Based on his calculations, Dr. Smallwood predicts that the Project's annual VMT[32] would cause 731 vertebrate wildlife fatalities per year due to project-generated traffic, including special-status species.[33] Dr. Smallwood concludes the Project's traffic-related injuries and fatalities to wildlife constitutes a significant impact.[34] The MND does not address this potential impact and therefore lacks any evidence that the impact will not be significant. An EIR is necessary to appropriately analyze the impact of wildlife collision mortality resulting from project-generated traffic.

4. There is Substantial Evidence that the Project will have a Significant Impact on Biological Resources as a Result of Habitat Loss and the Resulting Lost Breeding Capacity.

While habitat loss results in the immediate decline in birds and other animals, it also results in a permeant loss of productive capacity.[35] The MND does not attempt to estimate the numerical or productive capacities of the site for nesting birds as a result of habitat lost from Project Development. This is likely because the MND improperly concludes that birds do not nest on the site. Contrary to the MND's conclusion, Ms. Smallwood observed at least 11 species of nesting birds on her site visit.[36] Ms. Smallwood's survey was only a reconnaissance survey, and therefore unsuitable for detecting all bird nests.

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[29] Id.
[30] Id.
[31] Id.
[32] While the MND does not report a prediction of annual vehicle miles traveled ("VMT"), Dr. Smallwood was able to predict VMT based on his experience analyzing traffic collision impacts at similar warehouse projects.
[33] Id. at 21-22.
[34] Id. at 22.
[35] Id. at 18.
[36] Id. at 18.

Based on field research, Dr. Smallwood estimates that development of the Project would result in the loss of 5.1 nest sites, 7.1 nest attempts, and 20.6 fledgling birds per year at the project site, which would result in an ongoing yearly loss of 23 birds.[37] Most, if not all, of these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act.[38] This loss of nests and birds each year is a potentially significant impact that has not been analyzed. An EIR is required to fully analyze the Project's impact on lost breeding capacity, and to mitigate that impact.

5. There is a Fair Argument that the Project Will Adversely Affect Special Status Species.

Dr. Smallwood proposes numerous mitigations measures that could vastly reduce the above impacts, such as measures to improve wildlife safety along roads, compensatory mitigation bird-window collisions, compensatory mitigation for road mortality, and funding of wildlife rehabilitation facilities. These mitigation measures should be analyzed in an EIR, alongside appropriate mitigation measures based on a valid characterization of the environmental setting and imposed if feasible.

Therefore, the Project will have a substantial adverse effect on special status species, and continuation of the Project without preparing and circulating an EIR will lead to habitat disturbance and modifications that will directly and indirectly affect special status species.

6. The Project's Cumulative Impacts Analysis is Fundamentally Flawed

Recognizing that several projects may together have a considerable impact, CEQA requires an agency to consider the "cumulative impacts" of a project along with other projects in the area. (Pub. Res. Code § 21083(b); 14 Cal. Code Regs. §15355(b).) If a project may have cumulative impacts, the agency must prepare an EIR, since "a project may have a significant effect on the environment if '[t]he possible effects of a project are individually limited but cumulatively considerable.'" (*CBE,* 103 Cal.App.4th at 98, 114; *Kings County Farm Bur.*, 221 Cal.App.3d at 721.) It is vital that an agency assess "'the environmental damage [that] often occurs incrementally from a variety of small sources . . .'" (*Bakersfield Citizens For Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1214.)

The cumulative impacts analysis in the MND is fundamentally flawed. The MND concludes that "[t]he proposed project *would not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein."[39] This conclusion is unsupported by substantial

[37] Id.
[38] Id. at 19.
[39] MND, at 89.

evidence. It is premised on the idea that no wildlife occurs on the project site.[40] However, as discussed above, special status wildlife and plants are present on site and there is substantial evidence that the Project will have significant impacts on biological resources. A cumulative impacts analysis that complies with CEQA must be completed.

II. THE MND'S PROPOSED BIOLOGICAL MITIGATION MEASURES ARE INSUFFICIENT TO BRING THE BIOLOGICAL RESOURCES IMPACTS TO A LEVEL BELOW SIGNIFICANCE.

An MND is improper because there is no evidence that the Project's proposed mitigation measures will not avoid or mitigate the potentially significant biological resources impacts "to a point where clearly no significant effect on the environment would occur, and…there is no substantial evidence in light of the whole record before the public agency that the project, as revised, may have a significant effect on the environment." PRC §§ 21064.5 and 21080(c)(2).

Dr. Smallwood and Mr. Winchell identified the multiple special status species and habitat on or near the Project site that will be impacted by the Project. However, the formulation of appropriate mitigation cannot occur until an adequate survey effort for wildlife on and around the project site is conducted.[41] The available protocol level detection survey guidelines also need to be implemented for multiple special-status species.[42] The single proposed mitigation measure is insufficient and therefore cannot guarantee that proposed measures will reduce the impacts below significance.

1. The MND does not disclose impacts to Western Joshua Trees.

Western Joshua Trees are a candidate species under the California Endangered Species Act.[43] At least 34 WJT are found on the Project site. However, the MND makes no assessment of the impacts that Project will have on Western Joshua Trees, and the conclusion that any impacts will be less-than-significant with mitigation is unsupported.

Appendix B of the MND is a Protected Plant Preservation Plan. This Plan details a survey conducted to determine the number of WJT on the Project site, and the number of WJT suitable for transplantation. However, neither the MND nor the Preservation Plan disclose whether, and to what extent, the Project will impact WJTs on the Project site. Because the Project may have a significant impact on WJTs, an EIR is required.

2. The MND's Mitigation of Impacts to Western Joshua Trees Violate CEQA.

In general, mitigation measures must be designed to minimize, reduce or avoid an identified environmental impact or to rectify or compensate for that impact. (CEQA Guidelines §

[40] Ex. A, at 22.
[41] Id. at 22.
[42] Id.
[43] https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/FAQ#602113850-is-wjt-still-a-candidate-under-the-california-endangered-species-act

15370.) A public agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 (finding groundwater purchase agreement inadequate mitigation measure because no record evidence existed that replacement water was available).) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social and technological factors. (14 CCR § 15364.) Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. (14 CCR § 15126.4(a)(2).)

Mitigation Measure BIO-1 provides:

> Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.[44]

This mitigation measure violates CEQA in numerous ways.

First, there is no evidence that obtaining an incidental take permit and a payment of a fee will actually minimize, reduce, avoid, rectify, or compensate for lost Joshua Trees as required by (CEQA Guidelines § 15370.) Moreover, there is no explanation of whether or how compliance with WJTCA would reduce impacts to a less than significant level under CEQA since there is no disclosure of what the Project's impacts on Joshua Trees will be.

Second, paying a fee does not constitute adequate mitigation unless there is evidence that the fees will fund a specific mitigation plan that will actually be implemented in its entirety. (*Napa Citizens for Honest Gov. v. Bd. Of Supervisors* (2001) 91 CallApp.4th 342 (no evidence that impacts will be mitigated simply by paying a fee); *Anderson First Coal. v. City of Anderson* (2005) 130 Ca.App.4th 1173 (traffic mitigation fee is inadequate because it does not ensure that mitigation measure will actually be implemented); see also Save Our Peninsula Committee v. Monterey County Bd. of Supervisors, supra, 87 Cal.App.4th 99, 140 [commitment to pay fees without any evidence that mitigation will actually occur is inadequate].) No such evidence is provided here.

Third, Even if paying a fee did mitigate the impact – which there is no evidence of - the fee amount will not be determined until some later time after CEQA review is complete, improperly deferring mitigation.

Fourth, the MND also improperly defers mitigation by stating "Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit." Lead agencies may defer formulating

[44] MND, p. 34.

mitigation until after project approval only "when it is impractical or infeasible to include those details during the project's environmental review." (CEQA Guidelines § 15126.4(a)(1)(B); *see also POET, LLC v. State Air Res. Bd.* (2013) 218 Cal.App.4th 681, 736.) In the limited circumstances where deferring mitigation is justified, the EIR must (1) commit itself to the mitigation, (2) adopt specific performance standards the mitigation will achieve, and (3) identify the types of potential actions that can feasibly achieve that performance standard. (Guidelines § 15126.4, subd. (a)(1)(B).) The MND does none of this.

Finally, there is no explanation of why 3 of the 34 trees were deemed suitable for transplantation, yet nothing in the mitigation measure requires any transplantation.

While not included in the mitigation measure, the MND states that "CDFW may require relocation of WJT based on the final WJT census." It is unclear if the MND considers this mitigation. If so, it is improper under CEQA because there is no evidence that relocation will actually occur or that relocation will reduce impacts to less-than-significant, particularly given the Protection Plan's conclusion that only 3 of the 34 trees are suitable for transplantation. Where feasibility is called into question, the agency must demonstrate feasibility. (*Sundstrom v County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309 [mitigation calling for a future use permit for sludge disposal was improperly deferred because there was no evidence of feasibility in the face of uncertainty: "the record discloses that the applicant presented no plans for sludge disposal and that no solution was readily available."].)

Also not included in mitigation measure Bio-1, the MND lists three "minimization measures" that are "applicable to the Joshua Tree that is present on the project site." The first minimization measure is;

> The Joshua tree will be retained in place or replanted somewhere on the site where they can remain in perpetuity or will be transplanted to an off-site area approved by the city where they can remain in perpetuity. Joshua trees which are deemed not suitable for transplanting will be cut-up and discarded as per City requirements.

MND, p. 33.

This measure is vague, uncertain, and the efficacy is unsupported. Again, only 3 of the 34 trees on site are suitable for transplantation according to the Protection Plan. There is no evidence that cutting up and discarding 31 of the 34 protected Joshua Trees will mitigate impacts to these trees. In fact, the mitigation measure here seems to actually cause an impact, and this impact must be analyzed.

Moreover, the literature-based justification for determining transplantation suitability of Western Joshua trees was not provided.[45] The plan states that transplant suitability is "based on industry standards," and provides a list of the suitability criteria without citation or reference, resulting in the exclusion of four of the seven living western Joshua trees occurring on the project

[45] Ex. B, at 3.

site.[46] However, based upon the CDFW's Western Joshua Tree Relocation Guidelines and Protocols, Mr. Winchell concluded that all seven living Joshua trees on the Project site are suitable for transplantation.[47]

Moreover, the MND does not disclose how these vaguely described "minimization measures" will be enforced. Mitigation measures must be fully enforceable through permit conditions, agreements or other legally binding instruments. 14 CCR § 15126.4(a)(2). *See Woodward Park Homeowners Assn., Inc. v. City of Fresno* (2007) 150 Cal. App. 4th 683, 730 (project proponent's agreement to a mitigation by itself is insufficient; mitigation measure must be an enforceable requirement). Here, there is no discussion of whether and now any of the "minimization measures" will be enforced, violating CEQA.

Relying only on a mitigation measure that violates CEQA and vague measures not included as enforceable mitigation measures, there is no evidence that impacts to Joshua Trees will be reduce below significance. An EIR is needed to analyze and mitigate the Project's potentially significant impact and adopt CEQA-compliant mitigation measures to mitigate impacts on the protected Western Joshua Trees.

3. The City Fails to Implement Mitigation Measures to Protect Wildlife Species Observed on the Project Site.

There is more than a fair argument that an EIR is necessary to adequately identify and formulate mitigation measures for the bird species observed on and near the Project site. The City not only fails to propose any mitigation for potential wildlife impacts—it fails to address these impacts altogether. The MND requires no mitigation for wildlife and provides no justification for this critical gap in the CEQA review process. No wildlife surveys were conducted at the Project site, and the MND fails to explain this omission.

An EIR is essential to develop an effective mitigation strategy. At a minimum, the City must conduct both reconnaissance-level and protocol-level surveys for special-status species. However, none of these surveys were conducted as part of the MND. The only wildlife survey conducted regarding the Project was a brief, less-than-three-hour perimeter survey conducted by Ms. Smallwood, who did not even have access to the interior of the Project site. Yet, despite these limitations, her short survey still identified four special-status species.

The MND fails to accurately characterize the environmental setting, as it includes no survey data to establish a baseline for protected wildlife species in the area. The City then uses this lack of data to justify the complete absence of any wildlife mitigation measures. Given that even a limited perimeter survey detected multiple special-status species, the need for further data is clear. So too is the City's failure to incorporate any measures to address potential wildlife impacts into the MND or the Project itself. For these reasons, preparation of an EIR is not only warranted

[46] Id.
[47] Id.

but necessary to support a legally adequate impact analysis and to formulate appropriate and feasible mitigation measures.

CONCLUSION

For the foregoing reasons, SAFER requests that the City prepare an Environmental Impact Report to analyze and mitigate the Project's significant adverse environmental impacts.

Sincerely,

Mitchell E. Thielemann

Mitchell E. Thielemann
LOZEAU DRURY LLP

EXHIBIT A

Shawn Smallwood, PhD
3108 Finch Street
Davis, CA 95616

Leilani Henry, Assistant Planner
City of Hesperia Development Department, Planning Division
9700 Seventh Avenue
Hesperia, California 92345

19 March 2025

RE: Bickmore Warehouse

Dear Ms. Henry,

I write to comment on potential impacts to biological resources from the proposed Bickmore Warehouse project, which I understand would add two warehouses totaling 79,778 square-feet of floor space on 5.22 acres at the southwest corner of Mojave Street and E Avenue in Hesperia, California. I comment on the analyses of impacts to biological resources in the Initial Study/Mitigated Negative Declaration (IS/MND).

My qualifications for preparing expert comments are the following. I hold a Ph.D. degree in Ecology from University of California at Davis, where I also worked as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on animal density and distribution, habitat selection, wildlife interactions with the anthrosphere, and conservation of rare and endangered species. I authored many papers on these and other topics. I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and Raptor Research Foundation, and I've lectured part-time at California State University, Sacramento. I was Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. I have performed wildlife surveys in California for thirty-seven years. My CV is attached.

THE WILDLIFE COMMUNITY AS BIOLOGICAL RESOURCE

Most environmental reviews pursuant to the California Environmental Quality Act (CEQA) focus on special-status species because CEQA's Checklist Evaluation of Environmental Impacts specifies that such evaluation includes potential impacts to special-status species. However, an important policy of CEQA is "to prevent the elimination of fish or wildlife species due to man's activities, insure that fish and wildlife populations do not drop below self-perpetuating levels, and preserve for future generations representations of all plant and animal communities and examples of the major periods of California history." Pub. Res. Code § 21001(c). This policy is not restricted to special-status species, but applies to wildlife populations and plant and animal communities. In fact, the CEQA Guidelines Section 21155.1 defines wildlife habitat as "the ecological communities upon which wild animals, birds, plants, fish, amphibians, and invertebrates depend for their conservation and protection." The CEQA Checklist Evaluation assigns priority to special-status species to balance

information and cost, but it does not exclude the need to evaluate environmental impacts to other species, which, after all, are members of the very communities within which special-status species inter-depend for survival and reproduction.

All wildlife species should be of concern in a CEQA review, but the CEQA prioritizes special-status species. The species I consider to be special-status species are those listed in California's Special Animals List inclusive of threatened and endangered species under the California and federal Endangered Species Acts, candidates for listing under CESA and FESA, California's Fully Protected Species, California species of special concern, and California's Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406), continental and region-specific US Fish and Wildlife Service Birds of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf), and naturally rare species such as raptors protected by California's Birds of Prey laws, Fish and Game Code Sections 3503, 3503.5, 3505 and 3513 (see https://wildlife.ca.gov/Conservation/Birds/Raptors).

SITE VISIT

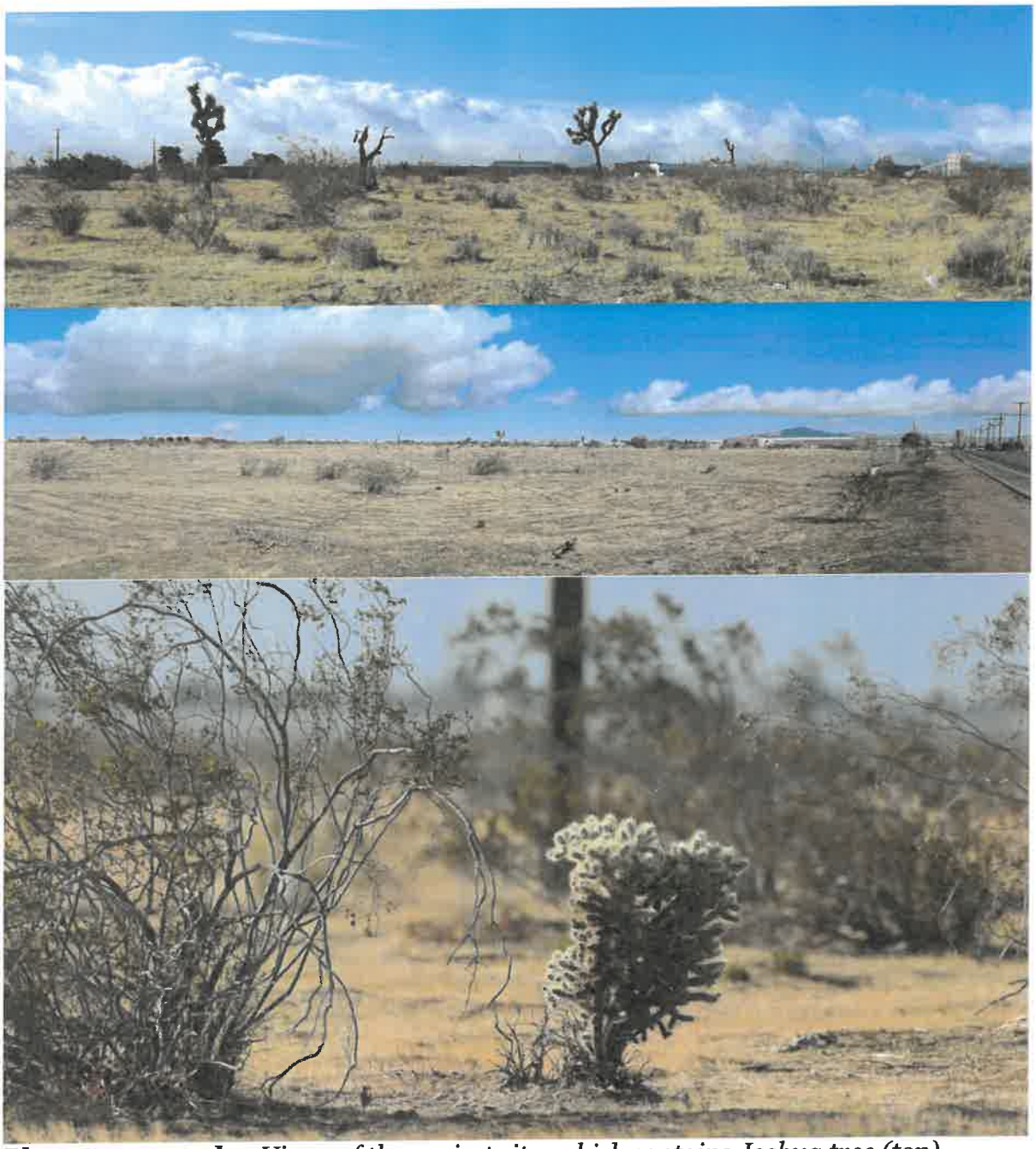
On my behalf, Noriko Smallwood, a wildlife biologist with a Master's Degree from California State University Los Angeles, visited the site of the proposed project for 2.83 hours from 06:14 to 09:04 hours on 6 March 2025. She walked the site's perimeter where accessible, stopping to scan for wildlife with use of binoculars. Noriko recorded all species of vertebrate wildlife she detected, including those whose members flew over the site or were seen nearby, off the site. Animals of uncertain species identity were either omitted or, if possible, recorded to the Genus or higher taxonomic level.

Conditions were sunny with 10-17 MPH south wind and temperatures of 37-42° F. The site is mostly undisturbed with Joshua tree woodland (Photos 1-3).

Noriko saw California gull (Photo 4), loggerhead shrike and American kestrel (Photos 5 and 6), common raven (Photo 7), rock pigeon (Photo 8), house finch (Photos 9 and 10), among the other species listed in Table 1. Noriko detected 14 species of vertebrate wildlife at or adjacent to the project site, including four species with special status (Table 1).

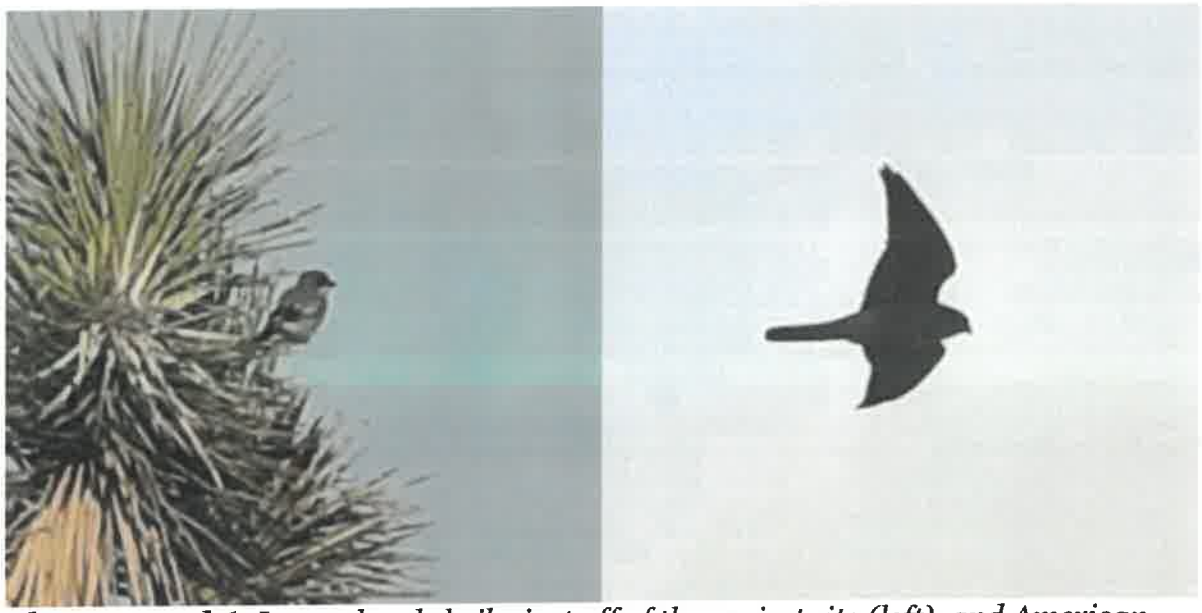
Noriko Smallwood certifies that the foregoing and following survey results are true and accurately reported.

Noriko Smallwood



Photos 1, 2, and 3. *Views of the project site, which contains Joshua tree (top), creosote (all), cholla (bottom), among other plant species,* 6 March *2025. Photos by Noriko Smallwood.*

Photo 4. *California gull on the project site,* 6 March *2025. Photo by Noriko Smallwood.*



Photos 5 and 6. *Loggerhead shrike just off of the project site (left), and American kestrel on the project site (right),* 6 March *2025. Photos by Noriko Smallwood.*

Photo 7. *Common raven on the project site,* 6 March *2025. Photo by Noriko Smallwood.*

Photo 8. *Rock pigeons on the project site,* 6 March *2025. Photo by Noriko Smallwood.*

Photos 9 and 10. *House finches on the project site,* 6 March *2025. Photos by Noriko Smallwood.*

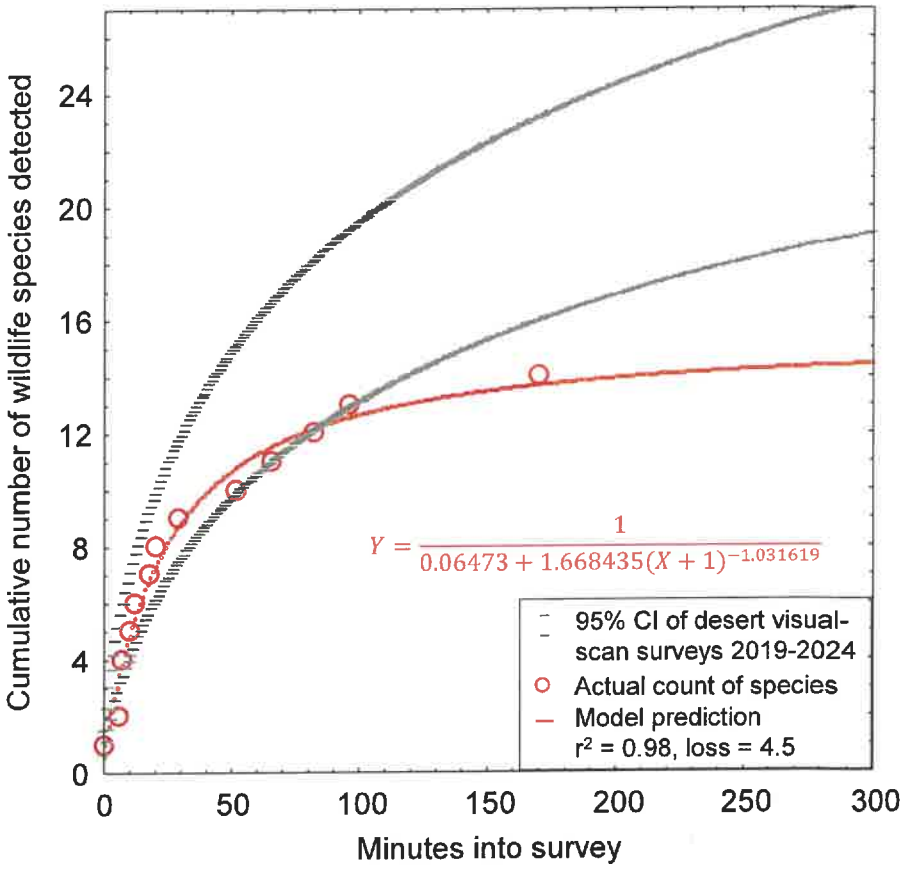
Table 1. *Species of wildlife Noriko observed during 2.83 hours of survey on 6 March 2025.*

Common name	*Species name*	Status[1]	Notes
Rock pigeon	*Columba livia*	Non-native	Flew over, perched just off site
California gull	*Larus californicus*	BCC, WL	Flew over
American kestrel	*Falco sparverius*	BOP	Flew over
Loggerhead shrike	*Lanius ludovicianus*	SSC2	Perched on Joshua tree just off site
Common raven	*Corvus corax*		Foraged, flew over
California horned lark	*Eremophila alpestris actia*	WL	On site and flew over
Tree swallow	*Tachycineta bicolor*		Flock flew over
Mountain bluebird	*Sialia currucoides*		Perched just off site
House sparrow	*Passer domesticus*	Non-native	Just off site
House finch	*Haemorphous mexicanus*		Foraged
Sparrow sp.			Likely Savannah sparrow or white-crowned sparrow
California ground squirrel	*Otospermophilus beecheyi*		Burrows
Domestic dog	*Canis familiaris*	Non-native	3 observed
Kangaroo rat	*Dipodomys sp.*		Many burrows

[1] Listed on Special Animals List as SSC = California Species of Special Concern (see Shuford and Gardali 2008 for numbers indicating priority of concern) or WL = Taxa to Watch List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406); listed by U.S. Fish and Wildlife Service as BCC = Bird of Conservation Concern (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf); or protected as BOP = Birds of Prey (California Fish and Game Code 3503.5).

The species of wildlife Noriko detected at the project site comprised only a sampling of the species that were present during her survey. To demonstrate this, I fit a nonlinear regression model to Noriko's cumulative number of vertebrate species detected with time into her survey to predict the number of species that she would have detected with a longer survey or perhaps with additional biologists available to assist her. The model is a logistic growth model which reaches an asymptote that corresponds with the maximum number of vertebrate wildlife species that could have been detected during the survey. In this case, the model fit to her survey data predict 15 species of vertebrate wildlife were available to be detected during each of her surveys, or only 1 more species than she detected (Figure 1).

Figure 1. *Actual and predicted relationships between the numbers of vertebrate wildlife species detected and the elapsed survey time based on Noriko's visual-scan survey on 6 March 2025.*



Unknown is the identity of the species Noriko missed, but the pattern in her data indicates average use of the project site compared to 19 surveys at other desert sites she and I have completed in California (Figure 1). Importantly, however, the species Noriko did and did not detect on 6 March composed only a fraction of the species that would occur at the project site over the period of a year or longer. This is because many species are seasonal in their occurrence, and the members of many others would visit the site only periodically while patrolling large home ranges.

At least a year's worth of surveys would be needed to more accurately report the number of vertebrate species that occur at the project site, but I only have Noriko's one survey. However, by use of an analytical bridge, a modeling effort applied to a large, robust data set from a research site can predict the number of vertebrate wildlife species that likely make use of the site over the longer term. As part of my research, I completed a much larger survey effort across 167 km² of annual grasslands of the Altamont Pass Wind Resource Area, where from 2015 through 2019 I performed 721 1-hour visual-scan surveys, or 721 hours of surveys, at 46 stations. I used binoculars and otherwise the methods were the same as the methods I and other consulting biologists use for surveys at proposed project sites. At each of the 46 survey stations, I tallied new species detected with each sequential survey at that station, and then related the cumulative species detected to the hours (number of surveys, as each survey lasted 1 hour) used to accumulate my counts of species detected. I used combined quadratic and simplex

methods of estimation in Statistica to estimate least-squares, best-fit nonlinear models of the number of cumulative species detected regressed on hours of survey (number of surveys) at the station: $\hat{R} = \frac{1}{1/a+b\times(Hours)^c}$, where $\hat{R}$ represented cumulative species richness detected. The coefficients of determination, r^2, of the models ranged 0.88 to 1.00, with a mean of 0.97 (95% CI: 0.96, 0.98); or in other words, the models were excellent fits to the data.

I projected the predictions of each model to thousands of hours to find predicted asymptotes of wildlife species richness. The mean model-predicted asymptote of species richness was 57 after 11,857 hours of visual-scan surveys among the 46 stations of my research site. I also averaged model predictions of species richness at each incremental increase of number of surveys, i.e., number of hours (Figure 2). On average I would have detected 12.2 species over my first 2.83 hours of surveys at my research site in the Altamont Pass (2.83 hours to match the 2.83 hours Noriko surveyed at the project site), which composed 21.4% of the predicted total number of species I would detect with a much larger survey effort at the research site. Given the example illustrated in Figure 2, the 14 species Noriko detected after her 2.83 hours of survey at the project site likely represented 21.4% of the species to be detected after many more visual-scan surveys over another year or longer. With many more repeat surveys through the year, Noriko would likely detect $^{14}/_{0.214} = 65$ species of vertebrate wildlife at the site. Assuming Noriko's ratio of special-status to non-special-status species was to hold through the detections of all 65 predicted species, then continued surveys would eventually detect 19 special-status species of vertebrate wildlife.

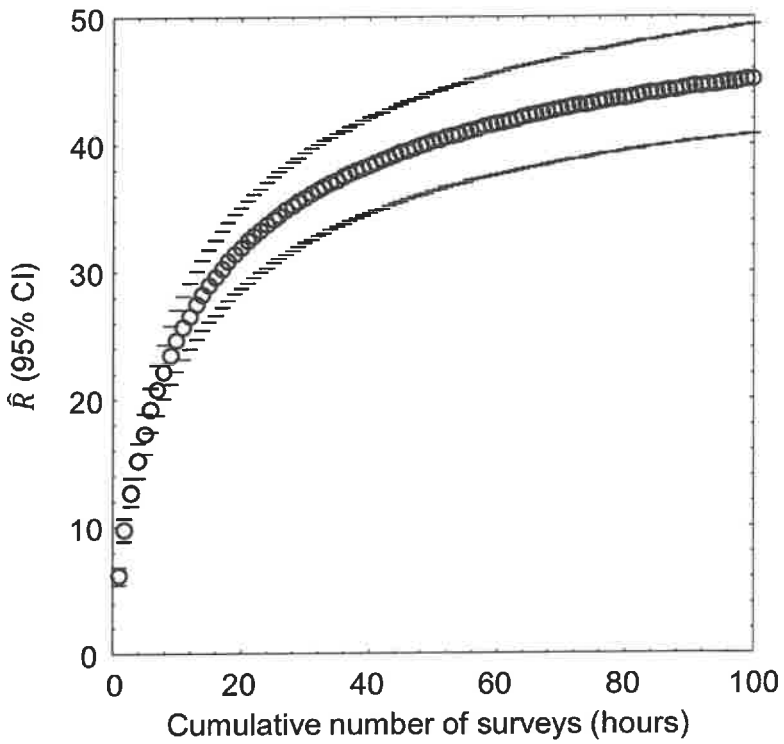


Figure 2. *Mean (95% CI) predicted wildlife species richness, $\hat{R}$, as a nonlinear function of hour-long survey increments across 46 visual-scan survey stations across the Altamont Pass Wind Resource Area, Alameda and Contra Costa Counties, 2015–2019. Note that the location of the study is largely irrelevant to the utility of the graph to the interpretation of survey outcomes at the project site. It is the pattern in the data that is relevant, because the pattern is typical of the pattern seen elsewhere.*

Because my prediction of 65 species of vertebrate wildlife, including 19 special-status species of vertebrate wildlife, is derived from daytime visual-scan surveys, and would detect few nocturnal mammals such as bats, the true number of species composing the wildlife community of the site must be larger. Noriko's reconnaissance survey should serve only as a starting point toward characterization of the site's wildlife community, but it certainly cannot alone inform of the inventory of species that use the site. More surveys are needed than her one survey to inventory the project site's wildlife community. Nevertheless, the large number of species I predict at the project site is indicative of a relatively species-rich wildlife community that warrants a serious survey effort.

EXISTING ENVIRONMENTAL SETTING

The first step in analysis of potential project impacts to biological resources is to accurately characterize the existing environmental setting, including the wildlife community and any key ecological relationships and known and ongoing threats to special-status species. A reasonably accurate characterization of the environmental setting can provide the baseline against which to analyze potential project impacts. For these reasons, characterization of the environmental setting, including the project site's regional setting, is one of the CEQA's essential analytical steps. Methods to achieve this first step typically include (1) surveys of the site for biological resources, and (2) reviews of literature, databases and local experts for documented occurrences of special-status species. In the case of the proposed project, these required steps remain incomplete and misleading.

Before I begin my comments on field surveys and desktop review, I need to address a mistaken view of species and habitat. According to the IS/MND (p. 32), "Sensitive biological resources include a variety of plant and animal species that are specialized and endemic to a particular habitat type." Habitat is defined as the portion of the environment that is used by members of a species for survival and reproduction (Hall et al. 1997, Morrison et al. 1998), whereas a habitat type refers to a vegetation complex. A species' habitat is not just a vegetation complex (Hall et al. 1997, Krausman 2016). A habitat is the home of a species, as it provides the cover, forage, templates for breeding, and opportunities for socialization, the combination of which is specific to the species, but which encompasses a portion of the aerosphere, underlying soils, water bodies and the biological community where the species is resident or seasonal at both ends of a migration route and all places in between. In other words, habitat is much more than a vegetation complex assigned to a "habitat type." Habitats of some species are more restricted geographically than of others, often contributing to species being referred to as sensitive because habitat loss to these species comprises a larger proportion of remaining habitat. Also contributing to the sensitivity of a species is the degree to which humans seek to take the species' habitat for economic gain. Thus, the IS/MND's insinuation is misleading that habitat types to which sensitive species are specialized and dependent upon do not exist on the project site. The insinuation pigeon-holes sensitive species into unidentified vegetation complexes that are supposedly not present.

For many species, it is unclear why the species is experiencing numerical decline or spatial contraction and therefore is labeled as sensitive. By far the most often hypothesized reasons are habitat loss and habitat fragmentation, but one specific portion of the habitat might account for the decline. The burrowing owl is a useful example, because it has long been associated with a wide range of open environments including the very environment of the project site, and it has long been described as exploitive of disturbed environments such as areas graded for roads or construction projects. Despite its seemingly robust nature, the burrowing owl is in rapid decline across all of California, recently prompting the California Fish and Game Commission to designate it a candidate for listing under the California Endangered Species Act. Habitat loss and habitat fragmentation is likely causing the decline of the burrowing owl, but a specific part of the burrowing owl's habitat might explain a disproportionate amount of the decline, and that is the loss of an important mutualist species – the ground squirrel (K. S. Smallwood unpublished data; Smallwood and Morrison 2018, 2024).

The IS/MND reports, "According to the United States Fish and Wildlife Service, there are no wetland or migratory bird nesting areas located within the project site." Unreported, however, is the basis of the USFWS 's findings. Did the USFWS perform surveys on the site? If the findings originate from a USFWS report, no such report is cited.

Shortly after the above statement, the IS/MND claims "No offsite ... migratory bird nesting areas would be affected by the proposed development since all development will be confined to the project site. *As a result, no impacts would occur.*" This finding combined with the previous finding implies that migratory birds do not nest anywhere. The IS/MND's findings cannot possibly be true. The bases of these findings are not reported, because they do not exist.

Furthermore, I am suspicious that the City paid little attention to what it wrote about the environmental setting. As an example, having repeatedly characterized the project site as "showing signs of human disturbances" (IS/MND: 3, 7, 9, 21, 24, 27, 32), which were later described as "severe artificial disturbances associated with offroad vehicle activity, discing, and installation of modern flood control culverts, and modern refuse dumping" (twice stated on p. 37), the IS/MND (p. 33) reports, "The site in its entirety is undisturbed." Of course, the site is not entirely undisturbed, nor are the disturbances that the IS/MND as severe in their consequences to plants and wildlife as the IS/MND implies. The disturbances were insufficiently severe to prevent the occurrences of 34 Joshua trees on the site, nor the wildlife that Noriko Smallwood detected on and around the site.

Environmental Setting informed by Field Surveys

To the CEQA's primary objective to disclose potential environmental impacts of a proposed project, the analysis should be informed of which biological species are known to occur at the proposed project site, which special-status species are likely to occur, as well as the limitations of the survey effort directed to the site. Analysts need this

information to characterize the environmental setting as a basis for opining on, or predicting, potential project impacts to biological resources.

Other than Noriko Smallwood's survey, no surveys for wildlife have been completed at the project site. The City did not send any professional wildlife ecologists to survey the site. The IS/MND provides no reason for this deficiency of the CEQA review, but the failure to complete surveys for wildlife is a major deficiency that prevents disclosure of potential environmental impacts that would result from the project. The project should not move forward without having the appropriate foundation for impacts analyses and the formulation of a mitigation strategy.

Not only has there been no reconnaissance survey for wildlife on the project site, but no protocol-level detection surveys have been conducted for monarch, Crotch's bumble bee, Mohave Desert tortoises, Mohave ground squirrels, Swainson's hawks, burrowing owls or LeConte's thrashers. RCA (2023) surveyed the project site for Joshua trees, but not for any other species of rare plants. Thus, the CDFW (2018) survey guidelines for rare plants have also yet to be implemented. Except for Joshua trees, the findings of the IS/MND lack any connection to field surveys of plants and wildlife.

Environmental Setting informed by Desktop Review

The purpose of literature and database reviews and of consulting with local experts is to inform the field survey, and to augment interpretation of its outcome. Analysts need this information to identify which species are known to have occurred at or near the project site, and to identify which other special-status species could conceivably occur at the site due to geographic range overlap and migration flight paths.

The IS/MND does not report on the findings of any desktop review. Findings of the USFWS are reported, but no source document is cited. The IS/MND presents no evidence that a review of wildlife occurrence records was completed. The IS/MND provides no reason for this deficiency of the CEQA review process, but the omission of a desktop review is a major deficiency that prevents disclosure of potential environmental impacts that would result from the project. The project should not move forward without having the appropriate foundation for impacts analyses and the formulation of a mitigation strategy.

In my assessment based on a database review and a site visit, 114 special-status species of wildlife are known to occur near enough to the site to warrant analysis of occurrence potential (Table 2). Of these 114 species, 4 (3.5%) were recorded on or just off the project site, and another 17 (15%) species have been documented within 1.5 miles of the site ('Very close'), another 29 (25%) within 1.5 and 4 miles ('Nearby'), and another 54 (47%) within 4 to 30 miles ('In region'). Almost half (44%) of the species in Table 2 have been reportedly seen within 4 miles of the project site. The site therefore supports multiple special-status species of wildlife and carries the potential for supporting many more special-status species of wildlife based on the proximities of recorded occurrences. The site is far richer in special-status species than the City would have the reader believe.

Table 2. *Occurrence likelihoods of special-status bird species inferred from proximities of occurrence records in eBird/iNaturalist records (https://eBird.org, https://www.inaturalist.org) and on-site survey findings, where 'Very close' indicates within 1.5 miles of the site, "nearby" indicates within 1.5 and 4 miles, and "in region" indicates within 4 and 30 miles, and 'in range' means the species' geographic range overlaps the site. Entries in bold font identify species detected by Noriko Smallwood.*

Common name	***Species name***	**Status[1]**	**Database records, Site visit**
Monarch	*Danaus plexippus*	FC	In region
Crotch's bumble bee	*Bombus crotchii*	CCE	Very close
Western pond turtle	*Emys marmorata*	SSC	In region
Mojave desert tortoise	*Gopherus agassizii*	FT, CE	In region
Blainville's horned lizard	*Phrynosoma blainvillii*	SSC	In region
Brant	*Branta bernicla*	SSC2	In region
Cackling goose (Aleutian)	*Branta hutchinsii leucopareia*	WL	Nearby
Redhead	*Aythya americana*	SSC2	Nearby
Barrow's goldeneye	*Bucephala islandica*	SSC	In region
Western grebe	*Aechmophorus occidentalis*	BCC	Nearby
Clark's grebe	*Aechmophorus clarkii*	BCC	In region
Western yellow-billed cuckoo	*Coccyzus americanus occidentalis*	FT, CE	In region
Black swift	*Cypseloides niger*	SSC3, BCC	In region
Vaux's swift	*Chaetura vauxi*	SSC2	Nearby
Costa's hummingbird	*Calypte costae*	BCC	Very close
Calliope hummingbird	*Selasphorus calliope*	BCC	In region
Rufous hummingbird	*Selasphorus rufus*	BCC	Nearby
Allen's hummingbird	*Selasphorus sasin*	BCC	Nearby
American avocet	*Recurvirostra americana*	BCC	Nearby
Mountain plover	*Charadrius montanus*	SSC2, BCC	In range
Snowy plover	*Charadrius nivosus*	BCC	In region
Western snowy plover	*Charadrius nivosus nivosus*	FT, SSC	In range
Long-billed curlew	*Numenius americanus*	WL	In region
Marbled godwit	*Limosa fedoa*	BCC	In region
Pectoral sandpiper	*Calidris melanotos*	BCC	In region
Short-billed dowitcher	*Limnodromus griseus*	BCC	In region
Lesser yellowlegs	*Tringa flavipes*	BCC	In region

Common name	*Species name*	Status[1]	Database records, Site visit
Willet	*Tringa semipalmata*	BCC	In region
Franklin's gull	*Leucophaeus pipixcan*	BCC	In region
Heermann's gull	*Larus heermanni*	BCC	In region
California gull	*Larus californicus*	BCC, WL	**On site**
California least tern	*Sternula antillarum browni*	FE, CE, CFP	In region
Black tern	*Chlidonias niger*	SSC2, BCC	Nearby
Common loon	*Gavia immer*	SSC	Very close
Double-crested cormorant	*Phalacrocorax auritus*	WL	Very close
American white pelican	*Pelacanus erythrorhynchos*	SSC1	Nearby
Least bittern	*Ixobrychus exilis*	SSC2	In region
White-faced ibis	*Plegadis chihi*	WL	Nearby
Turkey vulture	*Cathartes aura*	BOP	Very close
Osprey	*Pandion haliaetus*	WL, BOP	Very close
White-tailed kite	*Elanus luecurus*	CFP, BOP	In region
Golden eagle	*Aquila chrysaetos*	BGEPA, CFP, BOP, WL	In region
Northern harrier	*Circus cyaneus*	BCC, SSC3, BOP	Nearby
Sharp-shinned hawk	*Accipiter striatus*	WL, BOP	Very close
Cooper's hawk	*Accipiter cooperii*	WL, BOP	Very close
Bald eagle	*Haliaeetus leucocephalus*	CE, BGEPA, BOP	Nearby
Red-shouldered hawk	*Buteo lineatus*	BOP	Nearby
Swainson's hawk	*Buteo swainsoni*	CT, BOP	Nearby
Red-tailed hawk	*Buteo jamaicensis*	BOP	Very close
Ferruginous hawk	*Buteo regalis*	WL, BOP	Nearby
Zone-tailed hawk	*Buteo albonotatus*	BOP	In region
Harris' hawk	*Parabuteo unicinctus*	WL, BOP	In region
Rough-legged hawk	*Buteo lagopus*	BOP	In region
American barn owl	*Tyto furcata*	BOP	Nearby
Western screech-owl	*Megascops kennicotti*	BOP	In region
Great horned owl	*Bubo virginianus*	BOP	Very close
Burrowing owl	*Athene cunicularia*	BCC, CCE, SSC2, BOP	Very close
Long-eared owl	*Asio otus*	BCC, SSC3, BOP	In region

Common name	*Species name*	Status[1]	Database records, Site visit
Short-eared owl	*Asia flammeus*	BCC, SSC3, BOP	In region
Lewis's woodpecker	*Melanerpes lewis*	BCC	In region
Nuttall's woodpecker	*Picoides nuttallii*	BCC	Very close
American kestrel	*Falco sparverius*	BOP	**On site**
Merlin	*Falco columbarius*	WL, BOP	Very close
Peregrine falcon	*Falco peregrinus*	BOP	Nearby
Prairie falcon	*Falco mexicanus*	WL, BOP	Nearby
Olive-sided flycatcher	*Contopus cooperi*	BCC, SSC2	Nearby
Willow flycatcher	*Empidonax trailii*	CE	Nearby
Southwestern willow flycatcher	*Empidonax traillii extimus*	FE, CE	In region
Vermilion flycatcher	*Pyrocephalus rubinus*	SSC2	Nearby
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	In region
Gray vireo	*Vireo vicinior*	SSC2	In region
Loggerhead shrike	*Lanius ludovicianus*	SSC2	**Just off site**
Oak titmouse	*Baeolophus inornatus*	BCC	Very close
Verdin	*Auriparus flaviceps*	BCC	Very close
California horned lark	*Eremophila alpestris actia*	WL	**On site**
Bank swallow	*Riparia riparia*	CT	Nearby
Purple martin	*Progne subis*	SSC2	In region
Wrentit	*Chamaea fasciata*	BCC	In region
Black-tailed gnatcatcher	*Polioptila melanura*	WL	In region
California thrasher	*Toxostoma redivivum*	BCC	Nearby
LeConte's thrasher	*Toxostoma lecontei*	SSC1, BCC	In region
Cassin's finch	*Haemorhous cassinii*	BCC	Nearby
Lawrence's goldfinch	*Spinus lawrencei*	BCC	Very close
Black-chinned sparrow	*Spizella atrogularis*	BCC	In region
Gray-headed junco	*Junco hyemalis caniceps*	WL	In region
Bell's sparrow	*Amphispiza b. belli*	WL	In region
Oregon vesper sparrow	*Pooecetes gramineus affinis*	SSC2	In range
Southern California rufous-crowned sparrow	*Aimophila ruficeps canescens*	WL	In region

Common name	*Species name*	Status[1]	Database records, Site visit
Yellow-breasted chat	*Icteria virens*	SSC3	Nearby
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	SSC3	Nearby
Bullock's oriole	*Icterus bullockii*	BCC	Nearby
Tricolored blackbird	*Agelaius tricolor*	CT, BCC, SSC1	In region
Lucy's warbler	*Leiothlypis luciae*	SSC3	In region
Virginia's warbler	*Leiothlypis virginiae*	WL, BCC	In region
Yellow warbler	*Setophaga petechia*	SSC2	Nearby
Summer tanager	*Piranga rubra*	SSC1	Nearby
California myotis	*Myotis californicus*	WBWG:L	In region
Small-footed myotis	*Myotis ciliolabrum*	WBWG: M	In range
Canyon bat	*Parastrellus hesperus*	WBWG: M	In region
Big brown bat	*Episticus fuscus*	WBWG: L	In region
Silver-haired bat	*Lasionycteris noctivagans*	WBWG: M	In range
Hoary bat	*Lasiurus cinereus*	WBWG: M	In region
Spotted bat	*Euderma maculatum*	SSC, WBWG: H	In range
Townsend's big-eared bat	*Corynorhinus townsendii*	SSC, WBWG: H	In region
Pallid bat	*Antrozous pallidus*	SSC, WBWG: H	In range
Mexican free-tailed bat	*Tadarida brasiliensis*	WBWG: L	In region
Western mastiff bat	*Eumops perotis*	SSC, WBWG: H	In range
San Diego black-tailed jackrabbit	*Lepus californicus bennettii*	SSC	In region
Mohave ground squirrel	*Xerospermophilus mohavensis*	CT	In region
Pallid San Diego pocket mouse	*Chaetodipus fallax pallidus*	SSC	In range
Los Angeles pocket mouse	*Perognathus longimembris brevinasus*	SSC	In region
Southern grasshopper mouse	*Onychomys torridus ramona*	SSC	In range
American badger	*Taxidea taxus*	SSC	In region
Mountain lion	*Puma concolor*	CCT	Very close

[1] Listed on Special Animals List (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=109406) as FT or FE = federal threatened or endangered, FC = federal candidate for listing, CCT or CCE = Candidate California threatened or endangered, CFP = California Fully Protected (California Fish and Game Code 3511), SSC = California Species of Special Concern (see Shuford and Gardali 2008 for numbers indicating priority of concern), CT or CE = California threatened or endangered, SSC = California Species of Special Concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species'

range, associated with habitat that is declining in extent, and SSC1, SSC2 and SSC3 = California Bird Species of Special Concern priorities 1, 2 and 3, respectively, per Shuford and Gardali 2008), WL = Taxa to Watch List, and WBWG = Western Bat Working Group with priority rankings, of low (L), moderate (M), and high (H); listed by U.S. Fish and Wildlife Service (https://www.fws.gov/sites/default/files/documents/birds-of-conservation-concern-2021.pdf) as BCC = Bird of Conservation Concern; or protected as BOP = Birds of Prey (California Fish and Game Code 3503.5, see https://wildlife.ca.gov/Conservation/Birds/Raptors).

At least a fair argument can be made for the need to prepare an EIR to accurately characterize the existing environmental setting that is needed to appropriately analyze impacts and formulate mitigation measures.

BIOLOGICAL IMPACTS ASSESSMENT

Accurate characterization of the existing environmental setting is an essential foundation for analysis of potential project impacts, but other than for Joshua trees, the IS/MND provides no foundation for impacts analysis related to plants and wildlife. An impacts analysis should consider whether and how the proposed project would affect members of each potentially occurring special-status species. In the following, I analyze several types of impacts likely to result from the project, none of which is addressed in the IS/MND.

HABITAT LOSS AND HABITAT FRAGMENTATION

The IS/MND does not attempt to estimate the numerical or productive capacities of the site for nesting birds, probably because the IS/MND concludes that birds do not nest on the site. This conclusion, however, is not credible. The site is proven to serve as habitat to at least 14 species of wildlife which Noriko observed on the site, but the number of avian nest sites remains unknown. Because Noriko's survey was only a reconnaissance survey therefore unsuitable for detecting all bird nests on the site, estimating total nest density of birds was not possible. Fortunately, we have performed such surveys at other sites to estimate total nest density.

Franzeb (1978) estimated a total nest density of 0.183 nests/ha in California's southeastern desert environments, and Kozma and Mathews (1997) estimated total nest densities of 0.26 nests/acre in arroyos and 0.109 nests/acre on the uplands in the Chihuahuan Desert of New Mexico. As part of an ongoing study, Noriko Smallwood estimated 3.8 nests/acre on a 3.16-acre site of grassland in Murrieta, 0.62 nests/acre on a 4.83-acre site, and 0.93 nests/acre on grassland of the San Joaquin Wildlife Area. The average of the above is 0.98 nests/acre. This density applied to the 5.22 acres of the project site would predict 5.1 nest sites per year. Assuming 1.39 broods per nest site based on a review of 322 North American bird species, which averaged 1.39 broods per year, then I estimate an average 7.1 nest attempts per year at the project site. Assuming Young's (1948) study site typifies bird productivity of 2.9 fledged birds per nest attempt, then I predict 20.6 fledglings/year at the project site.

The loss of 5.1 nest sites and 7.1 nest attempts and 20.6 fledglings per year would qualify as significant impacts that have not been analyzed in the IS/MND. But the impacts would not end with the immediate loss of nest sites. Assuming an average bird generation time of 5 years, the lost capacity of both breeders and annual fledgling production can be estimated from an equation in Smallwood (2022): {(nests/year × chicks/nest × number of years) + (2 adults/nest × nests/year) × (number of years ÷ years/generation)} ÷ (number of years) = 23 birds per year denied to California.

The loss of 23 birds per year would be a loss of considerable productive capacity that is currently provided by the project site. Most if not all these birds are protected by the federal Migratory Bird Treaty Act and by California's Migratory Bird Protection Act, both of which most strongly protect breeding migratory birds. Therefore, at least a fair argument can be made for the need to prepare an EIR to appropriately analyze project impacts to birds in the form of lost productive capacity caused by habitat loss.

INTERFERENCE WITH WILDLIFE MOVEMENT

One of CEQA's principal concerns regarding potential project impacts is whether a proposed project would interfere with wildlife movement in the region. Unfortunately, the IS/MND provides no serious analysis of the potential for the project to interfere with wildlife movement in the region. The IS/MND (p. 34) merely states, "The site's utility as a habitat and a migration corridor is constrained by the presence of an adjacent roadways and the development that is present in the neighboring areas. *As a result, no impacts would occur.*" However, the IS/MND cites no evidence that adjacent roads or adjacent development constrain habitats or wildlife movement in any way. If there was any veracity to the reasoning in the IS/MND on this issue, then Noriko Smallwood should not have been able to see the wildlife that she did.

The City of Hesperia did not retain any wildlife ecologists to survey the project site or its surroundings, as is standard practice in support of CEQA review. There has been no program of observation to characterize how wildlife use the site for movement in the region, let alone any surveys to determine which species of wildlife occur on or around the site. Given this lack of diligence to the CEQA review process, the City merely speculates that roads preclude habitat and wildlife movement. If the existence of roads truly serve as barriers to wildlife movement, then the issue of roadkill wildlife would not exist, but as I discuss below, one of the largest – if not the largest -- anthropogenic sources of wildlife mortality is collisions of wildlife with automobiles.

At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the project's potential impacts to volant wildlife and how those impacts to movement can be mitigated.

TRAFFIC IMPACTS TO WILDLIFE

The IS/MND neglects to address one of the project's most obvious, substantial impacts to wildlife, and that is wildlife mortality and injuries caused by project-generated traffic. Project-generated traffic would endanger wildlife that must, for various reasons, cross roads used by the project's traffic (Photos 1–4), including along roads far from the project footprint but which would nevertheless by traversed by automobiles head to or from the project's building. Vehicle collisions have accounted for the deaths of many thousands of amphibian, reptile, mammal, bird, and arthropod fauna, and the impacts have often been found to be significant at the population level (Forman et al. 2003). Across North America traffic impacts have taken devastating tolls on wildlife (Forman et al. 2003). In Canada, 3,562 birds were estimated killed per 100 km of road per year (Bishop and Brogan 2013), and the US estimate of avian mortality on roads is 2,200 to

8,405 deaths per 100 km per year, or 89 million to 340 million total per year (Loss et al. 2014). Local impacts can be more intense than nationally.

Photo 1. *A white-tailed antelope squirrel runs across the road just in the Coachella Valley, 26 May 2022. Such road crossings are usually successful, but too often prove fatal to the animal.*

Photo 2. *A coyote uses the crosswalk to cross a road on 2 February 2023. Not all drivers stop, nor do all animals use the crosswalk. Too often, animals are injured or killed when they attempt to cross roads.*

Photos 3 and 4. *Raccoon killed on Road 31 just east of Highway 505 in Solano County (left; photo taken on 10 November 2018), and mourning dove killed by vehicle on a California road (right; photo by Noriko Smallwood, 21 June 2020.)*

The nearest study of traffic-caused wildlife mortality was performed along a 2.5-mile stretch of Vasco Road in Contra Costa County, California. Fatality searches in this study found 1,275 carcasses of 49 species of mammals, birds, amphibians and reptiles over 15 months of searches (Mendelsohn et al. 2009). This fatality number needs to be adjusted for the proportion of fatalities that were not found due to scavenger removal and searcher error. This adjustment is typically made by placing carcasses for searchers to find (or not find) during their routine periodic fatality searches. This step was not taken at Vasco Road (Mendelsohn et al. 2009), but it was taken as part of another study next to Vasco Road (Brown et al. 2016). Brown et al.'s (2016) adjustment factors for carcass persistence resembled those of Santos et al. (2011). Also applying searcher detection rates from Brown et al. (2016), the adjusted total number of fatalities was estimated at 9,462 animals killed by traffic on the road. This fatality number projected over 1.25 years and 2.5 miles of road translates to 3,028 wild animals per mile per year. In terms comparable to the national estimates, the estimates from the Mendelsohn et al. (2009) study would translate to 188,191 animals killed per 100 km of road per year, or 22 times that of Loss et al.'s (2014) upper bound estimate and 53 times the Canadian estimate. An analysis is needed of whether increased traffic generated by the project site would similarly result in local impacts on wildlife.

For wildlife vulnerable to front-end collisions and crushing under tires, road mortality can be predicted from the study of Mendelsohn et al. (2009) as a basis, although it would be helpful to have the availability of more studies like that of Mendelsohn et al. (2009) at additional locations. My analysis of the Mendelsohn et al. (2009) data resulted in an estimated 3,028 animals killed per mile along a county road in Contra Costa County. The estimated numbers of fatalities were 1.75% birds, 26.4% mammals (many mice and pocket mice, but also ground squirrels, desert cottontails, striped skunks, American badgers, raccoons, and others), 67.4% amphibians (large numbers of California tiger salamanders and California red-legged frogs, but also Sierran treefrogs, western toads, arboreal salamanders, slender salamanders and others), and 4.4% reptiles (many western fence lizards, but also skinks, alligator lizards, and snakes of various species). VMT is useful for predicting wildlife mortality because I was able to quantify miles traveled along the studied reach of Vasco Road during the time period of the Mendelsohn et al. (2009), hence enabling a rate of fatalities per VMT that can be projected to other sites, assuming similar collision fatality rates.

Predicting project-generated traffic impacts to wildlife

The IS/MND does not report a prediction of annual VMT that would be generated by the project. However, I have kept track of predicted annual VMT at other proposed warehouse projects, from which I can generate a mean annual VMT per square foot of floor space. Based on 33 other warehouse projects, the mean annual VMT/sf was 21.54. Applying this mean to the 79,778 sf of the proposed warehouse would predict 1,718,418 annual VMT.

During the Mendelsohn et al. (2009) study, 19,500 cars traveled Vasco Road daily, so the vehicle miles that contributed to my estimate of non-volant fatalities was 19,500 cars

and trucks × 2.5 miles × 365 days/year × 1.25 years = 22,242,187.5 vehicle miles per 9,462 wildlife fatalities, or 2,351 vehicle miles per fatality. This rate divided into the predicted annual VMT would predict 731 vertebrate wildlife fatalities per year due to project-generated traffic.

Based on my analysis, the project-generated traffic would cause substantial, significant impacts to wildlife. The IS/MND does not address this potential impact, let alone propose to mitigate it. Mitigation measures to improve wildlife safety along roads are available and are feasible, and they need exploration for their suitability with the proposed project. Given the predicted level of project-generated traffic-caused mortality, and the lack of any proposed mitigation, it is my opinion that the proposed project would result in potentially significant adverse biological impacts.

At least a fair argument can be made for the need to prepare an EIR to appropriately analyze the impact of wildlife collision mortality resulting from project-generated traffic.

CUMULATIVE IMPACTS

The cumulative impacts analysis is fundamentally flawed, as its premise of no wildlife occurring on the project site lacks foundation in evidence. According to the IS/MND (p. 89), "The proposed project *would not* have impacts that are individually limited, but cumulatively considerable. The environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein." This analysis is conclusory. A cumulative impacts analysis needs to be completed.

MITIGATION MEASURES

The IS/MND requires no mitigation for potential project impacts to wildlife. The only mitigation required for biological resources is directed to the 34 Joshua trees determined to occupy the site. Below are my comments on the Joshua tree mitigation followed by recommendations for mitigation that should be considered in an EIR.

Before I comment specifically on mitigation, however, I will repeat myself that the formulation of appropriate mitigation can only follow an adequate survey effort for wildlife on and around the project site. The available protocol-level detection survey guidelines also need to be implemented for multiple special-status species.

BIO Mitigation No. 1. Mitigation for direct impacts to the western Joshua trees within the Project site will be fulfilled through attainment of a Western Joshua Tree Conservation Act (WJTCA) Incidental Take Permit and a payment of the elected fees as described in Section 1927.3 of the WJTCA. California Department of Fish and Wildlife (CDFW) determines the final fee. Alternatively, mitigation will occur through off-site conservation or through a CDFW approved mitigation bank, or as required by a Section 2081 Incidental Take Permit.

Comment: Attainment of an ITP is not assured, but the BIO Mitigation No. 1 includes no statement of uncertainty about acquiring an ITP. Furthermore, nothing is said of the

relocation guidelines, nor of effectiveness monitoring and reporting. The required mitigation for take of Joshua trees appears incomplete.

RECOMMENDED MEASURES

Road Mortality: Compensatory mitigation is needed for the increased wildlife mortality that would be caused by bird-window collisions and the project-generated road traffic in the region. I suggest that this mitigation can be directed toward funding research to identify fatality patterns and effective impact reduction measures such as reduced speed limits and wildlife under-crossings or overcrossings of particularly dangerous road segments. Compensatory mitigation can also be provided in the form of donations to wildlife rehabilitation facilities (see below).

Fund Wildlife Rehabilitation Facilities: Compensatory mitigation ought also to include funding contributions to wildlife rehabilitation facilities to cover the costs of injured animals that will be delivered to these facilities for care. Many animals would likely be injured by collisions with the building's windows and with automobiles traveling to and from the building.

Thank you for your consideration,

Shawn Smallwood, Ph.D.

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Curriculum Vitae

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Born May 3, 1963 in
Sacramento, California.
Married, father of two.

Ecologist

Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities;
- Wildlife monitoring and field study using GPS, thermal imaging, behavior surveys;
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that inform management decisions.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 762 professional reports, including:
- 90 peer reviewed publications
- 24 in non-reviewed proceedings
- 646 reports, declarations, posters and book reviews
- 8 in mass media outlets
- 92 public presentations of research results

Editing for scientific journals: Guest Editor, *Wildlife Society Bulletin*, 2012-2013, of invited papers representing international views on the impacts of wind energy on wildlife and how to mitigate the impacts. Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007. Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004. Associate Editor, *Biological Conservation*, 9/1994 to 9/1995.

Member, Alameda County Scientific Review Committee (SRC), August 2006 to April 2011. The five-member committee investigated causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and recommended mitigation and monitoring measures. The SRC reviewed the science underlying the Alameda County Avian Protection Program, and advised

the County on how to reduce wildlife fatalities.

Consulting Ecologist, 2004-2007, California Energy Commission (CEC). Provided consulting services as needed to the CEC on renewable energy impacts, monitoring and research, and produced several reports. Also collaborated with Lawrence-Livermore National Lab on research to understand and reduce wind turbine impacts on wildlife.

Consulting Ecologist, 1999-2013, U.S. Navy. Performed endangered species surveys, hazardous waste site monitoring, and habitat restoration for the endangered San Joaquin kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, salt marsh harvest mouse, and other species at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon; and, Naval Outlying Landing Field Imperial Beach.

Part-time Lecturer, 1998-2005, California State University, Sacramento. Instructed Mammalogy, Behavioral Ecology, and Ornithology Lab, Contemporary Environmental Issues, Natural Resources Conservation.

Senior Ecologist, 1999-2005, BioResource Consultants. Designed and implemented research and monitoring studies related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. Prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1995-2000, Institute for Sustainable Development. Headed ISD's program on integrated resources management. Developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. Worked with Shu Geng and Mingua Zhang on several studies related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 1996-1999, National Endangered Species Network. Informed academic scientists and environmental activists about emerging issues regarding the Endangered Species Act and other environmental laws. Testified at public hearings on endangered species issues.

Ecologist, 1997-1998, Western Foundation of Vertebrate Zoology. Conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 1994-1995, EIP Associates, Sacramento, California. Provided consulting services in environmental planning, and quantitative assessment of land units for their conservation and restoration opportunities basedon ecological resource requirements of 29 special-status species. Developed ecological indicators for prioritizing areas within Yolo County

to receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 1990-1994, Department of Agronomy and Range Science, *U.C. Davis*. Under Dr. Shu Geng's mentorship, studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. Managed and analyzed a data base of energy use in California agriculture. Assisted with landscape (GIS) study of groundwater contamination across Tulare County, California.

Work experience in graduate school: Co-taught Conservation Biology with Dr. Christine Schonewald, 1991 & 1993, UC Davis Graduate Group in Ecology; Reader for Dr. Richard Coss's course on Psychobiology in 1990, UC Davis Department of Psychology; Research Assistant to Dr. Walter E. Howard, 1988-1990, UC Davis Department of Wildlife and Fisheries Biology, testing durable baits for pocket gopher management in forest clearcuts; Research Assistant to Dr. Terrell P. Salmon, 1987-1988, UC Wildlife Extension, Department of Wildlife and Fisheries Biology, developing empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental and human health hazards in California. Student Assistant to Dr. E. Lee Fitzhugh, 1985-1987, UC Cooperative Extension, Department of Wildlife and Fisheries Biology, developing and implementing statewide mountain lion track count for long-term monitoring.

Fulbright Research Fellow, Indonesia, 1988. Tested use of new sampling methods for numerical monitoring of Sumatran tiger and six other species of endemic felids, and evaluated methods used by other researchers.

Projects

Repowering wind energy projects through careful siting of new wind turbines using map-based collision hazard models to minimize impacts to volant wildlife. Funded by wind companies (principally NextEra Renewable Energy, Inc.), California Energy Commission and East Bay Regional Park District, I have collaborated with a GIS analyst and managed a crew of five field biologists performing golden eagle behavior surveys and nocturnal surveys on bats and owls. The goal is to quantify flight patterns for development of predictive models to more carefully site new wind turbines in repowering projects. Focused behavior surveys began May 2012 and continue. Collision hazard models have been prepared for seven wind projects, three of which were built. Planning for additional repowering projects is underway.

Test avian safety of new mixer-ejector wind turbine (MEWT). Designed and implemented a before-after, control-impact experimental design to test the avian safety of a new, shrouded wind turbine developed by Ogin Inc. (formerly known as FloDesign Wind Turbine Corporation). Supported by a $718,000 grant from the California Energy Commission's Public Interest Energy Research program and a 20% match share contribution from Ogin, I managed a crew of seven field biologists who performed periodic fatality searches and behavior surveys, carcass detection trials, nocturnal behavior surveys using a thermal camera, and spatial analyses with the collaboration of a GIS analyst. Field work began 1 April 2012 and ended 30 March 2015 without Ogin installing its MEWTs, but we still achieved multiple important scientific advances.

Reduce avian mortality due to wind turbines at Altamont Pass. Studied wildlife impacts caused by 5,400 wind turbines at the world's most notorious wind resource area. Studied how impacts are perceived by monitoring and how they are affected by terrain, wind patterns, food resources, range management practices, wind turbine operations, seasonal patterns, population cycles, infrastructure management such as electric distribution, animal behavior and social interactions.

Reduce avian mortality on electric distribution poles. Directed research toward reducing bird electrocutions on electric distribution poles, 2000-2007. Oversaw 5 founds of fatality searches at 10,000 poles from Orange County to Glenn County, California, and produced two large reports.

Cook *et al.* v. Rockwell International *et al.*, No. 90-K-181 (D. Colorado). Provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. Provided expert reports based on four site visits and an extensive document review of burrowing animals. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a $553,000,000 judgment by a jury. After appeals the award was increased to two billion dollars.

Hanford Nuclear Reservation Litigation. Provided expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. Provided three expert reports based on three site visits and extensive document review. Predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. Conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. Discovered substantial intrusion of waste structures by burrowing animals.

Expert testimony and declarations on proposed residential and commercial developments, gas-fired power plants, wind, solar and geothermal projects, water transfers and water transfer delivery systems, endangered species recovery plans, Habitat Conservation Plans and Natural Communities Conservation Programs. Testified before multiple government agencies, Tribunals, Boards of Supervisors and City Councils, and participated with press conferences and depositions. Prepared expert witness reports and court declarations, which are summarized under Reports (below).

Protocol-level surveys for special-status species. Used California Department of Fish and Wildlife and US Fish and Wildlife Service protocols to search for California red-legged frog, California tiger salamander, arroyo southwestern toad, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, San Joaquin kangaroo rat, San Joaquin kit fox, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and other special-status species.

Conservation of San Joaquin kangaroo rat. Performed research to identify factors responsible for the decline of this endangered species at Lemoore Naval Air Station, 2000-2013, and implemented habitat enhancements designed to reverse the trend and expand the population.

Impact of West Nile Virus on yellow-billed magpies. Funded by Sacramento-Yolo Mosquito and Vector Control District, 2005-2008, compared survey results pre- and post-West Nile Virus epidemic for multiple bird species in the Sacramento Valley, particularly on yellow-billed magpie and American crow due to susceptibility to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. Used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. Monitored the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both sites. Also used GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley in Colusa County and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. Assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. Also measured habitat variables in streams.

Opposition to proposed No Surprises rule. Wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a "properly functioning HCP." Submitted 188 signatures of scientists and environmental professionals concerned about No Surprises rule US Fish and Wildlife Service, National Marine Fisheries Service, all US Senators.

Natomas Basin Habitat Conservation Plan alternative. Designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson's hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersion of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessments of agricultural production system and environmental technology transfer to China. Twice visited China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up technologies and trade opportunities between the US and China.

Yolo County Habitat Conservation Plan. Conducted landscape ecology study of Yolo County to spatially prioritize allocation of mitigation efforts to improve ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. Used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. Derived GIS maps to help guide the conservation area design, and then developed implementation strategies.

Mountain lion track count. Developed and conducted a carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. Track survey transect was established on dusty, dirt roads within randomly selected quadrats.

Sumatran tiger and other felids. Upon award of Fulbright Research Fellowship, I designed and initiated track counts for seven species of wild cats in Sumatra, including Sumatran tiger, fishing cat, and golden cat. Spent four months on Sumatra and Java in 1988, and learned Bahasa Indonesia, the official Indonesian language.

Wildlife in agriculture. Beginning as post-graduate research, I studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect since 1989 with a hiatus of 1996-2004. The data are analyzed using GIS and methods from landscape ecology, and the results published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural energy use and Tulare County groundwater study. Developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket gopher damage in forest clear-cuts. Developed gopher sampling methods and tested various poison baits and baiting regimes in the largest-ever field study of pocket gopher management in forest plantations, involving 68 research plots in 55 clear-cuts among 6 National Forests in northern California.

Risk assessment of exotic species in North America. Developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

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Comments on Environmental Documents (Year; pages)

I was retained or commissioned to comment on environmental planning and review documents, including:

- Shirk & Riggin Industrial Park Application, Visalia (2022; 22);
- Duarte Industrial Application, Visalia (2022; 17);
- Amond World Cold Storage Warehouse IS/MND, Madera (2022; 23);
- Replies on Schulte Logistics Centre EIR, Tracy (2022; 28);
- Alta Cuvee Mixed Use Project Recirculated IS/MND, Ranch Cucamonga (2022; 8);
- Fourth visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2022; 9);
- Replies on 1242 20th Street Wellness Center Project FEIR, Santa Monica (2022; 5);
- 656 South San Vicente Medical Office Project EIR, Los Angeles (2022; 21);
- UCSF New Hospital at Parnassus Heights DEIR. San Francisco (2022; 40);
- DPR-21-021Warehouse IS, Modesto (2022; 19);
- Ormat Brawley Solar Project DEIR, Brawley (2022; 37);
- Site visits to Heber 1 Geothermal Repower Project IS/MND (2022; 31);
- Heritage Industrial Center Design Review, Chula Vista (2022; 13);
- Temporary Outdoor Vehicle Storage DEIR, Port of Hueneme (2022; 29);
- CNU Medical Center and Innovation Park DEIR, Natomas (2022; 35);
- Beverly Boulevard Warehouse IS/MND, Pico Rivera (2021; 28);
- Hagemon Properties IS/MND Amendment, Bakersfield (2022; 23);
- Airport Distribution Center IS/MND, Redding (2021; 22);
- Orchard on Nevada Warehouse Staff Report, Redlands (2021; 24);
- Landings Logistics Center Exemption, Bakersfield (2021; 19);
- Replies on Hearn Veterans Village IS/MND, Santa Rosa (2021; 22);
- North Central Valley BESS Project IS/MND, Stockton (2021; 37);
- 2nd Replies on Heber 1 Geothermal Repower Project IS/MND (2022; 21);
- Stagecoach Solar DEIR, Barstow (2021; 24);
- Updated Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2021; 35);
- Freedom Circle Focus Area and Greystar General Plan Amendment Project EIR, San Jose (2021; 43);
- Operon HKI Warehouse IS/MND, Perris (2021; 26);
- Fairway Business Park Phase III IS/MND, Lake Elsinore (2021; 23);
- South Stockton Commerce Center IS/MND, Stockton (2021; 31);
- Starpoint Warehouse IS/MND, San Bernardino (2021; 24);
- Replies on Heber 1 Geothermal Repower Project IS/MND (2021; 15);
- Heber 1 Geothermal Repower Project IS/MND (2021; 11);

- Alviso Hotel Project IS/MND, San Jose (2021; 43);
- Replies on Easton Research Park West IS/MND, Rancho Cordova (2021; 3);
- Easton Research Park West IS/MND, Rancho Cordova (2021; 31);
- US Cold Storage DEIR, Hesperia (2021; 30);
- 1242 20th Street Wellness Center Project FEIR, Santa Monica (2021; 23);
- Third visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 10);
- Roseland Creek Community Park Project IS/MND, Santa Rosa (2021; 23);
- Vista Mar Declaration of Irreparable Harm, Pacifica (2021; 3);
- LogistiCenter at Fairfield IS/MND (2021; 25);
- Alta Cuvee Mixed Use Project IS/MND, Ranch Cucamonga (2021; 29);
- Caligrows Architectural and Site Plan Review, Patterson (2021; 21);
- 1055 E. Sandhill Avenue Warehouse IS/MND, Carson (2021; 10);
- Chestnut & Tenth Street Commercial Project IS/MND, Gilroy (2021; 27);
- Libitzky Management Warehouse IS/MND, Modesto (2021; 20);
- 3rd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 10);
- Medical Office Building DEIR, Santa Cruz (2021; 30);
- Scannell Warehouse DEIR, Richmond (2021; 24);
- Diamond Heights Application, San Francisco (2021; 24);
- Costa Azul Mixed-Use EIR Addendum, San Diego (2021; 25);
- Woodland Research Park DEIR (2021; 45);
- 2nd Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 9);
- Replies on Diamond Street Industrial IS/MND, San Marcos (2021; 3);
- Diamond Street Industrial IS/MND, San Marcos (2021; 28);
- DHS 109 Industrial Park IS/MND, Desert Hot Springs (2021; 33);
- Jersey Industrial Complex Rancho Cucamonga (2022; 22);
- 1188 Champions Drive Parking Garage Staff Report, San Jose (2021; 5);
- San Pedro Mountain, Pacifica (2021; 22);
- Pixior Warehouse IS/MND, Hesperia (2021; 29);
- 2nd Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2021; 9);
- Hearn Veterans Village IS/MND, Santa Rosa (2021; 23);
- Second visit, Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 11);
- Replies on Station East Residential/Mixed Use EIR, Union City (2021; 26);
- Schulte Logistics Centre EIR, Tracy (2021; 30);
- 4150 Point Eden Way Industrial Development EIR, Hayward (2021; 13);
- Airport Business Centre IS/MND, Manteca (2021; 27);
- Dual-branded Hotel IS/MND, Santa Clara (2021; 26);
- Legacy Highlands Specific Plan EIR, Beaumont (2021; 47);
- UC Berkeley LRDP and Housing Projects #1 and #2 EIR (2021; 27);
- Santa Maria Airport Business Park EIR, Santa Maria (2021; 27);
- Replies on Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 20);
- Coachella Valley Arena EIR Addendum, Thousand Palms (2021; 35);
- Inland Harbor Warehouse NOD, Ontario (2021; 8);
- Alvarado Specific Plan DEIR, La Mesa (2021; 35);
- Harvill Avenue and Rider Street Terminal Project MND, Riverside (2021; 23);

- Gillespie Field EIR Addendum, El Cajon (2021; 28);
- Heritage Wind Energy Project section 94-c siting process, New York (2021: 99);
- Commercial Street Hotels project Site Plans, Oakland (2021; 19);
- Heber 1 Geothermal Repower Project MND, El Centro (2021; 11);
- Citrus-Slover Warehouse Project MND, Fontana (2021; 20);
- Scott Ranch Project RDEIR (Davidon Homes), Petaluma (2021; 31);
- Replies on StratosFuel Renewable H2 Project MND, Victorville (2021; 5);
- StratosFuel Renewable H2 Project MND, Victorville (2021; 25);
- Replies on PARS Global Storage MND, Murietta (2021; 22);
- Baldwin-Zacharias Master Plans EIR, Patterson (2021; 38);
- 1000 Gibraltar Drive EIR, Milpitas (2021; 20);
- Mango Avenue Industrial Warehouse Project, Fontana, MND (2021; 20);
- Veterans Affairs Site Plan Review No. 20-0102 MND, Bakersfield (2021; 25);
- Replies on UCSF Comprehensive Parnassus Heights Plan EIR (2021; 13);
- 14 Charles Hill Circle Design Review (2021; 11);
- SDG Commerce 217 Warehouse IS, American Canyon (2021; 26);
- Mulqueeney Ranch Wind Repowering Project DSEIR (2021; 98);
- Clawiter Road Industrial Project IS/MND, Hayward (2021; 18);
- Garnet Energy Center Stipulations, New York (2020);
- Heritage Wind Energy Project, New York (2020: 71);
- Ameresco Keller Canyon RNG Project IS/MND, Martinez (2020; 11);
- Cambria Hotel Project Staff Report, Dublin (2020; 19);
- Central Pointe Mixed-Use Staff Report, Santa Ana (2020; 20);
- Oak Valley Town Center EIR Addendum, Calimesa (2020; 23);
- Coachillin Specific Plan MND Amendment, Desert Hot Springs (2020; 26);
- Stockton Avenue Hotel and Condominiums Project Tiering to EIR, San Jose (2020; 19);
- Cityline Sub-block 3 South Staff Report, Sunyvale (2020; 22);
- Station East Residential/Mixed Use EIR, Union City (2020; 21);
- Multi-Sport Complex & Southeast Industrial Annexation Suppl. EIR, Elk Grove (2020; 24);
- Sun Lakes Village North EIR Amendment 5, Banning, Riverside County (2020; 27);
- 2nd comments on 1296 Lawrence Station Road, Sunnyvale (2020; 4);
- 1296 Lawrence Station Road, Sunnyvale (2020; 16);
- Mesa Wind Project EA, Desert Hot Springs (2020; 31);
- 11th Street Development Project IS/MND, City of Upland (2020; 17);
- Vista Mar Project IS/MND, Pacifica (2020; 17);
- Emerson Creek Wind Project Application, Ohio (2020; 64);
- Replies on Wister Solar Energy Facility EIR, Imperial County (2020; 12);
- Wister Solar Energy Facility EIR, Imperial County (2020; 28);
- Crimson Solar EIS/EIR, Mojave Desert (2020, 35) not submitted;
- Sakioka Farms EIR tiering, Oxnard (2020; 14);
- 3440 Wilshire Project IS/MND, Los Angeles (2020; 19);
- Replies on 2400 Barranca Office Development Project EIR, Irvine (2020; 8);
- 2400 Barranca Office Development Project EIR, Irvine (2020; 25);
- Replies on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 4);

- 2nd comments on Heber 2 Geothermal Repower Project IS/MND, El Centro (2020; 8);
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- Lots 4-12 Oddstad Way Project IS/MND, Pacifica (2020; 16);
- Declaration on DDG Visalia Warehouse project (2020; 5);
- Terraces of Lafayette EIR Addendum (2020; 24);
- AMG Industrial Annex IS/MND, Los Banos (2020; 15);
- Replies to responses on Casmalia and Linden Warehouse, Rialto (2020; 15);
- Clover Project MND, Petaluma (2020; 27);
- Ruby Street Apartments Project Env. Checklist, Hayward (2020; 20);
- Replies to responses on 3721 Mt. Diablo Boulevard Staff Report (2020; 5);
- 3721 Mt. Diablo Boulevard Staff Report (2020; 9);
- Steeno Warehouse IS/MND, Hesperia (2020; 19);
- UCSF Comprehensive Parnassus Heights Plan EIR (2020; 24);
- North Pointe Business Center MND, Fresno (2020; 14);
- Casmalia and Linden Warehouse IS, Fontana (2020; 15);
- Rubidoux Commerce Center Project IS/MND, Jurupa Valley (2020; 27);
- Haun and Holland Mixed Use Center MND, Menifee (2020; 23);
- First Industrial Logistics Center II, Moreno Valley IS/MND (2020; 23);
- GLP Store Warehouse Project Staff Report (2020; 15);
- Replies on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 29);
- 2nd comments on Beale WAPA Interconnection Project EA & CEQA checklist (2020; 34);
- Beale WAPA Interconnection Project EA & CEQA checklist (2020; 30);
- Levine-Fricke Softball Field Improvement Addendum, UC Berkeley (2020; 16);
- Greenlaw Partners Warehouse and Distribution Center Staff Report, Palmdale (2020; 14);
- Humboldt Wind Energy Project DEIR (2019; 25);
- Sand Hill Supplemental EIR, Altamont Pass (2019; 17);
- 1700 Dell Avenue Office Project, Campbell (2019, 28);
- 1180 Main Street Office Project MND, Redwood City (2019; 19:
- Summit Ridge Wind Farm Request for Amendment 4, Oregon (2019; 46);
- Shafter Warehouse Staff Report (2019; 4);
- Park & Broadway Design Review, San Diego (2019; 19);
- Pinnacle Pacific Heights Design Review, San Diego (2019; 19);
- Pinnacle Park & C Design Review, San Diego (2019; 19);
- Preserve at Torrey Highlands EIR, San Diego (2019; 24);
- Santana West Project EIR Addendum, San Jose (2019; 18);
- The Ranch at Eastvale EIR Addendum, Riverside County (2020; 19);
- Hageman Warehouse IS/MND, Bakersfield (2019; 13);
- Oakley Logistics Center EIR, Antioch (2019; 22);
- 27 South First Street IS, San Jose (2019; 23);
- 2nd replies on Times Mirror Square Project EIR, Los Angeles (2020; 11);
- Replies on Times Mirror Square Project EIR, Los Angeles (2020; 13);
- Times Mirror Square Project EIR, Los Angeles (2019; 18);
- East Monte Vista & Aviator General Plan Amend EIR Addendum, Vacaville (2019; 22);
- Hillcrest LRDP EIR, La Jolla (2019; 36);

- 555 Portola Road CUP, Portola Valley (2019; 11);
- Johnson Drive Economic Development Zone SEIR, Pleasanton (2019; 27);
- 1750 Broadway Project CEQA Exemption, Oakland (2019; 19);
- Mor Furniture Project MND, Murietta Hot Springs (2019; 27);
- Harbor View Project EIR, Redwood City (2019; 26);
- Visalia Logistics Center (2019; 13);
- Cordelia Industrial Buildings MND (2019; 14);
- Scheu Distribution Center IS/ND, Rancho Cucamonga (2019; 13);
- Mills Park Center Staff Report, San Bruno (2019; 22);
- Site visit to Desert Highway Farms IS/MND, Imperial County (2019; 9);
- Desert Highway Farms IS/MND, Imperial County (2019; 12);
- ExxonMobil Interim Trucking for Santa Ynez Unit Restart SEIR, Santa Barbara (2019; 9);
- Olympic Holdings Inland Center Warehouse Project MND, Rancho Cucamonga (2019; 14);
- Replies to responses on Lawrence Equipment Industrial Warehouse, Banning (2019; 19);
- PARS Global Storage MND, Murietta (2019; 13);
- Slover Warehouse EIR Addendum, Fontana (2019; 16);
- Seefried Warehouse Project IS/MND, Lathrop (2019; 19)
- World Logistics Center Site Visit, Moreno Valley (2019; 19);
- Merced Landfill Gas-To-Energy Project IS/MND (2019; 12);
- West Village Expansion FEIR, UC Davis (2019; 11);
- Site visit, Doheny Ocean Desalination EIR, Dana Point (2019; 11);
- Replies to responses on Avalon West Valley Expansion EIR, San Jose (2019; 10);
- Avalon West Valley Expansion EIR, San Jose (2019; 22);
- Sunroad – Otay 50 EIR Addendum, San Diego (2019; 26);
- Del Rey Pointe Residential Project IS/MND, Los Angeles (2019; 34);
- 1 AMD Redevelopment EIR, Sunnyvale (2019; 22);
- Lawrence Equipment Industrial Warehouse IS/MND, Banning (2019; 14);
- SDG Commerce 330 Warehouse IS, American Canyon (2019; 21);
- PAMA Business Center IS/MND, Moreno Valley (2019; 23);
- Cupertino Village Hotel IS (2019; 24);
- Lake House IS/ND, Lodi (2019; 33);
- Campo Wind Project DEIS, San Diego County (DEIS, (2019; 14);
- Stirling Warehouse MND site visit, Victorville (2019; 7);
- Green Valley II Mixed-Use Project EIR, Fairfield (2019; 36);
- We Be Jammin rezone MND, Fresno (2019; 14);
- Gray Whale Cove Pedestrian Crossing IS/ND, Pacifica (2019; 7);
- Visalia Logistics Center & DDG 697V Staff Report (2019; 9);
- Mather South Community Masterplan Project EIR (2019; 35);
- Del Hombre Apartments EIR, Walnut Creek (2019; 23);
- Otay Ranch Planning Area 12 EIR Addendum, Chula Vista (2019; 21);
- The Retreat at Sacramento IS/MND (2019; 26);
- Site visit to Sunroad – Centrum 6 EIR Addendum, San Diego (2019; 9);
- Sunroad – Centrum 6 EIR Addendum, San Diego (2018; 22);
- North First and Brokaw Corporate Campus Buildings EIR Addendum, San Jose (2018; 30);

- South Lake Solar IS, Fresno County (2018; 18);
- Galloo Island Wind Project Application, New York (not submitted) (2018; 44);
- Doheny Ocean Desalination EIR, Dana Point (2018; 15);
- Stirling Warehouse MND, Victorville (2018; 18);
- LDK Warehouse MND, Vacaville (2018; 30);
- Gateway Crossings FEIR, Santa Clara (2018; 23);
- South Hayward Development IS/MND (2018; 9);
- CBU Specific Plan Amendment, Riverside (2018; 27);
- 2nd replies to responses on Dove Hill Road Assisted Living Project MND (2018; 11);
- Replies to responses on Dove Hill Road Assisted Living Project MND (2018; 7);
- Dove Hill Road Assisted Living Project MND (2018; 12);
- Deer Ridge/Shadow Lakes Golf Course EIR, Brentwood (2018; 21);
- Pyramid Asphalt BLM Finding of No Significance, Imperial County (2018; 22);
- Amáre Apartments IS/MND, Martinez (2018; 15);
- Petaluma Hill Road Cannabis MND, Santa Rosa (2018; 21);
- 2nd comments on Zeiss Innovation Center IS/MND, Dublin (2018: 12);
- Zeiss Innovation Center IS/MND, Dublin (2018: 32);
- City of Hope Campus Plan EIR, Duarte (2018; 21);
- Palo Verde Center IS/MND, Blythe (2018; 14);
- Logisticenter at Vacaville MND (2018; 24);
- IKEA Retail Center SEIR, Dublin (2018; 17);
- Merge 56 EIR, San Diego (2018; 15);
- Natomas Crossroads Quad B Office Project P18-014 EIR, Sacramento (2018; 12);
- 2900 Harbor Bay Parkway Staff Report, Alameda (2018; 30);
- At Dublin EIR, Dublin (2018; 25);
- Fresno Industrial Rezone Amendment Application No. 3807 IS (2018; 10);
- Nova Business Park IS/MND, Napa (2018; 18);
- Updated Collision Risk Model Priors for Estimating Eagle Fatalities, USFWS (2018; 57);
- 750 Marlborough Avenue Warehouse MND, Riverside (2018; 14);
- Replies to responses on San Bernardino Logistics Center IS (2018; 12);
- San Bernardino Logistics Center IS (2018; 19);
- CUP2017-16, Costco IS/MND, Clovis (2018; 11);
- Desert Land Ventures Specific Plan EIR, Desert Hot Springs (2018; 18);
- Ventura Hilton IS/MND (2018; 30);
- North of California Street Master Plan Project IS, Mountain View (2018: 11);
- Tamarind Warehouse MND, Fontana (2018; 16);
- Lathrop Gateway Business Park EIR Addendum (2018; 23);
- Centerpointe Commerce Center IS, Moreno Valley (2019; 18);
- Amazon Warehouse Notice of Exemption, Bakersfield (2018; 13);
- CenterPoint Building 3 project Staff Report, Manteca (2018; 23);
- Cessna & Aviator Warehouse IS/MND, Vacaville (2018; 24);
- Napa Airport Corporate Center EIR, American Canyon (2018, 15);
- 800 Opal Warehouse Initial Study, Mentone, San Bernardino County (2018; 18);
- 2695 W. Winton Ave Industrial Project IS, Hayward (2018; 22);

- Trinity Cannabis Cultivation and Manufacturing Facility DEIR, Calexico (2018; 15);
- Shoe Palace Expansion IS/MND, Morgan Hill (2018; 21);
- Newark Warehouse at Morton Salt Plant Staff Report (2018; 15);
- Northlake Specific Plan FEIR "Peer Review", Los Angeles County (2018; 9);
- Replies to responses on Northlake Specific Plan SEIR, Los Angeles County (2018; 13);
- Northlake Specific Plan SEIR, Los Angeles County (2017; 27);
- Bogle Wind Turbine DEIR, east Yolo County (2017; 48);
- Ferrante Apartments IS/MND, Los Angeles (2017; 14);
- The Villages of Lakeview EIR, Riverside (2017; 28);
- Data Needed for Assessing Trail Management Impacts on Northern Spotted Owl, Marin County (2017; 5);
- Notes on Proposed Study Options for Trail Impacts on Northern Spotted Owl (2017; 4);
- Pyramid Asphalt IS, Imperial County (Declaration) (2017; 5);
- San Gorgonio Crossings EIR, Riverside County (2017; 22);
- Replies to responses on Jupiter Project IS and MND, Apple Valley (2017; 12);
- Proposed World Logistics Center Mitigation Measures, Moreno Valley (2017, 2019; 12);
- MacArthur Transit Village Project Modified 2016 CEQA Analysis (2017; 12);
- PG&E Company Bay Area Operations and Maintenance HCP (2017; 45);
- Central SoMa Plan DEIR (2017; 14);
- Suggested mitigation for trail impacts on northern spotted owl, Marin County (2016; 5);
- Colony Commerce Center Specific Plan DEIR, Ontario (2016; 16);
- Fairway Trails Improvements MND, Marin County (2016; 13);
- Review of Avian-Solar Science Plan (2016; 28);
- Replies on Pyramid Asphalt IS, Imperial County (2016; 5);
- Pyramid Asphalt IS, Imperial County (2016; 4);
- Agua Mansa Distribution Warehouse Project Initial Study (2016; 14);
- Santa Anita Warehouse MND, Rancho Cucamonga (2016; 12);
- CapRock Distribution Center III DEIR, Rialto (2016: 12);
- Orange Show Logistics Center IS/MND, San Bernardino (2016; 9);
- City of Palmdale Oasis Medical Village Project IS/MND (2016; 7);
- Comments on proposed rule for incidental eagle take, USFWS (2016, 49);
- Replies on Grapevine Specific and Community Plan FEIR, Kern County (2016; 25);
- Grapevine Specific and Community Plan DEIR, Kern County (2016; 15);
- Clinton County Zoning Ordinance for Wind Turbine siting (2016);
- Hallmark at Shenandoah Warehouse Project Initial Study, San Bernardino (2016; 6);
- Tri-City Industrial Complex Initial Study, San Bernardino (2016; 5);
- Hidden Canyon Industrial Park Plot Plan 16-PP-02, Beaumont (2016; 12);
- Kimball Business Park DEIR (2016; 10);
- Jupiter Project IS and MND, Apple Valley, San Bernardino County (2016; 9);
- Revised Draft Giant Garter Snake Recovery Plan of 2015 (2016, 18);
- Palo Verde Mesa Solar Project EIR, Blythe (2016; 27);
- Reply on Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 14);
- Fairview Wind Project Natural Heritage Assessment, Ontario, Canada (2016; 41);
- Reply on Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 38);

- Amherst Island Wind Farm Natural Heritage Assessment, Ontario (2015, 31);
- Second Reply on White Pines Wind Farm, Ontario (2015, 6);
- Reply on White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 10);
- White Pines Wind Farm Natural Heritage Assessment, Ontario (2015, 9);
- Proposed Section 24 Specific Plan Agua Caliente Band of Cahuilla Indians DEIS (2015, 9);
- Replies on 24 Specific Plan Agua Caliente Band of Cahuilla Indians FEIS (2015, 6);
- Sierra Lakes Commerce Center Project DEIR, Fontana (2015, 9);
- Columbia Business Center MND, Riverside (2015; 8);
- West Valley Logistics Center Specific Plan DEIR, Fontana (2015, 10);
- Willow Springs Solar Photovoltaic Project DEIR (2015, 28);
- Alameda Creek Bridge Replacement Project DEIR (2015, 10);
- World Logistic Center Specific Plan FEIR, Moreno Valley (2015, 12);
- Elkhorn Valley Wind Power Project Impacts, Oregon (2015; 143);
- Bay Delta Conservation Plan EIR/EIS, Sacramento (2014, 21);
- Addison Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Addison Wind Energy Project DEIR, Mojave (2014, 15);
- Addison and Rising Tree Wind Energy Project FEIR, Mojave (2014, 12);
- Palen Solar Electric Generating System FSA (CEC), Blythe (2014, 20);
- Rebuttal testimony on Palen Solar Energy Generating System (2014, 9);
- Seven Mile Hill and Glenrock/Rolling Hills impacts + Addendum, Wyoming (2014; 105);
- Rising Tree Wind Energy Project DEIR, Mojave (2014, 32);
- Replies on the Rising Tree Wind Energy Project DEIR, Mojave (2014, 15);
- Soitec Solar Development Project PEIR, Boulevard, San Diego County (2014, 18);
- Oakland Zoo expansion on Alameda whipsnake and California red-legged frog (2014; 3);
- Alta East Wind Energy Project FEIS, Tehachapi Pass (2013, 23);
- Blythe Solar Power Project Staff Assessment, California Energy Commission (2013, 16);
- Clearwater and Yakima Solar Projects DEIR, Kern County (2013, 9);
- West Antelope Solar Energy Project IS/MND, Antelope Valley (2013, 18);
- Cuyama Solar Project DEIR, Carrizo Plain (2014, 19);
- Desert Renewable Energy Conservation Plan (DRECP) EIR/EIS (2015, 49);
- Kingbird Solar Photovoltaic Project EIR, Kern County (2013, 19);
- Lucerne Valley Solar Project IS/MND, San Bernardino County (2013, 12);
- Tule Wind project FEIR/FEIS (Declaration) (2013; 31);
- Sunlight Partners LANDPRO Solar Project MND (2013; 11);
- Declaration in opposition to BLM fracking (2013; 5);
- Blythe Energy Project (solar) CEC Staff Assessment (2013;16);
- Rosamond Solar Project EIR Addendum, Kern County (2013; 13);
- Pioneer Green Solar Project EIR, Bakersfield (2013; 13);
- Replies on Soccer Center Solar Project MND (2013; 6);
- Soccer Center Solar Project MND, Lancaster (2013; 10);
- Plainview Solar Works MND, Lancaster (2013; 10);
- Alamo Solar Project MND, Mojave Desert (2013; 15);
- Replies on Imperial Valley Solar Company 2 Project (2013; 10);
- Imperial Valley Solar Company 2 Project (2013; 13);

- FRV Orion Solar Project DEIR, Kern County (PP12232) (2013; 9);
- Casa Diablo IV Geothermal Development Project (2013; 6);
- Reply on Casa Diablo IV Geothermal Development Project (2013; 8);
- Alta East Wind Project FEIS, Tehachapi Pass (2013; 23);
- Metropolitan Air Park DEIR, City of San Diego (2013;);
- Davidon Homes Tentative Subdivision Rezoning Project DEIR, Petaluma (2013; 9);
- Oakland Zoo Expansion Impacts on Alameda Whipsnake (2013; 10);
- Campo Verde Solar project FEIR, Imperial Valley (2013; 11pp);
- Neg Dec comments on Davis Sewer Trunk Rehabilitation (2013; 8);
- North Steens Transmission Line FEIS, Oregon (Declaration) (2012; 62);
- Summer Solar and Springtime Solar Projects IS/MND Lancaster (2012; 8);
- J&J Ranch, 24 Adobe Lane Environmental Review, Orinda (2012; 14);
- Replies on Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 8);
- Hudson Ranch Power II Geothermal Project and Simbol Calipatria Plant II (2012; 9);
- Desert Harvest Solar Project EIS, near Joshua Tree (2012; 15);
- Solar Gen 2 Array Project DEIR, El Centro (2012; 16);
- Ocotillo Sol Project EIS, Imperial Valley (2012; 4);
- Beacon Photovoltaic Project DEIR, Kern County (2012; 5);
- Butte Water District 2012 Water Transfer Program IS/MND (2012; 11);
- Mount Signal and Calexico Solar Farm Projects DEIR (2011; 16);
- City of Elk Grove Sphere of Influence EIR (2011; 28);
- Sutter Landing Park Solar Photovoltaic Project MND, Sacramento (2011; 9);
- Rabik/Gudath Project, 22611 Coleman Valley Road, Bodega Bay (CPN 10-0002) (2011; 4);
- Ivanpah Solar Electric Generating System (ISEGS) (Declaration) (2011; 9);
- Draft Eagle Conservation Plan Guidance, USFWS (2011; 13);
- Niles Canyon Safety Improvement Project EIR/EA (2011; 16);
- Route 84 Safety Improvement Project (Declaration) (2011; 7);
- Rebuttal on Whistling Ridge Wind Energy Power DEIS, Skamania County, (2010; 6);
- Whistling Ridge Wind Energy Power DEIS, Skamania County, Washington (2010; 41);
- Klickitat County's Decisions on Windy Flats West Wind Energy Project (2010; 17);
- St. John's Church Project DEIR, Orinda (2010; 14);
- Results Radio Zone File #2009-001 IS/MND, Conaway site, Davis (2010; 20);
- Rio del Oro Specific Plan Project FEIR, Rancho Cordova (2010;12);
- Results Radio Zone File #2009-001, Mace Blvd site, Davis (2009; 10);
- Answers to Questions on 33% RPS Implementation Analysis Preliminary Results Report (2009; 9);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Second Declaration) (2008; 17);
- Draft 1A Summary Report to CAISO (2008; 10);
- Hilton Manor Project Categorical Exemption, County of Placer (2009; 9);
- Protest of CARE to Amendment to the Power Purchase and Sale Agreement for Procurement of Eligible Renewable Energy Resources Between Hatchet Ridge Wind LLC and PG&E (2009; 3);

- Tehachapi Renewable Transmission Project EIR/EIS (2009; 142);
- Delta Shores Project EIR, south Sacramento (2009; 11 + addendum 2);
- Declaration in Support of Care's Petition to Modify D.07-09-040 (2008; 3);
- The Public Utility Commission's Implementation Analysis December 16 Workshop for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 9);
- The Public Utility Commission's Implementation Analysis Draft Work Plan for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 11);
- Draft 1A Summary Report to California Independent System Operator for Planning Reserve Margins (PRM) Study (2008; 7.);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington (Declaration) (2008; 16);
- Colusa Generating Station, California Energy Commission PSA (2007; 24);
- Rio del Oro Specific Plan Project Recirculated DEIR, Mather (2008: 66);
- Replies on Regional University Specific Plan EIR, Roseville (2008; 20);
- Regional University Specific Plan EIR, Roseville (2008: 33);
- Clark Precast, LLC's "Sugarland" project, ND, Woodland (2008: 15);
- Cape Wind Project DEIS, Nantucket (2008; 157);
- Yuba Highlands Specific Plan EIR, Spenceville, Yuba County (2006; 37);
- Replies to responses on North Table Mountain MND, Butte County (2006; 5);
- North Table Mountain MND, Butte County (2006; 15);
- Windy Point Wind Farm EIS (2006; 14 and Powerpoint slide replies);
- Shiloh I Wind Power Project EIR, Rio Vista (2005; 18);
- Buena Vista Wind Energy Project NOP, Byron (2004; 15);
- Callahan Estates Subdivision ND, Winters (2004; 11);
- Winters Highlands Subdivision IS/ND (2004; 9);
- Winters Highlands Subdivision IS/ND (2004; 13);
- Creekside Highlands Project, Tract 7270 ND (2004; 21);
- Petition to California Fish and Game Commission to list Burrowing Owl (2003; 10);
- Altamont Pass Wind Resource Area CUP renewals, Alameda County (2003; 41);
- UC Davis Long Range Development Plan: Neighborhood Master Plan (2003; 23);
- Anderson Marketplace Draft Environmental Impact Report (2003; 18);
- Negative Declaration of the proposed expansion of Temple B'nai Tikyah (2003; 6);
- Antonio Mountain Ranch Specific Plan Public Draft EIR (2002; 23);
- Replies on East Altamont Energy Center evidentiary hearing (2002; 9);
- Revised Draft Environmental Impact Report, The Promenade (2002; 7);
- Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center (2002; 3);
- UC Merced -- Declaration (2002; 5);
- Replies on Atwood Ranch Unit III Subdivision FEIR (2003; 22);
- Atwood Ranch Unit III Subdivision EIR (2002; 19);
- California Energy Commission Staff Report on GWF Tracy Peaker Project (2002; 20);
- Silver Bend Apartments IS/MND, Placer County (2002; 13);
- UC Merced Long-range Development Plan DEIR and UC Merced Community Plan DEIR (2001; 26);

- Colusa County Power Plant IS, Maxwell (2001; 6);
- Dog Park at Catlin Park, Folsom, California (2001; 5);
- Calpine and Bechtel Corporations' Biological Resources Implementation and Monitoring Program (BRMIMP) for the Metcalf Energy Center (2000; 10);
- Metcalf Energy Center, California Energy Commission FSA (2000);
- US Fish and Wildlife Service Section 7 consultation with the California Energy Commission regarding Calpine and Bechtel Corporations' Metcalf Energy Center (2000; 4);
- California Energy Commission's Preliminary Staff Assessment of the proposed Metcalf Energy Center (2000: 11);
- Site-specific management plans for the Natomas Basin Conservancy's mitigation lands, prepared by Wildlands, Inc. (2000: 7);
- Affidavit of K. Shawn Smallwood in Spirit of the Sage Council, et al. (Plaintiffs) vs. Bruce Babbitt, Secretary, U.S. Department of the Interior, et al. (Defendants), Injuries caused by the No Surprises policy and final rule which codifies that policy (1999: 9).
- California Board of Forestry's proposed amended Forest Practices Rules (1999);
- Sunset Skyranch Airport Use Permit IS/MND (1999);
- Ballona West Bluffs Project Environmental Impact Report (1999; oral presentation);
- Draft Recovery Plan for Giant Garter Snake (Fed. Reg. 64(176): 49497-49498) (1999; 8);
- Draft Recovery Plan for Arroyo Southwestern Toad (1998);
- Pacific Lumber Co. (Headwaters) HCP & EIR, Fortuna (1998; 28);
- Natomas Basin HCP Permit Amendment, Sacramento (1998);
- San Diego Multi-Species Conservation Program FEIS/FEIR (1997; 10);

Comments on other Environmental Review Documents:

- Proposed Regulation for California Fish and Game Code Section 3503.5 (2015: 12);
- Statement of Overriding Considerations related to extending Altamont Winds, Inc.'s Conditional Use Permit PLN2014-00028 (2015; 8);
- Covell Village PEIR, Davis (2005; 19);
- Bureau of Land Management Wind Energy Programmatic EIS Scoping (2003; 7.);
- NEPA Environmental Analysis for Biosafety Level 4 National Biocontainment Laboratory (NBL) at UC Davis (2003: 7);
- Notice of Preparation of UC Merced Community and Area Plan EIR, on behalf of The Wildlife Society—Western Section (2001: 8.);
- Preliminary Draft Yolo County Habitat Conservation Plan (2001; 2 letters totaling 35.);
- Merced County General Plan Revision, notice of Negative Declaration (2001: 2.);
- Notice of Preparation of Campus Parkway EIR/EIS (2001: 7.);
- Draft Recovery Plan for the bighorn sheep in the Peninsular Range (*Ovis candensis*) (2000);
- Draft Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*), on behalf of The Wildlife Society—Western Section (2000: 10.);
- Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement, on behalf of The Wildlife Society—Western Section (2000: 7.);
- State Water Project Supplemental Water Purchase Program, Draft Program EIR (1997);
- Davis General Plan Update EIR (2000);
- Turn of the Century EIR (1999: 10);

- Proposed termination of Critical Habitat Designation under the Endangered Species Act (Fed. Reg. 64(113): 31871-31874) (1999);
- NOA Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, termed the HCP 5-Point Policy Plan (Fed. Reg. 64(45): 11485 - 11490) (1999; 2 + attachments);
- Covell Center Project EIR and EIR Supplement (1997).

Position Statements I prepared the following position statements for the Western Section of The Wildlife Society, and one for nearly 200 scientists:

- Recommended that the California Department of Fish and Game prioritize the extermination of the introduced southern water snake in northern California. The Wildlife Society--Western Section (2001);
- Recommended that The Wildlife Society—Western Section appoint or recommend members of the independent scientific review panel for the UC Merced environmental review process (2001);
- Opposed the siting of the University of California's 10th campus on a sensitive vernal pool/grassland complex east of Merced. The Wildlife Society--Western Section (2000);
- Opposed the legalization of ferret ownership in California. The Wildlife Society--Western Section (2000);
- Opposed the Proposed "No Surprises," "Safe Harbor," and "Candidate Conservation Agreement" rules, including permit-shield protection provisions (Fed. Reg. Vol. 62, No. 103, pp. 29091-29098 and No. 113, pp. 32189-32194). This statement was signed by 188 scientists and went to the responsible federal agencies, as well as to the U.S. Senate and House of Representatives.

Posters at Professional Meetings

Leyvas, E. and K. S. Smallwood. 2015. Rehabilitating injured animals to offset and rectify wind project impacts. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S., J. Mount, S. Standish, E. Leyvas, D. Bell, E. Walther, B. Karas. 2015. Integrated detection trials to improve the accuracy of fatality rate estimates at wind projects. Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 9-12 March 2015.

Smallwood, K. S. and C. G. Thelander. 2005. Lessons learned from five years of avian mortality research in the Altamont Pass WRA. AWEA conference, Denver, May 2005.

Neher, L., L. Wilder, J. Woo, L. Spiegel, D. Yen-Nakafugi, and K.S. Smallwood. 2005. Bird's eye view on California wind. AWEA conference, Denver, May 2005.

Smallwood, K. S., C. G. Thelander and L. Spiegel. 2003. Toward a predictive model of avian fatalities in the Altamont Pass Wind Resource Area. Windpower 2003 Conference and Convention, Austin, Texas.

Smallwood, K.S. and Eva Butler. 2002. Pocket Gopher Response to Yellow Star-thistle Eradication as part of Grassland Restoration at Decommissioned Mather Air Force Base, Sacramento County,

California. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and Michael L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratoides*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and E.L. Fitzhugh. 1989. Differentiating mountain lion and dog tracks. Third Mountain Lion Workshop, Prescott, AZ.

Smith, T. R. and K. S. Smallwood. 2000. Effects of study area size, location, season, and allometry on reported *Sorex* shrew densities. Annual Meeting of the Western Section of The Wildlife Society.

Presentations at Professional Meetings and Seminars

Long-Term Population Trend of Burrowing Owls in the Altamont. Golden Gate Audubon, 21 October 2020.

Long-Term Population Trend of Burrowing Owls in the Altamont. East Bay Regional Park District 2020 Stewardship Seminar, Oakland, California, 18 November 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Society, 28 September 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Society, 28 September 2020.

Smallwood, K.S., D.A. Bell, and S, Standish. Dogs detect larger wind energy effects on bats and birds. The Wildlife Survey, 7 February 2020.

Smallwood, K.S. and D.A. Bell. Effects of wind turbine curtailment on bird and bat fatalities in the Altamont Pass Wind Resource Area. The Wildlife Survey, 7 February 2020.

Dog detections of bat and bird fatalities at wind farms in the Altamont Pass Wind Resource Area. East Bay Regional Park District 2019 Stewardship Seminar, Oakland, California, 13 November 2019.

Repowering the Altamont Pass. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Developing methods to reduce bird mortality in the Altamont Pass Wind Resource Area, 1999-2007. Altamont Symposium, The Wildlife Society – Western Section, 5 February 2017.

Conservation and recovery of burrowing owls in Santa Clara Valley. Santa Clara Valley Habitat Agency, Newark, California, 3 February 2017.

Mitigation of Raptor Fatalities in the Altamont Pass Wind Resource Area. Raptor Research Foundation Meeting, Sacramento, California, 6 November 2015.

From burrows to behavior: Research and management for burrowing owls in a diverse landscape. California Burrowing Owl Consortium meeting, 24 October 2015, San Jose, California.

The Challenges of repowering. Keynote presentation at Conference on Wind Energy and Wildlife Impacts, Berlin, Germany, 10 March 2015.

Research Highlights Altamont Pass 2011-2015. Scientific Review Committee, Oakland, California, 8 July 2015.

Siting wind turbines to minimize raptor collisions: Altamont Pass Wind Resource Area. US Fish and Wildlife Service Golden Eagle Working Group, Sacramento, California, 8 January 2015.

Evaluation of nest boxes as a burrowing owl conservation strategy. Sacramento Chapter of the Western Section, The Wildlife Society. Sacramento, California, 26 August 2013.

Predicting collision hazard zones to guide repowering of the Altamont Pass. Conference on wind power and environmental impacts. Stockholm, Sweden, 5-7 February 2013.

Impacts of Wind Turbines on Wildlife. California Council for Wildlife Rehabilitators, Yosemite, California, 12 November 2012.

Impacts of Wind Turbines on Birds and Bats. Madrone Audubon Society, Santa Rosa, California, 20 February 2012.

Comparing Wind Turbine Impacts across North America. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Alameda County Scientific Review Committee meeting, 17 February 2011

Comparing Wind Turbine Impacts across North America. Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 3 May 2011.

Update on Wildlife Impacts in the Altamont Pass Wind Resource Area. Raptor Symposium, The Wildlife Society—Western Section, Riverside, California, February 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Raptor Symposium, The Wildlife Society - Western Section, Riverside, California, February 2011.

Wildlife mortality caused by wind turbine collisions. Ecological Society of America, Pittsburgh, Pennsylvania, 6 August 2010.

Map-based repowering and reorganization of a wind farm to minimize burrowing owl fatalities. California burrowing Owl Consortium Meeting, Livermore, California, 6 February 2010.

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Symposium on bird collisions with wind turbines. Wild Bird Society of Japan, Tokyo, Japan, 4 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13th Annual Conference, UC Santa Barbara, 27 October 2006.

Fatality associations as the basis for predictive models of fatalities in the Altamont Pass Wind Resource Area. EEI/APLIC/PIER Workshop, 2006 Biologist Task Force and Avian Interaction with Electric Facilities Meeting, Pleasanton, California, 28 April 2006.

Burrowing owl burrows and wind turbine collisions in the Altamont Pass Wind Resource Area. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, February 8, 2006.

Mitigation at wind farms. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Incorporating data from the California Wildlife Habitat Relationships (CWHR) system into an impact assessment tool for birds near wind farms. Shawn Smallwood, Kevin Hunting, Marcus Yee, Linda Spiegel, Monica Parisi. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Toward indicating threats to birds by California's new wind farms. California Energy Commission, Sacramento, May 26, 2005.

Avian collisions in the Altamont Pass. California Energy Commission, Sacramento, May 26, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. EPRI Environmental Sector Council, Monterey, California, February 17, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Associations between avian fatalities and attributes of electric distribution poles in California. The Wildlife Society - Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Minimizing avian mortality in the Altamont Pass Wind Resources Area. UC Davis Wind Energy Collaborative Forum, Palm Springs, California, December 14, 2004.

Selecting electric distribution poles for priority retrofitting to reduce raptor mortality. Raptor Research Foundation Meeting, Bakersfield, California, November 10, 2004.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. Annual Meeting of the Society for Ecological Restoration, South Lake Tahoe, California, October 16, 2004.

Lessons learned from five years of avian mortality research at the Altamont Pass Wind Resources Area in California. The Wildlife Society Annual Meeting, Calgary, Canada, September 2004.

The ecology and impacts of power generation at Altamont Pass. Sacramento Petroleum Association, Sacramento, California, August 18, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Consortium meeting, Hayward, California, February 7, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Symposium, Sacramento, November 2, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. National Wind Coordinating Committee, Washington, D.C., November 17, 2003.

Raptor Behavior at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

California mountain lions. Ecological & Environmental Issues Seminar, Department of Biology, California State University, Sacramento, November, 2000.

Intra- and inter-turbine string comparison of fatalities to animal burrow densities at Altamont Pass. National Wind Coordinating Committee, Carmel, California, May, 2000.

Using a Geographic Positioning System (GPS) to map wildlife and habitat. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Suggested standards for science applied to conservation issues. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Ecological restoration in the context of animal social units and their habitat areas. Society for Ecological Restoration, September 24, 1999.

Relating Indicators of Ecological Health and Integrity to Assess Risks to Sustainable Agriculture and Native Biota. International Conference on Ecosystem Health, August 16, 1999.

A crosswalk from the Endangered Species Act to the HCP Handbook and real HCPs. Southern California Edison, Co. and California Energy Commission, March 4-5, 1999.

Mountain lion track counts in California: Implications for Management. Ecological & Environmental Issues Seminar, Department of Biological Sciences, California State University, Sacramento, November 4, 1998.

"No Surprises" -- Lack of science in the HCP process. California Native Plant Society Annual Conservation Conference, The Presidio, San Francisco, September 7, 1997.

In Your Interest. A half hour weekly show aired on Channel 10 Television, Sacramento. In this episode, I served on a panel of experts discussing problems with the implementation of the Endangered Species Act. Aired August 31, 1997.

Spatial scaling of pocket gopher (*Geomyidae*) density. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Estimating prairie dog and pocket gopher burrow volume. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Ten years of mountain lion track survey. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Small animal control. Session moderator and speaker at the California Farm Conference, Sacramento, California, Feb. 28, 1995.

Small animal control. Ecological Farming Conference, Asylomar, California, Jan. 28, 1995.

Habitat associations of the Swainson's Hawk in the Sacramento Valley's agricultural landscape. 1994 Raptor Research Foundation Meeting, Flagstaff, Arizona.

Alfalfa as wildlife habitat. Seed Industry Conference, Woodland, California, May 4, 1994.

Habitats and vertebrate pests: impacts and management. Managing Farmland to Bring Back Game Birds and Wildlife to the Central Valley. Yolo County Resource Conservation District, U.C. Davis, February 19, 1994.

Management of gophers and alfalfa as wildlife habitat. Orland Alfalfa Production Meeting and Sacramento Valley Alfalfa Production Meeting, February 1 and 2, 1994.

Patterns of wildlife movement in a farming landscape. Wildlife and Fisheries Biology Seminar

Series: Recent Advances in Wildlife, Fish, and Conservation Biology, U.C. Davis, Dec. 6, 1993.

Alfalfa as wildlife habitat. California Alfalfa Symposium, Fresno, California, Dec. 9, 1993.

Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.

Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.

Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.

Landscape Ecology Study of Pocket Gophers in Alfalfa. Alfalfa Field Day, U.C. Davis, July 1993.

Patterns of wildlife movement in a farming landscape. Spatial Data Analysis Colloquium, U.C. Davis, August 6, 1993.

Sound stewardship of wildlife. Veterinary Medicine Seminar: Ethics of Animal Use, U.C. Davis. May 1993.

Landscape ecology study of pocket gophers in alfalfa. Five County Grower's Meeting, Tracy, California. February 1993.

Turbulence and the community organizers: The role of invading species in ordering a turbulent system, and the factors for invasion success. Ecology Graduate Student Association Colloquium, U.C. Davis. May 1990.

Evaluation of exotic vertebrate pests. Fourteenth Vertebrate Pest Conference, Sacramento, California. March 1990.

Analytical methods for predicting success of mammal introductions to North America. The Western Section of the Wildlife Society, Hilo, Hawaii. February 1988.

A state-wide mountain lion track survey. Sacramento County Dept Parks and Recreation. April 1986.

The mountain lion in California. Davis Chapter of the Audubon Society. October 1985.

Ecology Graduate Student Seminars, U.C. Davis, 1985-1990: Social behavior of the mountain lion; Mountain lion control; Political status of the mountain lion in California.

Other forms of Participation at Professional Meetings

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Berlin, Germany, March 2015.

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Stockholm,

Sweden, February 2013.

- Workshop co-presenter at Birds & Wind Energy Specialist Group (BAWESG) Information sharing week, Bird specialist studies for proposed wind energy facilities in South Africa, Endangered Wildlife Trust, Darling, South Africa, 3-7 October 2011.

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 2-5 May 2011.

- Chair of Animal Damage Management Session, The Wildlife Society, Annual Meeting, Reno, Nevada, September 26, 2001.

- Chair of Technical Session: Human communities and ecosystem health: Comparing perspectives and making connection. Managing for Ecosystem Health, International Congress on Ecosystem Health, Sacramento, CA August 15-20, 1999.

- Student Awards Committee, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

- Student Mentor, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Printed Mass Media

Smallwood, K.S., D. Mooney, and M. McGuinness. 2003. We must stop the UCD biolab now. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2002. Spring Lake threatens Davis. Op-Ed to the Davis Enterprise.

Smallwood, K.S. Summer, 2001. Mitigation of habitation. The Flatlander, Davis, California.

Entrikan, R.K. and K.S. Smallwood. 2000. Measure O: Flawed law would lock in new taxes. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2000. Davis delegation lobbies Congress for Wildlife conservation. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 1998. Davis Visions. The Flatlander, Davis, California.

Smallwood, K.S. 1997. Last grab for Yolo's land and water. The Flatlander, Davis, California.

Smallwood, K.S. 1997. The Yolo County HCP. Op-Ed to the Davis Enterprise.

Radio/Television

PBS News Hour,

FOX News, Energy in America: Dead Birds Unintended Consequence of Wind Power

Development, August 2011.

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Mountain lion attacks (with guest Professor Richard Coss). 23 April 2009;

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Wind farm Rio Vista Renewable Power. 4 September 2008;

KQED QUEST Episode #111. Bird collisions with wind turbines. 2007;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. December 27, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. May 3, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. February 8, 2001;

KDVS Speaking in Tongues (host Ron Glick & Shawn Smallwood), California Energy Crisis: 1 hour. Jan. 25, 2001;

KDVS Speaking in Tongues (host Ron Glick), Headwaters Forest HCP: 1 hour. 1998;

Davis Cable Channel (host Gerald Heffernon), Burrowing owls in Davis: half hour. June, 2000;

Davis Cable Channel (hosted by Davis League of Women Voters), Measure O debate: 1 hour. October, 2000;

KXTV 10, In Your Interest, The Endangered Species Act: half hour. 1997.

Committees

- Scientific Review Committee, Alameda County, Altamont Pass Wind Resource Area
- Ph.D. Thesis Committee, Steve Anderson, University of California, Davis
- MS Thesis Committee, Marcus Yee, California State University, Sacramento

Other Professional Activities or Products

Testified in Federal Court in Denver during 2005 over the fate of radio-nuclides in the soil at Rocky Flats Plant after exposure to burrowing animals. My clients won a judgment of $553,000,000. I have also testified in many other cases of litigation under CEQA, NEPA, the Warren-Alquist Act, and other environmental laws. My clients won most of the cases for which I testified.

Testified before Environmental Review Tribunals in Ontario, Canada regarding proposed White Pines, Amherst Island, and Fairview Wind Energy projects.

Testified in Skamania County Hearing in 2009 on the potential impacts of zoning the County for development of wind farms and hazardous waste facilities.

Testified in deposition in 2007 in the case of O'Dell et al. vs. FPL Energy in Houston, Texas.

Testified in Klickitat County Hearing in 2006 on the potential impacts of the Windy Point Wind Farm.

Memberships in Professional Societies

The Wildlife Society
Raptor Research Foundation

Honors and Awards

Fulbright Research Fellowship to Indonesia, 1987
J.G. Boswell Full Academic Scholarship, 1981 college of choice
Certificate of Appreciation, The Wildlife Society—Western Section, 2000, 2001
Northern California Athletic Association Most Valuable Cross Country Runner, 1984
American Legion Award, Corcoran High School, 1981, and John Muir Junior High, 1977
CIF Section Champion, Cross Country in 1978
CIF Section Champion, Track & Field 2 mile run in 1981
National Junior Record, 20 kilometer run, 1982
National Age Group Record, 1500 meter run, 1978

Community Activities

District 64 Little League Umpire, 2003-2007
Dixon Little League Umpire, 2006-07
Davis Little League Chief Umpire and Board member, 2004-2005
Davis Little League Safety Officer, 2004-2005
Davis Little League Certified Umpire, 2002-2004
Davis Little League Scorekeeper, 2002
Davis Visioning Group member
Petitioner for Writ of Mandate under the California Environmental Quality Act against City of Woodland decision to approve the Spring Lake Specific Plan, 2002
Served on campaign committees for City Council candidates

EXHIBIT B

Memorandum

To: Richard Drury, Lozeau Drury LLP

From: Christopher Winchell
Biologist, Rare Plant Ecologist

Date: March 26, 2024

Re: Bickmore Warehouse Site Visit and Response to ISMND

Introduction
This memorandum documents the findings of the Bickmore Warehouse site visit in Hesperia, CA, including suitability determinations of special-status plants, western Joshua tree transplantation, identification of potentially regulated habitats, and incidental wildlife observations. This memorandum also provides an analysis of the Bickmore Warehouse ISMND relating to biological impacts.

Methodology
Prior to the site visit, multiple sources of data were queried to identify recorded special-status plant species within the project and surrounding area, including published literature and public datasets. Special-status plant species include those that have Federal, State, local, or California Rare Plant Rank (CRPR) designations. This information was obtained from the following sources:

- Calflora
- California Department of Fish and Wildlife's (CDFW) California Natural Diversity Database
- California Native Plant Society's Online Inventory of Rare and Endangered Plants of California
- Consortium of California Herbaria (CCH2)
- U.S. Department of Agriculture's Natural Resources Conservation Service Soil Survey Geographic Database

The results of this search determined that at least 10 special-status plant species have potential to occur on the proposed project site. Determinations were based upon soils, vegetation alliances, and the proximity of existing records to the site.

- Booth's evening primrose (*Eremothera boothii* ssp. *boothii*), 2B.3
- Crowned muilla (*Muilla coronata*), CRPR 4.2
- Desert cymopteris (*Cymopteris deserticola*), CRPR 1B.2
- Indian breadroot (*Pediomelum castoreum*), CRPR 1B.2
- Mojave monardella (*Monardella exilis*), CRPR 4.2
- Mojave spineflower (*Chorizanthe spinosa*), CRPR 4.2
- Pygmy poppy (*Canbya candida*), CRPR 4.2
- Sagebrush loeflingia (*Loeflingia squarrosa* var. *artemisiarum*), CRPR 2B.2
- Short joint beavertail (*Opuntia basilaris* var. *brachyclada*), CRPR 1B.2
- Torrey's box thorn (*Lycium torreyi*), CRPR 4.2

The site visit was performed on March 14, 2025 by biologist Christopher Winchell to determine the site's suitability for special-status plant and animal species.

Results

The site consists of anthropogenically disturbed Mohave desert scrub, with sandy to gravelly soils and a non-native herbaceous understory with a sparse shrub layer. The site is bordered by development and disturbed to intact Mohave desert scrub. A historic desert wash runs through the southern end of the project site and drains through a culvert under E Avenue; however, the wash appears to no longer have connectivity to the Mojave River due to development.

A total of seven living WJTs were detected within the project site boundary. WJTs were observed distributed throughout the site, with all but one in generally good health.

The site supports suitable conditions for the 10 special-status plant species identified as having potential to occur. However, none were confirmed to be present.

The site's vegetation structure, which can be characterized as open scrubland, was also found to be suitable for burrowing owl (*Athen cunicularia*), a CDFW Species of Special Concern. A potential kit fox den complex and suitably sized rodent burrows were observed along the perimeter of the site. Additionally, California ground squirrel (*Otospermophilus beechyi*), which dig suitable burrowing owl burrows, were observed in the vicinity of the site.

Discussion

The seven living WJTs found on the proposed project site during the March 2025 site visit is consistent with the Rare Plant Preservation Plan completed in 2023 by RCA Associates, Inc. The RCA analysis indicated that three of the seven WJTs are suitable for transplantation. The factors for determining transplantation suitability outlined by the plan include damage, health, height, lean, proximity to other WJT, root exposure, and branching. Three WJTs were excluded from translocation due to height and excessive branching and/or lean. However, these trees were found to be suitable for transplantation during the March 2025 site visit based upon CDFW's Western Joshua Tree Relocation Guidelines and Protocols. The relocation guidelines do not exclude transplantation of trees based on height, branching, or lean, except in cases where trees exceed seven meters due to post transplantation stability concerns. The remaining WJT excluded for transplantation was rejected due to poor health. The CDFW guidelines and protocols also do not exclude WJT due to health, however, they do prioritize transplantation of trees where 60% or more of the branches are alive.

While the site has largely been anthropogenically disturbed, it was found to have potentially suitable conditions for the 10 special-status plant species identified as having potential to occur. Of these, five have a CRPR of 1B and 2B, ranks given to species that are rare, threatened, or endangered in California. Should any of these species occur on the site, implementation of the project would result in population reduction or loss and would require CEQA analysis to determine impact significance. The other five special-status plant species have a California Rare Plant Rank of 4, which is given to species of limited distribution, but are generally not considered to be rare, threatened, or endangered. However, when evaluating impacts to Rank 4 species, local rarity, regional distribution can provide rationale to consider CRPR 4 species occurrences as regionally rare and therefore CEQA analysis may be justified. Based upon existing information, the CRPR 4 species determined to have potential to occur onsite are also regionally uncommon to rare and may also require CEQA analysis should they be present onsite.

Suitable burrowing owl foraging and nesting habitat is present on and adjacent to the site. The open scrub habitat found onsite presents ideal foraging conditions for burrowing owl as it allows for greater

visibility and movement of foraging owls. The site also supports suitable habitat for desert kit fox and California ground squirrel, which dig burrows suitable for burrowing owl use, including those used for breeding. A number of potentially suitable burrows, including possible California ground squirrel and a desert kit fox den observed on the margins of the project site further indicate the site is suitable for burrowing owl use. Given the presence of suitable foraging habitat and potentially suitable burrows for burrowing owl use, protocol surveys may be necessary to determine if the project will result in significant impacts to the species or its habitat.

Conclusion/Comment

While the Bickmore Warehouse ISMND and the Rare Plant Preservation Plan do address western Joshua tree impacts, literature-based justification for determining transplantation suitability of western Joshua trees was not provided. The plan states that transplant suitability is "based on industry standards" and provides a bulleted list of the suitability criteria without citation or reference, resulting in the exclusion of four of the seven living western Joshua trees occurring on the project site. However, based upon CDFW's Western Josua Tree Relocation Guidelines and Protocols, all seven western Joshua trees are suitable for transplantation.

The project site may support suitable habitat for 10 special-status plant species, five of which meet the definition of being rare, threatened, or endangered in California, and five additional species that have a limited distribution but may also meet those criteria. Because suitable special-status plant habitat is present, surveys should be initiated to determine if any of these species occur on the site to evaluate if the project will result in significant impacts to any of these species.

The site and surrounding lands also support suitable burrowing owl foraging, denning, and nesting habitat. To determine presence and to minimize or prevent significant impacts to burrowing owl, protocol surveys should be implemented.

Based upon the findings of the site visit and literature review of the project and surrounding area, construction of the Bickmore Warehouse without CEQA review may result in significant impacts special-status plant species and burrowing owl.

Should you have any questions please contact me at (559) 907-6999 or cjwinchell@gmail.com.

Sincerely,

Christopher Winchell

Christopher J. Winchell

PO Box 421, Prather CA, 93651 · cjwinchell@gmail.com · 559.907.6999

Professional Profile

Mr. Winchell has been a professional biologist for over 20 years specializing in vegetation and rare plant surveys throughout California and has over 15 years of experience conducting wildlife surveys. Experienced with CEQA and NEPA document preparation and agency coordination and has led large scale field surveys and monitoring efforts for nearly 10 years.

Highlights

- Special-status plant surveys
- Habitat mapping and assessments
- Nesting bird surveys and monitoring
- Wildlife surveys and monitoring
- Wetland delineations and monitoring
- Management of biological surveys and monitoring activities
- Management Plans
- CEQA/NEPA document preparation
- Client, Contractor, Field Team, and Agency communication

Education

BS, Biology (Ecology and Evolution), Fresno State University

Wetland Delineation Certification from the Wetland Training Institute

Publications

J. C. Stebbins, C. J. Winchell, and J. V. H. Constable. 2013. *Helianthus winteri* (Asteraceae), a new perennial species from the southern Sierra Nevada foothills, California. Aliso 31:19–24.

Memberships/Other Experience

Professional Experience

Senior Biologist, Imago Biological Consulting *2024–Present*

- Rare plant surveys, taxonomy, assessments, habitat mapping
- Wildlife surveys and habitat assessments for a number of special-status species including Yosemite toad, California red-legged frog, California tiger salamander, foothill /Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, and burrowing owl.
- Biological monitoring: lead construction monitor, nesting bird lead, wetland, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Preparation of budgets and proposals.
- Agency coordination

Senior Biologist, Novaterra Biological Consulting
2021–Present

- Rare plant surveys, taxonomy, assessments, habitat mapping
- Wildlife surveys and habitat assessments for a number of special-status species including Yosemite toad, California red-legged frog, California tiger salamander, foothill /Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, and burrowing owl.
- Biological monitoring: lead construction monitor, nesting bird lead, wetland, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Preparation of budgets and proposals.
- Agency coordination

Senior Biologist, Colibri Ecological Consulting
2018–2021

- University of California, Berkley, Jepson Herbarium: workshop instructor.
- California Native Plant Society: Sequoia Chapter Rare Plant Chair; class and workshop instructor and coordinator.
- Sierra Foothill Conservancy: native plant instructor, and volunteer for 20 years.
- TWS: Led Carrizo Plain wildflower classes.
- Attended various workshops and rare plant treasure hunts. CRPR status reviewer for 4 regions.
- Maintains a personal herbarium with over 7,000 specimens
- Ongoing educational and biological collaborations with instructors at Fresno State University and Fresno City College.

- Rare plant surveys, taxonomy, assessments, habitat mapping, BA/BE preparation.
- Wetland delineations, LSAA and 401 permit preparation.
- Wildlife surveys and habitat assessments for Sierra Nevada red fox, pacific fisher, Yosemite toad, California red-legged frog, California tiger salamander, foothill / Sierra Nevada yellow-legged frog, western pond turtle, valley elderberry longhorn beetle, burrowing, great grey owl, and spotted owl.
- Biological monitoring: lead construction monitor, wetland, nesting bird, plant, and wildlife.
- Large scale rare plant survey design and field management.
- Agency coordination

Ecologist II, H. T. Harvey & Associates
2008–2018

- Rare plant surveys, taxonomy, vegetation assessments, and habitat mapping.
- Wetland delineations, LSAA and 401 permit preparation.
- Wildlife surveys and habitat assessments for giant kangaroo rat, Tipton kangaroo rat, San Joaquin antelope squirrel, San Joaquin kit fox, Sierra Nevada red fox, fisher, Yosemite toad, California red-legged frog, foothill /mountain yellow-legged frog, western pond turtle, valley elderberry longhorn beetle northern goshawk burrowing, great grey, and spotted owl. Blunt-nosed level II surveyor.
- Biological monitoring; lead construction monitor, wetland, nesting bird, plant, and wildlife.
- Preparation of CEQA and NEPA documents: EIR, BA/BE, IS, ND, MND, and other survey documents.
- Agency coordination
- Preparation of habitat management plans.
- Preparation of proposals and budgets.
- Small to large scale project plant and wildlife survey design and management.

Associate Biologist, John Stebbins Biological Consulting
2002–2014

- Rare and cultural plant surveys.
- Nesting bird surveys.
- Valley elderberry longhorn beetle surveys and monitoring.
- Wetland delineations.

Botanist, Sierra National Forest
2004–2009

- Rare plant surveys.
- Wetland delineations, montane fen mapping.
- Montane meadow evaluations.
- Yosemite toad, fisher, spotted owl, great grey owl, and northern goshawk surveys.
- Noxious weed surveys and eradication.
- Preparation of internal agency survey documents.
- Taxonomy and herbarium maintenance.

Biologist, McCormick Biological
2004–2008

- Blunt-nosed leopard lizard surveys.
- Rare plant surveys and habitat mapping.

Biologist, Barbara Leitner Biological Consulting

2003–2006

- Assisted mohave ground squirrel trapping at Naval Air Weapons Station China Lake.
- Vegetation surveys and noxious weed eradication at Naval Air Weapons Station China Lake.
- Habitat restoration and management.
- Rare plant surveys and habitat mapping

Recent Project Examples

- Lead botanist for rare plant surveys and vegetation mapping, burrowing owl protocol survey field lead for Southern California Edison's Lake Success Transmission and Distribution Project in Tulare County.
- Lead botanist for the Bullhead Solar project in Kern County.
- Designated Botanist and field lead for the Camino Solar Project Bakersfield cactus translocation project in Kern County
- Lead botanist for Southern California Edison's Canal Project in Riverside County.
- Construction lead monitor and Nesting Bird Lead for Southern California Edison's Big Creek System tower raising and reconductoring project, Lake Success Transmission and Distribution Project, and multiple CEMA Transmission Right of Way Projects. Conducted rare plant, wetland, and wildlife surveys and assessments in addition to lead monitor duties.
- Conducted rare plant and wildlife surveys for Southern California Edison's pole replacement program from Fresno to Kern County.
- Conducted rare plant and wildlife surveys, performed wetland delineations, weed assessments; drafted sections of the EIR, weed management plan, and habitat management plan; and monitored construction for the California Valley Solar Ranch

project in San Luis Obispo County. Played integral role, as a lead taxonomist, in identifying rare plants and assessing habitat for these species, implementing best management practices during construction near sensitive resources. Continuing long-term rare plant, vegetation study plots, and wetland monitoring of conservation lands. Designated Biologist for giant kangaroo rat, San Joaquin kit fox, and San Joaquin antelope squirrel.

- Conducted rare plant surveys, performed wetland delineations, drafted sections of the EIR and plant survey reports for the California Flats Solar Project in San Luis Obispo County. Lead taxonomist, designed and implemented intensive and adaptive survey protocols to compensate for drought conditions during the multi-year survey effort.
- Conducted rare plant surveys on conservation lands associated with the Panoche Valley Solar Farm project in Kings and Monterey Counties. Also conducted giant kangaroo precinct surveys for the following the large population expansion of the species throughout the proposed project site during construction. Lead crews, assisted with the development of survey methodology, managed data for this multi-month effort.
- Conducted and managed rare plant and blunt-nosed leopard lizard surveys, and drafted survey reports for the Alamo Spring Solar Project in Kings County. Lead surveyor for both the plant and blunt-nosed leopard lizard surveys; budget and schedule management, survey design and implementation.
- Conducted rare plant surveys, blunt-nosed leopard lizard surveys, wildlife surveys, performed wetland and nest monitoring, and drafted survey reports for a variety of Caltrans road projects in Fresno, Kings, and Kern Counties. Played a key role in survey design, budgeting, field crew management for rare plant and blunt-nosed leopard lizard surveys; conducted kit fox spotlight surveys, and performed multi-year nest and wetland monitoring for the Kings River Expressway project. Caltrans Designated Biologist for Swainson's hawk.
- Lead Construction Monitor for the Quinto Solar Project in Fresno County. Conducted surveys for rare plants. Monitored sensitive species and resources such as San Joaquin kit fox, badger, Swainson's hawk, rare plants, and wetlands; implemented BMP's, and maintained constant client communication.
- Conducted rare plant and weed surveys, drafted survey reports including BA/BE's, and provided weed management consultation for a variety of Ponderosa and Sierra Telephone projects from Fish Camp to Bass Lake.

- Conducted biological surveys and weed assessments in the Sierra Nevada Mountains for Southern California Edison's Deteriorated Pole Program and Pacific Gas and Electric's Operation Maintenance Program in Fresno, Madera, Mariposa, and Tulare Counties for 7 years.
- Conducted biological assessments, rare plant surveys, invasive species mapping, and drafted conservation baseline reports for conservation lands managed by Sierra Foothill Conservancy and Sequoia Riverlands Trust in the Sierra Nevada Mountains and Central Valley.
- Conducted rare plant and weed surveys, drafted survey reports, weed management plans for a variety of solar projects in the Central Valley including Pumpjack Solar, Wildwood Solar, and Westside solar.

ATTACHMENT "A"
List of Conditions for SPR23-00018

Approval Date: April 23, 2025
Effective Date: May 06, 2025
Expiration Date: May 06, 2028

This list of conditions applies to: Consideration of Site Plan Review SPR23-00018 to construct two industrial warehouse buildings totaling 79,778 square feet on 5.2 acres within the General Industrial (GI) zone of the Main Street and Freeway Corridor Specific Plan located at the southwest corner of Mojave Avenue and "E" Avenue in conjunction with the adoption of a mitigated negative declaration pursuant to the provisions of CEQA (Applicant: Wei Ding / DW Bickmore LLC; APN: 0410-051-11)

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

ADDITONAL CONDITIONS

COMPLETED	**COMPLIED BY**	
NOT IN COMPLIANCE		EXPIRATION OF ENTITLEMENT. Unless the applicant has obtained a grading permit and/or building permit and commenced construction, this approval shall expire three (3) years from the date of action of the reviewing authority. Where no grading or building permit is required, the allowed use on the site shall have commenced prior to the expiration date in compliance with the approval and any applicable conditions of approval. An extension of time may be granted pursuant to Municipal Code Section 16.12.060 if the applicant files an application and written request for an extension prior to the expiration of the permit.
COMPLETED	**COMPLIED BY**	
NOT IN COMPLIANCE		

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED	**COMPLIED BY**	
NOT IN COMPLIANCE		CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)
COMPLETED	**COMPLIED BY**	
NOT IN COMPLIANCE		ELECTRIC VEHICLE CHARGING INFRASTRUCTURE. [NEW INDUSTRIAL AND COMMERCIAL ONLY, NOT INCLUDING HOTELS AND MOTELS] The project shall comply with the requirements of California Green Building Standards Code (CALGreen) Section 5.106.5.3 regarding electric vehicle (EV) charging infrastructure for non-residential developments. The developer shall provide the required number of EV-capable parking spaces, including the

necessary raceways, conduits, panel capacity, and other supporting infrastructure to facilitate the future installation of EV charging stations in accordance with state and local requirements. This may include designated Electric Vehicle Charging Spaces (EVCS) that are required to have Electric Vehicle Supply Equipment (EVSE) installed as part of the project. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Dena Alcayaga at (760) 947-1438 or dlalcayaga@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TITLE REPORT. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

IRREVOCABLE OFFERS OF DEDICATION. The Developer shall submit an Offer of Dedication to the City's Engineering Department for review and approval. At time of submittal the developer shall complete the City's application for document review and pay all applicable fees. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DRAINAGE STUDY. The Developer shall submit three (3) copies of a Final Drainage Study which analyzes the pre-project and proposed project hydrology, including flows from offsite, flows generated onsite, hydraulic properties of flows entering or exiting the project to and from natural or constructed conveyances, and capacity and function of any runoff management structures such as catch basins, inlets, outlets and detention or retention structures. The study must include all information specified in the City's hydrology study outline

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DRYWELLS. The Project may be permitted to install drywells to ensure the required drawdown time will be achieved.
A. Drywells shall have a City-approved pretreatment component equivalent to a 2-phase system with debris shield

and filter element.

B. Drywells shall be constructed by a contractor qualified in the construction of drywells.

C. Drywells in retention basins shall include a secured grate to prevent unauthorized removal.

D. The excavation for the drywell shall penetrate a minimum of 10 continuous feet into a suitable permeable layer or when a depth of 60 feet has been reached, unless otherwise approved by the City Engineer.

E. Drywells that cease to drain a basin or underground system within 48 hours of the end of a storm event shall be replaced or refurbished by the owner. This requirement shall be written in the CC&Rs for all subdivisions where drywells are installed.

F. Drywell usage shall comply with all prevailing City, State, and Federal requirements, including the Underground Injection Control Regulations for Class V Injection Wells.

G. A Drywell Maintenance Plan shall be submitted to the City for review and approval prior to the approval of a drywell installation at a project site.

H. The Drywell Maintenance Plan shall include the following:

1. Drywell(s) location, depth, type, installing contractor, date of installation, owner, maintenance contractor, and emergency contact.
2. Settling chambers and interceptors to be inspected annually;
3. Removal of sediment and debris when:
   a. Sediment/debris level fills = 25% of the capacity;
   b. Drywell ownership or maintenance responsibility changes;
   c. Material not resulting from stormwater/urban runoff enters the settling chamber or interceptor

I. Submit inspection/maintenance reports to the City (Building and Safety within 10 days of inspection/maintenance.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable Mojave River Watershed Group Regulated WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMPs), and includes calculations for BMP sizing.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

OFFSITE DRAINAGE IMPACT PREVENTION. The Project shall provide safe conveyance for offsite runoff either routed through the project or around the project site. The Project shall ensure that the proposed conveyance of offsite flows will not increase adverse impacts to downstream properties and/or drainage facilities for the 1-hour design storm for the 100-year return frequency rainfall events.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

The Project shall be designed to prevent adverse impacts to downstream properties and/or drainage facilities caused or exacerbated by the project. The project shall demonstrate that runoff from the completed project site will not exceed 90% of the pre-project runoff discharge rates for the 24-hour design storm for the 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not accumulate standing water for more than 48 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 48 hours.

B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board.
Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see:
https://www.casqa.org/resources/bmp-handbooks

NPDES: The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice of Intent Receipt Letter and the project WDID No. to the City.
Alternatively, projects from 1 to 5 acres with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Water Resources Control Board that construction activity will occur only when the Rainfall Erosivity Factor is less than 5 (R in the Revised Universal Soil Loss Equation), shall provide a copy of the project's Erosivity Waiver Certification and Waiver ID to the City.
NPDES-PERMIT TERMINATION: Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities.

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEDICATION(S). The Developer shall grant to the City an Irrevocable Offer of Dedication for Mojave Street And "E" Avenue. The right-of-way half width for Mojave Street shall be sixty (30') feet and the right-of-way half width for "E" Avenue shall be fifty (50') feet. The Developer shall also grant to the City an Irrevocable Offer of Dedication for any part of the Path of Travel located behind any commercial drive approaches that encroach onto private property. It is the Developer's responsibility to obtain any additional right-of-way dedication needed to satisfy the 26' minimum paving requirement at no cost to the City. Corner cut off right of way dedication per City standards is required at all intersections. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

APPROVAL OF IMPROVEMENT PLANS. All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

"E" AVENUE: Developer shall design to construct half width (to centerline) pavement on "E" Avenue across the project frontage based on City's 100-foot Arterial Roadway Standard. The curb face is to be at 36' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

A. 8 Curb and Gutter per City standards.
B. Sidewalk (width = 6 feet) per City standards.
C. Roadway drainage device(s).
D. Streetlights per City standards.
E. Intersection improvements including handicapped ramps per City standards.
F. Commercial drive approach per City standards.
G. Pavement transitions per City Standards.
H. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 10 and per the soils report.
I. Cross sections every 50-feet per City standards.
J. Traffic control signs and devices as required by the traffic study and or the City Engineer.
K. Provide a signage and striping plan per City standards.
L. It is the Developers responsibility to obtain any off-site dedications for transition tapers including acceleration deceleration tapers.
M. Relocate existing utilities. The Developer shall coordinate with affected utility companies.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

MOJAVE STREET: Saw-cut (2-foot min.) and match-up asphalt pavement on Mojave Street across the project frontage based on City's 60-foot Local Roadway Standard. The curb face is to be at 20' from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of (E)

A. 8 Curb and Gutter per City standards.
B. Sidewalk (width = 6 feet) per City standards.
C. Roadway drainage device(s).
D. Streetlights per City standards.
E. Intersection improvements including handicapped ramps per City standards.
F. Commercial drive approach per City standards.
G. Pavement transitions per City Standards.
H. Design roadway sections per existing approved street sections and per R value testing with a traffic index of 10 and per the soils report.
I. Cross sections every 50-feet per City standards.
J. Traffic control signs and devices as required by the traffic study and or the City Engineer.
K. Provide a signage and striping plan per City standards.
L. Relocate existing utilities. The Developer shall coordinate with affected utility companies.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developers expense. (E)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 16" PVC (Poly Vinyl Chloride) water line in Mojave Street or the 12" PVC water line in "E" Avenue per City Standards.
C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to design to construct an 8" PVC sewer main in Mojave Street from the westerly property line of project and connect to existing stub out just west of "E" Avenue per City standards.
D. Complete V.V.W.R.A.s Wastewater Questionnaire for Commercial / Industrial Establishments and submit to the Engineering Department. Complete the Certification Statement for Photographic and X ray Processing Facilities as required.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SEWER IMPR. PLAN. The Developer shall design sewer improvements in accordance with City standards, and as indicated below. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SEWER IMPROVEMENT PLAN: The Developer shall design and construct an 8 minimum PVC SDR 35 sewer main in Mojave Street from the westerly property line of project and connect to existing stub out just west of "E" Avenue. Design shall consist of plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PERCOLATION TEST. The applicant shall provide percolation test data which are adequate to substantiate the hydrologic performance of all proposed basins, underground retention systems, drywells, or other features requiring percolation of surface water:

A. Projects shall provide site-specific percolation test data to substantiate the performance and effective drawdown time of all proposed surface retention basins.
B. Projects shall provide site-specific, depth-appropriate percolation test data for the proposed subsurface infiltration/retention system; and/or for any proposed drywells.
C. Percolations tests shall be performed in accordance with the procedures in Appendix A of the Riverside County Design Handbook for Low Impact Development Best Management Practices; available online at:

http://www.floodcontrol.co.riverside.ca.us/NPDES/LIDBMP.aspx

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SWPPP IMPLEMENTATION. All of the requirements of the City-approved Storm Water Pollution Prevention Plan shall be implemented prior to the City's issuance of a grading permit,

and shall be maintained until construction is complete and all disturbed areas are fully stabilized. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

Fire Protection. Plans for fire protection requirements shall be submitted to the Building Division as follows: (F)

A. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

NATIVE AMERICAN RESOURCES. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, a qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan. The Lead Agency and/or applicant shall, in good faith, consult local Indian tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FISH AND GAME FEE. Within five days from approval of the entitlement, the applicant shall file a Notice of Determination with the San Bernardino County Clerk of the Board and pay the filing fee of $4,101.25 payable to the Clerk of the Board of Supervisors of San Bernardino County. A copy of the stamped NOD from the County shall be provided to the Planning Division when completed. Additionally, an electronic copy of the stamped NOD shall be filed with the Governor's Office of Planning and Research and posted on the CEQAnet Web Portal. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

MASONRY WALLS AND FENCING. The required truck parking areas that are adjacent to the right of way shall be screened by a minimum 8 foot high decorative block wall consistent with the approved site plan on file. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION SURVEY. Prior to the initiation of construction activities (i.e., grubbing, clearing, staging, digging), focused burrowing owl surveys shall be conducted by a qualified biologist according to the CDFW Staff Report on Burrowing Owl Mitigation2 (CDFG, 2012 or most recent version) for the Project site and surrounding 500 ft radius. Take avoidance surveys shall be conducted no less than 14 days prior to the start of Project-related activities. Burrowing owls may re-colonize a site after only a few days, thus time lapses between Project activities require subsequent take avoidance surveys including but not limited to a final survey conducted within 24 hours prior to ground disturbance, in

accordance with the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If the surveys
confirm the presence of burrowing owls, impacts to burrowing owl shall be fully avoided. If impacts to burrowing owl are unavoidable, the City should apply for a CESA ITP

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

NESTING BIRD SURVEY: A qualified avian biologist shall conduct pre-construction nesting bird surveys at the appropriate time of day/night, during appropriate weather conditions no more than 3 days prior to the initiation of ground disturbing activities. The survey shall focus on all suitable nesting areas such as but not limited to: trees, shrubs, bare ground, burrows, cavities, and structures. If a nest is suspected, but not confirmed, the qualified avian biologist shall establish a disturbance-free buffer until additional surveys can be completed, or until the location can be confirmed based on observations. If a nest is observed, but thought to be inactive, the qualified avian biologist shall monitor the nest for at least 1 hour for passerine birds and 4 hours for raptors. When an active nest is confirmed, the qualified avian biologist shall immediately establish a conservative buffer surrounding the nest based on their best professional judgement and experience. The buffer shall be delineated to ensure that its location is known by all persons working within the vicinity but shall not be marked in such a manner that it attracts predators. The qualified avian biologist shall monitor the next to determine the efficacy of the buffer and shall adjust the buffer accordingly if it is determined that birds are having an adverse reaction. The qualified avian biologist shall monitor the next daily until activities are no longer within 300 feet of the nest, or the fledglings become independent of their nest, or the nest has failed.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STREAMBED ALTERATION AGREEMENT: Prior to construction activities, mapping of stream resources in the Project area shall be conducted to identify streams on site. If Project construction activities occur within a streambed, then the California Department of Fish and Wildlife (CDFW) shall be notified pursuant to Fish and Game Code section 1602. If CDFW determines that the Project may substantially affect fish and wildlife resources, then CDFW shall issue a Streambed Alternation Agreement (Agreement). The Agreement shall include measures to avoid, minimize, and mitigate impacts to Fish and Game Code section 1602 resources.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. School Fees

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ACCESSIBLE PARKING SPACES. The project shall comply with California Building Code (CBC) Section 11B-208, ensuring that accessible parking spaces are provided as required for non-residential developments. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LIGHT POLLUTION REDUCTION. The project shall comply with California Green Building Standards Code (CALGreen) Section 5.106.8 regarding Light Pollution Reduction for non-residential developments. Outdoor lighting systems shall be designed and installed to meet the minimum requirements of the California Energy Code for applicable Lighting Zones (0-4) and shall not exceed the allowable BUG (Backlight, Uplight, and Glare) ratings as specified in CALGreen Table 5.106.8 [N]. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ROOFTOP EQUIPMENT. All rofftop equipment shall be screened from view from the right-of-way and architecturally integrated into the design of the building. All roof-mounted mechanical equipment proposed on the roof shall be shown on a cross-section of the building, as well as a line of site study, evidencing that the equipment will be screened from view and will not be visible from the right-of-way.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CFD ANNEXATION. The applicant shall annex into the site into the Community Facilities District CFD-2022-1

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. A combination solid three foot high split face masonry wall or other approved decorative wall with a three foot high wrought iron fence shall be provided along the property lines where headlight glare from vehicles on site would negatively affect adjacent residentially designated

properties. An approved six foot high wall with decorative cap may be substituted for the combination wall/fence provided its height is in accordance with the Development Code. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STAMPED CONCRETE. Stamped color concrete shall be installed at the driveway entrances in a color and design consistent with the architectural theme of the structures on-site, prior to the issuance of a building permit. The stamped color concrete shall be noted on the approved construction plans accordingly.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TRASH ENCLOSURE. All trash enclosures shall be in conformance with Municipal Code Section 16.16.360 and City approved construction details. The enclosure shall be enclosed on three sides by a minimum six-foot tall decorative masonry wall with split face block on the viewable side and a decorative cap. The masonry wall shall be earth tone in color; solid grey block is not allowed. The enclosure shall have non-transparent metal gates and a solid roof-cover that is architecturally compatible with the primary building onsite and that serves to protect the refuse area from inclement weather, as well as prevents unauthorized entry into the enclosure.

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. Development Impact Fees (B)
B. Park Fees (Not applicable to commercial and industrial developments (B)
C. Utility Fees (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

AS BUILT PLANS. The Developer shall provide as built plans. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template

provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LANDSCAPE AND IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

Others

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(1). To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third Party Action (as hereinafter defined). The term “Third Party Action” collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively “Approvals”); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant’s obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or

damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(2). Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim unless the City approves the settlement in writing. Additionally, the City shall not be prohibited from independently defending any claim, and whether or not the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Unless the City independently chooses to defend any Third Party Action on its behalf, Applicant shall control the conduct of the defense of any claim or action provided that: (1) the City shall have the right, prior to filing, to review and approve any and all pleadings or related documents filed with the court in connection with such defense and Applicant shall reimburse the City for review time for each draft brief or pleading to be filed on behalf of the City; and (2) the City shall review and reasonably approve any proposed settlement. The Applicant acknowledges that the City is not obligated to approve a proposed settlement requiring the City to pay or incur any monetary amount, take a future legislative action, render a future quasi judicial decision, or otherwise take a future discretionary government action. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(3). The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third Party Actions. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall tender to the City payment in full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment in full to the City shall be considered a breach and non compliance with the conditions of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein . (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	**947-1300**
(E) Engineering Division	**947-1476**
(F) Fire Prevention Division	**947-1603**
(P) Planning Division	**947-1200**
(RPD) Hesperia Recreation and Park District	**244-5488**

ATTACHMENT 8

RESOLUTION NO. PC-2025-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, DENYING APPEAL APP25-00001, UPHOLDING THE DEVELOPMENT REVIEW COMMITTEE'S APPROVAL OF SITE PLAN REVIEW (SPR23-00018) IN CONJUNCTION WITH THE ADOPTION OF ASSOCIATED INITIAL STUDY/MITIGATED NEGATIVE DECLARATION (IS/MND) (SCH NO. 2025021160) LOCATED ON THE SOUTHWEST CORNER OF MOJAVE STREET AND E AVENUE (APP25-00001)

WHEREAS, the Supporters Alliance for Environmental Responsibility (SAFER) has filed an application requesting approval of Appeal No. APP25-00001, seeking to overturn the Development Review Committee's (DRC) decision to adopt the associated Initial Study/Mitigated Negative Declaration (IS/MND) and approve Site Plan Review No. SPR23-00018 (SCH No. 2025021160), as described herein (hereinafter referred to as the "Application"); and

WHEREAS, the proposed project involves the construction of two industrial warehouse buildings totaling approximately 79,778 square feet on a 5.2-acre site located at the southwest corner of Mojave Avenue and "E" Avenue (Assessor's Parcel Number 0410-051-11); and

WHEREAS, the project site is within the General Industrial (GI) zone of the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the property is surrounded on all sides by parcels also zoned General Industrial (GI); and

WHEREAS, the subject site is vacant. An automotive and body repair facility exists to the north. To the south is an abandoned non-conforming residence which has remained vacant for over 10 years. The properties to the east and west are vacant; and

WHEREAS, the project includes the adoption of an Initial Study/Mitigated Negative Declaration (IS/MND), prepared in accordance with the California Environmental Quality Act (CEQA) and circulated for public review under State Clearinghouse No. 202502116; and

WHEREAS, on April 23, 2025, the Development Review Committee (DRC) approved Site Plan Review No. SPR23-00018. As a part of the approval, the DRC made an environmental determination pursuant to the CEQA and adopted the associated IS/MND (SCH No.2025021160), having made an environmental determination pursuant to CEQA; and

WHEREAS, on April 30, 2025, Lozeau Drury submitted on behalf of the Supporters Alliance for Environmental Responsibility (SAFER) an application to appeal the decision of the DRC. 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; and

WHEREAS, in accordance with CEQA, an Initial Study was prepared by a qualified environmental consultant to analyze the potential environmental effects of the proposed project. The study identified potentially significant impacts and included mitigation measures to reduce all such impacts to a less-than-significant level. Based on this analysis, a Mitigated Negative Declaration (MND) was determined to be appropriate; and

WHEREAS, a Notice of Intent to adopt the IS/MND was distributed on February 26, 2025, and the IS/MND was released for a 30-day public review period from February 28, 2025, to March 31, 2025 (SCH No. 2025021160). The environmental document was circulated to local, state, and federal agencies, as well as surrounding property owners; and

WHEREAS, during the public review period, four comment letters were received. Two agencies, the Mojave Water Agency and the Mojave Desert Air Quality Management District, expressed satisfaction with the proposed mitigation measures. The California Department of Fish and Wildlife (CDFW) provided additional recommended mitigation measures, which were incorporated into the project's Conditions of Approval. The fourth letter was submitted by Lozeau Drury LLP on behalf of SAFER, requesting that an EIR be prepared; and.

WHEREAS, pursuant to CEQA Guidelines §15064, an EIR is required if there is substantial evidence of a fair argument that the project may have a significant environmental effect. The IS/MND was prepared and completed in compliance with the provisions of CEQA, the State CEQA Guidelines, and the City's local CEQA Guidelines. The analysis concluded that all potentially significant impacts would be reduced to less-than-significant levels through mitigation; and.

WHEREAS, on August 14, 2025, the Planning Commission of the City of Hesperia conducted duly noticed public hearings pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Planning Commission during the above-referenced August 14, 2025, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) The IS/MND was prepared in full compliance with the requirements of CEQA, the State CEQA Guidelines, and the City's local CEQA Guidelines. As analyzed in the IS/MND, the project's potential environmental impacts will be less than significant with implementation of the identified mitigation measures and incorporation of the project's Conditions of Approval.

(b) The appeal filed by the Supporters Alliance for Environmental Responsibility (SAFER) did not present substantial evidence that the IS/MND is inadequate or that the proposed project would result in significant environmental impacts that were not properly addressed in the IS/MND.

Section 3. Based on the findings and conclusions set forth in this Resolution, the Planning Commission of the City of Hesperia hereby denies Appeal No. APP25-00001 and upholds the Development Review Committee's decision to adopt the IS/MND (SCH No. 2025021160) and approve Site Plan Review No. SPR23-00018.

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 11th day of September 2025.

_____
Roger Abreo, Chair, Planning Commission

ATTEST:

_____
Maricruz Montes, Secretary, Planning Commission

City of Hesperia
STAFF REPORT

DATE: September 11, 2025

TO: Planning Commission

FROM: Nathan R. Freeman, Director of Development Services

BY: Ryan Leonard, Principal Planner

SUBJECT: Conditional Use Permit CUP22-00016 in conjunction with Tentative Parcel Map No. 20883 (TPM24-00003) (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 Planning Commission adopt Resolution No. PC-2025-15, approving CUP22-00016 and Tentative Parcel Map No. 20883 (TPM24-00003) and adopting a Mitigated Negative Declaration.

BACKGROUND

Proposal: Conditional Use Permit CUP22-00016 has been filed to construct two warehouse buildings, each approximately 75,894 square feet in size, on approximately 20.3 gross acres (Attachment 1) in conjunction with Tentative Parcel Map No. 20883 (TPM24-00003).

Location: Southeast corner of Three Flags Road and Poplar Street.

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

Land Use: Cargo Solution Express is a freight and logistics company that provides trucking, intermodal, and international shipping services. The company operates a large fleet for both full truckload and less-than-truckload deliveries, including refrigerated freight, and maintains terminals in several states with a primary hub in Fontana. Services also include freight breakage, dedicated fleet operations, and truck dispatch to manage routing and scheduling.

The proposed project consists of the development of two warehouse buildings, each approximately 75,894 square feet in size, along with associated truck and trailer parking and support facilities. Phase 1 would include the construction of warehouse building 1 on the western portion of the site (approximately 10.5 acres) along with all required street improvements for the

entire 20.3 acre site. Phase 2 would include the construction of warehouse building 2 on the eastern portion (approximately 9.8 acres). Each building is designed to be identical, with an approximate 15,915-square-foot three-story office component overlooking an approximate 50,668-square-foot open warehouse area. An 8-foot-high decorative screen wall is also proposed along the future shared property line that bisects the site, which would prevent internal access between the two phases.

Parking: The proposed development complies with all site development regulations, including the minimum building requirements, landscaping, and number of parking spaces. The parking regulations require a minimum of 208 parking stalls based upon the requirements listed in Table 1. As proposed, the project provides more than the minimum number of parking spaces.

TABLE 1-PARKING REQUIREMENTS

	Proposed Building Square Footage	**Parking Formula**	**Spaces Required**	**Spaces Provided**
Total Warehouse Building 1	59,979 SF	20 spaces + 0.40/1,000 sq. ft. of building over 10,000 sq. ft	40	-
Total Office Building 1	15,915 SF	4 spaces per 1,000 sq. ft. gross floor area	64	-
Total Phase 1	75,8894 SF		104	123
Total Warehouse Building 2	59,979 SF	20 spaces + 0.40/1,000 sq. ft. of building over 10,000 sq. ft	40	-
Total Office Building 2	15,915 SF	4 spaces per 1,000 sq. ft. gross floor area	64	-
Total Phase 2	75,8894 SF		104	141
TOTAL	**151,788 SF**		**208**	**264**

Conventional parking spaces are located primarily in front of and west of building 1, and directly east of building 2. In addition, each warehouse building includes 28 dock doors. The dock doors for building 1 are located along the southern elevation, while the dock doors for Building 2 are located on the west elevation.

Phase 1 provides 70 truck and trailer stalls and 59 tractor stalls behind and to the east of building 1. Phase 2 provides 38 truck and trailer stalls and 51 tractor stalls to the west and south of building 2. In total, the project accommodates 108 truck and trailer stalls and 110 tractor stalls.

Screening: The project includes a total of 56 dock doors, 108 truck and trailer stalls, and 110 tractor stalls, all located along the southern and central portions of the site adjacent to the Interstate 15 freeway. To minimize visual impacts from the freeway and adjacent rights-of-way, the site will be enclosed with an 8-foot-high concrete screen wall along the perimeter. Additional landscaping along the freeway frontage and the street frontages will further enhance the screening of truck and trailer activities.

Access/Roadway Improvements: Primary access to project site would be provided by four driveway approaches located off of Poplar Street. During Phase 1 two driveway approaches will be constructed. The western driveway approach will provide full access for passenger cars while the eastern driveway will provide full access for warehouse truck traffic. Phase 2 will add two additional driveway approaches to the east. The western driveway approach will provide full

access for warehouse truck traffic while the eastern driveway will provide full access for passenger cars. Each driveway will be gated to restrict entry to the project and will be manned by a guard.

The overall project will be responsible for the construction of curb, gutter, and sidewalk along the project frontage of Poplar Street and Three Flags Road that will be constructed entirely within Phase 1. Implementation of the project will also require the construction of certain off-site improvements including the construction of a traffic signal at the intersection of Highway 395 and Poplar Street, or the payment of fair share fees towards the signal if it is constructed by other developers.

Architecture: The architecture of the proposed warehouse complies with the architectural requirements of the Specific Plan (Attachments 4 & 5). The large concrete tilt-up buildings within the project exhibit a clean, corporate look, exhibiting several exterior building colors and multiple expansion joints. The buildings have been designed to incorporate prominent glass features along the frontages of each building, enhanced corners, and center panels of the building. In addition, the west side of building 1 that is located at the corner of Three Flags Road and Poplar Street, and the south side of Building 2 that faces Interstate 15 features a decorative stone veneer tower element and decorative windows. The building height will be approximately 41 feet.

The project also satisfies the minimum landscaping requirements. The minimum required landscape coverage is 10% of the developed site; the project provides 141,311 square feet (15.9%) of total landscape coverage, which will be located primary around the perimeter of the site, including the frontage adjacent to the Interstate 15 freeway and viewable from the right-of-way.

TPM24-00003 (Parcel Map No. 20883): A tentative parcel map has been filed to consolidate the five existing parcels into two new parcels, effectively bisecting the overall site. Parcel 1 will encompass approximately 10.5 acres, and Parcel 2 will encompass approximately 9.8 acres.

Water and Sewer: Existing water lines include 12-inch water lines within Poplar Street and Three Flags Road. The project would connect to the existing water line located in Poplar Street.

Existing sewer lines include a 10-inch sewer line within Poplar Street and an 8-inch line within Three Flags Road. The project would connect to the existing sewer line located in Poplar Street.

Drainage: The Project would install new onsite storm drain lines throughout the site. The Project site's runoff would be collected by catch basins and storm drains and conveyed to aboveground infiltration basins. Two proposed aboveground stormwater basins will be located at the northern portion of the site. The infiltration system will be sized to handle the additional storm water due to the additional impervious area created by the buildings and parking lot.

Environmental: Approval of this development requires adoption of a Initial Study/Mitigated Negative Declaration (IS/MND) pursuant to the California Environmental Quality Act (CEQA). The IS/MND prepared for the project (Attachment 6) concluded that the project will not have any significant negative impacts on the environment upon implementation of the recommended mitigation measures.

A biological assessment and protected plant plan were prepared for the project. The biological report shows that the site does not contain habitat for desert tortoises nor any other threatened or endangered species. However, a pre-construction survey for the burrowing owl will be

conducted prior to the issuance of a grading permit. A protected plant plan was also submitted, which found six Joshua Trees on the site. California Department of Fish and Wildlife will need to approve an Incidental Take Permit for Joshua Trees on the site to reduce impacts to Biological Resources to a less than significant impact level.

The environmental analysis also concluded that the proposed project would not result in any impacts to known archaeological resources or tribal cultural resources. However, there is potential for project-related construction to impact unknown or previously unrecorded archaeological resources. For this reason, mitigation measures are proposed in the event that cultural resources are inadvertently encountered during excavation activities. If cultural resources are found during grading, then grading activities shall cease and the applicant shall contract with a City approved archaeologist or paleontologist to monitor grading prior to resuming grading. All cultural resources discovered shall be handled in accordance with state and federal law.

The mitigated negative declaration was circulated for public review from June 18, 2025, to July 21, 2025. 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 and respones to the comment letters are included in Attachment 6.

Conclusion: The project conforms to the policies of the City's General Plan as well as the intent of the Specific Plan. In addition, the area surrounding the project site is oriented towards trucking related uses including truck repair and trucking companies.

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)

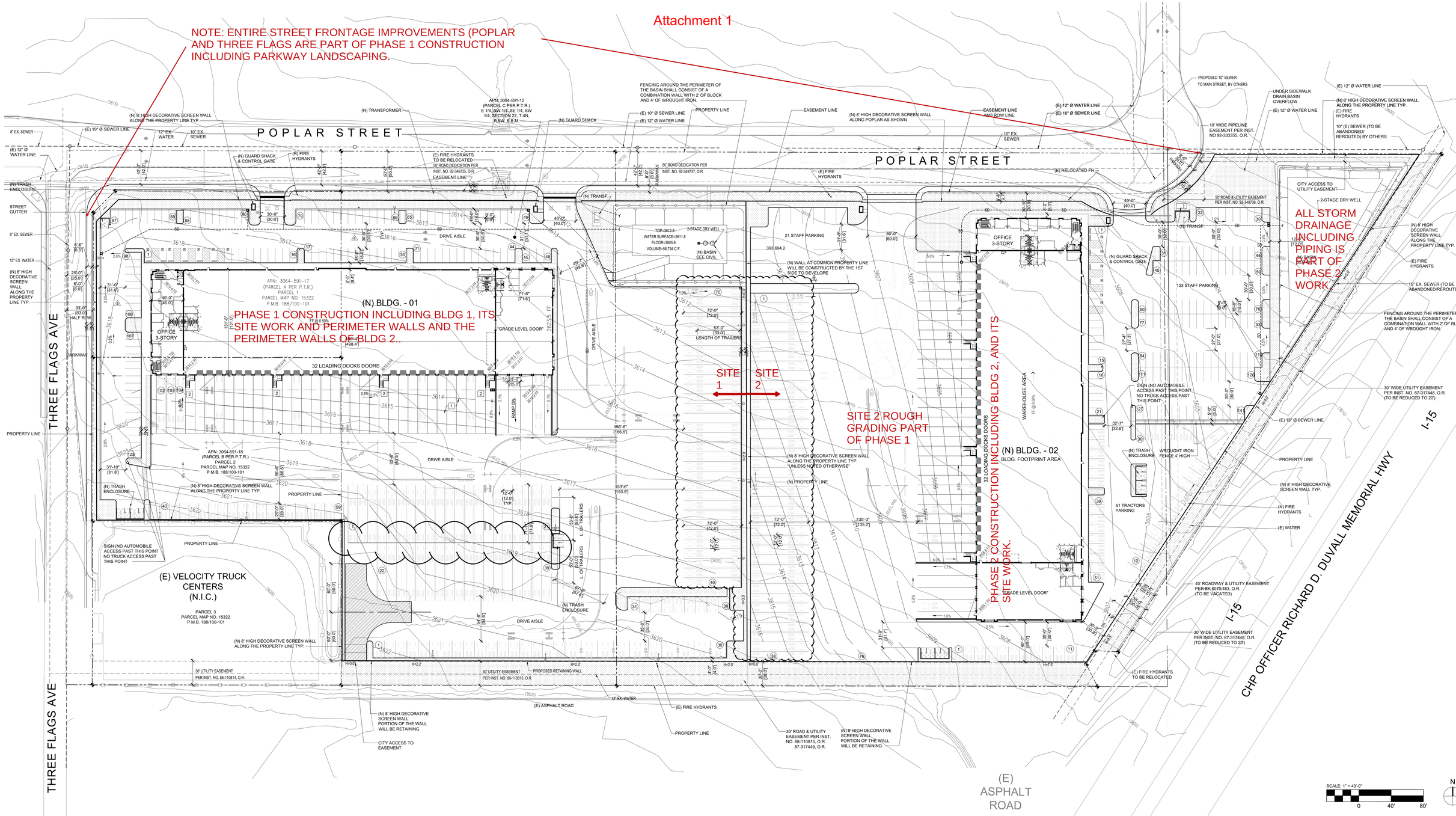
1. Provide alternative direction to staff.

ATTACHMENT(S)

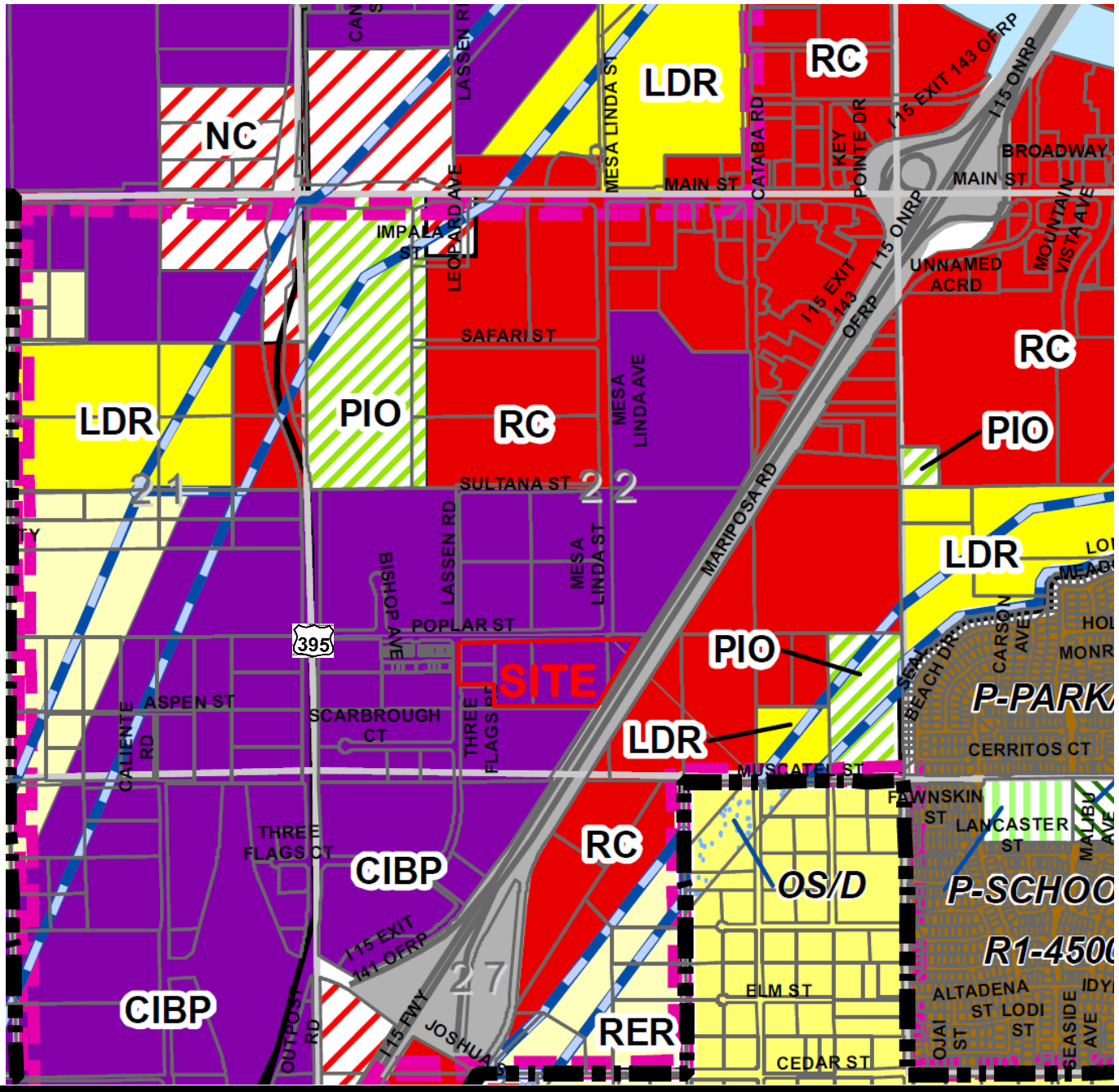
1. Site Plan
2. General Plan/Specific Plan Zoning
3. Aerial Photo
4. Color Elevations
5. Color Rendering
6. Initial Study/Mitigated Negative Declaration (IS/MND) with Comment Letters and Responses to Comments
7. Resolution No. PC-2025-15, with list of conditions

Attachment 1

NOTE: ENTIRE STREET FRONTAGE IMPROVEMENTS (POPLAR AND THREE FLAGS ARE PART OF PHASE 1 CONSTRUCTION INCLUDING PARKWAY LANDSCAPING.


POPLAR STREET
THREE FLAGS AVE
(N) BLDG. - 01
PHASE 1 CONSTRUCTION INCLUDING BLDG 1, ITS SITE WORK AND PERIMETER WALLS AND THE PERIMETER WALLS OF BLDG 2..
APN: 3064-591-17 (PARCEL A PER P.T.R.) PARCEL 1 PARCEL MAP NO. 15322 P.M.B. 188/100-101
APN: 3064-591-18 (PARCEL B PER P.T.R.) PARCEL 2 PARCEL MAP NO. 15322 P.M.B. 188/100-101
OFFICE 3-STORY
32 LOADING DOCKS DOORS
GRADE LEVEL DOOR
DRIVE AISLE
RAMP DN
SITE 1
SITE 2
SITE 2 ROUGH GRADING PART OF PHASE 1
(N) BLDG. - 02
BLDG. FOOTPRINT AREA
PHASE 2 CONSTRUCTION INCLUDING BLDG 2, AND ITS SITE WORK.
WAREHOUSE AREA
OFFICE 3-STORY
21 STAFF PARKING
133 STAFF PARKING
51 TRACTORS PARKING
(N) WALL AT COMMON PROPERTY LINE WILL BE CONSTRUCTED BY THE 1ST SIDE TO DEVELOPE
(N) 8' HIGH DECORATIVE SCREEN WALL ALONG POPLAR AS SHOWN
(N) 8' HIGH DECORATIVE SCREEN WALL ALONG THE PROPERTY LINE TYP.

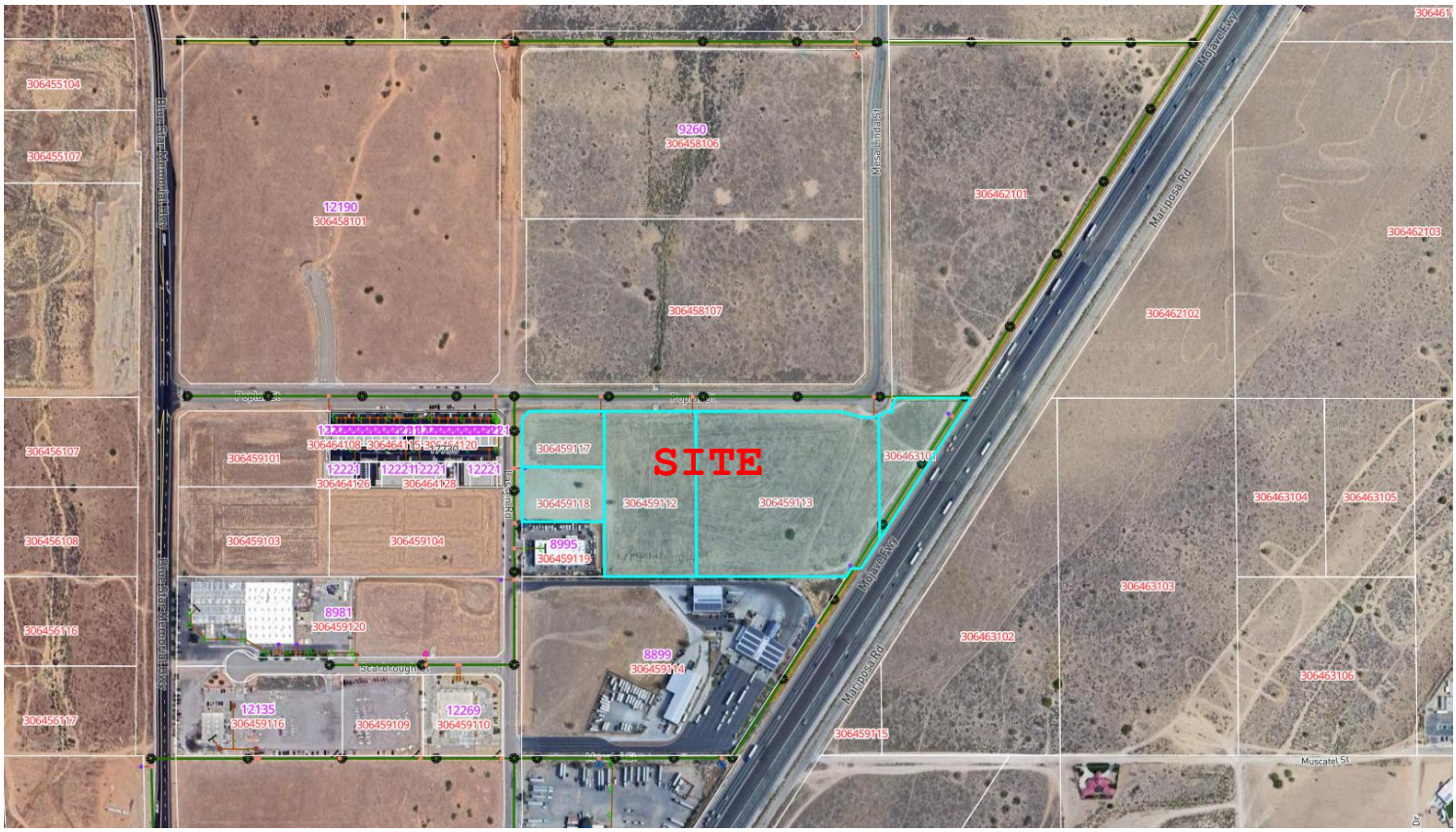
ATTACHMENT 2



APPLICANT(S): CARGO SOLUTIONS EXPRESS	**FILE NO(S):** CUP22-00016 & TPM24-00003
LOCATION: SOUTHEAST CORNER OF THREE FLAGS ROAD AND POPLAR STREET.	**APNs:** 3064-591-12,13,17,18, and 3064-631-01
PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00016 TO CONSTRUCT TWO 75,894 SQUARE FOOT WAREHOUSES WITH ONSITE TRUCK STORAGE AND TRACTOR STALLS ON 20.3 GROSS ACRES IN CONJUNCTION WITH TENATIVE PARCEL MAP NO. 20883 (TPM24-00003) TO CONSOLODTE 5 PARCELS INTO TWO PARCELS WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN	N ↑

GENERAL PLAN AND ZONING MAP

ATTACHMENT 3



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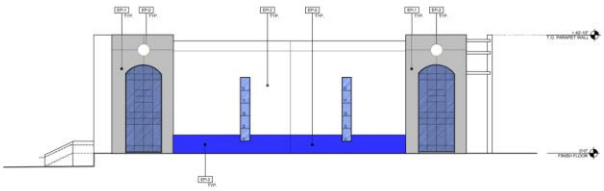
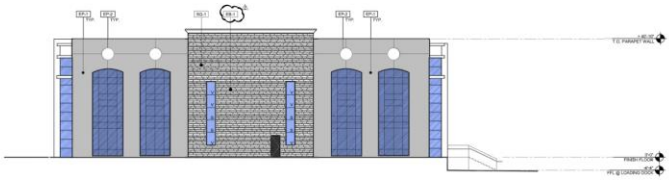
AERIAL

ATTACHMENT 4

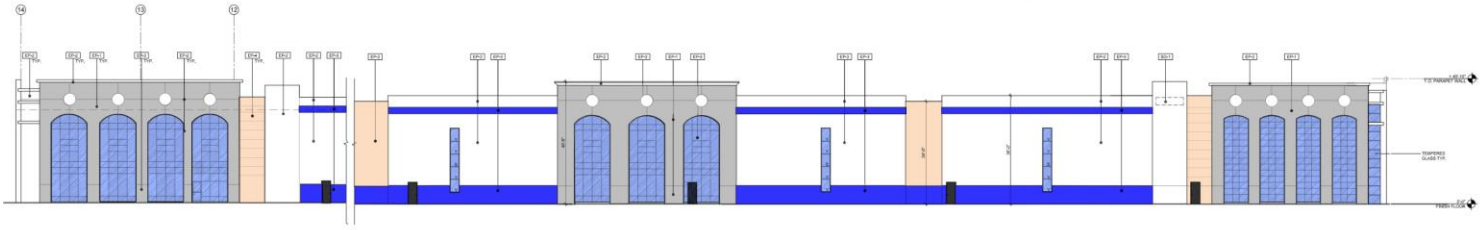
BUILDING - 01 _ WEST ELEVATION (LOADING DOCK)
BUILDING - 02 (SIMILAR)



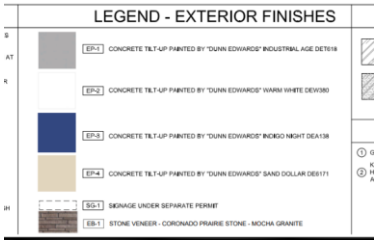
BUILDING - 01 _ SOUTH ELEVATION
BUILDING - 02 (SIMILAR)



BUILDING - 01 _ NORTH ELEVATION
BUILDING - 02 (SIMILAR)



BUILDING - 01 _ EAST ELEVATION (OFFICE) **BUILDING - 02 (SIMILAR)**



APPLICANT(S): CARGO SOLUTIONS EXPRESS	**FILE NO(S):** CUP22-00016 & TPM24-00003
LOCATION: SOUTHEAST CORNER OF THREE FLAGS ROAD AND POPLAR STREET.	**APNs:** 3064-591-12,13,17,18, and 3064-631-01
PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00016 TO CONSTRUCT TWO 75,894 SQUARE FOOT WAREHOUSES WITH ONSITE TRUCK STORAGE AND TRACTOR STALLS ON 20.3 GROSS ACRES IN CONJUNCTION WITH TENATIVE PARCEL MAP NO. 20883 (TPM24-00003) TO CONSOLODTE 5 PARCELS INTO TWO PARCELS WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN	

COLOR ELEVATION

ATTACHMENT 5

APPLICANT(S): CARGO SOLUTIONS EXPRESS	**FILE NO(S):** CUP22-00016 & TPM24-00003
LOCATION: SOUTHEAST CORNER OF THREE FLAGS ROAD AND POPLAR STREET.	**APNs:** 3064-591-12,13,17,18, and 3064-631-01
PROPOSAL: CONSIDERATION OF CONDITIONAL USE PERMIT CUP22-00016 TO CONSTRUCT TWO 75,894 SQUARE FOOT WAREHOUSES WITH ONSITE TRUCK STORAGE AND TRACTOR STALLS ON 20.3 GROSS ACRES IN CONJUNCTION WITH TENATIVE PARCEL MAP NO. 20883 (TPM24-00003) TO CONSOLODTE 5 PARCELS INTO TWO PARCELS WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN	

COLOR RENDERING

Attachment 6

CARGO SOLUTIONS TRUCK WAREHOUSES HESPERIA PROJECT
Initial Study and Mitigated Negative Declaration (IS/MND)

CEQA Analysis Prepared for:

City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
Attn: Ryan Leonard, Senior Planner

Prepared by:

UltraSystems Environmental Inc.
16431 Scientific Way
Irvine, CA 92618-4355
Telephone: 949-788-4900
FAX: 949/788-4901

June 2025

Project No. 7187

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PROJECT INFORMATION SHEET

1. Project Title	Cargo Solutions Truck Warehouses Hesperia Project
2. CEQA Lead Agency	**City of Hesperia** 9700 Seventh Avenue Hesperia, CA 92345 Ryan Leonard, Senior Planner (760) 947-1651 E: rleonard@cityofhesperia.us
3. Project Applicant	Bobby Kang, Owner **Cargo Solutions Express** 14587 Valley Boulevard Fontana, CA 92335 T: 909/263-6902 E: bobby@cargosolutionexpress.com
4. Project Location	
5. Assessor's Parcel Numbers	APNs 3064-591-17, 3064-591-18, and 3064-591-12
6. Project Site General Plan Designation(s)	Current: Com/Ind Business Park (CIBP)
7. Project Site Zoning Designation(s)	Current: Main Street and Freeway Corridor Specific Plan
8. Surrounding Land Uses and Setting	The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west.
9. Description of Project	The project proposes development of two truck warehouse buildings with associated surface parking lots.
10. Selected Agencies whose Approval is Required	City of Hesperia
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code § 21080.3.1? If so, has consultation begun?	Letters were sent by the City of Hesperia (the Lead Agency) per Public Resources Code § 21074 to three local Native American tribes asking if they wished to participate in AB 52 consultation concerning the proposed project in the City of Hesperia. Native American Tribes have up to 30 days in which to respond to notification relating to

	this proposed project. The San Manuel Band of Mission Indians (Yuhaaviatam of San Manuel) was the only tribe requesting consultation. This was conducted October and November 2022, and concluded November 3, 2022.
12. Other Public Agencies	Agencies that will review the proposed project include the following: • California Regional Water Quality Control Board – Lahontan • South Coast Air Quality Management District • San Bernardino County Fire Department

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Appendix J Fuel Consumption

ACRONYMS AND ABBREVIATIONS

Acronym/Abbreviation	Term
AAQS	ambient air quality standards
AB 32	California Global Warming Solutions Act of 2006 (Assembly Bill 32)
AB 52	Assembly Bill 52
ACM(s)	Asbestos-Containing Material(s)
ADA	Americans with Disabilities Act
AFY	Acre-feet per year
AIA	Airport Influence Area
AMI	Area Median Income
amsl	above mean sea level
APE	Area of Potential Effect
APN	Assessor's Parcel Number
AQA	Air Quality Analysis
AQMP	Air Quality Management Plan
AR4	Fourth Assessment Report
ARB	California Air Resources Board
BAU	business as usual
BIOS	Biogeographic Information and Observation System
BMPs	Best Management Practices
CAAQS	California Ambient Air Quality Standards
CalEEMod	California Emissions Estimator Model
CAL FIRE	California Department of Forestry and Fire Protection
CAL Green	California Green Building Standards
Caltrans	California Department of Transportation
CAO(s)	Cleanup and Abatement Order(s)
CAPCOA	California Air Pollution Control Officers Association
CASGEM	California Statewide Groundwater Elevation Monitoring
CAT	Climate Action Team
CBC	California Building Code
CCAA	California Clean Air Act
CCR	California Code of Regulations
CDO(s)	Cease and Desist Order(s)
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CESA	California Endangered Species Act
CFGC	California Fish and Game Code
cfs	cubic feet per second
CGS	California Geological Survey
CH4	methane
CHRIS	California Historic Resources Inventory System
City	City of Hesperia
CMP	Congestion Management Program
CMP	corrugated metal pipe

Acronym/Abbreviation	Term
CMPHS	CMP Highway System
CNEL	Community Noise Equivalent Level
CNPS	California Native Plant Society
CO	carbon monoxide
CO2	carbon dioxide
CO2e	carbon dioxide equivalent
CRC	California Residential Code
CWA	Clean Water Act
DAMP	Drainage Area Management Plan
dB	decibel
dBA	A-weighted decibel scale
DOC	California Department of Conservation
DOSH	California Division of Safety and Health
DTSC	Department of Toxic Substances Control
du/ac	Dwellling units per acre
DWR	Department of Water Resources
EIR	Environmental Impact Report
EMS	Emergency Medical Services
EO	Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
ESA	Environmental Site Assessment
ESRL	Earth System Research Laboratory
EV	electric vehicle
EVCS	electric vehicle charging station
°F	degrees Fahrenheit
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
FHSZ	Fire Hazard Severity Zones
FMMP	Farmland Mapping and Monitoring Program
FTA	Federal Transit Administration
GHG	greenhouse gases
GIS	Geographic Information System
GPCD	gallons per capita per day
gpd	gallons per day
GWP	global warming potential
HABS	Historic American Building Survey
HCP	Habitat Conservation Plan
HFCs	hydroflourocarbons
HU	Hydrologic Unit
HVAC	heating, ventiliation and air conditioning
IPCC	Intergovernmental Panel on Climate Change
ISA	International Society of Arboriculture
IS/MND	Initial Study/Mitigated Negative Declaration
ITE	Institute of Transportation Engineers
L90	noise level that is exceeded 90% of the time

Acronym/Abbreviation	Term
Leq	equivalent noise level
LBP	Lead-Based Paint
LID	Low Impact Development
Lmax	root mean square maximum noise level
LOS	Level of Service
LRA	Local Responsibility Area
LSTs	Localized Significance Thresholds
LUST	Leaking Underground Storage Tank
MBTA	Migratory Bird Treaty Act
mgd	million gallons per day
MLD	Most Likely Descendant
MM(s)	mitigation measure(s)
MMRP	Mitigation Monitoring and Reporting Program
MMTCO2e	million metric tons of CO2e
MND	Mitigated Negative Declaration
MPAH	Master Plan of Arterial Highways
MRZ	Mineral Resource Zone
MS4	Municiple Separate Storm Sewer permit
MT	Metric tons
N2O	nitrous oxide
NAAQS	National Ambient Air Quality Standards
NAHC	Native American Heritage Commission
National Core	National Community Renaissance
NASA	National Aeronautics and Space Administration
NCCP	Natural Communities Conservation Plan
ND	Negative Declaration
NO	nitric oxide
NOx	nitrogen oxides
NO2	nitrogen dioxide
NPDES	National Pollutant Discharge Elimination System
O3	Ozone
OPR	Governor's Office of Planning and Research
OSHA	Occupational Safety and Health Administration
Pb	lead
PCB	polychlorinated biphenyl
PFCs	perfluorocarbons
PM	particulate matter
PM10	respirable particulate matter
PM2.5	fine particulate matter
ppm	parts per million
PPV	peak particle velocity
R-1	Single-family Residential zoning designation
R-3	High Density Residential zoning designation
RCRA	Resource Conservation and Recovery Act
RECs	Recognized Environmental Condition(s)
R-G	Medium Density Residential zoning designation

Acronym/Abbreviation	Term
RHNA	Regional Housing Needs Allocation
RMS	root mean square
ROG	Reactive organic gases
ROW	Right-of-way
RPS	Renewables Portfolio Standard
RWQCB	Regional Water Quality Control Board
§	section
SB	Senate Bill
SCAG	Southern California Association of Governments
SCAQMD	South Coast Air Quality Management District
SCCIC	South Central Coastal Information Center
SCE	Southern California Edison Company
SF6	sulfur hexafluoride
SIP	State Implementation Plan
SLF	Sacred Lands File
SMARA	Surface Mining and Reclamation Act
SO2	sulfur dioxide
SoCalGas	Southern California Gas Company
SR-55	State Route 55
SR-91	State Route 91
SRA	State Responsibility Area
SRAs	source receptor areas
SRRE	Source Reduction and Recycling Element
STIP	Statewide Transportation Improvement Program
SUSMP	Standard Urban Stormwater Mitigation Plan
SWPPP	Stormwater Pollution Prevention Plan
SWRCB	State Water Resources Control Board
TAPs	Transportation Assembly Points
T-C	Town Center zoning designation
TCRs	Tribal Cultural Resources
TMP	Traffic Management Plan
UFPO	Urban Forest Protection Ordinance
UEI	Ultrasystems Environmental, Inc.
U.S.	United States
USDA	United States Department of Agriculture
USEPA	United States Environmental Protection Agency
VdB	vibration decibels
VCP	vitrified clay pipe
VHFHSZ(s)	very high fire hazard severity zone(s)
VMT	vehicle miles traveled
VOC	volatile organic compound
WEG	wind erodibility group
WQMP	Water Quality Management Plan
WRI	World Resources Institute
ybp	years before present

1.0 INTRODUCTION

1.1 Proposed Project

The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of two truck warehouses with associated parking lots (project) at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). The project proposes development of two truck warehouse buildings with an associated surface parking lot on an approximately 20.32-acre site.

1.1.1 Project Components

The proposed project would develop two truck warehouse buildings with associated surface parking lots. Refer to **Section 3.0**, Project Description, of this document for additional details.

1.1.2 Estimated Construction Schedule

Construction of the proposed project would be conducted in one phase. Construction is estimated to be from June 2025 to July 2026. Refer to **Section 3.0** for details.

1.2 Lead Agencies – Environmental Review Implementation

The City of Hesperia is the Lead Agency for the proposed project. Pursuant to the California Environmental Quality Act (CEQA) and its implementing regulations,[1] the Lead Agency has the principal responsibility for implementing and approving a project that may have a significant effect on the environment.

1.3 CEQA Overview

1.3.1 Purpose of CEQA

All discretionary projects within California are required to undergo environmental review under CEQA. A Project is defined in CEQA Guidelines § 15378 as the whole of the action having the potential to result in a direct physical change or a reasonably foreseeable indirect change to the environment and is any of the following:

> An activity directly undertaken by any public agency including but not limited to public works construction and related activities, clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements.
>
> An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies. An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies.

1 Public Resources Code §§ 21000 - 21177 and California Code of Regulations Title 14, Division 6, Chapter 3.

CEQA Guidelines § 15002 lists the basic purposes of CEQA as follows:

> Inform governmental decision makers and the public about the potential, significant environmental effects of proposed activities.
>
> Identify the ways that environmental damage can be avoided or significantly reduced.
>
> Prevent significant, avoidable damage to the environment by requiring changes in projects through the use of alternatives or mitigation measures (MMs) when the governmental agency finds the changes to be feasible.
>
> Disclose to the public the reasons why a governmental agency approved the project in the manner the agency chose if significant environmental effects are involved.

1.3.2 Authority to Mitigate under CEQA

CEQA establishes a duty for public agencies to avoid or minimize environmental damage where feasible. Under CEQA Guidelines § 15041 a Lead Agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the "nexus"[2] and "rough proportionality"[3] standards.

CEQA allows a Lead Agency to approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that there is no feasible way to lessen or avoid the significant effect. In such cases, the Lead Agency must specifically identify expected benefits and other overriding considerations from the project that outweigh the policy of reducing or avoiding significant environmental impacts of the project.

1.4 Purpose of Initial Study

The CEQA process begins with a public agency making a determination as to whether the project is subject to CEQA at all. If the project is exempt, the process does not need to proceed any farther. If the project is not exempt, the Lead Agency takes the second step and conducts an Initial Study to determine whether the project may have a significant effect on the environment.

The purposes of an Initial Study as listed in § 15063(c) of the CEQA Guidelines are to:

- Provide the Lead Agency with information necessary to decide if an Environmental Impact Report (EIR), Negative Declaration (ND), or Mitigated Negative Declaration (MND) should be prepared.
- Enable a Lead Agency to modify a project to mitigate adverse impacts before an EIR is prepared, thereby enabling the project to qualify for a ND or MND.
- Assist in the preparation of an EIR, if required, by focusing the EIR on adverse effects determined to be significant, identifying the adverse effects determined not to be significant, explaining the reasons for determining that potentially significant adverse effects would not be

2 A nexus (i.e., connection) must be established between the mitigation measure and a legitimate governmental interest.

3 The mitigation measure must be "roughly proportional" to the impacts of the Project.

significant, and identifying whether a program EIR, or other process, can be used to analyze adverse environmental effects of the project.

Facilitate an environmental assessment early during project design.

Provide documentation in the ND or MND that a project would not have a significant effect on the environment.

Eliminate unnecessary EIRs.

Determine if a previously prepared EIR could be used for the Project.

In cases where no potentially significant impacts are identified, the Lead Agency may issue a ND, and no MMs would be needed. Where potentially significant impacts are identified, the Lead Agency may determine that MMs would adequately reduce these impacts to less than significant levels. The Lead Agency would then prepare a MND for the proposed project. If the Lead Agency determines that individual or cumulative effects of the proposed project would cause a significant adverse environmental effect that cannot be mitigated to less than significant levels, then the Lead Agency would require an EIR to further analyze these impacts.

1.5 Review and Comment by Other Agencies

Other public agencies are provided the opportunity to review and comment on the IS/MND. Each of these agencies is described briefly below.

A Responsible Agency (14 CCR § 15381) is a public agency, other than the Lead Agency, that has discretionary approval power over the Project, such as permit issuance or plan approval authority.

A Trustee Agency[4] (14 CCR § 15386) is a state agency having jurisdiction by law over natural resources affected by a project that are held in trust for the people of the State of California.

Agencies with Jurisdiction by Law (14 CCR § 15366) are any public agencies who have authority (1) to grant a permit or other entitlement for use; (2) to provide funding for the project in question; or (3) to exercise authority over resources which may be affected by the project. Furthermore, a city or county will have jurisdiction by law with respect to a project when the city or county having primary jurisdiction over the area involved is: (1) the site of the project; (2) the area in which the major environmental effects will occur; and/or (3) the area in which reside those citizens most directly concerned by any such environmental effects.

1.6 Impact Terminology

The following terminology is used to describe the level of significance of potential impacts:

A finding of ***no impact*** is appropriate if the analysis concludes that the project would not affect the particular environmental threshold in any way.

An impact is considered ***less than significant*** if the analysis concludes that the project would cause no substantial adverse change to the environment and requires no mitigation.

An impact is considered ***less than significant with mitigation incorporated*** if the analysis concludes that the project would cause no substantial adverse change to the environment

4 The four Trustee Agencies in California listed in CEQA Guidelines § 15386 are California Department of Fish and Wildlife, State Lands Commission, State Department of Parks and Recreation, and University of California.

with the inclusion of environmental commitments, or other enforceable measures, that would be adopted by the lead agency.

An impact is considered potentially significant if the analysis concludes that the project could have a substantial adverse effect on the environment.

An EIR is required if an impact is identified as ***potentially significant***.

1.7 Organization of Initial Study

This document is organized to satisfy CEQA Guidelines § 15063(d), and includes the following sections:

Section 1.0 - Introduction, which identifies the purpose and scope of the IS/MND.

Section 2.0 - Environmental Setting, which describes location, existing site conditions, land uses, zoning designations, topography, and vegetation associated with the project site and surroundings.

Section 3.0 - Project Description, which provides an overview of the project, a description of the proposed development, project phasing during construction, and discretionary actions for project approval.

Section 4.0 - Environmental Checklist, which presents checklist responses for each resource topic to identify and assess impacts associated with the proposed project, and proposes MMs, as needed, to reduce potential environmental impacts to less than significant.

Section 5.0 - References, which includes a list of documents cited in the IS/MND.

Section 6.0 - List of Preparers, which identifies the primary authors and technical experts that prepared the IS/MND.

Technical studies and other documents, which include supporting information or analyses used to prepare the IS/MND, are included in the following appendices:

Appendix A	Project Plans
Appendix B	CalEEMod Input and Results for Air Quality Analysis and Greenhouse Gas Emissions Analysis
Appendix C1	Biological Resources Evaluation
Appendix C2	Species Occurrence Potential Evaluation
Appendix D1	Cultural Resources Report
Appendix D2	Paleontological Records Search
Appendix E	Custom Soils Report
Appendix F	Rec Check Report
Appendix G	Water Quality Management Plan
Appendix H	Noise Data
Appendix I	Traffic Impact Analysis
Appendix J	Fuel Consumption

1.8 Findings from the Initial Study

1.8.1 No Impact or Impacts Considered Less than Significant

Based on IS findings, the project would have no impact or a less than significant impact on the following environmental categories listed from Appendix G of the CEQA Guidelines.

Aesthetics
Agriculture and Forestry Resources
Air Quality
Greenhouse Gas Emissions
Hydrology and Water Quality
Land Use and Planning
Mineral Resources
Noise
Population and Housing
Public Services
Recreation
Utilities and Service Systems
Wildfire

1.8.2 Impacts Considered Less than Significant with Mitigation Measures

Based on IS findings, the project would have a less than significant impact on the following environmental categories listed in Appendix G of the CEQA Guidelines when proposed MMs are implemented.

Biological Resources
Cultural Resources
Geology and Soils
Hazards and Hazardous Materials
Transportation and Traffic
Tribal Cultural Resources
Mandatory Findings of Significance

2.0 ENVIRONMENTAL SETTING

2.1 Project Location

The proposed Cargo Solutions Truck Warehouses Hesperia Project is located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). Refer to **Figure 2.1-1,** which shows the project's location in a regional context. **Figure 2.1-2** depicts an aerial photo of the project site and the surrounding land.

2.2 Project Setting

The project site is currently undeveloped (Google Earth Pro, 2024). The project proposes two truck warehouse buildings with associated surface parking lots. See **Figure 2.2-1**, which depicts the topography of the site and surrounding area. Topography within the project site is relatively flat (Google Earth, 2024). Site photographs are provided in **Figure 2.2-2**.

2.2.1 Land Use and Zoning

The land use and zoning designations and existing development of the project site and its immediate vicinity are listed in **Table 2.2-1**. The City's General Plan Land Use and Zoning designations for the project site are Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2023; City of Hesperia, 2010).

Table 2.2-1
SUMMARY OF EXISTING LAND USE, ZONING AND SPECIFIC PLAN DESIGNATIONS

Location	General Plan Designation	Zoning Designation	Existing Development
Project Site	Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (MSFCSP)	Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (MSFCSP)	Undeveloped land
North	CIBP under the MSFCSP	CIBP under the MSFCSP	Undeveloped land
South	CIBP under the MSFCSP	CIBP under the MSFCSP	Industrial and commercial land uses, and undeveloped land
East	CIBP under the MSFCSP	CIBP under the MSFCSP	Interstate-15 freeway, undeveloped land
West	CIBP under the MSFCSP	CIBP under the MSFCSP	Commercial and undeveloped land

Source: City of Hesperia, 2023; City of Hesperia, 2010; Google Earth Pro, 2024.

Figure 2.1-1
REGIONAL LOCATION

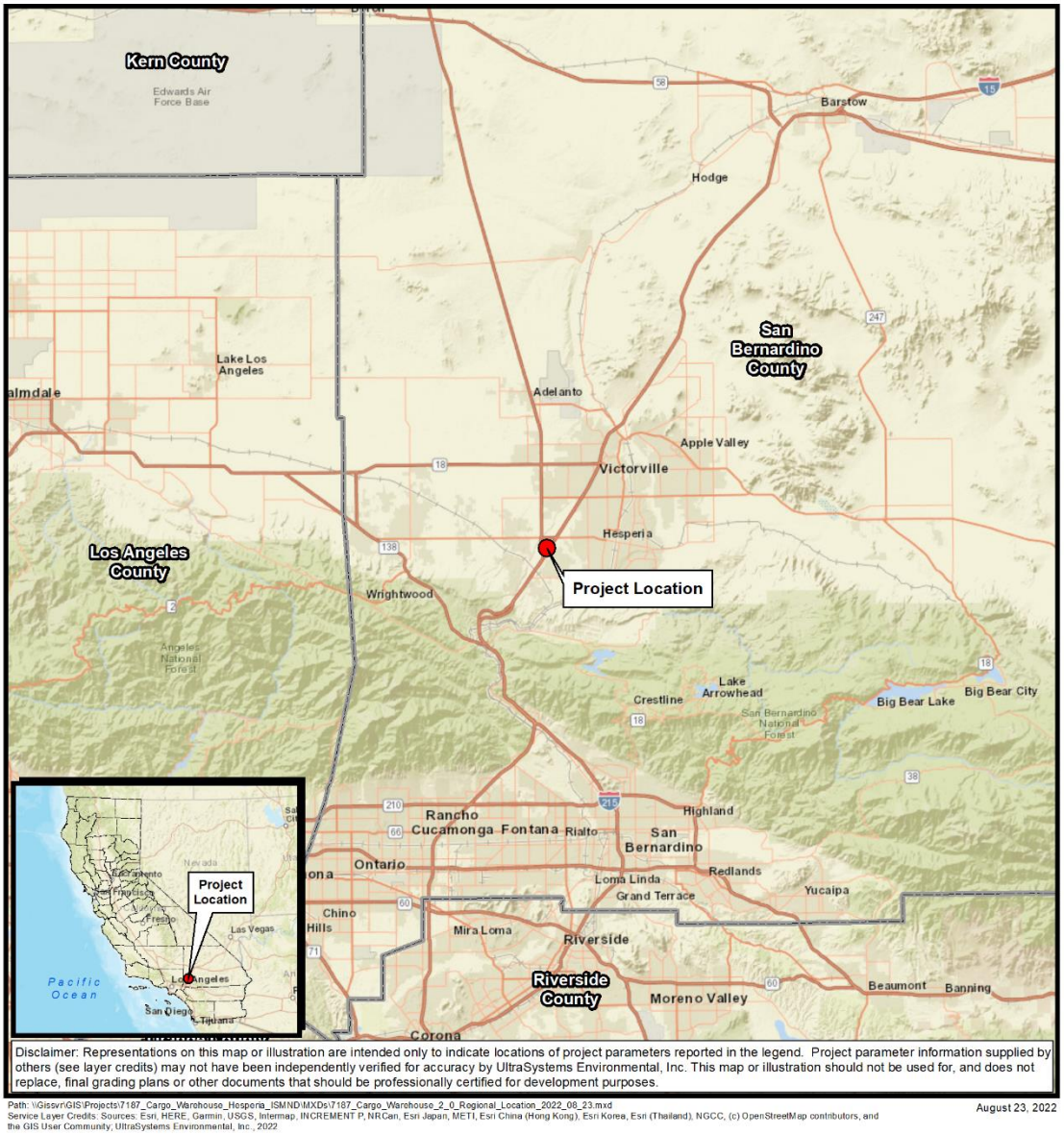


Figure 2.1-2
PROJECT LOCATION

Figure 2.2-1
TOPOGRAPHIC MAP

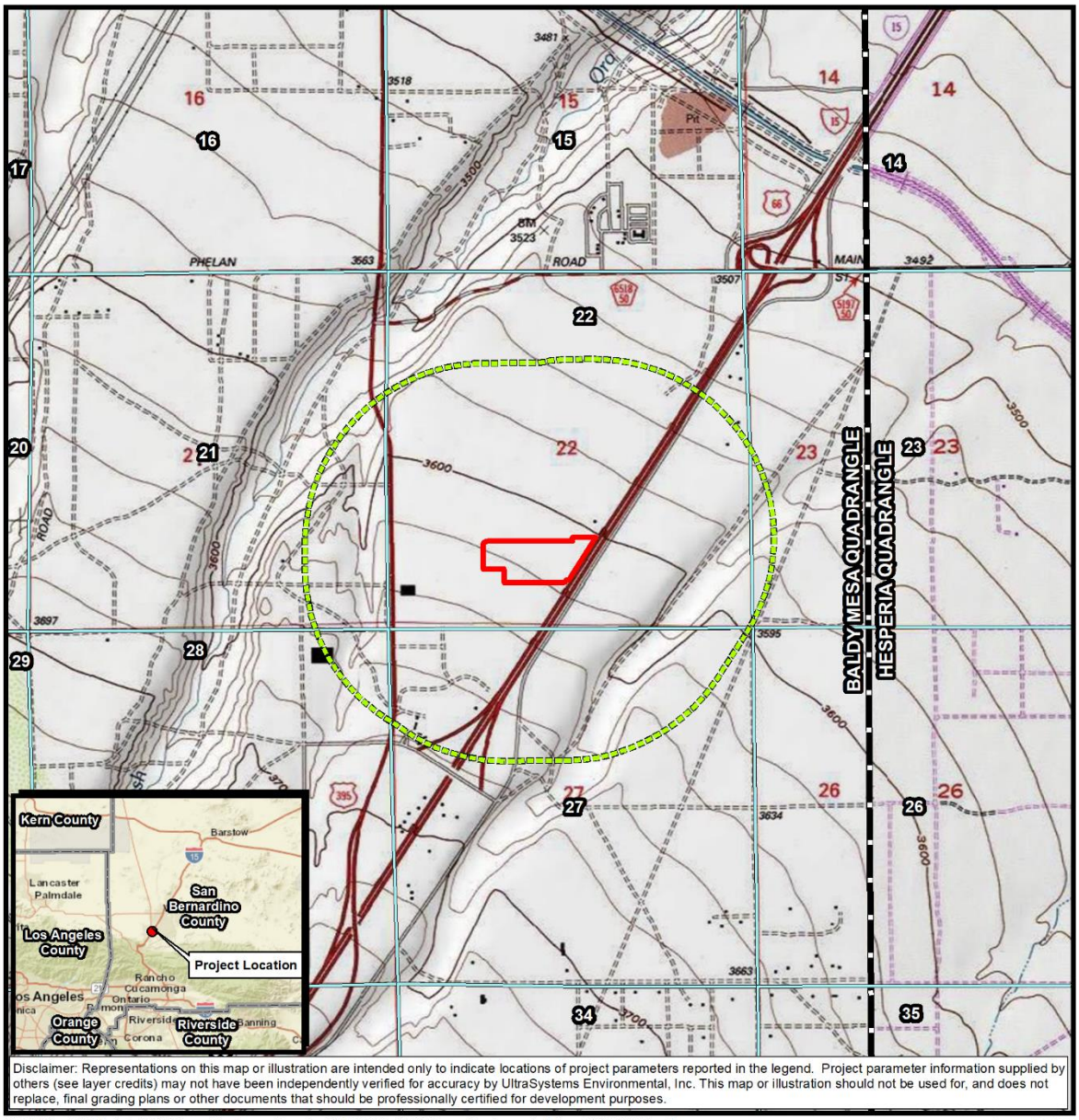


Figure 2.2-2
PROJECT SITE PHOTOGRAPHS

PHOTO 1: View looking at the southern portion of the project site along Poplar Street

PHOTO 2: View looking at the northern portion of project site from Three Sisters Truck Wash

PHOTO 3: View looking at the western portion of the project site along Three Flags Avenue

PHOTO 4: View looking at the southwestern portion of the project site along Poplar Street

Source: UltraSystems Environmental, 2022

2.3 Existing Characteristics of the Site

2.3.1 Climate and Air Quality

The project site is located within the Mojave Desert Air Basin (MDAB), which encompasses the desert portions of Kern, Los Angeles, Riverside and San Bernardino counties. The MDAB is classified as a dry-hot desert (BWh), with portions classified as dry-very hot desert (BWhh), to indicate that at least three months have maximum average temperatures over 100.4°F (MDAQMD, 2020a, p. 6-7). The MDAB is currently in federal nonattainment for ozone and $PM_{2.5}$ and state nonattainment for ozone and $PM_{10.}$

2.3.2 Geology and Soils

Topography within the project site is relatively flat. The existing surface elevation at the proposed project site ranges from approximately 3,267 feet to 3,297 feet above mean sea level. Surface topography is generally flat to slightly sloping with the highest elevations in the southwest corner of the site and the lowest surface elevations across the northeast corner of the site (Google Earth Pro, 2024). The project site is not located within an Alquist-Priolo Earthquake Fault Zone (A-P Fault Zone). The closest active fault system to the project site, the North Frontal fault system (within the Ord Mountain A-P fault zone), is approximately eight miles to the east.

2.3.3 Hydrology

The project is located within the Mojave River Watershed (USGS HU code 18090208), which encompasses approximately 4,500 square miles. The Mojave River Watershed drains the northern areas of the San Bernardino Mountains (USEPA, 2022; Google Earth Pro, 2024). The project site is located on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for San Bernardino County, California and Incorporated Areas (Map Number 06071C6495H, effective August 28, 2008); the site is located in Flood Hazard Zone X, defined on this FIRM as *Areas of minimal flood hazard* (FEMA, 2008).

2.3.4 Biology

The climate of Hesperia is arid and characteristic of the regional Mojave Desert. In the vicinity of Hesperia, the Mojave Desert receives on average 8.5 inches per year. Summers are typically dry with occasional and scattered monsoon rain events that originate in the Gulf of California, whereas winter precipitation events are more significant and originate from the jet stream off the Pacific Ocean. The Mojave Desert exhibits a dry season extending from April through October, with an average of 0.1 inch of rain per month, and a wetter season between November through March, with an average of 0.5 inch of rain per month. Summers (June through September) are very hot, with an average high of 94 degrees Fahrenheit (°F) and low of 65°F. Winters (November through March) are cooler, with an average high of 57°F and low of 35°F (WRCC, 2022a).

The project site is currently undeveloped and contains disturbed California juniper woodlands. However, there is evidence that the project site has seen frequent disturbances resulting from grading, vehicle use, and other events. Therefore, the project site does not offer optimal habitat to support a diverse array of special-status species. Due to development and disturbances in the area, just a small diversity of native and non-native plant species were observed within the BSA. Species observed included non-native, ornamental species in developed areas, non-native, weedy species in disturbed areas, and remnants of California juniper woodland community including one California

juniper and several western Joshua trees. During the field survey, five wildlife species were observed; no special-status plants or wildlife were observed during the field survey. There were also suitable burrows observed that were likely created by fossorial mammals such as ground squirrels, which were also observed. Further details about biology on the project site are in **Section 4.4**.

2.3.5 Public Services

Police

The San Bernardino County Sheriff's Department provides police protection and crime prevention services for the City of Hesperia and its sphere of influence on a contractual basis (Michael Brandman Associates, 2010, p. 3.13-1). The Hesperia Police Department is comprised of 58 sworn law enforcement personnel including one captain, one lieutenant, seven sergeants, five detectives, and 44 deputy sheriffs (City of Hesperia, 2022a).

Fire

The City of Hesperia and the sphere of influence are served by the San Bernardino County Fire Department (Michael Brandman Associates, 2010, p. 3.13-1). The city has three fire stations within city boundaries – Fire Stations 302, 304, and 305 (City of Hesperia, 2022b).

Schools

The Hesperia Unified School District (HUSD) provides school services to the City of Hesperia (Michael Brandman Associates, 2010, p. 3.13-2). The HUSD has 15 elementary schools, three middle schools, and six high schools (HUSD, 2022).

Libraries

The County of San Bernardino Library operates the Hesperia Branch Library located in Civic Center Plaza, at 9650 Seventh Avenue in the City of Hesperia. This state-of-the-art 20,000 square foot facility, constructed in 2006, provides library services for the City of Hesperia and its Sphere of Influence (Michael Brandman Associates, 2010a, p. 3.13-5).

Parks

The Hesperia Recreation and Park District (HRPD) provides park and recreational amenities to the city (Michael Brandman Associates, 2010a, p. 3.13-5). HRPD has 15 different parks and recreational centers to serve the city (HRPD, 2022).

2.3.6 Utilities

Water

The City of Hesperia is served by the Hesperia Water District (HWD), which manages the City's potable water system (Michael Brandman Associates, 2010a, p. 3.16-2).

Water Reclamation

The Victor Valley Wastewater Reclamation Authority (VVWRA) provides the treatment and distribution of reclaimed water within the City of Hesperia. During peak demand, recycled water is used to irrigate landscaping, offsetting potable water demands. During low water demand, the recycled water is used to recharge the groundwater basin (Michael Brandman Associates, 2010a, p. 3.16-4 to 3.16-5).

Sewer

Wastewater services are also provided by the VVWRA (Michael Brandman Associates, 2010a, p. 3.16-6).

Solid Waste

Advance Disposal Company currently provides residential and commercial waste collection and recycling programs under a franchise agreement with the City (Michael Brandman Associates, 2010a, p. 3.16-8).

Electricity

Electrical power is provided by Southern California Edison (SCE) (Michael Brandman Associates, 2010a, p. 3.16-9).

Natural Gas

Natural gas services to the City would be provided by SoCalGas (SoCalGas, 2022).

3.0 PROJECT DESCRIPTION

3.1 Project Background

The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of two truck warehouses (project) on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site on an approximately 10.52-acre lot, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site on an approximately 9.8-acre lot. The City is the Lead Agency for the purposes of the CEQA.

The entire approximately 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west (Google Earth Pro, 2024).

The City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2023; City of Hesperia, 2010). The CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses (The Arroyo Group, 2021, p. 196-197). Additional details on the land use and planning can be found in **Section 4.11** of this document.

3.2 Project Overview

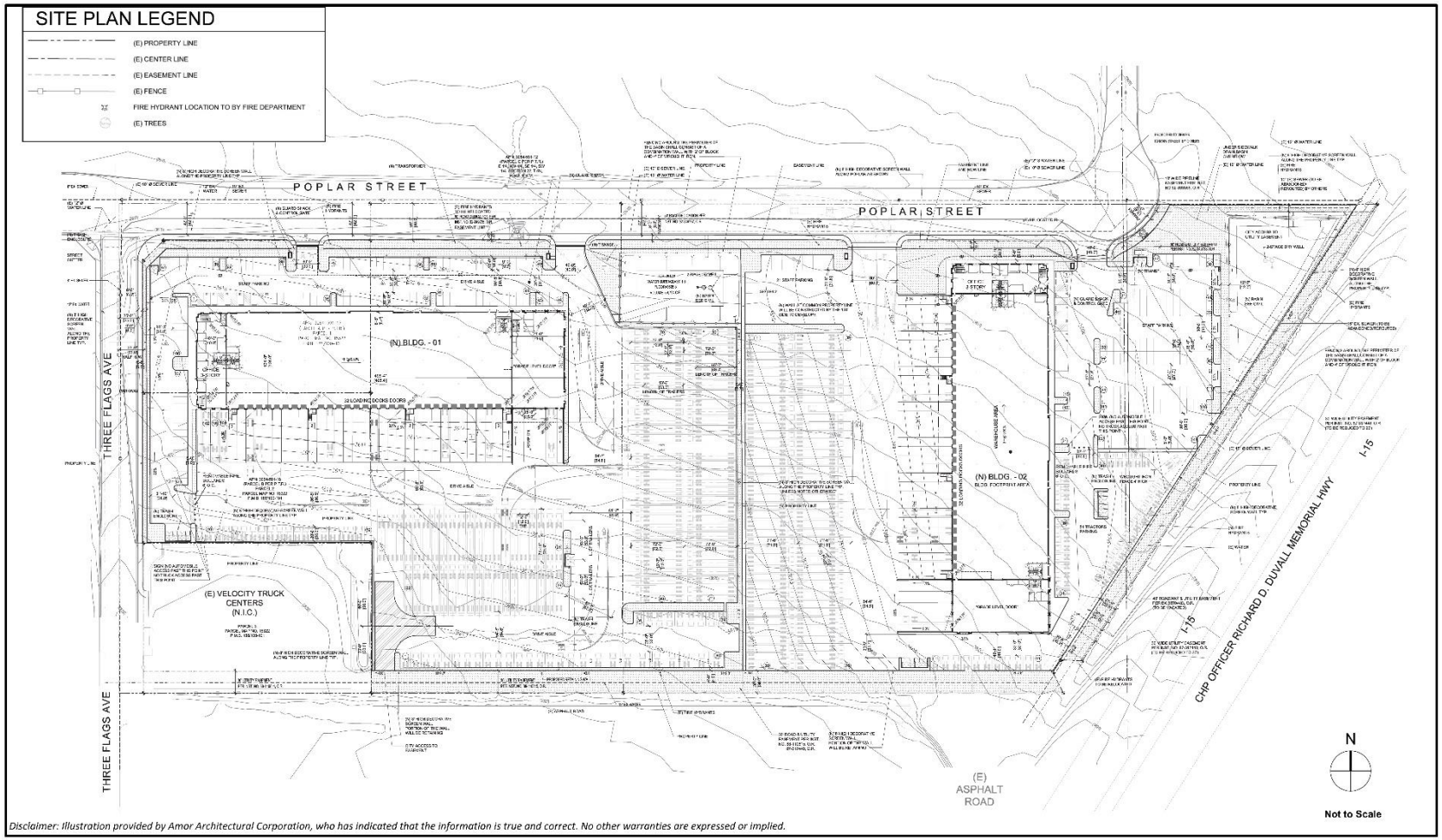
The project would consist of: (1) utility improvements; (2) construction of both truck warehouse buildings; (3) construction of a surface parking lot; and (4) landscaping. **Figure 3.2-1** is a site plan depicting the layout of the proposed project. **Table 3.2-1** summarizes the proposed project features.

Table 3.2-1
PROJECT SUMMARY

New Construction	Proposed Uses/Features	Square Feet	No. of Stories	Approximate Building Height (feet)
Truck Warehouse Building 1	Warehouse, office, and grade level doors	75,894	3	42
Surface Parking Lot for Truck Warehouse Building 1	Passenger vehicle and truck/trailer parking	121,975	N/A	N/A
Landscaping	Landscaping	26,864	N/A	N/A
Total Developed Area for Truck Warehouse 1		**224,733**	**N/A**	**N/A**
Truck Warehouse Building 2	Warehouse, office, and grade level warehouse space	75,894	3	42
Surface Parking Lot for Truck Warehouse Building 2	Passenger vehicle and truck/trailer parking	143,708	N/A	N/A
Landscaping	Landscaping	58,389	N/A	N/A
Total Developed Area for Truck Warehouse 2		**277,991**	**N/A**	**N/A**

Source: Amor Architectural Corporation, 2024

Figure 3.2-1
SITE PLAN



Disclaimer: Illustration provided by Amor Architectural Corporation, who has indicated that the information is true and correct. No other warranties are expressed or implied.

Source: Amor Architectural Corporation, July 24, 2024.

Cargo Solutions
Truck Warehouse
Site Plan

UltraSystems
environmental • management • planning

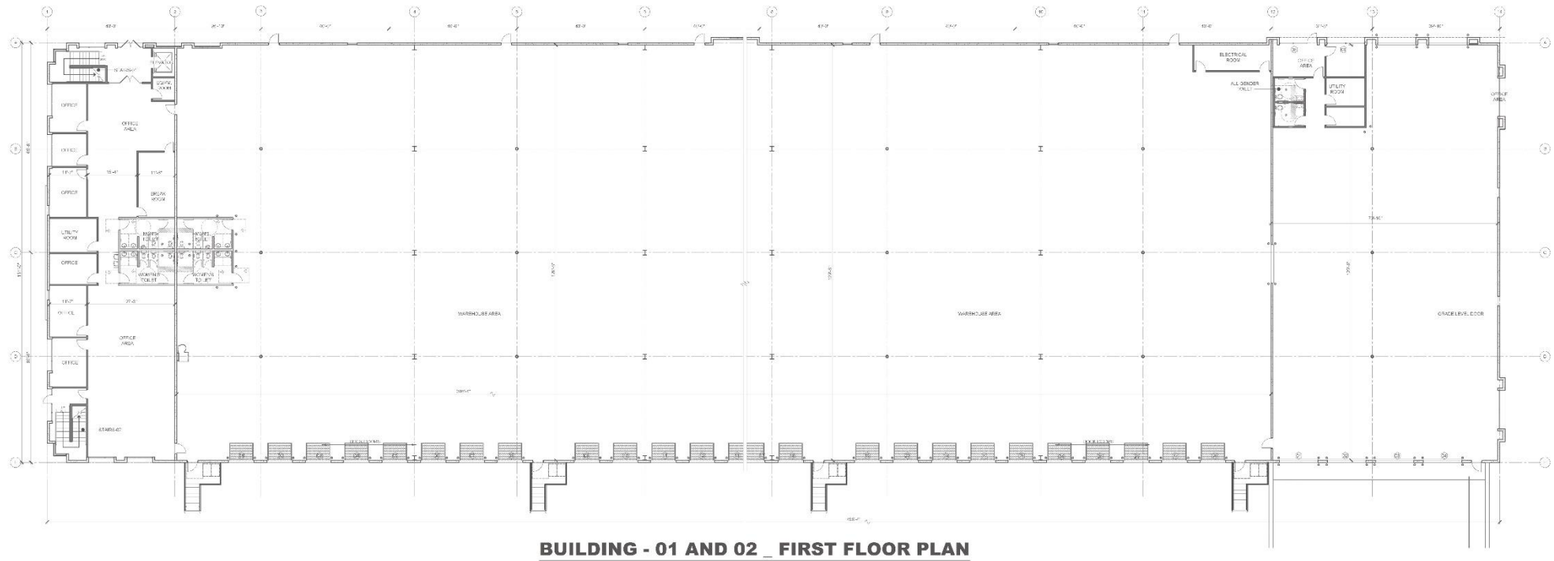
3.3 Proposed Project Features

3.3.1 New Construction

3.3.1.1 Truck Warehouse Buildings

The proposed truck warehouse buildings would be identical. Each truck warehouse building would be approximately 42 feet tall with three stories of office space overlooking an open warehouse floor and grade level warehouse space. Truck Warehouse Building 1 would be located on the west side of the project site and Truck Warehouse Building 2 would be located on the east side of the project site. **Figures 3.3-1** to **3.3-2** depict floor plans and elevations of the proposed truck warehouse buildings. Complete plans of the project can be found in **Appendix A**.

Figure 3.3-1
TRUCK WAREHOUSE BUILDINGS FLOOR PLAN



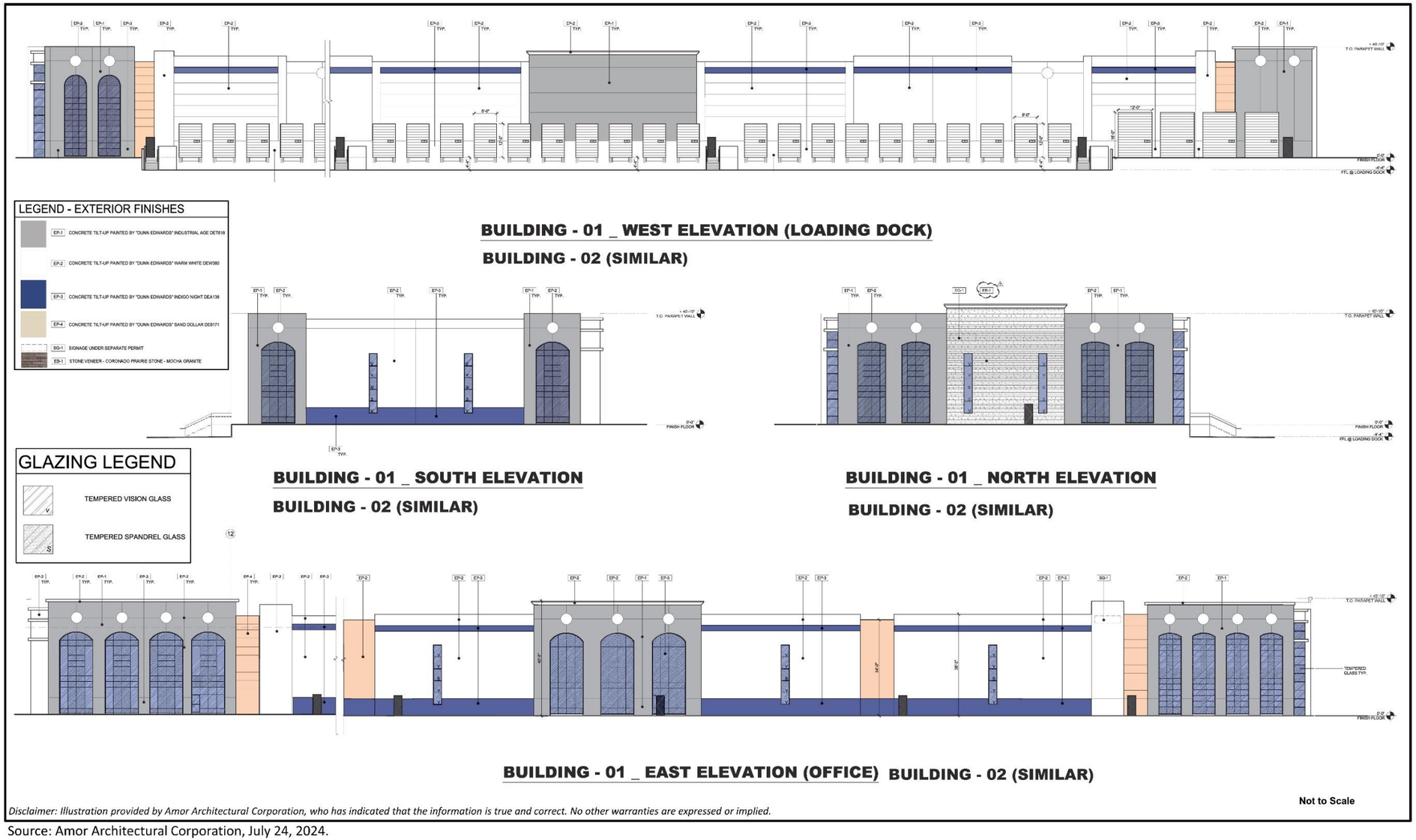
Disclaimer: Illustration provided by Amor Architectural Corporation, who has indicated that the information is true and correct. No other warranties are expressed or implied.

Source: Amor Architectural Corporation, July 24, 2024.

Cargo Solutions
Truck Warehouse
Buildings 1 and 2 Floor Plans

UltraSystems
environmental • management • planning

Figure 3.3-2
TRUCK WAREHOUSE BUILDINGS ELEVATIONS



Source: Amor Architectural Corporation, July 24, 2024.

Cargo Solutions
Truck Warehouse
Buildings 1 and 2 Elevations

3.3.2 Parking

Based on the § 16.20.080, Parking Requirements of the City's Municipal Code, the proposed truck warehouses would be required to have 238 auto parking stalls (City of Hesperia Municipal Code, 2024). The project proposes to develop 264 auto parking stalls that would consist of 123 auto parking stalls for Truck Warehouse Building 1 and 141 auto parking stalls for Truck Warehouse Building 2. Additionally, the project would provide tractor/trailer, tractor only parking, and dock door parking for each proposed building. Parking for each proposed building is detailed in **Table 3.3-1**.

Table 3.3-1
PROJECT PARKING SUMMARY

Proposed Building	Type of Parking	Number of Parking Stalls
Truck Warehouse Building 1	Auto parking	123
	Tractor/trailer parking	101
	Tractor only parking	59
	Dock door parking	32
	Total Parking	**315**
Truck Warehouse Building 2	Auto parking	141
	Tractor/trailer parking	76
	Tractor only parking	51
	Dock door parking	32
	Total Parking	**300**

3.3.3 Site Access and Circulation

The project site would have four driveways along Poplar Street for project ingress and egress. Each of the buildings would have two driveways. Circulation within the project site would be along the surface parking lot shown in the project site plan, **Figure 3.2-1**.

3.3.4 Exterior Lighting

The project proposes lighting throughout the site for safety and security purposes. Lighting for the project would comply with the requirements of the City's Municipal Code. Specifically, the project would be required to comply with § 16.16.410, Industrial Design Standards and Guidelines, which would ensure exterior lighting would not cause significant lighting and glare impacts (City of Hesperia Municipal Code, 2024).

3.3.5 Perimeter Fencing and Exterior Walls

The project site would be surrounded by an eight-foot-tall decorative screen wall with gates at entry ways. An approximately eight-foot-tall wrought iron fence would separate both truck warehouse buildings one and two.

3.3.6 Utilities

The project would require a sewer, domestic water, fire water, irrigation, gas and dry utilities connections to existing utility infrastructure in Poplar Street and Three Flags Avenue.

Sanitary Sewer - The project proposes two eight-inch sewer lateral connecting to an existing sewer in Poplar Street.

Domestic Water - The City of Hesperia is served by the Hesperia Water District (HWD), which manages the City's potable water system. New domestic water meters would be installed as required to meet project demands in compliance with the requirements of the city's Public Works Department. Construction would need to occur in the public right-of-way during installation of domestic water lines from the an existing main in Poplar Street to the project site.

Fire Water - The project proposes construction of a new six-inch fire water line from Poplar Street to the project site.

Dry Utilities - Southern California Edison (SCE) would provide electricity to the project site. Electrical utilities would be underground. Construction would need to occur in the public right-of-way during installation of a new utility connections to the project site.

Stormwater - The proposed site development and its drainage system would be comprised of storm drain pipe, concrete channel, onsite grate inlets with filtration device, and the infiltration/retention basin-1. The infiltration/retention basin-1 is sized to qualify for both WQMP volume as well as the detention volume for the proposed developed site. Detention volume has been calculated based upon the City of Hesperia "13.5-cf of retention per 100-sf of impervious area" rule (Allard Engineering, 2024).

Trash Service - Advance Disposal Company currently provides residential and commercial waste collection and recycling programs under a franchise agreement with the City (Michael Brandman Associates, 2010, p. 3.16-8).

Gas – Southern California Gas (SoCalGas) would provide gas service to the project site. Gas utilities would be installed underground to a gas service riser and meter at each building to be used for the AC units.

3.3.7 Security Features

The project site would be surrounded by a combination of eight-foot-tall decorative wall and gates at entry ways. Additionally, there would be 24-hour security cameras on the project site.

3.4 Offsite Improvements

The proposed project would widen the streets of Three Flags Avenue and Poplar Street to include AC pavement, curb and gutter, sidewalks, and connection to existing utility lines.

3.5 Project Operations

The truck warehouses would operate 24 hours per day, 7 days a week. Each truck warehouse is estimated to have approximately 224 total employees, resulting in a total of approximately 448 employees.

3.6 Construction Activities

Construction of the proposed project would be conducted in one phase. Construction is estimated to take place from October 2025 to November 2026. Further construction details for each construction phase are shown in **Table 3.6-1**.

For safety reasons, temporary barricades would be used to limit access to the site during project construction and maintain safe access for construction workers. Construction would occur during daylight and during regular business hours. Lighting for the construction site would be limited to the minimum amount of light needed for safety and security.

After site preparation is completed, infrastructure such as sewer laterals and storm drains would be installed and/or connected to existing facilities. The building foundations would be poured and framing of the buildings would begin. The final steps of construction would involve interior furnishings, detail work, and completion of common areas and outside landscaping.

The only offsite improvements would be installation of utility laterals and connections of laterals to mains. The construction contractor would use heavy equipment during grading; estimated numbers and types of equipment per construction phase are identified below in **Table 3.6-1**. Construction staging would be limited to the project site; no offsite areas would be used.

Construction Employees

Project construction workers would park their vehicles on the project site. Below is the anticipated number of construction employees by construction phase:

- **Grading:**
  - 30-40 employees
- **Offsite Phase:**
  - 20-30 employees
- **Vertical / Sitework Phase:**
  - 20-30 employees

Table 3.6-1
CONSTRUCTION PHASING AND EQUIPMENT DETAILS

Phase Name	Equipment Type	Number per Day	Hours Per Day	Horsepower	Load Factor
Grading Phase (2 months)	Graders	1	8	148	0.41
	Tractors/Loaders/Backhoes	1	8	84	0.37
	Scrapers	4	8	423	0.48
Off-Site Phase (2 months)	Excavators	2	8	36	0.38
	Tractors/Loaders/Backhoes	2	8	84	0.37
Vertical/Site Work Phase- Building Construction (7 months)	Rough Terrain Forklifts	4	8	96	0.4
	Tractors/Loaders/Backhoes	2	7	84	0.37
	Skid Steer Loaders	4	8	46	0.45
Vertical/Site Work Phase- Paving (1month)	Pavers	2	8	81	0.42
	Paving Equipment	2	8	89	0.36
	Rollers	2	8	36	0.38
Vertical/Site Work Phase- Architectural Coating (1 month)	Air Compressors	1	6	37	0.48

Source: Amor Architectural Corporation, 2024

3.7 Discretionary Actions

The proposed project includes applications for the following discretionary approvals by the City of Hesperia:

- Building permits
- Engineering permits
- Site Design

3.7.1 Other Permits and Approvals

Following the City's approval of the Initial Study/Mitigated Negative Declaration, the following permits/approvals, as shown in **Table 3.7-1,** would be required prior to construction.

Table 3.7-1
PERMITS AND APPROVALS

Agency	Permit or Approval
City of Hesperia Building & Safety Division	Site Plan review and approval and Grading and Building Permits
City of Hesperia Planning Division	Conditional Use Permit Design Review
San Bernardino County Fire Protection District	Building plan check and approval. Review for compliance with the current California Fire Code, current California Building Code, California Health & Safety Code and City of Hesperia Municipal Code. Plans for fire detection and alarm systems, and automatic sprinklers.
Lahontan Regional Water Quality Control Board (Region 6)	Water quality permits

4.0 ENVIRONMENTAL CHECKLIST

Environmental Factors Potentially Affected

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

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

Determination (To Be Completed by the Lead Agency)

On the basis of this initial evaluation:

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

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

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

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

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

Signature

6/16/2025
Date

Ryan Leonard, Senior Planner
Printed Name

City of Hesperia

Evaluation of Environmental Impacts

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

All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

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

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

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

Earlier Analyses Used. Identify and state where the earlier analysis available for review.

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

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

Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated. A source list should be attached and other sources used or individuals contacted should be cited in the discussion.

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

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

The explanation of each issue should identify:

The significance criteria or threshold, if any, used to evaluate each question; and

The mitigation measure identified, if any, to reduce the impact to less than significant.

4.1 Aesthetics

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?			**X**	
b) Substantially damage scenic resources, including, but not limited to, trees, outcroppings, and historic buildings within a state scenic highway?			**X**	
c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?			**X**	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			**X**	

A "visual environment" includes the built environment (development patterns, buildings, parking areas, and circulation elements) and natural environment (such as hills, vegetation, rock outcroppings, drainage pathways, and soils) features. Visual quality, viewer groups and sensitivity, duration, and visual resources characterize views. Visual quality refers to the general aesthetic quality of a view, such as vividness, intactness, and unity. Viewer groups identify who is most likely to experience the view. High-sensitivity land uses include residences, schools, playgrounds, religious institutions, and passive outdoor spaces such as parks, playgrounds, and recreation areas. Duration of a view is the amount of time that a particular view can be seen by a specific viewer group. Visual resources refer to unique views, and views identified in local plans, from scenic highways, or of specific unique structures or landscape features.

a) Would the project have a substantial adverse effect on a scenic vista?

Less than Significant Impact

Scenic vistas generally include extensive panoramic views of natural features, unusual terrain, or unique urban or historic features, for which the field of view can be wide and extend into the distance, and focal views that focus on a particular object, scene or feature of interest. The city's General Plan Open Space Element contains scenic vistas including Mojave River to the east, the San Bernardino and San Gabriel Mountain ranges to the south and the surrounding Victor Valley, along with neighboring hillsides and the natural desert environment. These scenic resources provide a visual

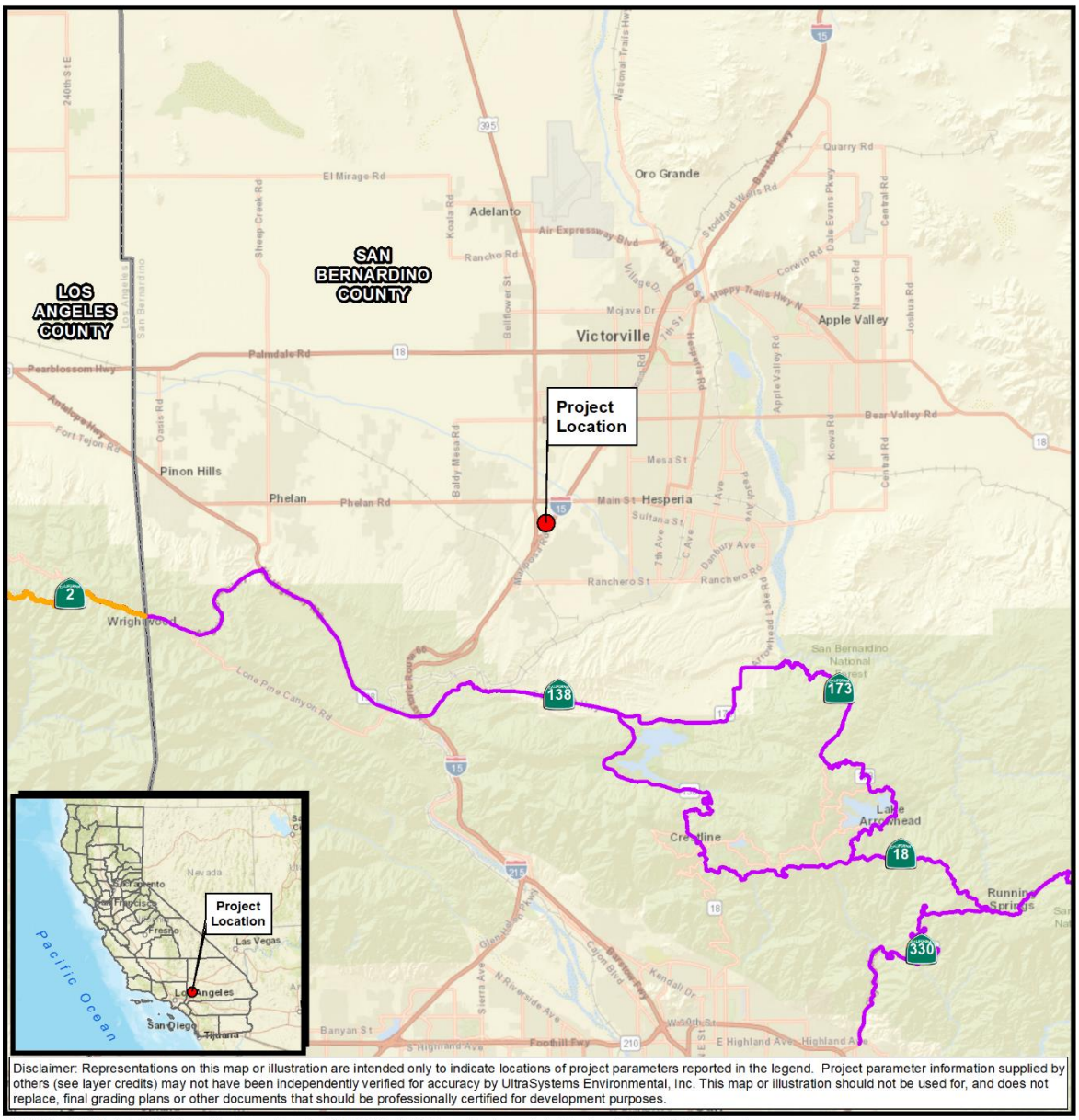
relief from the man-made structures in the city and also connect its residents to the natural environment (City of Hesperia, 2019a, p. OS-13). The project site is located in a semi-rural portion of the city and would not impact hillsides and natural desert environment. The Mojave River runs along the city's eastern border (Michael Brandman Associates, 2010a, p. 2-1). However, the project site is located on the western portion of the city, and has intervening developments that block views of the Mojave River. There are partial views of the San Bernardino and San Gabriel Mountains at the existing project site from the surrounding developments adjacent to the project site. The proposed project would develop buildings up to a height of approximately 42 feet tall, which would adhere to the project site's allowable maximum building height of 60 feet (The Arroyo Group, 2021, p. 198), and would be similar to the approximately 20- to 30-foot-tall industrial and commercial buildings surrounding the project site. Additionally, the project area does not have sensitive receivers such as residences adjacent to the site where views of the mountains would be permanently blocked. Viewers of the area would likely be people driving through the project area. The project area is largely vacant and viewers would have undisrupted views of the mountains continuing along Poplar Street or Three Flags Avenue. Therefore, the proposed project would not significantly impact views of scenic vistas compared to the existing setting, and impacts would be less than significant.

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

No Impact

The California Department of Transportation (Caltrans) provides information regarding officially designated or eligible state scenic highways, designated as part of the California Scenic Highway Program. As shown in **Figure 4.1-1**, the closest officially designated state scenic highway to the project site is a portion of the State Route 2 (SR-2), which is approximately 15.1 miles southwest; portions of SR-138, which is eligible for designation but not officially designated, are approximately 6.7 miles south of the site (Caltrans, 2024). Due to the large distance between the project site and these highways, construction and implementation of the project would have no impacts on state scenic highways. Therefore, the project would have no impacts on trees, rock outcroppings and historic buildings within a state scenic highway.

Figure 4.1-1
STATE SCENIC HIGHWAYS



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

Less than Significant Impact

The project site is located within an emerging semi-rural portion of the city characterized by commercial, industrial and undeveloped land uses as shown in **Figure 4.1-2**. **Table 4.1-1** details the existing visual character and land uses of the project site and surrounding area**. Table 4.1-2** details applicable scenic quality goals and regulations, and how the proposed project would adhere to them.

Figure 4.1-2
VIEWS FOR SURROUNDING LAND USES IN THE PROJECT AREA

PHOTO 1: View looking north of the project site along Poplar Street.

PHOTO 2: View looking south from Three Flags Avenue and Poplar Street.

PHOTO 3: View looking southwest from Three Flags Avenue and Poplar Street to Stepping Stone Industrial Park.

PHOTO 4: View looking south to Little Sisters Truck Wash from southeastern section of project site.

Source: UltraSystems Environmental, 2022. Google Earth, 2019

Table 4.1-1
EXISTING VISUAL CHARACTER AND LAND USES IN THE PROJECT AREA

Location	General Characteristics	Existing Lighting	Building Height & Design	Landscaping
Project Site	Undeveloped	None	None	Undeveloped
Surrounding Areas				
North	Undeveloped	None	None	Undeveloped
South	Industrial (Truck repair shop)/commercial (truck car wash)	Exterior lighting for security purposes	Approximately 20-to 30-feet tall buildings with plastered concrete tilt-up exterior walls in varying colors.	Ornamental
East	Undeveloped	None	None	Undeveloped
West	Industrial Park and Business	Exterior lighting for security purposes	Approximately 20 feet tall buildings with plastered concrete tilt-up exterior walls in varying colors.	Ornamental
Source: Google Earth Pro, 2024 and UltraSystems Environmental, 2022.				

Construction

Construction of the proposed project would include views associated with construction activities, construction staging areas, grading, excavation, construction equipment, material storage areas, construction debris, exposed trenches, etc. Construction elements would be inconsistent with the visual character of the project vicinity. Project construction could temporarily degrade the existing visual character of the project area and its immediate surroundings. However, this impact would be short term and these elements would be removed following construction. Therefore, impacts in regard to construction would be less than significant.

Operation

The proposed project would develop two truck warehouses with associated surface parking lot and ornamental landscaping. The proposed project would be designed to adhere to the City's design guidelines to complement the existing buildings and architecture surrounding the project site. Additionally, the project area is part of the Main Street Freeway Corridor Specific Plan, which plans to develop the project area with similar industrial developments such as the proposed project due to its prime regional location to transportation corridors (The Arroyo Group, 2021, p. 196). Therefore, the project would not significantly impact the characteristics of the project area or public views. Impacts would be less than significant and no mitigation is required.

Table 4.1-2
PROJECT COMPLIANCE WITH SCENIC REGULATIONS IN REGARDS TO THE CITY OF HESPERIA MAIN STREET FREEWAY CORRIDOR SPECIFIC PLAN

Policy	Compliance
Goal UD-1: Strengthen the identity of the City of Hesperia and the Specific Plan area by building upon the surrounding natural resources and amenities, and create a new image for Main Street and the Freeway Corridor that expresses an attractive, inviting, high quality character and commercial vitality.	
Policy UD-1.4: Preserve views of the mountains – San Gabriel Mountains to the southwest and San Bernardino National Forest to the southeast	As detailed in **Section 4.1a)**, the project's buildings would adhere to the Com/Ind Business Park (CIBP) height requirements. Additionally, the proposed buildings would conform to the height requirements of the general plan and zoning, and be similar to surrounding developments. Therefore, views of the mountains would not be significantly impacted by the project, and the project would be consistent with this policy.
Goal UD-2: Create distinctive and attractive communities with a strong sense of place (Smart Growth principle).	
Policy UD-2.1: Establish development and design standards that encourage high quality of construction and lead to the creation of attractive developments.	The project site is currently an undeveloped lot with no significant aesthetic resources. The proposed project would adhere to the Com/Ind Business Park (CIBP) development requirements, which would create a high-quality development to the Specific Plan area. Therefore, the project would be consistent with this policy.
Goal UD-5: Encourage good design, and high-quality development within the Specific Plan area.	
Policy UD-5.3: Through design review, ensure that new development enhances the character of the Specific Plan area by requiring design qualities and elements that contribute to an active pedestrian environment, where appropriate, and ensuring that architectural elements support high-quality development.	The proposed project would adhere to the Com/Ind Business Park (CIBP) development requirements, which would create a high-quality development that would enhance character of the Specific Plan area. Therefore, the project would be consistent with this policy.

Source: City of Hesperia, 2021, p. 25 to 27

As shown above, the project would adhere to all applicable scenic regulations. Therefore, impacts would be less than significant and no mitigation is required.

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

Less Than Significant Impact

Project construction and operation would adhere to the Main Street Freeway Corridor Specific Plan (MSFCSP) site design standards and guidelines, which would ensure that exterior light and glare would not significantly impact surrounding land uses or nighttime skies (The Arroyo Group, 2021, p. 268). Therefore, impacts would be less than significant.

4.2 Agriculture and Forestry Resources

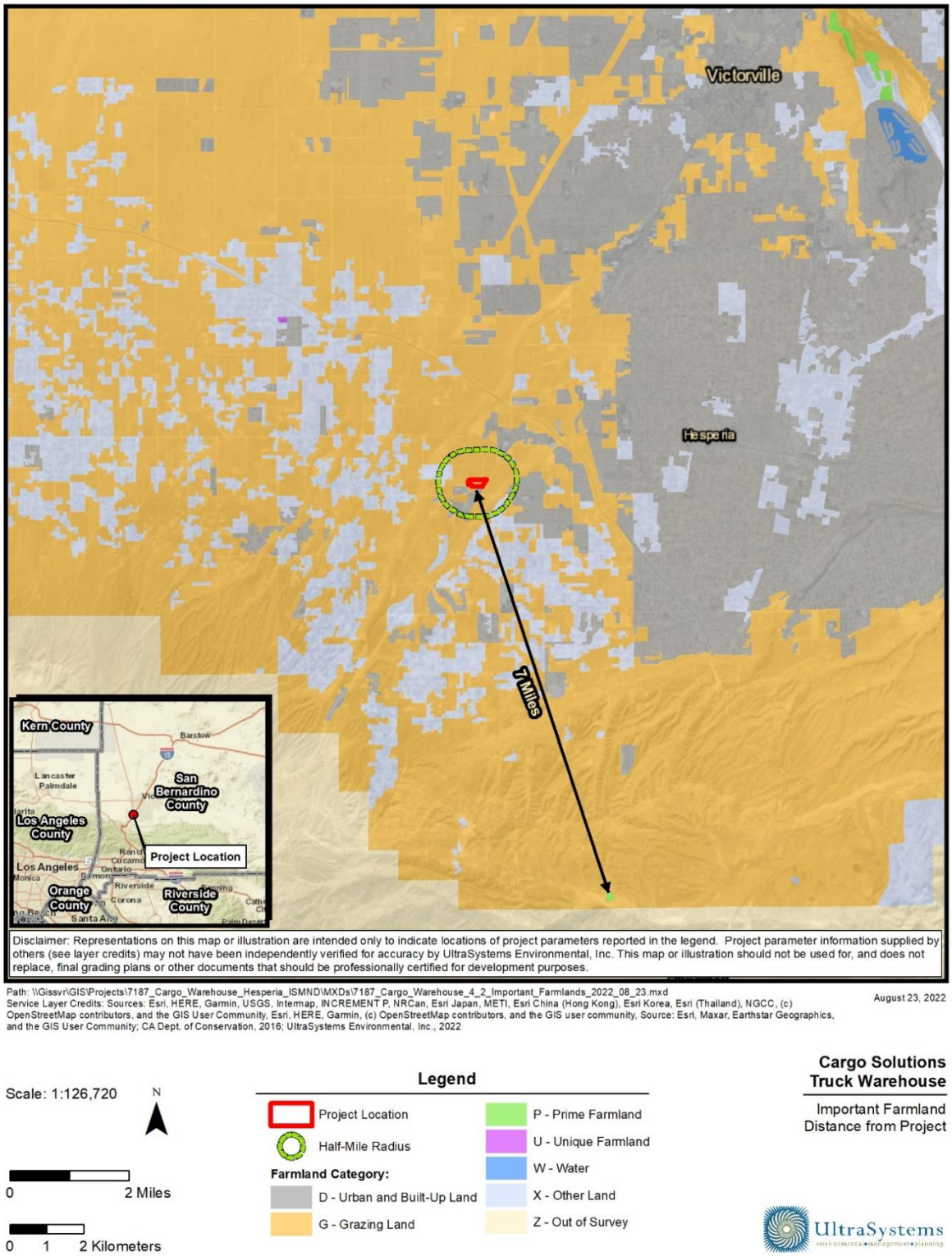
Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				**X**
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?				**X**
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Codes § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?				**X**
d) Result in the loss of forest land or conversion of forest land to non-forest use?				**X**
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?				**X**

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

No Impact

The project site is designated by the Division of Land Resource Protection (DLRP) as Grazing Land, which is not farmland (DOC, 2018) (see **Figure 4.2-1** below). Grazing Land is land on which the existing vegetation is suited to the grazing of livestock (DOC, 2019). Therefore, no farmland would be converted to non-agricultural use and no impacts would occur.

Figure 4.2-1
IMPORTANT FARMLAND CATEGORIES



b) Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?

No Impact

The project site is zoned Commercial/Industrial Business Park (CIBP (City of Hesperia, 2020), and is not zoned for agricultural use. Williamson Act contracts are made only on land within agricultural reserves, and the project site is not within an agricultural reserve. Therefore, the project would not conflict with existing zoning for agricultural use or a Williamson Act contract. No impact would occur.

c) Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code § 12220(g)), timberland (as defined by Public Resources Codes § 4526), or timberland zoned Timberland Production (as defined by Government Code § 51104(g))?

No Impact

The project site is zoned Commercial/Industrial Business Park (CIBP) (City of Hesperia, 2020). The site is not zoned for forest, timberland, or timberland production use. Therefore, project development would not conflict with zoning for forest land or timberland, and no impact would occur.

d) Would the project result in the loss of forest land or conversion of forest land to non-forest use?

No Impact

The project site is currently undeveloped and does not have forest land. Therefore, project development would not result in the loss of forest land or conversion of forest land to non-forest use, and no impact would occur.

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

No Impact

The project site is undeveloped and has a zoning designation of Commercial/Industrial Business Park (CIBP) (City of Hesperia, 2020). No important farmland is near the project site; the nearest such farmland is Unique Farmland approximately seven miles southeast. No forest land is present on or near the project site. Therefore, project development would not cause conversion of farmland to non-agricultural use or conversion of forest land to non-forest use, and no impacts would occur.

4.3 Air Quality

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?			**X**	
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard?			**X**	
c) Expose sensitive receptors to substantial pollutant concentrations?			**X**	
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			**X**	

4.3.1 Pollutants of Concern

Criteria pollutants are air pollutants for which acceptable levels of exposure can be determined and an ambient air quality standard has been established by the U.S. Environmental Protection Agency (USEPA) and/or the California Air Resources Board (ARB). The criteria air pollutants of concern are nitrogen dioxide (NO_2), carbon monoxide (CO), particulate matter (PM_{10} and $PM_{2.5}$), sulfur dioxide (SO_2), lead (Pb), and ozone, and their precursors, such as reactive organic gases (ROG) (which are ozone precursors). Presented below is a description of the air pollutants of concern and their known health effects.

The project is in the southwestern San Bernardino County portion of the Mojave Desert Air Basin (MDAB), for which the Mojave Desert Air Quality Management District (MDAQMD) is substantially responsible for air pollution control. The MDAB is classified as a dry-hot desert (BWh), with portions classified as dry-very hot desert (BWhh), to indicate that at least three months have maximum average temperatures over 100.4°F (MDAQMD, 2020a, p. 6-7). **Table 4.3-1** shows the attainment status of the MDAB for each criteria pollutant for both the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (CAAQS). Presented below is a description of the air pollutants of concern and their known health effects.

Nitrogen oxides (NO_X) serve as integral participants in the process of photochemical smog production and are precursors for certain particulate compounds that are formed in the atmosphere, and for ozone. A precursor is a directly emitted air contaminant that, when released into the atmosphere, forms, causes to be formed, or contributes to the formation of a secondary air contaminant for which an ambient air quality standard (AAQS) has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more AAQSs. When NO_X and ROG are released into the atmosphere, they can chemically react with one another in the presence of sunlight

to form ozone. The two major forms of NO_X are nitric oxide (NO) and NO_2. NO is a colorless, odorless gas formed from atmospheric nitrogen and oxygen when combustion takes place under high temperature and/or high pressure. NO_2 is a reddish-brown pungent gas formed by the combination of NO and oxygen. NO_2 acts as an acute respiratory irritant and eye irritant and increases susceptibility to respiratory pathogens (USEPA, 2011).

Table 4.3-1
FEDERAL AND STATE ATTAINMENT STATUS

Pollutants	Federal Classification	State Classification
Ozone (O_3) – 1-hour standard	No Federal Standard	Nonattainment
Ozone (O_3) – 8-hour standard	Nonattainment	
Particulate Matter (PM_{10})	Attainment	Nonattainment
Fine Particulate Matter ($PM_{2.5}$)	Nonattainment	Attainment
Carbon Monoxide (CO)	Unclassified/Attainment	Attainment
Nitrogen Dioxide (NO_2)	Unclassified/Attainment	Attainment
Sulfur Dioxide (SO_2)	Unclassified/Attainment	Attainment
Sulfates	No Federal Standards	Attainment
Lead (Pb)	Unclassified/Attainment	Attainment
Hydrogen Sulfide (H_2S)	Unclassified	
Visibility Reducing Particles		

Sources: ARB, 2020a; USEPA, 2022a.

Carbon monoxide (CO) is a colorless, odorless non-reactive pollutant produced by incomplete combustion of fossil fuels. CO is emitted almost exclusively from motor vehicles, power plants, refineries, industrial boilers, ships, aircraft, and trains. In urban areas, automobile exhaust accounts for most CO emissions. CO is a non-reactive air pollutant that dissipates relatively quickly; therefore, ambient CO concentrations generally follow the spatial and temporal distributions of vehicular traffic. CO concentrations are influenced by local meteorological conditions – primarily wind speed, topography, and atmospheric stability. CO from motor vehicle exhaust can become locally concentrated when surface-based temperature inversions are combined with calm atmospheric conditions, a typical situation at dusk in urban areas between November and February. The highest levels of CO typically occur during the colder months of the year when inversion conditions are more frequent. In terms of health, CO competes with oxygen, often replacing it in the blood, thus reducing the blood's ability to transport oxygen to vital organs. The results of excess CO exposure can be dizziness, fatigue, and impairment of central nervous system functions. High concentrations are lethal (USEPA, 2010).

Particulate matter (PM) consists of finely divided solids or liquids, such as soot, dust, aerosols, fumes and mists. Primary PM is emitted directly into the atmosphere from activities such as agricultural operations, industrial processes, construction and demolition activities, and

entrainment of road dust into the air. Secondary PM is formed in the atmosphere from predominantly gaseous combustion by-product precursors, such as sulfur oxides, NO_X, and ROGs.

Particle size is a critical characteristic of PM that primarily determines the location of PM deposition along the respiratory system (and associated health effects) as well as the degradation of visibility through light scattering. In the United States, federal and state agencies have focused on two types of PM. PM_{10} corresponds to the fraction of PM no greater than 10 micrometers in aerodynamic diameter and is commonly called respirable particulate matter, while $PM_{2.5}$ refers to the subset of PM_{10} of aerodynamic diameter smaller than 2.5 micrometers, which is commonly called fine particulate matter.

PM_{10} and $PM_{2.5}$ deposition in the lungs results in irritation that triggers a range of inflammation responses, such as mucus secretion and bronchoconstriction, and exacerbates pulmonary dysfunctions, such as asthma, emphysema, and chronic bronchitis. Sufficiently small particles may penetrate the bloodstream and impact functions such as blood coagulation, cardiac autonomic control, and mobilization of inflammatory cells from the bone marrow. Individuals susceptible to higher health risks from exposure to PM_{10} airborne pollution include children, the elderly, smokers, and people of all ages with low pulmonary/cardiovascular function. For these individuals, adverse health effects of PM_{10} pollution include coughing, wheezing, shortness of breath, phlegm, bronchitis, and aggravation of lung or heart disease, leading, for example, to increased risks of hospitalization and mortality from asthma attacks and heart attacks (USEPA, 2022a).

Reactive organic gases (ROG) are defined as any compound of carbon, excluding CO, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. It should be noted that there are no state or national ambient air quality standards for ROG because ROGs are not classified as criteria pollutants. They are regulated, however, because a reduction in ROG emissions reduces certain chemical reactions that contribute to the formation of ozone. ROGs are also transformed into organic aerosols in the atmosphere, which contribute to higher PM_{10} and lower visibility. The term "ROG" is used by the ARB for this air quality analysis and is defined the same as the federal term "volatile organic compound" (VOC).

Ozone is a secondary pollutant produced through a series of photochemical reactions involving ROG and NO_X. Ozone creation requires ROG and NO_X to be available for approximately three hours in a stable atmosphere with strong sunlight. Because of the long reaction time, peak ozone concentrations frequently occur downwind of the sites where the precursor pollutants are emitted. Thus, ozone is considered a regional, rather than a local, pollutant. The health effects of ozone include eye and respiratory irritation, reduction of resistance to lung infection and possible aggravation of pulmonary conditions in persons with lung disease. Ozone is also damaging to vegetation and untreated rubber (USEPA, 2020c).

4.3.2 Climate/Meteorology

Air quality is affected by both the rate and location of pollutant emissions, and by meteorological conditions that influence movement and dispersal of pollutants. Atmospheric conditions such as wind speed, wind direction, and air temperature gradients, along with local topography, provide the link between air pollutant emissions and air quality.

The Project site is located within the Mojave Desert portion of the Mojave Desert Air Basin (MDAB), which is bordered in the southwest by the San Bernardino Mountains, which are separated from the

San Gabriel Mountains by the Cajon Pass (4,200 feet elevation). The MDAB is an assemblage of mountain ranges interspersed with long broad valleys that often contain dry lakes. Many of the lower mountains which dot the vast terrain rise from 1,000 to 4,000 feet above the valley floor. Prevailing winds in the MDAB are out of the west and southwest. These prevailing winds are due to the proximity of the MDAB to coastal and central regions and the blocking nature of the Sierra Nevada Mountains to the north; air masses pushed onshore in Southern California by differential heating are channeled through the MDAB (MDAQMD, 2020).

The nearest meteorological station is the Hesperia station (#043935, latitude 34.41667°, longitude: - 117.3°) (WRCC, 2022a), which is approximately 5.1 miles west of the project site, with a period of record from January 1, 1910 to June 30, 1977. However, data from another station near the project site, Victorville Pump Pt meteorological station (#049325; latitude 34.5350°, longitude: - 117.3058°) (WRCC, 2022b), approximately 9.5 miles north of the project site, were used because the period of record (November 1931 – November 2008) is more recent. The average high and low temperatures recorded there are 77.5°F and 43.9°F, respectively. Average winter (December, January, and February) high and low temperatures are approximately 60.1°F and 30.7°F, respectively, and average summer (June, July, and August) high and low temperatures are approximately 95.6°F and 58.4°F, respectively. The annual average of total precipitation is approximately 5.52 inches, which occurs mostly during the winter and relatively infrequently during the summer. Monthly precipitation averages approximately 0.93 inch during the winter (December, January, and February), approximately 0.43 inch during the spring (March, April, and May), approximately 0.35 inch during the fall (September, October, and November), and approximately 0.13 inch during the summer (June, July, and August).

4.3.3 Local Air Quality

The project site is served by the MDAQMD's Hesperia-Olive Street air monitoring site (ARB Number 36201), 6.0 miles east at 17288 Olive Street in Hesperia. This station monitors ozone and PM_{10}. The nearest station that monitors $PM_{2.5}$ and NO_2 is Victorville-14306 Park Avenue at 14306 Park Avenue in Victorville (ARB Number: 36306), about 4.4 miles north of the project. The ambient air quality data in the project vicinity as recorded from 2021 through 2023, along with applicable standards, are shown in **Table 4.3-2.**

Table 4.3-2
AMBIENT AIR QUALITY MONITORING DATA

Air Pollutant	Standard/Exceedance	2021	2022	2023
Ozone – Hesperia-Olive Street	Max. 1-hour Concentration (ppm) Max. 8-hour Concentration (ppm) # Days > Federal 8-hour Std. of 0.070 ppm # Days > California 1-hour Std. of 0.09 ppm # Days > California 8-hour Std. of 0.070 ppm	0.114 0.101 55 9 60	0.108 0.090 49 11 52	0.110 0.098 53 11 54
PM_{10} - Hesperia-Olive Street	Max. 24-hour Concentration (µg/m^3) Est. # Days > Fed. 24-hour Std. of 150 µg/m^3 Federal Annual Arithmetic Mean (12 µg/m^3)	426.5 1 28.7	135.0 0 27.2	176.2 1 27.9
$PM_{2.5}$ - Victorville-14306 Park Avenue	Max. 24-hour Concentration (µg/m^3) # Days > Fed. 24-hour Std. of 35 µg/m^3 State Annual Average (12 µg/m^3)	87.1 1 10.2	24.6 0 9.0	25.6 0 7.8
NO_2 – Victorville-14306 Park Avenue	Max. 1-hour Concentration (ppm) State Annual Average (0.030 ppm) # Days > California 1-hour Std. of 0.18 ppm	0.060 0.012 0	0.060 0.012 0	0.060 0.010 0

Source: ARB, 2022a.

4.3.4 Air Quality Management Plan (AQMP)

The MDAQMD's jurisdiction comprises the Mojave Desert Air Basin, which encompasses the desert portions of Kern, Los Angeles, Riverside and San Bernardino counties. The MDAQMD is required to produce plans to show how air quality would be improved in the region. The California Clean Air Act (CCAA) requires that these plans be updated triennially to incorporate the most recent available technical information.[5]

The Project is located in the jurisdiction of the MDAQMD. Under the Federal Clean Air Act the MDAQMD has adopted a variety of attainment plans for a variety of nonattainment pollutants. The District has primary responsibility for regulating stationary sources of air pollution located within its jurisdictional boundaries. It implements air quality programs required by state and federal mandates, enforces rules and regulations based on air pollution laws and educates businesses and residents about their role in protecting air quality and the risks of air pollution (MDAQMD, 2022).

The 1995 Final Mojave Desert Planning Area, Federal Particulate Matter (PM10) Attainment Plan (MDAQMD, 1995) was adopted by the MDAQMD board on July 31, 1995. A Certification of District Measures to Reduce PM Pursuant to Former Health & Safety Code §39614(d) was received and filed by the ARB on January 27, 2020 (MDAQMD, 2020a). The 2008 MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area) was adopted by the MDAQMD board. The USEPA designated the Western Mojave Desert area as non-attainment for the 8-hour ozone National Ambient Air Quality Standard (NAAQS) pursuant to the provisions of the Federal Clean Air Act (FCAA). A portion of the Mojave Desert Air Quality Management District (MDAQMD) is included in the Western Mojave Desert non-attainment area. The most recent attainment plan that was approved by USEPA is the MDAQMD 2008 Ozone Attainment Plan adopted in 2008. The most recently

5 CCAA of 1988.

adopted State plan is the 1996 Triennial Revision to the 1991 Air Quality Attainment Plan (MDAQMD, 2008).

4.3.5 Sensitive Receptors

Some people, such as individuals with respiratory illnesses or impaired lung function because of other illnesses, persons over 65 years of age, and children under 14, are particularly sensitive to certain pollutants. Facilities and structures where these sensitive people live or spend considerable amounts of time are known as sensitive receptors. For the purposes of a CEQA analysis, the MDAQMD considers a sensitive receptor to be a receptor such as a residence, schools, daycare centers, playgrounds and medical facilities. The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated with a health risk assessment (MDAQMD, 2020a):

- Any industrial project within 1,000 feet.
- A distribution center (40 or more trucks per day) within 1,000 feet.
- A major transportation project (50,000 or more vehicles per day) within 1,000 feet.
- A dry cleaner using perchloroethylene within 500 feet.
- A gasoline dispensing facility within 300 feet.

The proposed project's distance from the nearest sensitive receptor exceeds all these threshold distances. Therefore, a health risk assessment is not needed.

4.3.6 Applicable Mojave Desert Air Quality Management District Rules

Rule 403 (Fugitive Dust Control Rule)

During construction, the project would be subject to MDAQMD Rule 403 (fugitive dust control) (MDAQMD, 2020c). The general requirement prohibits a person from causing or allowing emissions of fugitive dust from construction (or other fugitive dust source) such that the presence of such dust remains visible in the atmosphere beyond the property line of the emissions source, except during high winds. MDAQMD Rule 403 also prohibits construction activity from causing incremental PM_{10} concentrations to exceed 100 micrograms per cubic meter when determined as the difference between upwind and downwind samples collected on federal reference method samplers at the property line for a minimum of five hours, except during high winds.

Rule 1113 (Architectural Coatings)

Construction of this project will include the application of architectural coatings and be subject to MDAQMD Rule 1113 (Architectural Coatings). Among other applicable entities, Rule 1113 requires anyone who supplies, sells, offers for sale, manufactures, blends or repackages any architectural coating for use within the MDAQMD, as well as any person who applies or solicits the application of any architectural coating within the District, o use coatings that contain VOC less than or equal to the VOC limits specified in Table 1 of the rule.

4.3.7 Impact Analysis

a) Would the project conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact

The proposed project site is located in the western portion of the City of Hesperia, within the jurisdiction of the MDAQMD. The project is compatible with the general plan land use and zoning discussed in detail in **Section 4.11**. The air quality plans are based upon existing and projected land uses in the planning area. The most recent air quality plan is the MDAQMD Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-attainment Area), which was adopted on June 9, 2008. The project is compatible with the air quality plan.

The MDAQMD has developed criteria in the form of emissions thresholds for determining whether emissions from a project are regionally significant. They are useful for estimating whether a project is likely to result in a violation of the NAAQS and/or whether the project is in conformity with plans to achieve attainment. **Table 4.3-3** shows MDAQMD CEQA significance thresholds for both construction and operation. A project is considered to have a regional air quality impact if emissions from its construction and/or operational activities exceed the corresponding MDAQMD significance thresholds.

Table 4.3-3
MDAQMD THRESHOLDS OF SIGNIFICANCE FOR CRITERIA POLLUTANTS

Pollutant	Emission Threshold (lbs/day)	Emission Threshold (short tons/year)
Volatile Organic Compounds (VOC)	137	25
Nitrogen Oxides (NO_x)	137	25
Carbon Monoxide (CO)	548	100
Sulfur Oxides (SO_x)	137	25
Particulate Matter (PM_{10})	82	15
Fine Particulate Matter ($PM_{2.5}$)	65	12

Source: MDAQMD, 2020a, Table 6.

Estimated criteria pollutant emissions from the project's onsite and offsite project activities were calculated using the California Emissions Estimator Model (CalEEMod), Version 2022.1.1.29. CalEEMod (CAPCOA, 2023) is a planning tool for estimating emissions related to land use projects.

The construction emissions accounted for the wall construction, while operational emissions did not consider the wall as an emission source. To ensure accuracy, two separate CalEEMod analyses were conducted—one for construction emissions and another for operational emissions. Model-predicted project emissions are compared with applicable thresholds to assess regional air quality impacts. The project traffic study (RK Engineering, 2024) provided the vehicle miles traveled and number of trips for the operational emissions. It was also assumed that the construction contractor would comply

with all pertinent MDAQMD rules. CalEEMod inputs and detailed results are provided in **Appendix B**.

Table 4.3-4 shows the project schedule used for the air quality analysis. The proposed project would be built in one phase. Construction is estimated to take place in five subphases from October 2025 to November 2026:

- Grading
- Off-Site Trenching
- Vertical/Site Work- Building Construction
- Vertical/Site Work- Paving
- Vertical/Site Work- Architectural Coating

Details for each construction subphase are shown in **Table 4.3-4**.

Table 4.3-4
CONSTRUCTION SCHEDULE

Construction Subphase	Start Date	End Date
Grading	October 1, 2025	November 28, 2025
Off-site Trenching	November 29, 2025	February 13, 2026
Vertical/Site Work-Building Construction	February 14, 2026	September 17, 2026
Vertical/Site Work-Paving	September 18, 2026	October 20, 2026
Vertical/Site Work-Architectural Coating	October 21, 2026	November 16, 2026

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

These construction activities would temporarily create emissions of dusts, fumes, equipment exhaust, and other air contaminants. Mobile sources (such as diesel-fueled equipment onsite and traveling to and from the project site) would primarily generate NO_X emissions. The quantity of emissions generated daily would vary, depending on the amount and types of construction activities occurring at the same time.

As shown in **Table 4.3-5**, the project's annual emissions would not exceed Mojave Desert Air Quality Management District significance thresholds for any criteria pollutant during construction.

Table 4.3-5
MAXIMUM ANNUAL REGIONAL CONSTRUCTION EMISSIONS

Year	Maximum Emissions (Tons/year)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Annual Emissions, 2025	0.08	0.73	0.70	0.08	0.03
Maximum Annual Emissions, 2026	0.51	1.09	1.87	0.11	0.05
MDAQMD Significance Thresholds (short tons per year)	*25*	*25*	*100*	*15*	*12*
Significant (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

As shown in **Table 4.3-6** maximum daily construction emissions would not exceed MDAQMD regional thresholds. Therefore, the project's short-term regional air quality impacts would be less than significant**.**

Table 4.3-6
MAXIMUM DAILY REGIONAL CONSTRUCTION EMISSIONS

Construction Activity	Maximum Emissions (lbs/day)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Maximum Daily Emissions, 2025	3.47	31.79	29.02	3.38	1.43
Maximum Daily Emissions, 2026	41.10	12.14	22.34	1.28	0.50
MDAQMD Significance Thresholds	*137*	*137*	*548*	*82*	*65*
Significant? (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

Regional Operational Emissions

The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site. Operational emissions generated by area sources, motor vehicles, and energy demand would result from normal day-to-day activities of the project. The results of these calculations are presented in **Table 4.3-7** and **Table 4.3-8**. As seen in the tables, for each criteria pollutant, operational emissions would be below the pollutant's MDAQMD significance threshold. Therefore, regional operational emissions would be less than significant.

Table 4.3-7

MAXIMUM ANNUAL PROJECT OPERATIONAL EMISSIONS

Operational Emission Source	Pollutant (short tons/year)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Area Source Emissions	0.73	0.01	0.59	<0.005	<0.005
Energy Source Emissions	0.01	0.15	0.13	0.01	0.01
Mobile Source Emissions	0.08	0.61	0.78	0.33	0.09
Maximum Annual Operational Emissions	**0.82**	**0.77**	**1.5**	**0.34**	**0.1**
MDAQMD Significance Thresholds (short tons per year)	*25*	*25*	*100*	*15*	*12*
Significant? (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

Table 4.3-8
MAXIMUM DAILY PROJECT OPERATIONAL EMISSIONS

Emission Source	Pollutant (lbs/day)				
	ROG	NO_x	CO	PM_{10}	$PM_{2.5}$
Area Source Emissions	4.57	0.06	6.6	0.01	0.01
Energy Source Emissions	0.05	0.85	0.71	0.06	0.06
Mobile Source Emissions	0.47	3.34	5.0	1.8	0.5
Total Operational Emissions	**5.09**	**4.25**	**12.31**	**1.87**	**0.57**
MDAQMD Significance Thresholds	*137*	*137*	*548*	*82*	*65*
Significant? (Yes or No)	**No**	**No**	**No**	**No**	**No**

Source: Calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).

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

Less Than Significant Impact

Since the MDAB is currently in federal nonattainment for ozone and $PM_{2.5}$ and state nonattainment for ozone and PM_{10}, related projects may exceed an air quality standard or contribute to an existing or projected air quality exceedance. However, as discussed above, the mass daily and annual

construction and operational emissions generated by the project would not exceed any of the MDAQMD's significance thresholds. Therefore, the project would not contribute a cumulatively considerable increase in emissions of the pollutants for which the MDAB is in nonattainment. Thus, cumulative air quality impacts associated with the project would be less than significant.

c) Would the project expose sensitive receptors to substantial pollutant concentrations?

Less than Significant Impact

Construction of the project would generate short-term and intermittent emissions. Following the MDAQMD's CEQA Guidelines (MDAQMD, 2020a), residences, schools, daycare centers, playgrounds, and medical facilities are considered sensitive land uses. The nearest sensitive receptor is a single-family residence 1,114 feet southeast of the project boundary.

The following project types proposed for sites within the specified distance to an existing or planned (zoned) sensitive receptor land use must be evaluated:

- Any industrial project within 1,000 feet.
- A distribution center (40 or more trucks per day) within 1,000 feet.
- A major transportation project (50,000 or more vehicles per day) within 1,000 feet.
- A dry cleaner using perchloroethylene within 500 feet.
- A gasoline dispensing facility within 300 feet.

The project proposes to develop to develop Truck Warehouse Building 1 with the associated parking lot on the western portion of the project site, and Truck Warehouse Building 2 with the associated parking lot on the eastern portion of the project site. It does not meet the criteria listed above. Thus, the impacts on sensitive receptors would be less than significant.

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

Less than Significant Impact

A project-related significant adverse effect could occur if the construction or operation of the proposed project would result in the generation of odors that would be perceptible in adjacent sensitive areas. Potential odor sources associated with the Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction associated with the proposed project's long-term operational uses. The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the construction and are thus considered less than significant. Therefore, the project would not create substantial objectionable odors and this impact would be less than significant.

4.4 Biological Resources

Would the project:	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		**X**		
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?		**X**		
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				**X**
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native nursery sites?			**X**	
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		**X**		
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				**X**

4.4.1 Methodology

This section is based on the biological surveys, research, and analyses conducted for the Biological Resources Evaluation (BRE; UltraSystems, 2022), provided in **Appendix C1** of this document.

UltraSystems biologists researched readily available information, including relevant literature, databases, agency web sites, various previously completed reports and management plans, GIS data, maps, aerial imagery from public domain sources, and in-house records to identify the following: 1) habitats, special-status plant and wildlife species, jurisdictional waters, critical habitats, and wildlife

corridors that may occur in and near the project site; and 2) local or regional plans, policies, and regulations that may apply to the project. Plant and wildlife species protected by federal agencies, state agencies, and nonprofit resource organizations, such as the California Native Plant Society (CNPS), are collectively referred to as *special-status species*. Some of these plant and wildlife species are afforded special legal or management protection because they are limited in population size, and typically have a limited geographic range and/or habitat. The following data sources were accessed by UltraSystems for synthesis of data within this report.

- Information on California plants for education, research and conservation, provided by Calflora (Calflora, 2022)
- California Department of Fish and Wildlife California Wildlife Habitat Relationships (CWHR) Life History Accounts and Range Maps (CDFW, 2022a)
- California Department of Fish and Wildlife BIOS Habitat Connectivity Viewer (CDFW, 2022b).
- U. S. Geological Survey (USGS) 7.5-Minute Topographic Map *Baldy Mesa* Quadrangle (USGS, 2015) and current aerial imagery (Google Earth, 2022).
- The Web Soil Survey, provided by the U. S. Department of Agriculture (USDA) Natural Resources Conservation Service (Soil Survey Staff, 2022).
- California Natural Diversity Database (CNDDB), provided by the California Department of Fish and Wildlife (CNDDB, 2022a).
- Information, Planning and Conservation (IPaC), provided by the U.S. Fish and Wildlife Service (USFWS; USFWS, 2022a).
- Critical Habitat Portal, provided by the USFWS (USFWS, 2022b).
- Inventory of Rare and Endangered Plants of California, 8th Edition, provided by the California Native Plant Society (CNPS, 2022a).
- National Hydrography Dataset, provided by the USGS (USGS, 2022c).
- National Wetlands Inventory (NWI), provided by the USFWS (USFWS, 2022c).
- Sawyer, J.O., T. Keeler-Wolf, J.M. Evens, 2009. A Manual of California Vegetation, Second Edition, provided by California Native Plant Society Press.
- EPA Waters GeoViewer, provided by U. S. Environmental Protection Agency (USEPA; USEPA, 2022h).

4.4.2 Discussion of Impacts

a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status

species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

Less Than Significant with Mitigation Incorporated

Plant and wildlife species listed under the federal Endangered Species Act (ESA) or under the California Endangered Species Act (CESA) are referred to collectively as *listed species* in this section. Plant and wildlife species not listed under ESA or CESA but still protected by federal agencies, state agencies, local or regional plans, and/or nonprofit resource organizations, such as the California Native Plant Society (CNPS), are collectively referred to as *sensitive species* in this section. The *term special-status species* is used when collectively referring to both listed and sensitive species.

Environmental Setting

The City of Hesperia is located in southwestern San Bernardino County, California. The biological study area (BSA) is surrounded by primarily vacant land with some commercial developments, as shown in **Figure 4.4-1**. The BSA may potentially provide some suitable habitat for special status plant and wildlife species, although not optimal. The project site itself has a relatively flat topography. Elevations in the BSA range from 3,606 to 3,620 feet above mean sea level (amsl). The project site is currently undeveloped. Stormwater runoff generated on the project site is discharged as sheet flow in a northeast direction to Poplar Street.

Habitat Assessment Survey

UltraSystems Environmental, Inc (UltraSystems) biologist Dr. Michael Tuma conducted a habitat assessment survey on March 4, 2022 and staff biologist Matthew Sutton completed the survey on August 24, 2022 to assess the habitats, plants and wildlife that occur within the BSA. Three land cover types were mapped within the BSA, and are described later in this section (see **Figure 4.4-2**). Disturbed California juniper covers nearly 100 percent of the project site (see **Appendix C2** Figure 6, *Land Cover Types*). The BSA is comprised of developed/ornamental and disturbed California juniper woodlands. Six living Joshua trees (State Candidate Threatened, or SCT) and one California juniper were observed on the project site; however, the project site is dominated by ruderal species such as red brome and prickly Russian thistle. There is evidence that the project site was formerly vegetated with Joshua tree/juniper woodlands, but past significant disturbances have occurred that have resulted in compacted soils and dominance by ruderal species. Plant and wildlife species that were recorded during the habitat assessment survey can be accessed in **Appendix C2**, *Plant and Wildlife Species Recorded During the Field Surveys*.

Figure 4.4–1
PROJECT LOCATION AND BIOLOGICAL STUDY AREA

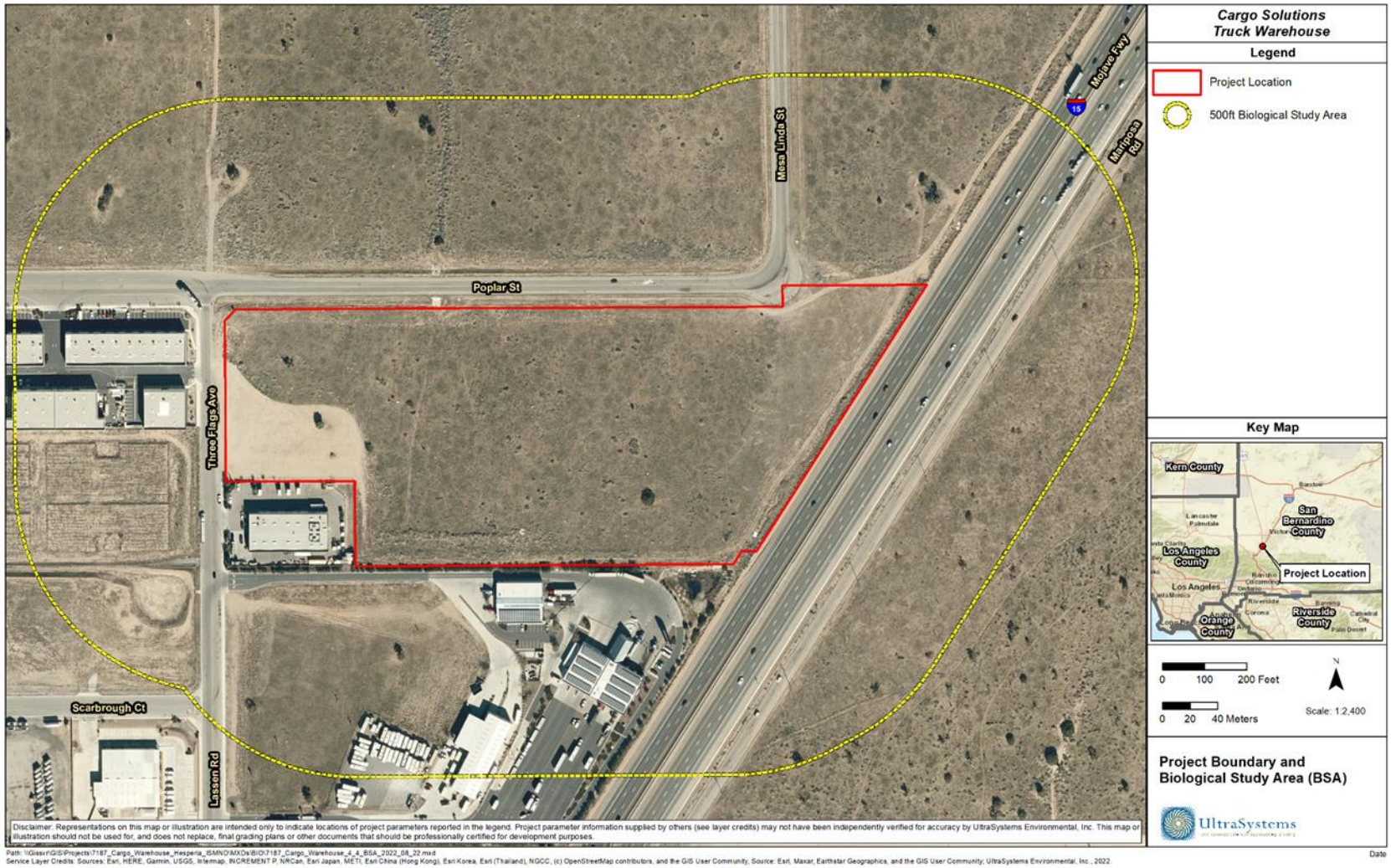
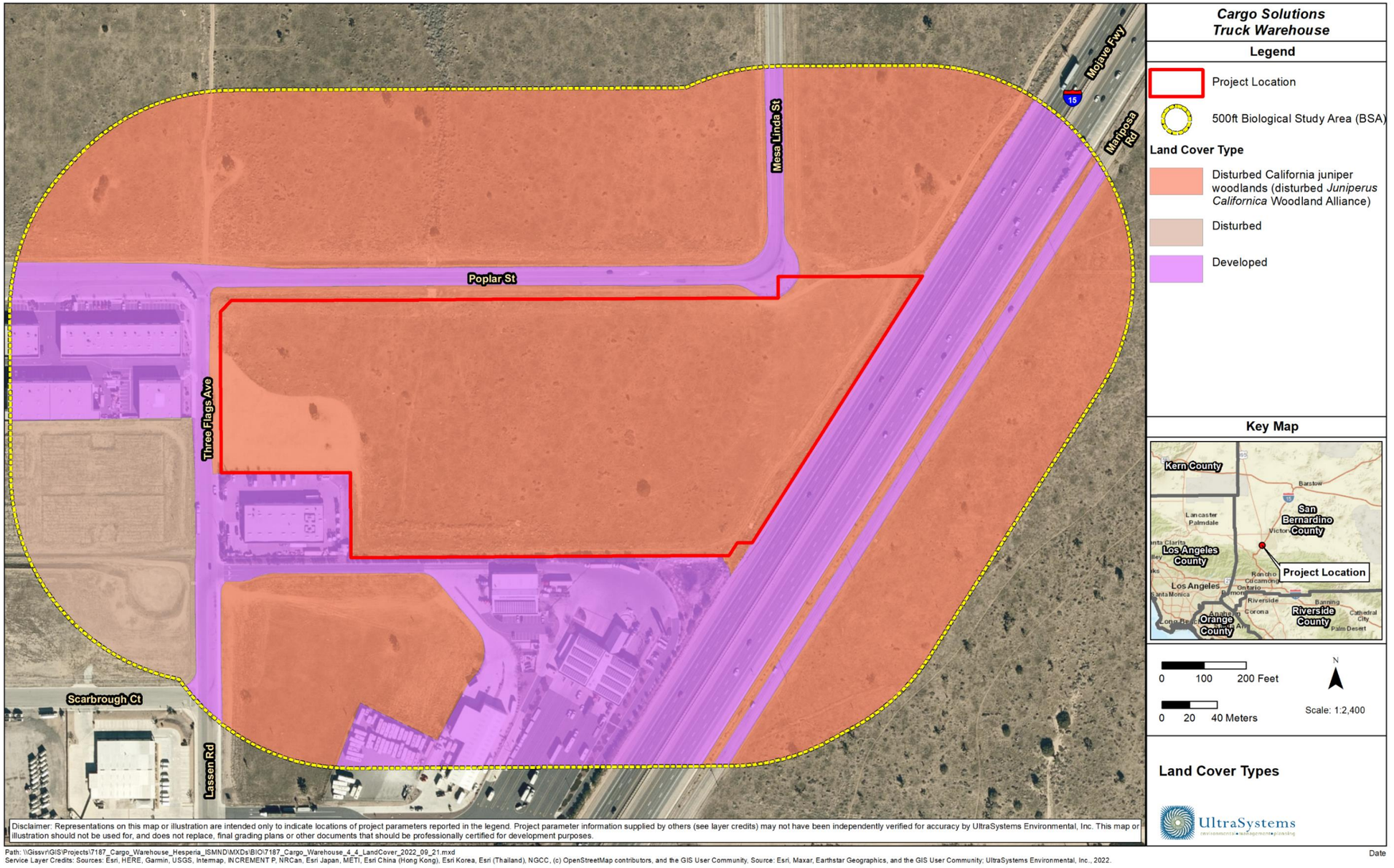


Figure 4.4–2
LAND COVER MAP



Impacts to Special Status Plants

One western Joshua tree (SCT) was observed on the project site. The literature review and field surveys concluded that the remaining plant species in the plant inventory have no more than a low potential to occur within the BSA due to a lack of suitable habitat, soils, and/or other factors to support them; these species are not anticipated to be significantly impacted as a result of the project.

Direct and indirect impacts to western Joshua tree are anticipated as a result of project construction. Therefore, acquisition of a California Fish and Game Code (FGC) § 2081 Incidental Take Permit (ITP), which is discussed below, will be required. The ITP may require on- or offsite mitigation, as well as a monitoring plan. Additionally, mitigation will be required to maintain compliance with the native desert vegetation protection as provided in the City of Hesperia Municipal Code.

Based on a literature review of publicly available databases (hereafter, plant inventory; USFWS 2022a, CNDDB 2022a, CNPS, 2022a) for reported observations within a ten-mile radius of the project site, one listed and seven sensitive plant species identified by one of the following means: of those eight total plant species, six sensitive plant species were determined to have a low potential to occur in the BSA, including within the project site, due to one or more of the following reasons: species were reported by the CNDDB or IPaC in the plant inventory, were recognized as occurring based on previous surveys or knowledge of the area, or were observed during the habitat assessment survey or other surveys (see **Figure 4.4-3)**. In addition, Joshua tree was observed on the project site during the field surveys. Joshua tree is a state candidate for listing as a threatened species (CNDDB, 2022b). These species and the remaining species determined to be unlikely to occur within the BSA are identified in **Appendix C2**, *Special-Status Species Inventory and Potential Occurrence Determination*. The project site contains low-quality suitable habitat for six of the seven sensitive plant species documented in the plant inventory, and therefore these six species were determined to have a low potential to occur in the BSA. No other special-status plant species were observed during the surveys, including the remaining seven sensitive plant species determined to have a low potential to occur. Joshua tree was observed during the field survey and, it is anticipated that construction of the project will result in significant impacts to listed plant species within the BSA. Therefore, mitigation is required.

Impacts to Special-Status Wildlife

Literature Review Results and Discussion

Based on a literature review of publicly available databases (hereafter, wildlife inventory; USFWS 2022a, CNDDB 2022a) for reported observations within a ten-mile radius of the project site, 16 listed and 20 sensitive wildlife species were reported within a 10-mile radius of the BSA because they were either reported in the wildlife inventory, recognized as occurring based on previous surveys or knowledge of the area, or observed during the habitat assessment survey or other surveys (see **Figure 4.4-4,** which displays species identified in the CNDDB wildlife inventory within a two-mile radius of the BSA). Of those 36 total species, four listed and 13 sensitive wildlife species were determined to have a low potential to occur, and 19 special-status wildlife species were determined to be unlikely to occur or are not expected to occur because the BSA lacks suitable habitat or is outside of the geographic range of these species. All species that were evaluated and their occurrence potential determinations are provided in **Appendix C2**, *Special-Status Species Inventory and Potential Occurrence Determination*. Nine special-status wildlife species were determined to have a low potential to occur in the BSA and it is anticipated that construction of the project will have less than a significant impact to these nine wildlife species.

High Potential to Occur in the BSA

Burrowing Owl

The burrowing owl (BUOW) is a small, crepuscular (active at dusk and dawn), ground-inhabiting owl that is found largely throughout the southern United States. Typical BUOW habitat is open, dry, flat ground or low rolling hills with sparse vegetation and available burrows (Gallagher, 1997). BUOWs spend most of their time on the ground or on low perch sites such as fence posts and dirt mounds. They are generally found in open country, where tree or shrub canopies cover less than 30 percent of the habitat (Center for Biological Diversity et al., 2003). Typical habitat includes annual and perennial grasslands, shortgrass prairies, open agricultural areas (particularly rangelands), desert floors, and vacant lots in residential areas and university campuses. Other habitat includes oak savannah; grass, forb, and open shrub stages of pinyon-juniper and ponderosa pine habitat; sandy beaches and coastal dunes; and river bottom lands (Center for Biological Diversity et al., 2003). BUOWs inhabiting urban landscaped areas may live in vacant fields/lots, pastures, airports, athletic fields, golf courses, cemeteries, city parks, road shoulders, drainage sumps, railroad beds, irrigation ditches, and road cuts (Center for Biological Diversity et al., 2003). The BUOW is primarily a dry grassland species, but it persists and can even thrive in some landscapes that are highly altered by human activity, such as agricultural areas in the Central and Imperial Valleys (Shuford et al., 2008). They require large open expanses of sparsely vegetated areas on gently rolling or level terrain with an abundance of active small mammal burrows (Shuford et al., 2008). Vegetation cover and height that prevents the owl from observing approaching predators places the BUOW at a severe disadvantage (Center for Biological Diversity et al., 2003). They are the only small owl likely to be seen perched in the open daylight (Sibley, 2000).

Suitable BUOW habitat must also support the primary prey items for BUOWs, such as insects and small mammals. BUOWs are opportunistic predators preying primarily on a broad array of arthropods (centipedes, spiders, beetles, crickets, and grasshoppers), and small rodents, but they also eat birds, amphibians, reptiles, and carrion. They may hunt from a perch, hover, hawk, run, walk, dive or hop after prey.

There is suitable nesting, sheltering, and foraging habitat within the BSA for BUOW. The project site contains sparse shrub cover and friable soils which are preferred conditions for BUOW. Furthermore, burrowing owl are generally adaptive to disturbances and the frequent grading of the project site would not necessarily deter this species from establishing there. It is anticipated that construction of the project could have a significant impact to BUOW and therefore mitigation is proposed.

Moderate Potential to Occur in the BSA

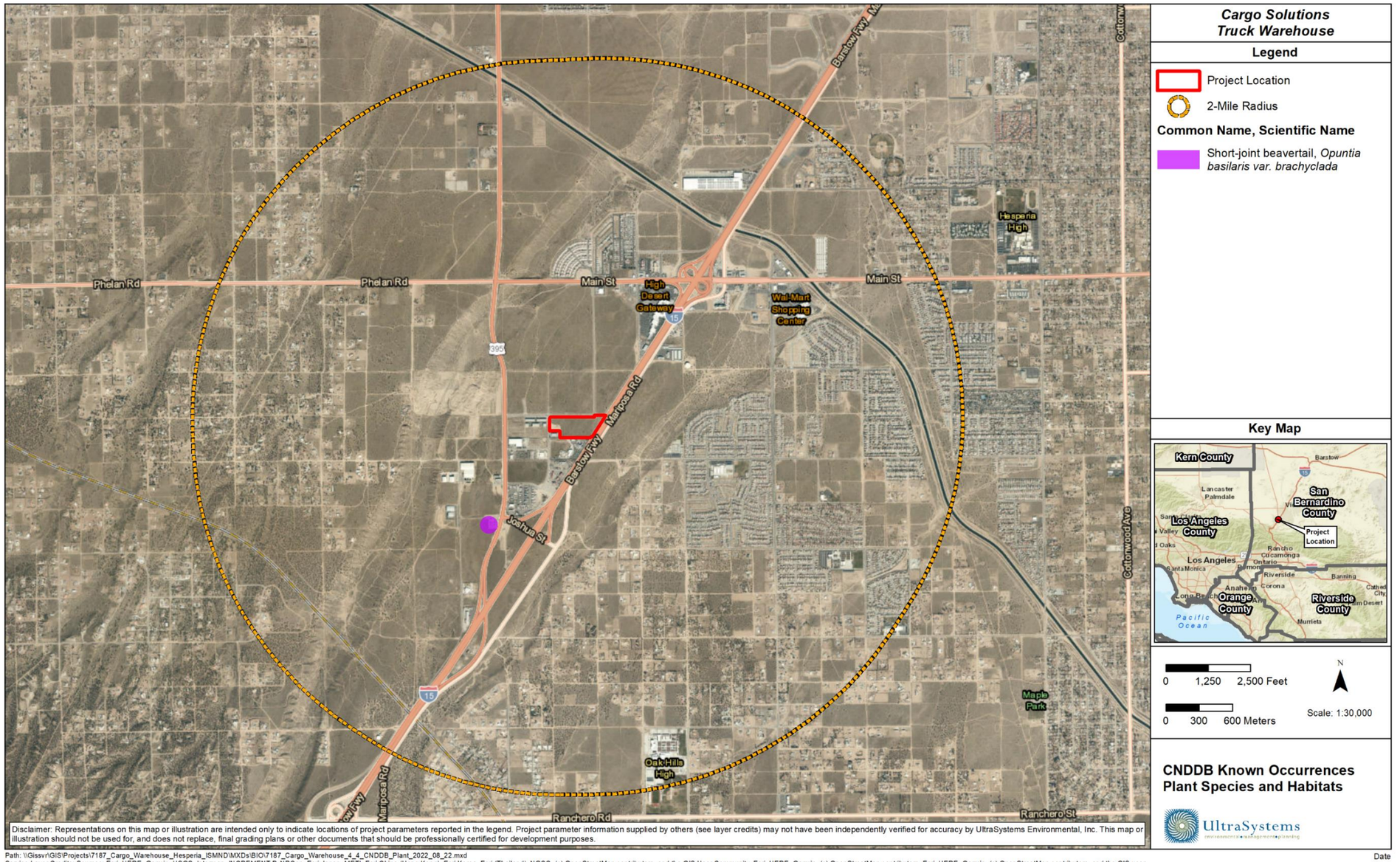
Loggerhead shrike

The loggerhead shrike (*Lanius ludovicianus*) is a California Department of Fish and Wildlife (CDFW) Species of Special Concern, which is a species, subspecies, or distinct population of an animal (fish, amphibian, reptile, bird and mammal) native to California that currently satisfies one or more of the following (not necessarily mutually exclusive) criteria: is extirpated from the state or, in the case of birds, in its primary seasonal or breeding role; is listed as federally-, but not state-, threatened or endangered; meets the state definition of threatened or endangered, but has not formally been listed; is experiencing, or formerly experienced, serious (noncyclical) population declines or range retractions (not reversed) that, if continued or resumed, could qualify it for state threatened or endangered status; has naturally small populations exhibiting high susceptibility to risk from any

factor(s), that if realized, could lead to declines that would qualify it for state threatened or endangered status. Loggerhead shrike is also a USFWS Bird of Conservation Concern (BCC), which is a bird species listed in the USFWS 2008 Birds of Conservation Concern report. The report identifies species, subspecies, and populations of all migratory and non-migratory bird species (beyond those already designated as federally threatened or endangered) that, without additional conservation actions, are likely to become candidates for listing under the ESA. While all of the bird species included in the report are priorities for conservation action, the list makes no finding with regard to whether they warrant consideration for ESA listing.

Loggerhead shrike is a common resident and winter visitor in lowlands and foothills throughout California. This species inhabits areas with scattered shrubs, trees, posts, fences, utility lines, or other hardwood – conifer, valley foothill riparian, pinyon-juniper, juniper, desert riparian, and Joshua tree habitats. The BSA is in the known distributional range of the species and contains potentially suitable nesting and foraging habitat (open habitat, Joshua trees). Due to these factors, there is moderate potential for the species to occur in the BSA. Construction of the project would involve grading of the entire project site and the Joshua trees and juniper would be significantly impacted as a result. Although there is suitable habitat for loggerhead shrike on the project site, the area of suitable habitat that would be destroyed by grading activities is relatively small and does not represent an expansive area of suitable habitat for this species. Therefore, the loss of this area would not have a substantial effect on the availability of loggerhead shrike habitat or population levels statewide. These impacts do not meet the threshold of significance set forth in § 15065 of the California Environmental Quality Act (CEQA) Guidelines. Therefore, construction of the project would have a less than significant impact to loggerhead shrike.

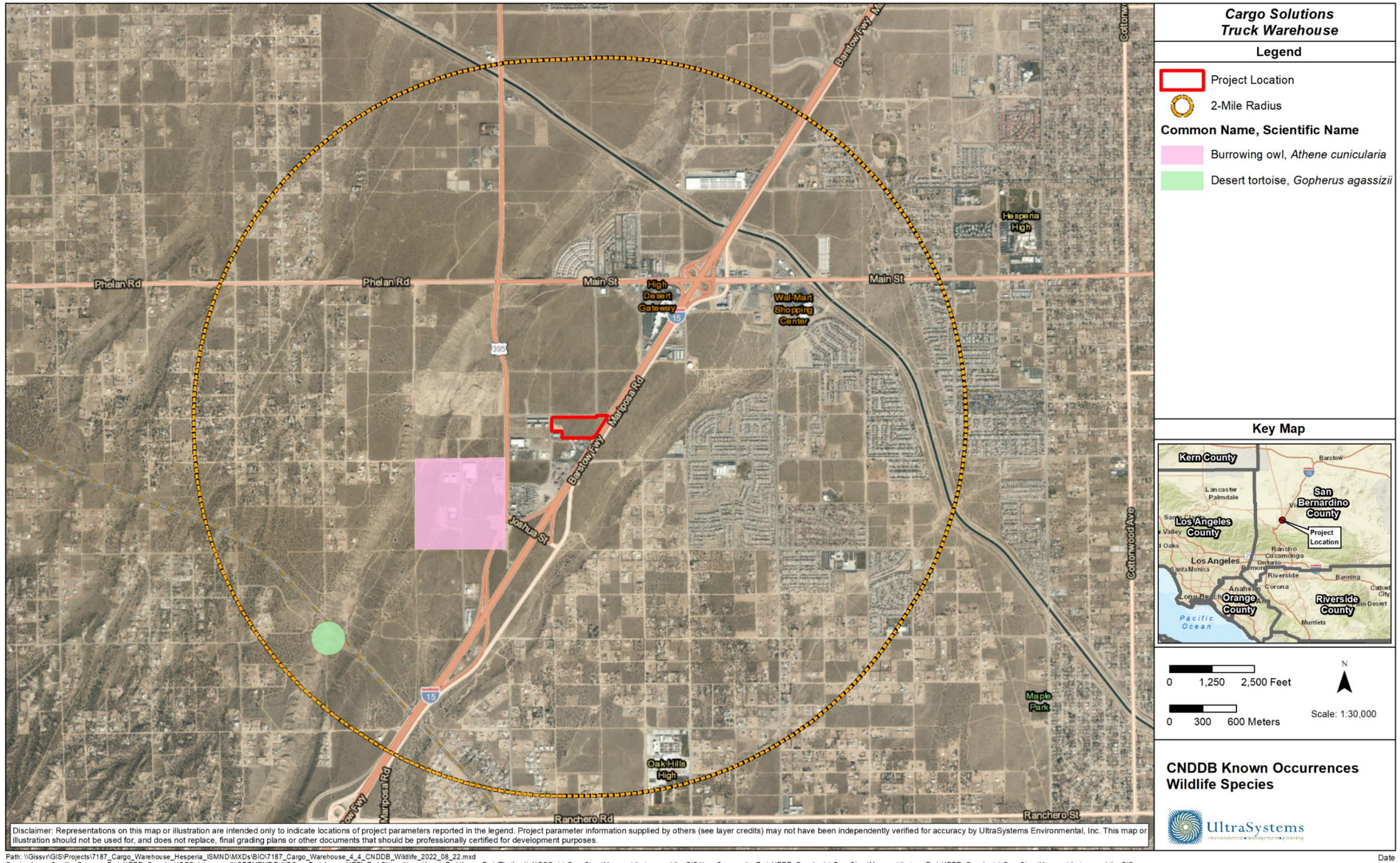
Figure 4.4-3
CNDDB KNOWN OCCURRENCES PLANT SPECIES AND HABITATS



Disclaimer: Representations on this map or illustration are intended only to indicate locations of project parameters reported in the legend. Project parameter information supplied by others (see layer credits) may not have been independently verified for accuracy by UltraSystems Environmental, Inc. This map or illustration should not be used for, and does not replace, final grading plans or other documents that should be professionally certified for development purposes.

Path: \\Gissvr\GIS\Projects\7187_Cargo_Warehouse_Hesperia_ISMND\MXDs\BIO\7187_Cargo_Warehouse_4_4_CNDDB_Plant_2022_08_22.mxd
Service Layer Credits: Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community; CDFW, August 2022; UltraSystems Environmental, Inc., 2022.

Figure 4.4-4
CNDDB KNOWN OCCURRENCES WILDLIFE SPECIES



General Wildlife Surveys Results and Discussion

Due to frequent disturbances within the BSA, including regular vegetation clearance, frequent traffic noise, and human activity levels, it is not likely that a diverse array of special-status species would establish in or utilize the BSA. It is unlikely that raptors would build nests within the BSA. The BSA lacks dense stands of trees with contiguous canopies to provide good cover for raptor nests.

No listed wildlife species were observed within the BSA during the biological surveys. The results of the literature review and field surveys concluded that the following sensitive wildlife species have a low potential to occur within the BSA: quino checkerspot butterfly, Crotch's bumble bee, Mohave ground squirrel, and desert tortoise. All of the listed wildlife species in the wildlife inventory were determined to have no more than a low potential to occur. Therefore, no direct impacts to listed endangered, threatened, or candidate wildlife are anticipated as a result of construction of the project.

No special-status wildlife species were observed within the BSA during the biological surveys. The results of the literature review and field surveys concluded that the following sensitive wildlife species have low potential to occur within the BSA: desert kit fox, prairie falcon, Blainville's horned lizard, Swainson's hawk, and Cooper's hawk. See **Appendix C2**, *Special-Status Species Inventory and Potential Occurrence Determination* for further discussion of these species.

Special-status species may occur on the project site for occasional foraging activities or as flyovers, but were not observed during surveys and do not appear to reside permanently within the BSA. The project site is surrounded by open space and some commercial buildings. Noise, traffic, and other human disturbances associated with the presence of the commercial buildings in the vicinity may deter many special-status wildlife species from utilizing the BSA. In addition, there is evidence that the project site and other disturbed areas in the BSA frequently undergo vegetation removal or grading, which would likely deter fossorial and ground-nesting birds from utilizing the project site for nesting.

However, the BSA contains trees, shrubs, and other physical features that could potentially provide foraging, nesting, and cover habitats to support some bird species (year-round residents, seasonal residents, and migrants). A majority of the birds observed during the field could potentially breed within the BSA; these are protected by the Migratory Bird Treaty Act (MBTA) and § 3503, § 3503.5, and § 3513 FGC. Refer to the recommended mitigation measures below, which would reduce potential project impacts to the biological resources discussed herein.

General Plant Surveys Results and Discussion

As previously discussed, one special-status plant species, western Joshua tree, was observed during the field survey. Six living individuals were observed, along with numerous stumps. An additional Joshua tree, which appeared to have been living prior to grading as indicated by a single trunk with live (green) leaves observed in the soil pile pushed up by the grading, was also observed. Joshua tree is a state candidate for listing as a threatened species (CNDDB, 2022b). It is anticipated that the project will directly impact western Joshua tree. Therefore, mitigation is required. Implementation of measure **BIO-1** will reduce impacts to species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or USFWS, to a less than significant level.

Due to frequent disturbances within the BSA, including grading, frequent traffic noise, and human activity levels, it is not likely that a diverse array of special-status species would establish in or utilize the BSA. It is unlikely that raptors would build nests within the BSA. The BSA lacks dense stands of trees with contiguous canopies to provide good cover for raptor nests. In addition, the BSA only offers minimal habitat value for fossorial species such as and Mohave ground squirrel.

Sensitive wildlife could potentially be impacted by construction and project development, and mitigation is recommended. Implementing the recommended mitigation measures **BIO-2** through **BIO-5** will help to minimize or avoid impacts to sensitive wildlife that could potentially occur within the BSA.

Several mitigation measures would be implemented in order to minimize and avoid impacts to loggerhead shrike, burrowing owl, and other special-status wildlife species that could potentially occur on the project site. Mitigation measure **BIO-1** involves acquisition of a § 2081 FGC Incidental Take Permit. Mitigation measure **BIO-2** provides for the instatement of focused burrowing owl surveys and protection measures. Implementation of mitigation measure **BIO-3** provides for the instatement of a pre-construction general wildlife survey. Mitigation measure **BIO-4** provides for a loggerhead shrike survey and protection measures, and **BIO-5** provides for a pre-construction breeding bird survey. All recommended surveys shall be conducted by a qualified biologist. With the implementation of mitigation measures **BIO-2** through **BIO-5**, the impacts of construction and project operations to sensitive wildlife would be less than significant.

Mitigation Measures

MM BIO-1: §2081 FGC Incidental Take Permit

Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of **MM BIO-6**. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW.

MM BIO-2: Focused Burrowing Owl Survey

Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist would conduct a focused BUOW survey in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012).

Following the completion of the survey, the biologist would prepare a letter report summarizing the results of the survey. The report would be submitted to the City prior to initiating any ground disturbance activities.

If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required.

If BUOW or signs of BUOW are observed during the survey, the site would be considered occupied. The biologist would implement mitigation measure **BIO-2** and contact the City of Hesperia, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing project activities. The list of potential measures to avoid and minimize impacts to BUOWs described below would be implemented.

BUOW Protection Measures

If BUOWs or signs of BUOW are observed during the survey, then the site would be considered occupied and the biologist shall contact the City, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures discussed below, prior to commencing project activities.). If no BUOW or signs of BUOW are observed during the focused surveys, the components of this measure (discussed below) would not be applicable.

Planning BUOW Protection

Grading, construction, and other project activities on all grassland habitat will be delayed until the qualified biologist has implemented burrow exclusion and closure. No ground-disturbing activities within 165 feet of an active BUOW burrow will be permitted until burrow exclusion and closure have been implemented. No destruction of foraging habitat will be permitted until burrow exclusion and closure have been implemented.

Preconstruction BUOW Protection

Prior to the initiation of grading and construction activities, the biologist shall implement passive relocation of an active BUOW burrow by installing a one-way door and then permanently excluding the BUOW from returning once it is confirmed that no BUOW individuals remain in the burrow. A biological monitor will visit the site daily to verify that the burrow is empty by monitoring and scoping the burrow.

Construction BUOW Protection Measures

A biological monitor will be onsite to monitor any BUOW or signs of BUOW. If any BUOW are observed then the biologist will consult with the County EMD and CDFW to determine the appropriate measures.

MM BIO-3: Pre-Construction General Wildlife Survey

Special-status wildlife species that have no designated status under the ESA, the CESA, and/or the NPPA, but are designated as sensitive or locally important by federal agencies, state agencies, local agencies such as the RCA, and nonprofit resource organizations such as the CNPS are referred to as sensitive in this section. The following measures will be implemented to minimize impacts to these species which include but are not limited to: Blainville's horned lizard and desert kit fox. The measures below will help to reduce direct and indirect impacts caused by construction on various sensitive species to less than significant levels.

- A qualified biologist will conduct a pre-construction general wildlife survey for sensitive wildlife and potential nesting sites such as open ground, shrubs, and burrows within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.

- If sensitive species and/or active nesting sites are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required.

- If any sensitive wildlife species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. zone.

- Sensitive wildlife species and/or potential nesting sites will not be disturbed, captured, handled or moved.

MM BIO-4: Loggerhead Shrike Survey and Protection Measures

The following measures are proposed in order to minimize impacts to loggerhead shrike, for which there is suitable habitat in the BSA.

- If activities occur during the breeding/nesting period, a wildlife survey will be completed by a qualified biologist to identify potential loggerhead shrike activity in the area of the project activities.

- Additional species surveys to determine presence/absence of birds prior to disturbances, from May 1 until the work start date, if the work start date is prior to August 31. Surveys are to occur weekly in May, every other week in June, and once per month in July and August (assuming no loggerhead shrike are observed).

- Incidental occurrences of other sensitive avian species such as Swainson's hawk, prairie falcon, and Cooper's hawk should also be recorded during the survey.

MM BIO-5: Pre-Construction Breeding Bird Survey

To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.

Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird

season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.

- If project activities cannot be avoided during February 15 through September 15, a qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.

- If no breeding birds or active nests are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required.

- If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone.

- If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency.

- Birds or their active nests will not be disturbed, captured, handled or moved. Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist.

Level of Significance After Mitigation

Implementing mitigation measures **BIO-1** through **BIO-5** would reduce to special-status plant and wildlife species to a less than significant degree. Several mitigation measures would be implemented in order to minimize and avoid impacts to loggerhead shrike, burrowing owl, and other special-status wildlife species that could potentially occur on the project site. Mitigation measure **BIO-1** involves

acquisition of a § 2081 FGC Incidental Take Permit. Mitigation measure **BIO-2** provides for the instatement of focused burrowing owl surveys and protection measures. Implementation of mitigation measure **BIO-3** provides for the instatement of a pre-construction general wildlife survey. Mitigation measure **BIO-4** provides for a loggerhead shrike survey and protection measures, and **BIO-5** provides for a pre-construction breeding bird survey. All recommended surveys shall be conducted by a qualified biologist. With the implementation of mitigation measures **BIO-1** through **BIO-5**, the impacts of construction and project operations to special-status plants and wildlife would be less than significant.

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

Less Than Significant with Mitigation Incorporated

Land Cover Type Mapping

The project site is situated on relatively level ground; no ephemeral, intermittent, or perennial streams or rivers were identified in the literature review or observed during the biological survey. The BSA does not support riparian habitat. There was one land cover type observed within the project site and three altogether within the BSA. The project site is covered by disturbed California juniper woodland, which is considered a sensitive plant community on the *CDFW California Natural Community List* (CDFW, 2022a). Direct impacts to this sensitive plant community are anticipated as a result of project development. Therefore, mitigation is required. Please refer to mitigation measure **BIO-6** in **Section 4.4(e),** Native Desert Vegetation Survey and Protected Plant Preservation Plan. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings and other native vegetation, per § 16.24.150 of City Municipal Code (see Section 4.4[e]).

Direct impacts to sensitive plant communities are anticipated as a result of construction of the project, and therefore mitigation is proposed. The land covers mapped in the BSA are described below.

Disturbed California Juniper Woodlands

The entire project area (approximately 19 acres) was mapped as disturbed California juniper woodlands. Approximately 56.1 acres of disturbed California juniper woodlands was mapped within the BSA, including areas off the project site. California juniper woodland community occurs on ridges, slopes, valleys, alluvial fans, and valley bottoms in soils that are porous, rocky, coarse, sandy, or silty, and often very shallow (Sawyer et al., 2009; CNPS, 2022b). The project site appears to have been a former California juniper woodland that has been mostly cleared from the site. Natural vegetation remaining on the project site in this community includes one large California juniper shrub and several western Joshua trees. A recent grubbing of the site, likely conducted within a month prior to the biological reconnaissance survey, removed several western Joshua trees, as evidenced by stumps in the ground and numerous branches and other Joshua tree parts distributed on the ground surface. Less disturbed examples of California juniper woodland community are distributed in the project vicinity, including off-site portions of the BSA. Other native shrub species observed in this community

in off-site locations include peach thorn (*Lycium cooperi*), Great Basin sagebrush (*Artemisia tridentata*), Nevada ephedra (*Ephedra nevadensis*), rubber rabbitbrush (*Ericameria nauseosa*), California buckwheat (*Eriogonum fasciculatum*), and California broomsage (*Lepidospartum squamatum*). The distribution of this community within the BSA is depicted in **Appendix C2**, Figure 6 Land Cover Types.

Developed

Approximately 24.3 acres of developed land cover type was mapped within the BSA, including areas off the project site. No developed land cover type was mapped within the project boundary. Developed areas include structures, roads, sidewalks, paving, and other impermeable surfaces that are associated with industrial development in the area and that cannot support vegetation. Developed areas in the BSA include commercial buildings south and west of the project site, segments of Poplar Street, the Mojave Freeway (I-15), Three Flags Avenue, Mariposa Road, and Mesa Linda Street (see **Appendix C2**, Figure 6 *Land Cover Types*).

Disturbed

Approximately five acres of disturbed land cover type was mapped within the BSA, including areas off the project site. No disturbed land cover was mapped within the project boundary. Disturbed lands consist of exposed soils that have undergone some type of disturbance such as compaction by vehicle traffic, mowing, disking, excavation or other type of alteration of the soil surface. These lands often consist of ruderal vegetation dominated by non-native, weedy species. An extensive area of disturbed lands is located in the western portion of the project site and in other, smaller areas on the project site and within the BSA on adjacent lands. The larger disturbed area is bare ground that has been used as a parking area for a long period. Other disturbed lands on the project site and within the BSA include dirt trails and unpaved road shoulders. These areas are mostly bare but include sparsely distributed weedy vegetation that includes red brome (*Bromus rubens*) and prickly Russian thistle (*Kali tragus*). The distribution of disturbed lands within the BSA is depicted in **Appendix C2**, Figure 6 *Land Cover Types*.

Mitigation Measures

Refer to **MM BIO-6** above in Threshold 4.4e), which addresses mitigation for impacts to disturbed California juniper woodlands. This mitigation measure involved the creation of a Native Desert Vegetation Survey and Protected Plant Preservation Plan. See the discussion in Threshold 4.4e) for more information.

Level of Significance After Mitigation

After implementation of **MM BIO-6**, which is discussed later in this section in Threshold e), impacts to sensitive natural communities would be less than significant.

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

No Impact

The project site is situated on relatively level ground, and no ephemeral, intermittent, or perennial streams or rivers were identified in the literature review or observed during the biological survey. Vegetation within the BSA primarily consists of non-native annual grasses and forbs.

An NWI-mapped riverine wetland is located approximately 0.65 west of the project site (USFWS, 2022c). Drainages, depressions, and other topographic features that would be conducive to wetlands formation were not observed within the BSA. Runoff from the project site travels to the southwest, joining this riverine area, however the project proponent has prepared a *Water Quality Management Plan* (WQMP) which is designed to retain stormwater generated onsite (Allard Engineering, 2022a; see **Section 4.10** Hydrology and Water Quality).

A desktop study for wetlands and other waters of the U.S. or State determined that the project site does not contain drainages with a definable bed, bank, channel, or evidence of an ordinary high-water mark. Neither wetland hydrology, wetland soils, nor wetland plants were observed during the field surveys. It was determined that state or federal protected wetlands and other waters do not occur on the project site. No impact would occur and mitigation is not required.

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

Less Than Significant Impact

The BSA does not contain CDFW Natural Landscape Blocks, Essential Connectivity Areas, or other CDFW-mapped wildlife corridors. The nearest CDFW-mapped wildlife corridor to the project site is Choke-point, 395 South of Ridgecrest. This linkage is located approximately 1.2 miles south of the project site (CDFW, 2022c). The areas adjacent to the project to the south and west are developed with structures intended for commercial use. Although the project area and its surroundings contain undeveloped areas that could function as a local wildlife movement corridor, the proposed project will be constructed in an area that would not result in significant new habitat fragmentation, and would not significantly impede the passage of wildlife because there will still be available local movement corridors in the vicinity after construction of the project, therefore resulting in less than significant impact.

Construction and operation of the proposed project would not significantly interfere with the movement of native resident or migratory fish or wildlife species or with native resident or migratory wildlife corridors. Less than significant impact would occur, and mitigation is not proposed.

Impacts to native wildlife nursery sites are not anticipated as a result of the project. There were no observations during the biological survey that indicate native species give birth and raise young within the BSA. No impact to native wildlife nursery sites is anticipated as a result of the project, and no mitigation is proposed.

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

Less Than Significant with Mitigation Incorporated

The following native desert plants are subject to the regulations implemented in Chapter 16.24 of the City Municipal Code, as per § 16.24.150:

1. *"The following desert native plants with stems two inches or greater in diameter or six feet or greater in height:*
   (a)Dalea, Spinosa (smoketree)
   (b) All species of the family Agavaceae (century plants, nolinas, yuccas)
   (c) All species of the genus Prosopis (mesquites).
2. *Creosote rings, ten feet or greater in diameter.*
3. *All Joshua trees (mature and immature)."*

The project site contains approximately 20 to 30 western Joshua trees, a species that qualifies for protection under Article II, § 16.24.150, which also provides that "*all plants protected or regulated by the State Desert Native Plants Act (i.e., Food and Agricultural Code 80001 et seq.) shall be required to comply with the provisions of those statues prior to the issuance of any county development permit or land use application approval. The county agricultural commissioner is the responsible agency for the issuance of any required wood tags, seals or permits*" (City of Hesperia; 1997). A qualified City-approved biologist or arborist should be retained to conduct any future relocation/transplanting activities and should follow the protocol of the City's Municipal Code. As provided in § 16.24.120 of

City Municipal Code, "*any person who willfully removes, or harvests or transplants a living desert native plant shall first obtain approval from the county to do so in accordance with the procedures set forth in Sections 16.24.040 or 16.24.110 et seq*." (City of Hesperia, 1997). The City of Hesperia considers all western Joshua trees as one of the protected vegetation types.

To mitigate for the impacts to the protected native desert vegetation on the project site, the project proponent will implement mitigation measure **BIO-6** which proposes that a native desert vegetation survey is conducted to aid in the creation of a Preservation Plan as required by the City. After implementation of **BIO-6,** which is further discussed below, impacts to protected native desert vegetation would be reduced to a less than significant degree.

Mitigation Measures

MM BIO-6: Native Desert Vegetation Survey and Protected Plant Preservation Plan

A Preservation Plan will be prepared and submitted to the City, which is required by City Municipal Code. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings "10 feet or greater in diameter" as per § 16.24.150 of City Municipal Code. Transplant suitability of the western Joshua trees will be determined by the results of the survey. This survey shall be conducted by a qualified City-approved biologist or arborist. The plan will incorporate survey data, identify and outline preconstruction survey methods for the native desert vegetation on the project site, describe preconstruction and construction-phase biological monitoring and transplant methods that are applicable, or outline any identified CDFW permit and Memorandum of Understanding requirements for active relocation, if either is necessary. The Plan should be referred to for a detailing of protective actions regarding the western Joshua trees on the project site.

Level of Significance After Mitigation

Implementing measure **BIO-6** would reduce impacts of removals of the protected native desert vegetation to a less than significant degree.

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

No Impact

The project will not conflict with provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. The project is not located in an area covered by conservation plans such as those listed above. The plant protections implemented by City's Municipal Code are discussed in the previous **Section e).** Therefore, there would be no impacts.

4.5 Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to in § 15064.5?				**X**
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?		**X**		
c) Disturb any human remains, including those interred outside of formal cemeteries?		**X**		

Information from UltraSystems' Cultural Resources Inventory Report, (see **Appendix D1),** prepared for the Cargo Solutions Truck Warehouses Project, City of Hesperia, San Bernardino County, dated September 25, 2024 has been included within this section.

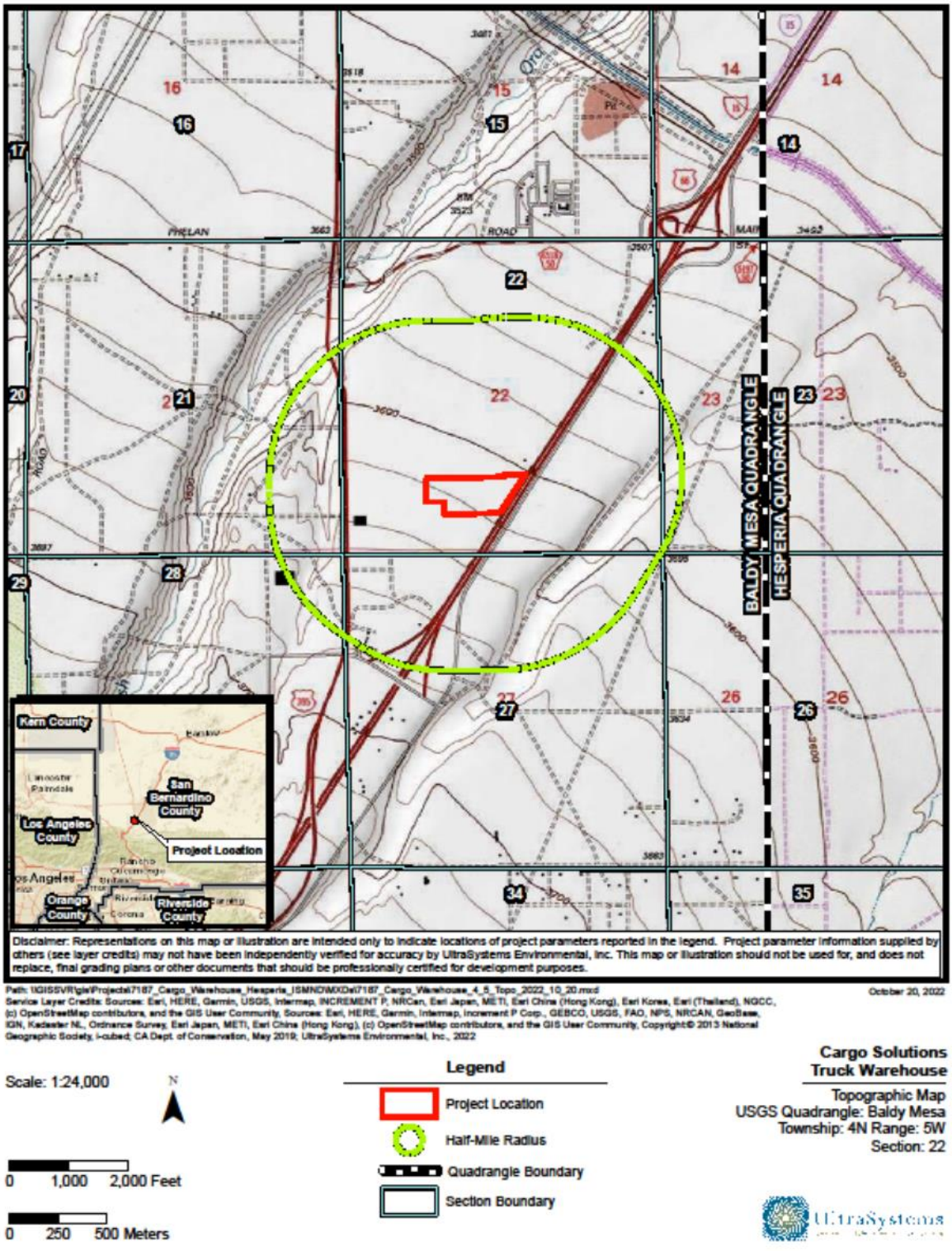
4.5.1 Methodology

A cultural resources inventory was conducted by Megan B. Doukakis, Assistant Project Archaeologist, on October 4, 2022 for the Cargo Solutions Truck Warehouses Project site (see **Figure 4.5-1).** The inventory includes a California Historic Resources Inventory System (CHRIS) records and literature search at the South Central Coastal Information Center (SCCIC) at California State University, Fullerton. Additionally, a request was made to the Native American Heritage Commission (NAHC) to conduct a search of their Sacred Lands File (SLF) for potential traditional cultural properties as well as to provide a list of local Native American tribal organizations to contact. The NAHC request was made on August 17, 2022, and a reply was received on October 7, 2022; letters were sent to the listed tribes on October 11, 2022 and follow-up telephone calls were conducted following conclusion of the two-week response period on October 25, 2022. A pedestrian field survey of the project site was conducted on August 31, 2022.

4.5.2 Existing Conditions

As noted, a cultural resources records search was conducted at the SCCIC on October 4, 2022. One prehistoric and one historic cultural resource sites were listed for the project parcel. Two prior surveys included the project parcel, one with positive results for a prehistoric isolate, and six other surveys were conducted within the one-half mile buffer of the project parcel (see **Section 4.1** and **Tables 4.1-1** and **Table 4.1-2** in **Appendix D1**). The pedestrian field survey undertaken for this project noted the presence of an historic trash scatter (see **Section 4.3** in **Appendix D1**) but was negative for prehistoric resources.

Figure 4.5-1
TOPOGRAPHIC MAP



4.5.3 Impact Analysis

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

No Impact

A historical resource is defined in § 15064.5(a)(3) of the *CEQA Guidelines* as any object, building, structure, site, area, place, record, or manuscript determined to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Historical resources are further defined as being associated with significant events, important persons, or distinctive characteristics of a type, period or method of construction; representing the work of an important creative individual; or possessing high artistic values. Resources listed in or determined eligible for the California Register, included in a local register, or identified as significant in a historic resource survey are also considered as historical resources under CEQA.

Similarly, the National Register criteria (contained in Code of Federal Regulations Title 36 § 60.4) are used to evaluate resources when complying with Section 106 of the National Historic Preservation Act. Specifically, the National Register criteria state that eligible resources comprise districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that (a) are associated with events that have made a significant contribution to the broad patterns of our history; or (b) that are associated with the lives of persons significant in our past; or (c) that embody the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction; or (d) that have yielded or may be likely to yield, information important to history or prehistory.

A substantial adverse change in the significance of an historical resource, as a result of a project or development, is considered a significant impact on the environment. Substantial adverse change is defined as physical demolition, relocation, or alteration of a resource or its immediate surroundings such that the significance of the historical resource would be materially impaired. Direct impacts are those that cause substantial adverse physical change to a historic property. Indirect impacts are those that cause substantial adverse change to the immediate surroundings of a historic property, such that the significance of a historical resource would be materially impaired.

The two archaeological sites located in the project boundary consisted of a single prehistoric isolate and an historic homestead. An historic homestead (36-010288) covered approximately a quarter section of land that includes the current project parcel (Alexandrowicz 2000; McKenna. 2015). This 160-acre area was homesteaded by John E. Dufton in 1892. Structural debris and historic refuse scatters were present during the 2000 and 2005 surveys but no structural remains from the homestead were identified. No historic features were identified within the project boundary, and none were observed during the current project survey.

With the found historic trash scatter not meeting criteria to qualify as a significant historic resource, there would be no substantial adverse change in the significance of a historical resource pursuant to in § 15064.5, and therefore the project would have no impact in this regard.

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

Less than Significant Impact with Mitigation Incorporated

An archaeological resource is defined in § 15064.5(c) of the CEQA Guidelines as a site, area or place determined to be historically significant as defined in § 15064(a) of the CEQA Guidelines, or as a unique archaeological resource defined in § 21083.2 of the Public Resources Code as an artifact, object or site that contains information needed to answer important scientific research questions of public interest or that has a special and particular quality such as being the oldest or best example of its type, or that is directly associated with a scientifically-recognized important prehistoric or historic event or person.

Historical USGS topo maps and aerial photos indicate that the project site has always been open desert land, indicating it has been minimally disturbed, with the native surface soil remaining. There has been some shallow grading to build berms around the boundary and some discing. The cultural resources investigation conducted by UltraSystems, which included a CHRIS records search of the project site and buffer zone, a search of the SLF by the NAHC, and pedestrian field survey, suggests there is a medium potential for undisturbed unique archeological resources exist on the project site.

Based on the SCCIC cultural resources records search, it was determined that there is one prehistoric resource consisting of an isolate obsidian nodule, and one historic cultural resource consisting of an 1890s homestead but with no features located within the project parcel itself, previously recorded within the project site boundary. Within the half-mile buffer zone, there have been ten recorded historic period resources. **Table 4.1-1 in Appendix D1** summarizes these resources. The ten historic-era resources break down to three dirt roads and seven refuse deposits.

According to the records at the SCCIC, there have been eight previous cultural resource studies within portions of the 0.5-mile buffer of the project (See Attachment D and **Table 4.1-2** in **Appendix D1**). Two of these studies are located within the project boundary and six of these studies are located outside of the project boundary but in the half-mile buffer zone.

The entire project area was surveyed by McKenna in 1991 (SB-02476) for a Phase I Linear Survey for the Hesperia Improvement District (McKenna 1991). This project indicated that the far east margin of the project boundary may be sensitive for cultural resources. In the southwest corner of the project boundary a Cultural Resources Assessment (SB-04036) took place on 1.44 acres for a proposed office building construction (Cerreto 2004). This survey was positive for an isolated flaked pyroclastic nodule of obsidian (36-020263).

A NAHC SLF search was conducted on and within a half-mile buffer around the project site. The NAHC letter of October 7, 2022 was negative for the presence of a traditional cultural property within this area. Twenty representatives of 14 Native American tribes were contacted requesting a reply if they have knowledge of cultural resources in the area that they wished to share and asking if they had any questions or concerns regarding the project. These tribes included:

- Agua Caliente Band of Cahuilla Indians
- Chemehuevi Indian Tribe
- Gabrielino – Tongva Tribe
- Morongo Band of Mission Indians
- Quechan Tribe of the Fort Yuma Reservation
- San Fernando Band of Mission Indians

- Gabrielino Band of Mission Indians – Kizh Nation
- Gabrielino/Tongva San Gabriel Band of Mission Indians
- Gabrielino / Tongva Nation
- Gabrielino Tongva Indians of California Tribal Council
- San Manuel Band of Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Serrano Nation of Mission Indians
- Twenty-Nine Palms Band of Mission Indians

There have been five responses to the outreach contacts from the 15 tribes. On October 12, 2022, Patricia Garcia-Plotkin, Director for the Agua Caliente Band of Cahuilla Indians indicated through email the project is not located within the Tribe's Traditional Use Area and that they are deferring any comments to closer tribes. Jill McCormick, Historic Preservation Officer for the Quechan Tribe of the Fort Yuma Reservation responded though email on October 12, 2022, indicating that the tribe does not wish to comment on this project and defers to more local tribes. Ryan Nordness, Cultural Resources Analyst for the San Manuel Band of Mission Indians indicated through email on October 18, 2022 that the proposed project is located 0.4 miles south of two known prehistoric privy/scatter sites and 0.6 miles northeast from a lithic scatter and hearth site. The area is of concern to the tribe and the Band's cultural resources department is interested to consult whenever this project moves into AB 52/CEQA territory. During a telephone call October 25, 2022, Chairperson Anthony Morales, Chairperson of the Gabrieleno/Tongva San Gabriel Band of Mission Indians indicated that he did not have much information about the project area. But due to the resources present Mr. Morales would like to be informed of any artifacts that are encountered. Christina Conley, Tribal Consultant and Administrator for the Gabrielino Tongva Indians of California Tribal Council indicated that the tribe does not have any comment as it is outside of their tribal area. They defer to sister tribes. (See Attachment C in **Appendix D1**.)

Following up on the initial letter and email contacts, telephone calls were conducted on October 25, 2022, by Assistant Project Archaeologist Megan Doukakis to complete the outreach process. These calls were to the 14 tribal contacts who had not already responded to UEI mailing and email. Seven telephone calls were placed with no answer and so messages were left describing the project and requesting a response. These were to Chairperson Sandonne Goad, Chairperson of the Gabrielino/Tongva Nation; Councilmember Charles Alvarez, for the Gabrielino Tongva Tribe; Ann Brierty, Tribal Historic Preservation Officer for the Morongo Band of Mission Indians; Robert Martin, Chairperson for the Morongo Band of Mission Indians; Donna Yocum, Chairperson for the San Fernando Band of Mission Indians; Wayne Walker, Co-Chairperson for the Serrano Nation of Mission Indians; Anthony Madrigal, Historic Preservation Officer for the Twenty-Nine Palms Band of Mission Indians. In a call to Andrew Salas, Chairperson for the Gabrieleno Band of Mission Indians - Kizh Nation, there was no answer, and the mailbox was full so no message could be left. In a call to Sierra Pencille, Chairperson of the Chemehuevi Indian Tribe, the tribal receptionist asked that we leave a message for the Chairperson and a message was left. In a call to Lovina Redner, Tribal Chair of the Santa Rosa Band of Cahuilla Indians, the tribal receptionist answered and indicated that Tribal Chair Redner was not in the office and transferred our call to the Chair's voicemail where a message was left. In a call to Mark Cochrane, Co-Chairperson of the Serrano Nation of Mission Indians, the phone number was out of service. In a call to Darrell Mike, Chairperson for the Twenty-Nine Palms Band of Mission Indians, the tribal receptionist indicated that the Chairperson was not in so she sent us to his assistant's phone; the assistant did not answer, and a message was left.

An intensive level pedestrian survey of the project site was conducted on August 31, 2022. The survey consisted of walking over, visually inspecting and photographing the exposed ground surface of the project site in parallel north/south transects spaced 15 meters apart across the

project site. In this way the ground surface in the project area was carefully examined for any evidence of human activities dating to the historic (i.e., 50 years or older) or prehistoric periods.

The project site was seen to have been heavily disturbed by grubbing at some point between October 2020 and June 2022, with most of the vegetation and a significant amount of soil being bulldozed into a long berm along the southern portion of the parcel. The project area slopes downward gently towards the bottom of the valley and the Mojave River to the northeast. The vegetation was observed to consist mostly of thistle with a handful of Joshua trees and a juniper tree, as well as small grasses and brush. Ground visibility was very good (95-100 percent) with thistle brush being the only obscuring factor.

During the survey, the ground surface within and adjacent to the project area was inspected for any evidence of human activities dating to the prehistoric or historic periods. During survey preparation, a dirt road was noted crossing the project area from north to south which first appears on USGS topographic maps as early as 1902, first appearing on a historical aerial photo in 1938 (NETR Online). During the current survey this road segment within the project area was found to have been obliterated during the aforementioned grubbing between 2020 and 2022.

An historical refuse scatter was noted in the eastern half of the project parcel. The refuse scatter consisted of cans, a tobacco tin, and fragments of historical glass. There were five metal containers consisting of meat and beverage cans and a tobacco tin. The historical glass consisted of approximately 15 bottle body fragments with a range of colors (opaque white, colorless, aqua, brown, sun-colored amethyst) along with an aqua bottle base fragment containing the text "DR W…" The coordinates, descriptions, and photos of this refuse scatter were recorded and a site record Update has been prepared for the site. This feature has been determined to be a component of the larger CA-SBR-10288H site, the John E. Dufton homestead (see **Section 4.1.1** in **Appendix D1**). See the Continuation Sheet for CRM TECH 3937-1H in **CONFIDENTIAL** Attachment E of **Appendix D1**.

No further historic features or artifacts were observed, and no prehistoric features or artifacts were observed in the project area.

Two archaeological resources – one prehistoric and one historic – were identified in the CHRIS record literature search in the project site. These consist of a single worked nodule of obsidian (36-020263) located in the north-central portion of the project parcel. The prehistoric isolate is a small isolated pyroclastic nodule of obsidian located near the west end of the project boundary (Cerreto and Cunningham 2004). There are two or three small blade-like flakes removed from the nodule indicating a bipolar reduction technique was used. No prehistoric cultural resources were observed during the current archaeological survey and the obsidian nodule was not relocated.

The historic resource consists of the John E. Dufton homestead (CA-SBR-10288H) which encompasses the project site and a large area to the north, though no features were recorded within the current project site itself. There are seven historic period refuse deposits and three historic period dirt roads located within the half-mile radius of the project area, several of which have since been lost due to grading and plowing. Historical maps indicate that the project site had been open land. The pedestrian survey located and recorded a light scatter of historic refuse in the eastern portion of the project parcel, which has been recorded as a component of CA-SBR-10288H. The cultural resources study's findings based on the records search and pedestrian survey suggest that there is a medium potential for the presence of prehistoric cultural resources

The San Manuel Band of Mission Indians indicated they are aware of one prehistoric and two historic recorded sites in the vicinity of the project parcel. There was no further information regarding potential cultural resources or recommendations from tribal contacts (see **Section 4.2** and Attachment C in **Appendix D1**).

The light refuse scatter observed in the eastern area of the project site does not warrant preservation. However, as a component of the larger Dufton homestead site there is the potential for further subsurface artifacts and features of this site to be present. A monitor should be present during grading and trenching in these areas to recover material from these potential deposits to better understand the nature of the use of this homestead possibly dating back to the 1890s.

Grading activities would cause new subsurface disturbance and may result in the unanticipated discovery of prehistoric and/or historic archeological resources.

While the project site as a whole appears to be disturbed only in the upper levels of soil with some grading to build the berms and some discing, it is not recommended that an archaeological monitor be present during ground-disturbing activities throughout the project site, but only as noted above. However, if prehistoric and/or historic items are observed during subsurface activities, work should be stopped in that area and a qualified archaeologist and Native American monitor be retained to assess the finding(s) and retrieve the material.

Mitigation Measure

MM CUL-1 If archaeological resources are discovered during construction activities, the contractor will halt construction activities in the immediate area of the find (within a 60-foot buffer) and notify the City of Hesperia. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to assess the find. Work on the other portions outside the buffer area may continue during this assessment period. The archaeologist will also be afforded the necessary time and resources to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place.

Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

MM CUL-2 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The

archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

Level of Significance After Mitigation

With implementation of Mitigation Measures **MM CUL-1** and **MM CUL-2** above, the project would result in less than significant impacts to archeological resources.

c) Would the project disturb any human remains, including those interred outside of formal cemeteries?

Less than Significant Impact with Mitigation Incorporated

As previously discussed in **Section 4.5.b) above,** the project would be built on relatively undisturbed land that has only been superficially graded and is in open desert land. No human remains have been previously identified or recorded onsite.

The project proposes grading activities for the installation of infrastructure including water, sewer, and utility lines, and for construction of the proposed buildings. Grading would involve new subsurface disturbance and could result in the unanticipated discovery of unknown human remains, including those interred outside of formal cemeteries. In the unlikely event of an unexpected discovery, implementation of **mitigation measure CUL-2** would ensure that impacts related to the accidental discovery of human remains would be less than significant.

California Health and Safety Code § 7050.5 specifies the procedures to follow during the unlikely discovery of human remains. CEQA § 15064.5 describes determining the significance of impacts on archeological and historical resources. California Public Resources Code § 5097.98 stipulates the notification process during the discovery of Native American human remains, descendants, disposition of human remains, and associated grave goods.

Mitigation Measure

MM CUL-3 If human remains or funerary objects are encountered during any activities and excavations associated with this project, all work will stop within a 100-foot radius of the discovery and the San Bernardino County Coroner will be notified pursuant to § 5097.98 of the Public Resources Code and that code enforced for the duration of the project. The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).

Level of Significance After Mitigation

With adherence to applicable codes and regulations protecting cultural resources and with implementation of Mitigation Measure **MM CUL-3** above, the proposed project would result in less than significant impacts to human remains.

4.6 Energy

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			**X**	
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			**X**	

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

Less than Significant Impact

According to CEQA Guidelines § 15126.2(d), "uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement that provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified." Therefore, the purpose of this analysis is to identify any significant irreversible environmental effects of project implementation that cannot be avoided.

Both construction and operation of the project would lead to the consumption of limited, slowly renewable, and non-renewable resources, committing such resources to uses that future generations would be unable to reverse. The new development would require the commitment of resources that include (1) building materials, (2) fuel and operational materials/resources, and (3) the transportation of goods and people to and from the project.

Construction Impact Analysis

The following forms of energy (units in parentheses) are anticipated to be expended during project construction:

- Diesel fuel for off-road equipment (gallons).
- Electricity to deliver water for use in dust control (kilowatt-hours [kWh]).
- Motor vehicle fuel for worker commuting, materials delivery, and waste disposal (gallons).

Transportation Energy

Project construction would consume energy in the form of petroleum-based fuels associated with the use of offroad construction vehicles and equipment on the project site, construction workers' travel to and from the project site, and delivery and haul truck trips hauling solid waste from and delivering building materials to the project site.

During project construction, trucks and construction equipment would be required to comply with the ARB's anti-idling regulations. ARB's In-Use Off-Road Diesel Fueled Fleets regulation would also apply (ARB, 2016). Vehicles driven to or from the project site (delivery trucks, construction employee vehicles, etc.) are subject to fuel efficiency standards established by the Federal Government. Therefore, project construction activities regarding fuel use would not result in wasteful, inefficient, or unnecessary use of energy.

Electricity

During project construction, energy would be consumed in the form of electricity associated with the conveyance and treatment of water used for dust control and, on a limited basis, powering lights, electronic equipment, or other construction activities necessitating electrical power.

Since electricity usage associated with lighting and construction equipment that utilizes electricity is not easily quantifiable, the estimated electricity usage during project construction is speculative.

Lighting used during project construction would comply with Title 24 standards/requirements (such as wattage limitations). This compliance would ensure that electricity use during project construction would not result in the wasteful, inefficient, or unnecessary use of energy. Lighting would be used in compliance with applicable City of Hesperia Municipal Code requirements to create enough light for safety.

Natural Gas

Construction activities, including the construction of new buildings and facilities, typically do not involve the consumption of natural gas. Therefore, the proposed project is not anticipated to have a demand for natural gas during project construction.

Operational

Energy would be consumed during project operations related to space and water heating, water conveyance, solid waste disposal, and vehicle trips of workers. Project operation energy usage, which was estimated by the California Emissions Estimator Model (CalEEMod) (CAPCOA, 2023) as part of the air quality and greenhouse gas emissions analyses (refer to **Section 4.3**), is shown in **Table 4.6-1**.

Table 4.6-1
ESTIMATED PROJECT OPERATIONAL ENERGY USE

Energy Type	Units	Value	Per Capita[a]
Onroad Motor Vehicle Travel (Fuel)[b]	Gallons gasoline/year	24,752	101
	Gallons diesel/year	38,818	159
Electricity Use	Kilowatt-hours per year	1,342,282	5,501
Natural Gas Use	1,000 BTU per year	3,153,900	12,926

[a] Based upon estimated employee population of 244, provided by the client. The per capita value for the onroad motor vehicle fuel consumption is calculated from the total fuel consumption.
[b] Onroad Motor Vehicle Fuel Consumption calculated by UltraSystems using EMFAC2021(v1.0.2) emissions inventory web platform tool (ARB, 2022) and CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023); see Appendix B1.
Electricity Use calculated by UltraSystems with CalEEMod (Version 2022.1.1.29) (CAPCOA, 2023).
Appendix J: Fuel Consumption

The proposed project would adhere to applicable federal, state, and local requirements for energy efficiency, including Title 24 standards. It would not result in the inefficient, wasteful, or unnecessary consumption of building energy. Additionally, there would not be any inefficient, wasteful, or unnecessary energy usage in comparison to similar development projects of this nature regarding construction-related fuel consumption. Therefore, the implementation of the proposed project would result in less than significant impacts on energy resources.

Continued use of energy resources is consistent with the anticipated growth within the city and the general vicinity and would not result in energy consumption requiring a significant increase in energy production for the energy provider. Therefore, the energy demand associated with the project would be less than significant.

b) Would the project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Less than Significant Impact

Title 24

The proposed project would comply with the California Green Building Standards (CAL Green) Code (California Code of Regulations, Title 24, Part 11), which includes mandatory measures for nonresidential site development, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and environmental quality.

City of Hesperia General Plan

The Conservation Element of the City of Fontana General Plan provides the public, decision-makers, and staff a guide to set policy that will identify resources that should be preserved, and set the

foundation for the preservation of these resources by utilizing a variety of tools that will promote the sustainability and environmental integrity of the City of Hesperia (City of Hesperia, 2019a, p. XV).

City of Hesperia Climate Action Plan

In July 2010, the City of Hesperia adopted a Climate Action Plan (CAP), which outlines strategies to reduce community-related and City operations-related greenhouse gas emissions to a degree that would not hinder or delay the implementation of AB 32. The CAP strategy is primarily based on the land use, transportation, and conservation policies that are part of the General Plan Update; recent specific plans; and major development plans in the city. Implementation of these plans not only helps to ensure that the city will be developed in ways that produce lower greenhouse gas emissions (Michael Brandman Associates, 2010b, p. 1 and 2), but will also reduce energy consumption.

The proposed project would adhere to applicable federal, state, and local requirements for energy efficiency, including Title 24 standards, the General Plan, and the City of Hesperia Climate Action Plan. Therefore, impacts would be less than significant.

4.7 Geology and Soils

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.			**X**	
ii) Strong seismic ground shaking?			**X**	
iii) Seismic-related ground failure, including liquefaction?				**X**
iv) Landslides?				**X**
b) Result in substantial soil erosion or the loss of topsoil?			**X**	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?			**X**	
d) Be located on expansive soil, as defined in Table 18-1 B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?			**X**	
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?				**X**
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		**X**		

The information in this section is based on the *Custom Soils Report for San Bernardino County, California, Mojave River Area* prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS), dated August 22, 2022 (USDA, 2022a). A complete copy of this report is included in **Appendix E** of this IS/MND.

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

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

Less Than Significant Impact

The Alquist-Priolo Zones Special Studies Act (A-P Act) defines active faults as those that have experienced surface displacement or movement during the last 11,700 years. The nearest Alquist-Priolo zone is the Ord Mountain fault zone about eight miles east of the project site (see **Figure 4.7-1)**. The project site is not located within an Alquist-Priolo Earthquake Fault Zone (A-P Fault Zone). The closest active fault system to the project site, the North Frontal fault system (within the Ord Mountain fault zone), is approximately eight miles to the east (see **Figure 4.7-2**).

Although the project is a seismically active region of Southern California, the project would be constructed in accordance with standard engineering practices and design criteria prescribed by the current California Building Code (CBC; Title 24 California Code of Regulations [CCR]), which would reduce the significance of potential impacts of seismic and geologic hazards. The CBC also dictates detailed design requirements, structural design, soils, and foundations considerations, and regulates the design and construction of excavations, foundations, building frames, retaining walls, and other building elements to reduce the effects of seismic shaking and adverse soil conditions. This would ensure that public safety risks are minimized due to any potential seismic shaking event. Therefore, impacts would be less than significant.

Figure 4.7-1
ALQUIST PRIOLO FAULT ZONES

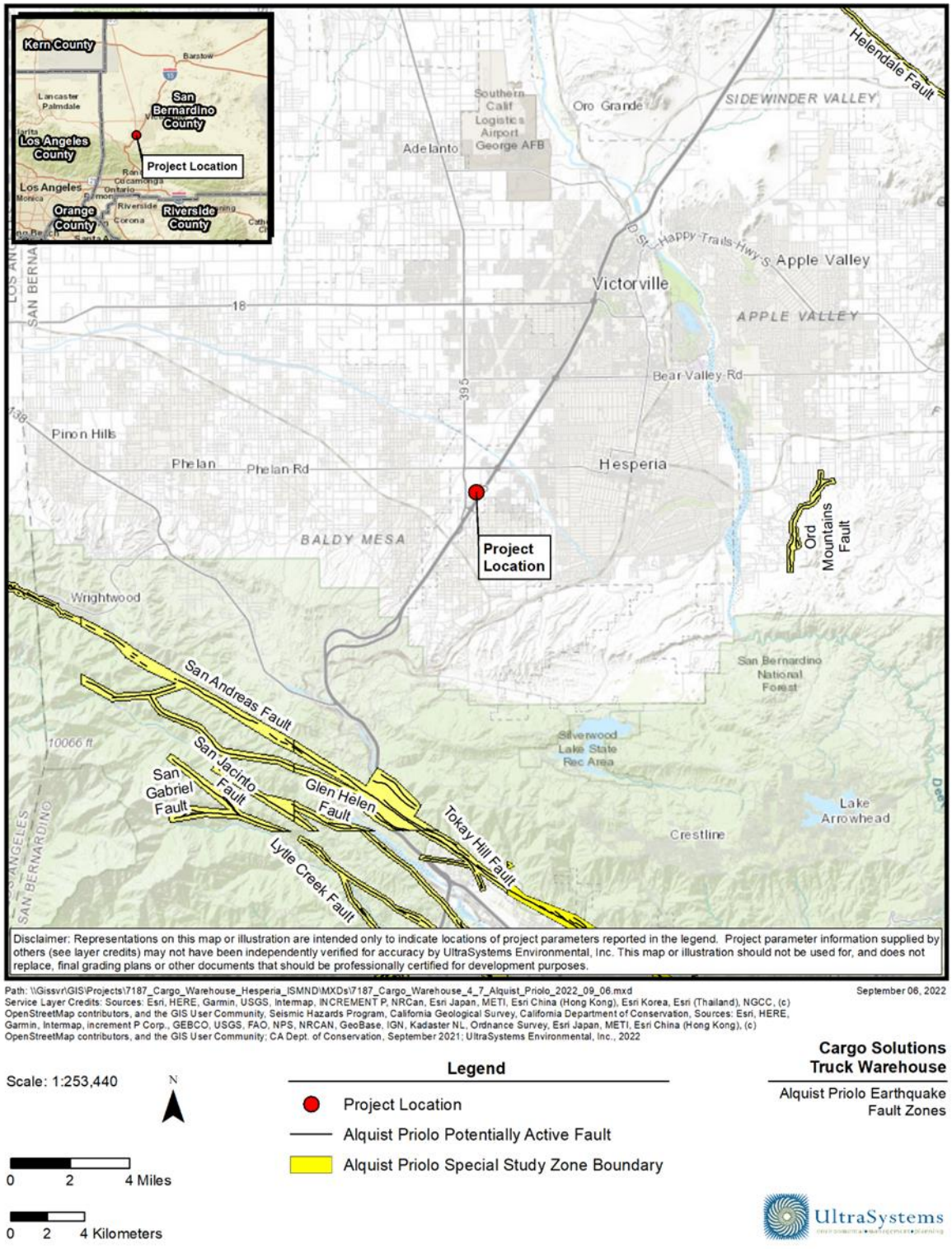
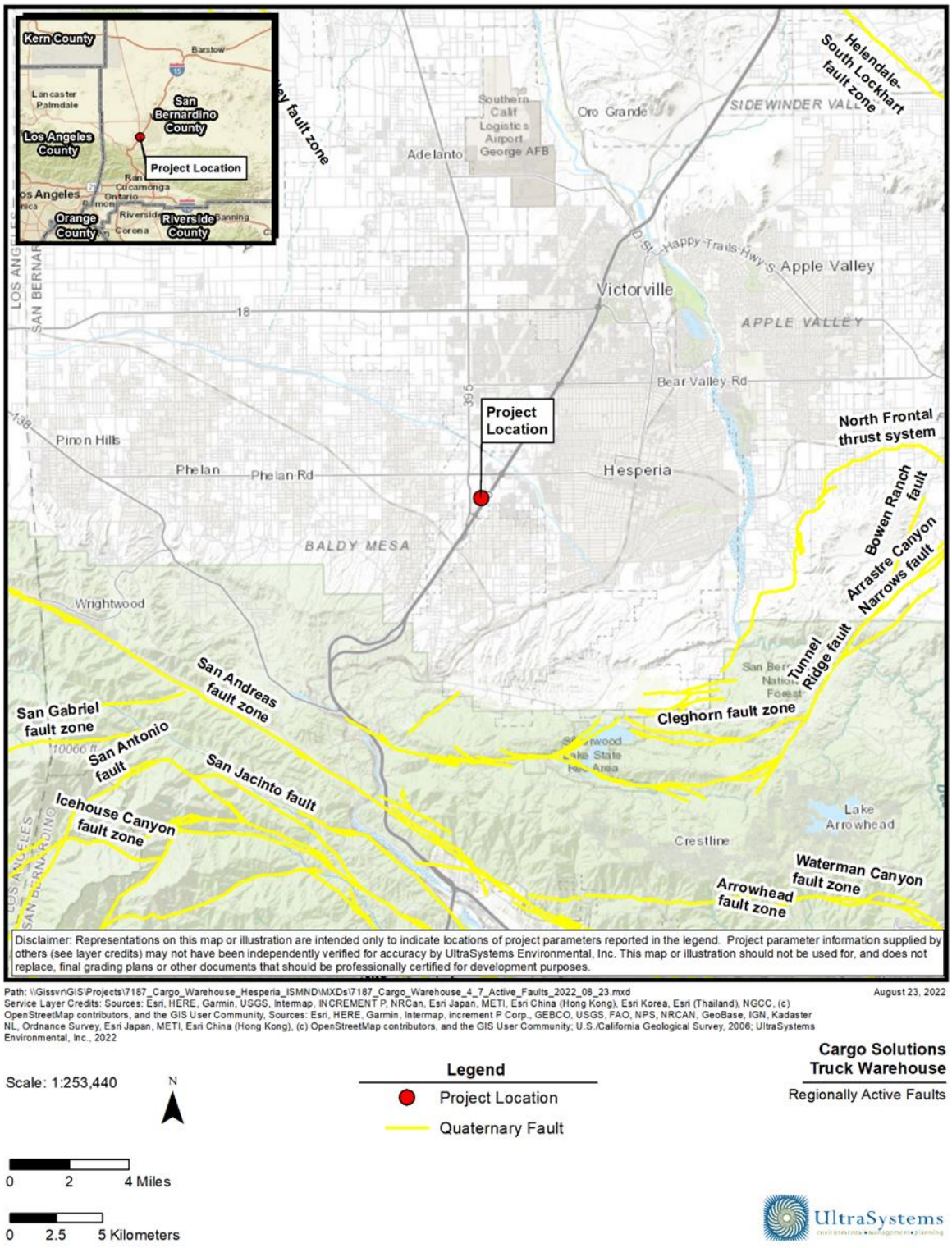


Figure 4.7-2
REGIONALLY ACTIVE FAULTS



ii) Strong seismic ground shaking?

Less Than Significant Impact

Seismic shaking is measured by the moment magnitude (Mw), which is the seismic moment of an earthquake, converted to a magnitude scale that roughly parallels the original Richter scale (ML). Since the Mw is not based on the same measurements as ML (local or surface-wave), the different magnitudes may vary, particularly for larger quakes. The Mw scale is based on the seismic moment and is uniformly applicable to all sizes of earthquakes. Because it associates directly with the energy released from an earthquake, it is the standard in modern seismology (USGS, 2022a).

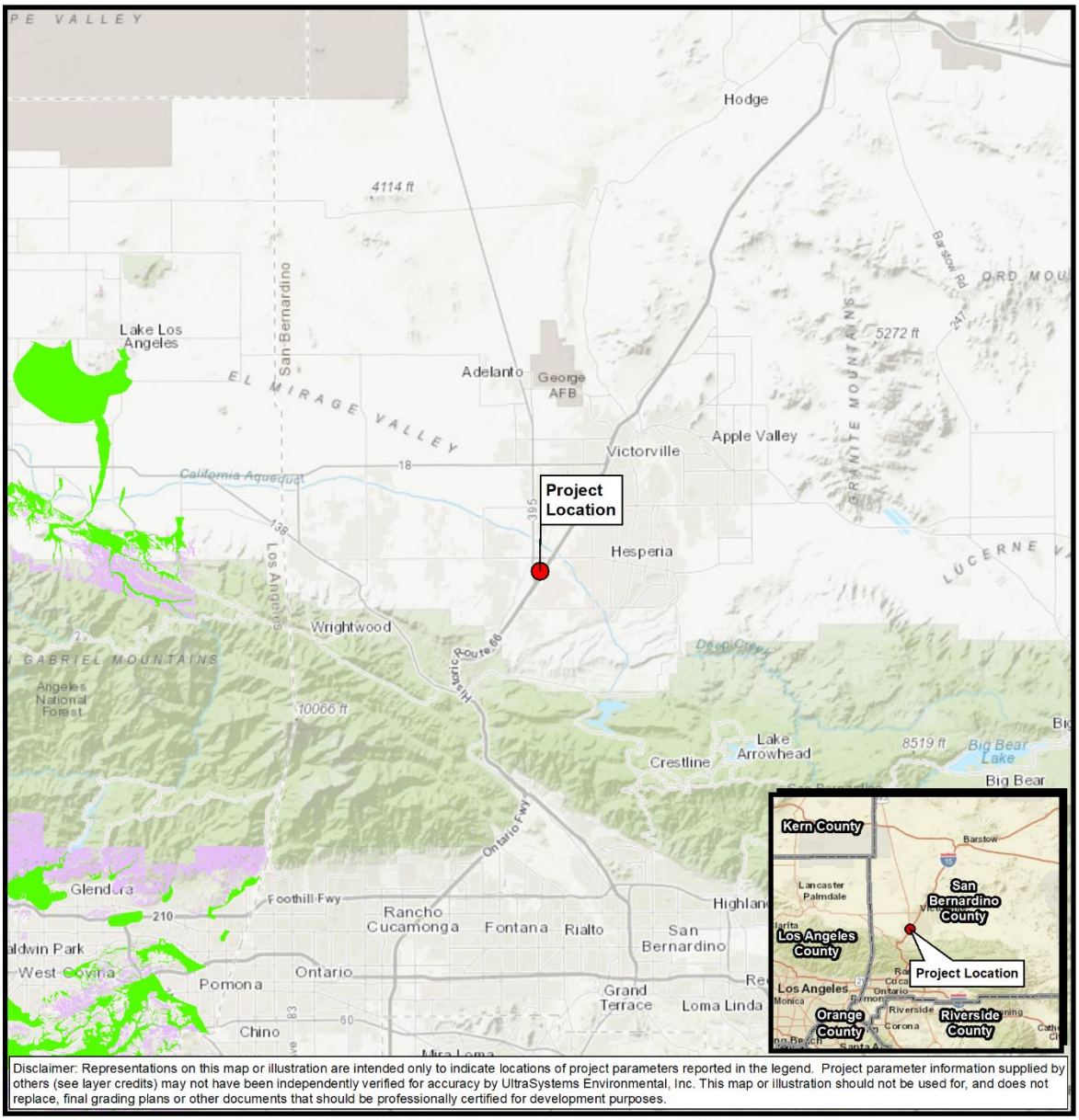
As shown in **Figures 4.7-1** and **4.7-2**, the project is located within a seismically active region of southern California, and all structures in the region are susceptible to collapse, buckling of walls, and damage to foundations from strong seismic ground shaking. The North Frontal fault system is eight miles east of the project site and has a probable Mw of 6.0 to 7.1 (SCEC, 2013). The proposed project would comply with applicable federal, state, and local regulations, including the current California Building Standards Code (Title 24, CCR), which would minimize the potential risks associated with strong seismic ground shaking. Therefore, impacts would be less than significant.

iii) Seismic-related ground failure, including liquefaction?

No Impact

Liquefaction typically occurs when saturated or partially saturated soils behave like a liquid, as a result of losses in strength and stiffness in response to applied stress caused by ground shaking or other sudden changes in stress conditions. The project site is not in a liquefaction zone and would not require further investigation for liquefaction (see **Figure 4.7-3**). Therefore, there would be no impact in regard to liquefaction.

Figure 4.7-3
LANDSLIDES AND LIQUEFACTION



iv) Landslides?

No Impact

Landslides occur when the stability of the slope changes from a stable to an unstable condition. A change in the stability of a slope can be caused by several factors, acting together or alone. Natural causes of landslides include groundwater (pore water) pressure acting to destabilize the slope, loss of vegetative structure, erosion of the toe of a slope by rivers or ocean waves, weakening of a slope through saturation by snow melt or heavy rains, earthquakes adding loads to a barely stable slope, earthquake-caused liquefaction destabilizing slopes, and volcanic eruptions.

The topography within the project site is relatively flat; the existing surface elevation at the proposed project site ranges from approximately 3,267 feet to 3,297 feet above mean sea level. Surface topography is generally flat to slightly sloping with the highest elevations in the southwest corner of the site and the lowest surface elevations across the northeast corner of the site (Google Earth, 2024). Additionally, the project site is not located within or adjacent to any landslide zones (see **Figure 4.7-3**). Due to the flat nature of the topography on and in the vicinity of the project site, there are no known landslides near the site, nor is the site in the path of any known or potential landslides. Therefore, the probability of slope stability hazards affecting the site is considered negligible and no impacts are anticipated.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less than Significant Impact

Construction

§ 402 of the Federal Clean Water Act (CWA), as well as the state Porter-Cologne Water Quality Control Act (Porter-Cologne) requires construction projects that may potentially result in soil erosion to implement best management practices (BMPs) to eliminate or reduce sediment and other pollutants in stormwater runoff. If one or more acres of soil would be disturbed, a National Pollutant Discharge Elimination System (NPDES) permit is required to be obtained. NPDES permits establish enforceable limits on discharges, require effluent monitoring, designate reporting requirements, and require construction and post-construction BMPs to eliminate or reduce point and non-point source discharges of pollutants, including soil (SWRCB, 2022).

As further detailed in **Section 4.10**, Hydrology and Water Quality, the project applicant would be required to obtain coverage under the Statewide General Construction Permit prior to project construction. This NPDES permit would require the Legally Responsible Person (LRP), such as the project owner, to prepare a Storm Water Pollution Prevention Plan (SWPPP) prior to ground-disturbing construction activities to identify construction BMPs to eliminate or reduce soil erosion and pollutants in stormwater and non-stormwater discharges (including soil erosion by wind) to stormwater sewer systems and other drainages. The LRP would upload Permit Registration Documents (PRDs) to the State Water Resources Control Board (SWRCB) online Stormwater Multi-Application and Report Tracking System (SMARTS). PRDs include a Notice of Intent (NOI), site map, risk assessment, SWPPP, post-construction water balance, annual fee, and signed certification statement by the LRP attesting to the validity of the information. These preventive measures during construction are intended to eliminate or reduce soil erosion. Therefore, construction-related impacts regarding soil erosion or the loss of topsoil would be less than significant.

Operation

The project site is located within an area that has generally flat topography. Impacts from soil erosion or the loss of topsoil would be less than significant because the proposed project must be designed to minimize, to the maximum extent practicable, the introduction of pollutants that may result in significant impacts generated from site runoff to the stormwater conveyance system. Additionally, the proposed project would create a much larger area of impermeable surfaces compared to the existing undeveloped land. Therefore, the potential for substantial soil erosion or the loss of topsoil would be less than significant.

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

Less Than Significant Impact

Landslides and Liquefaction

As described in **Section 4.7 a)**, the project site is not located within a landslide or liquefaction zone (see **Figure 4.7-3**). Therefore, there would be less than significant impact in regards to landslides and liquefaction.

Lateral Spreading

Seismically-induced lateral spreading involves primarily lateral movement of earth materials due to ground shaking. It differs from slope failure in that complete ground failure involving large movement does not occur due to the relatively smaller gradient of the initial ground surface. Lateral spreading is demonstrated by near-vertical cracks with predominantly horizontal movement of the soil mass involved. The topography at the project site and in the immediate vicinity of the site is gently sloping, with no significant nearby slopes or embankments and bedrock. Under these circumstances, the potential for lateral spreading at the project site is considered low. Therefore, impacts from lateral spreading would be less than significant.

Subsidence

The major cause of ground subsidence is the excessive withdrawal of groundwater. Soils with high silt or clay content are particularly susceptible to subsidence. The project site is not in an area of subsidence (USGS, 2022b). Project development would not exacerbate hazards related to ground subsidence. Therefore, no impacts related to subsidence would occur.

Collapsible Soils

Collapse occurs in saturated soils in which the space between individual particles is filled with water. This water exerts pressure on the soil particles which influences how tightly the particles themselves are pressed together. The soils lose their strength beneath buildings and other structures.

The site is not mapped within a zone of potentially liquefiable soils (refer to **Figure 4.7-3**). Additionally, the proposed project would comply with applicable federal, state, and local regulations, including the current California Building Standards Code (Title 24, CCR), which would minimize the

potential risks associated with soil collapse. Therefore, impacts would be less than significant and no mitigation would be required.

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

Less than Significant Impact

Expansive soils shrink and swell with changes in soil moisture. Soil moisture may change from landscape irrigation, rainfall, and utility leakage. Repeated changes in soil volume due to water content fluctuations may compromise structure foundations. The expansion index of soil can be determined by that soil's plasticity index, which is one of the standard measures (Atterberg limits) used to indicate the plasticity characteristics of the soil; the expansion index is the range of water content in which a soil exhibits the characteristics of a plastic solid and the plastic limit is the water content that corresponds to an arbitrary limit between the plastic and semisolid states of soil. As shown in **Table 4.7-1**, the soil mapped on the project site has a plasticity index of 2.3 percent on the site; when the plasticity index is less than 5 percent, contact is entirely elastic. These ratings correlate to an expansion index of Moderate on the site.

The project would be designed and constructed in accordance with the requirements of the City of Hesperia and the CBC, which require that soil tests be performed on sites where expansive soils may occur and include building foundation requirements appropriate to site-specific conditions, such as expansive soils. Therefore, less than significant impacts related to collapsible soils would occur.

Table 4.7-1
USDA SOILS MAPPED ON THE PROJECT SITE

Soil Name (Map Unit Designation)	K Factor (Whole Soil)	Wind Erodibility Group	Plasticity Index Rating
Hesperia Loamy Fine Sand, 2 to 5% slopes	0.28	2	2.3%

Source: Custom Soils Report for San Bernardino County, California, Mojave River Area. Prepared by the USDA NRCS, dated August 22, 2022.

The project would be designed and constructed in accordance with the requirements of the City of Hesperia and the CBC, which require that soil tests be performed on sites where expansive soils may occur and include building foundation requirements appropriate to site-specific conditions, such as expansive soils. Therefore, less than significant impacts related to collapsible soils would occur.

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

No Impact

The project site would connect to the City of Hesperia's existing sewer system. Therefore, the project would not use septic tanks or alternative wastewater disposal systems. For this reason, no impacts associated with septic tanks or alternative wastewater disposal systems would occur.

f) Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

Less than Significant Impact with Mitigation Incorporated

Paleontological resources are the preserved fossilized remains of plants and animals. Fossils and traces of fossils are preserved in sedimentary rock units, particularly fine- to medium-grained marine, lake, and stream deposits, such as limestone, siltstone, sandstone, or shale, and in ancient soils. They are also found in coarse-grained sediments, such as conglomerates or coarse alluvium sediments. Fossils are rarely preserved in igneous or metamorphic rock units. Fossils may occur throughout a sedimentary unit and are more likely to be preserved subsurface, where they have not been damaged or destroyed by previous ground disturbance, amateur collecting, or natural causes such as erosion.

The property is situated in the Mojave Desert geomorphic province. The Mojave Desert province is a wedge-shaped area that is enclosed on the southwest by the San Andreas fault zone, the Transverse Ranges province, and the Colorado Desert province, on the north and northeast by the Garlock fault zone, the Tehachapi Mountains and the Basin and Range province, and on the east by the Nevada and Arizona state lines and the Colorado River. The project site boundary is underlain by Hesperia Loamy Fine Sand which is derived from the parent material of granite alluvium emanating from the San Bernardino Mountains to the south. The soils are well drained with a depth of more than 80 inches to a restrictive feature, and the slope is two to five percent (USDA, 2022b).

A paleontology records search by the Natural History Museum of Los Angeles County dated August 28, 2022 (Bell 2022) (**Appendix D2**) yielded records of six fossil localities in the project region, as listed in **Table 4.7-2**.

Table 4.7-2
PALEONTOLOGICAL RECORDS SEARCH RESULTS

Locality Number	Location	Formation	Taxa	Depth*
LACM VP 1224	North of Hesperia, near Dean Ave. & Dean Place	Shoemaker Gravel Formation	Camel family (Camelidae)	Unknown
LACM VP 3353	Second Street at sand & gravel pit; near the top of the bluff, west bank of Mojave River	Shoemaker Gravel Formation	Horse (*Equus*)	Unknown
LACM VP 3352	West bank of the Mojave River, north end of Victorville (more precise locality not available)	Shoemaker Gravel Formation	Horse (*Equus*)	Unknown
LACM VP 3498	West of Portland Cement Co. plant in bluffs on the west side of Mojave River, midway between I-15 and Air Expressway Rd.	Shoemaker Gravel Formation	Horse (*Equus*), Deer (Cervidae), Antelope (Antilocapridae)	Unknown
LACM VP 7786	Southern California	Alluvium	Vole (*Microtus mexicanus*)	10-11 Feet
LACM VP 5942 - 5950	Along Avenue S from Palmdale to Lake Los Angeles	Unknown formation (Holocene)	Kingsnake (*Lampropeltis*), Lizard (Lacertilia), Leopard lizard (*Gambelia*), Snake (Ophidia), Gopher snake (*Pituophis*), Rabbit (*Lagomorpha*), Rodent (Rodentia), Pocket Gopher (*Thomomys*), Pocket Mouse (*Chaetodippus*),Kangaroo Rat (*Dipodomys*),Birds (Aves)	0-9 Feet

Source: Los Angeles County Natural History Museum (NHMLA), 2022
***Below Ground Level (BGL)**

Any substantial excavations below the uppermost layers should be closely monitored to quickly and professionally collect any specimens without impeding development. Grading and excavation activities associated with the development of the project would cause new subsurface disturbance and could result in the unanticipated discovery of paleontological resources. In the event of an unexpected discovery, implementation of mitigation measure **GEO-1** would ensure paleontological resources or unique geologic features are not significantly affected.

Mitigation Measure

MM GEO-1 Before the beginning of project construction, the project applicant shall retain a qualified paleontologist to remain on-call for the duration of project ground disturbance activities. If paleontological resources are uncovered during project construction, the contractor shall halt construction activities in the immediate area and notify the City. The on-call paleontologist shall be notified and afforded the necessary time and funds to recover and analyze the finds and curate the find(s) with an accredited repository for paleontological resources. Subsequently, the monitor shall remain onsite for the duration of the ground disturbance to ensure the protection of any other resources that are found during construction on the project site.

Level of Significance After Mitigation

With the implementation of **MM GEO-1**, potential impacts on paleontological resources would be reduced to a less than significant level.

4.8 Greenhouse Gas Emissions

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

4.8.1 Background Information on Greenhouse Gas Emissions

Life on earth depends on energy coming from the sun. About half the light reaching Earth's atmosphere passes through the air and clouds to the surface, where it is absorbed and then radiated upward in the form of infrared heat. About 90 percent of this heat is then absorbed by carbon dioxide (CO_2) and other greenhouse gases (GHG) and radiated back toward the surface, which is warmed to a life-supporting average of 59 degrees Fahrenheit (°F).

Human activities are changing the natural greenhouse. Over the last century, the burning of fossil fuels such as coal and oil has increased the concentration of atmospheric CO_2. This happens because the coal or oil burning process combines carbon in the fuel with oxygen in the air to make CO_2. To a lesser extent, the clearing of land for agriculture, industry, and other human activities has increased concentrations of GHGs (NASA, 2018).

GHGs are defined under the California Global Warming Solutions Act of 2006 (AB 32) as CO_2, methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs) and sulfur hexafluoride (SF_6).[6]

Associated with each GHG species is a "global warming potential" (GWP), which is a value used to compare the abilities of different GHGs to trap heat in the atmosphere. GWPs are based on the heat-absorbing ability of each gas relative to that of CO_2, as well as the decay rate of each gas (the amount removed from the atmosphere over a given number of years). The GWPs of CO_2, CH_4 and N_2O are 1, 25 and 298, respectively (GMI, 2019). "Carbon dioxide equivalent" (CO_2e) emissions are calculated by weighting each GHG compound's emissions by its GWP and then summing the products. HFCs, PFCs, and SF_6 would not be emitted in significant amounts by project sources, so they are not discussed further.

Carbon Dioxide (CO_2). Carbon dioxide is a colorless, odorless gas consisting of molecules made up of two oxygen atoms and one carbon atom. CO_2 is produced when an organic carbon compound (such as wood) or fossilized organic matter (such as coal, oil, or natural gas) is burned in the presence of oxygen. Since the industrial revolution began in the mid-1700s, industrial activities have increased in scale and distribution. Prior to the industrial revolution, CO_2 concentrations were stable at a range

[6] http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf.

of 275 to 285 ppm (IPCC, 2007a). The National Oceanic and Atmospheric Administration's Earth System Research Laboratory indicates that global concentration of CO_2 was 413.67 parts per million (ppm) in March 2020 (ESRL, 2020). These concentrations of CO_2 exceed by far the natural range over the last 650,000 years (180 to 300 ppm) as determined from ice cores.

Methane (CH_4). Methane is a colorless, odorless non-toxic gas consisting of molecules made up of four hydrogen atoms and one carbon atom. CH_4 is combustible, and is the main constituent of natural gas, a fossil fuel. CH_4 is released when organic matter decomposes in low oxygen environments. Natural sources include wetlands, swamps and marshes, termites, and oceans. Anthropogenic sources include the mining of fossil fuels and transportation of natural gas, digestive processes in ruminant animals such as cattle, rice paddies, and the buried waste in landfills. Over the last 50 years, human activities such as growing rice, raising cattle, using natural gas, and mining coal have added to the atmospheric concentration of CH_4. Other anthropogenic sources include fossil-fuel combustion and biomass burning.

Nitrous Oxide (N_2O). Nitrous oxide is a colorless, non-flammable gas with a sweetish odor, commonly known as "laughing gas," and sometimes used as an anesthetic. N_2O is naturally produced in the oceans and in rainforests (USEPA, 2019b). Manmade sources of N_2O include the use of fertilizers in agriculture, nylon and nitric acid production, cars with catalytic converters and the burning of organic matter. Concentrations of N_2O also began to rise at the beginning of the industrial revolution.

4.8.2 Regulatory Setting

GHGs are regulated at the national, state, and air basin level; each agency has a different degree of control. The United States Environmental Protection Agency (USEPA) regulates at the national level; the California Air Resources Board (ARB) regulates at the state level, and the Mojave Desert Air Quality Management District (MDAQMD) regulates at the air basin level in the Hesperia area.

4.8.2.1 Federal Regulations

The USEPA collects several types of GHG emissions data. These data help policy makers, businesses, and the USEPA track GHG emissions trends and identify opportunities for reducing emissions and increasing efficiency. The USEPA has been maintaining a national inventory of GHG emissions since 1990 and in 2009 established mandatory reporting of GHG emissions from large GHG emissions sources.

EPA is also getting GHG reductions through partnerships and initiatives, evaluating policy options, costs, and benefits, advancing the science, partnering internationally and with states, localities, and tribe, and helping communities adapt.

4.8.2.2 Corporate Average Fuel Economy (CAFE) Standards

In May 2010, the USEPA finalized the first-ever national GHG emissions standards under the Clean Air Act, and the National Highway Traffic Safety Administration (NHTSA) finalized Corporate Average Fuel Economy (CAFE) standards under the Energy Policy and Conservation Act (USEPA, 2022d). The 2010 CAFE standards were for model year 2012 through 2016 light-duty vehicles. In April 2020, NHTSA and USEPA amended the CAFE and GHG emissions standards for passenger cars and light trucks and established new less stringent standards, covering model years 2021 through 2026 (USEPA, 2022d). Portions of the April 2020 revisions are currently being revised as part of the

development of new CAFE standards for model years 2024-2026 passenger cars and light trucks (NHTSA, 2021).

Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule

On September 27, 2019, the USEPA and the NHTSA published the Safer Affordable Fuel-Efficient (SAFE) Vehicles Rule Part One: One National Program (ARB, 2020a), revoked California's authority to set its own GHG emissions standards and to set zero emission vehicle (ZEV) mandates in California. The loss of the ZEV sales requirements would likely result in additional gasoline-fueled vehicles being sold in the State and criteria emissions increasing. On April 30, 2020, USEPA and NHTSA issued the Final SAFE Rule, (ARB, 2020b) which relaxed the federal GHG emissions and CAFE standards resulting in the probable increase of CO_2 emissions. However, this regulation was repealed on December 21, 2021 by the Biden administration (NHTSA, 2021).

4.8.2.3 State Regulations

Executive Order (EO) S 3-05

On June 1, 2005, the governor issued EO S 3-05, which set the following GHG emission reduction targets:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels;
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

To meet these targets, the Climate Action Team (CAT)[7] prepared a report to the Governor in 2006 that contained recommendations and strategies to help ensure that the targets in EO S-3-05 are met.

Assembly Bill 32 (AB 32)

In 2006, the California State Legislature enacted the California Global Warming Solutions Act of 2006, also known as AB 32. AB 32 focuses on reducing GHG emissions in California. GHGs, as defined under AB 32, include CO_2, CH_4, N_2O, HFCs, PFCs, and SF_6. AB 32 required that GHGs emitted in California be reduced to 1990 levels by the year 2020. The ARB is the state agency charged with monitoring and regulating sources of emissions of GHGs that cause global warming. AB 32 also required that by January 1, 2008, the ARB determine what the statewide GHG emissions level was in 1990, and it approve a statewide GHG emissions limit, so it may be applied to the 2020 benchmark. The ARB approved a 1990 GHG emissions level of 427 million metric tons of CO_2e ($MMTCO_2e$), on December 6, 2007, in its Staff Report. Therefore, in 2020, emissions in California were required to be at or below 427 $MMTCO_2e$.

Under the "business as usual or (BAU)" scenario established in 2008, statewide emissions were increasing at a rate of approximately one percent per year as noted below. It was estimated that the 2020 estimated BAU of 596 $MMTCO_2e$ would have required a 28 percent reduction to reach the 1990 level of 427 $MMTCO_2e$.

[7] The Climate Action Team (CAT) members are state agency secretaries and the heads of agencies, boards, and departments, led by the Secretary of the California Environmental Protection Agency (Cal/EPA). They coordinate statewide efforts to implement global warming emission reduction programs and the state's Climate Adaptation Strategy.

Climate Change Scoping Plan

The Scoping Plan released by the ARB in 2008 (ARB, 2008) outlined the state's strategy to achieve the AB 32 goals. This Scoping Plan, developed by ARB in coordination with the CAT, proposed a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce dependence on oil, diversify our energy sources, save energy, create new jobs, and enhance public health. It was adopted by ARB at its December 2008 meeting.

In August 2011, the Scoping Plan was re-approved by the Board and included the Final Supplement to the Scoping Plan Functional Equivalent Document (ARB, 2011). This document included expanded analysis of project alternatives and updated the 2020 emission projections by considering updated economic forecasts. The updated 2020 BAU estimate of 507 $MMTCO_2e$ yielded that only a 16 percent reduction below the estimated new BAU levels would be necessary to return to 1990 levels by 2020. The 2011 Scoping Plan expanded the list of nine Early Action Measures into a list of 39 Recommended Actions contained in Appendices C and E of the Plan.

In May 2014, the ARB developed, in collaboration with the CAT, the First Update to California's Climate Change Scoping Plan (Update) (ARB, 2014), which showed that California was on track to meet the near-term 2020 GHG limit and is well positioned to maintain and continue reductions beyond 2020 as required by AB 32. In accordance with the United Nations Framework Convention on Climate Change, the ARB has mostly transitioned to the use of the Intergovernmental Panel on Climate Change's (IPCC's) Fourth Assessment Report (AR4)'s 100-year GWP (IPCC, 2007b) in its climate change programs. The ARB recalculated the 1990 GHG emissions level with the AR4 GWPs to be 431 $MMTCO_2e$; therefore the 2020 GHG emissions limit established in response to AB 32 is now slightly higher than the 427 $MMTCO_2e$ in the initial Scoping Plan.

In November 2017, the ARB published the 2017 Scoping Plan (ARB, 2017) which builds upon the former Scoping Plan and Update by outlining priorities and recommendations for the state to achieve its target of a 40 percent reduction in GHGs by 2030, compared to 1990 levels. The major elements of the framework proposed are enhancement of the Renewables Portfolio Standard (RPS) and the Low Carbon Fuel Standard; a Mobile Source Strategy, Sustainable Freight Action Plan, Short-Lived Climate Pollutant Reduction Strategy, Sustainable Communities Strategies, and a Post-2020 Cap-and-Trade Program; a 20 percent reduction in GHG emissions from the refinery sector; and an Integrated Natural and Working Lands Action Plan.

In December 2022, the ARB approved the 2022 Scoping Plan update (ARB, 2022c), which proposes actions to further reach the state's carbon neutrality and climate goals for reducing GHG emissions to 85 percent below 1990 levels by 2045. These actions include reducing fossil fuel combustion with clean fuels and technologies, reducing short-lived climate pollutants, supporting sustainable development, and increasing carbon sequestration.

Renewables Portfolio Standard (Scoping Action E-3)

The California Energy Commission estimates that in 2000 about 12 percent of California's retail electric load was met with renewable resources. Renewable energy includes (but is not limited to) wind, solar, geothermal, small hydroelectric, biomass, anaerobic digestion, and landfill gas. California's current RPS was intended to increase that share to 33 percent by 2020. Increased use of renewables will decrease California's reliance on fossil fuels, thus reducing emissions of GHGs from the electricity sector. Most recently, Governor Brown signed into legislation Senate Bill (SB) 350 in

October 2015, which requires retail sellers and publicly-owned utilities to procure 50 percent of their electricity from eligible renewable energy resources by 2030.

Senate Bill 375 (SB 375)

Senate Bill (SB) 375 passed the Senate on August 30, 2008, and was signed by the governor on September 30, 2008. Per SB 375, the transportation sector is the largest contributor of GHG emissions and contributes approximately 45 percent of the GHG emissions in California, with automobiles and light trucks alone contributing almost 30 percent. SB 375 indicates that GHGs from automobiles and light trucks can be reduced by new vehicle technology. However, significant reductions from changed land use patterns and improved transportation also are necessary. SB 375 states, "Without improved land use and transportation policy, California will not be able to achieve the goals of AB 32." SB 375 does the following: (1) requires metropolitan planning organizations to include sustainable community strategies in their regional transportation plans for reducing GHG emissions; (2) aligns planning for transportation and housing; and (3) creates specified incentives for the implementation of the strategies.

Executive Order B-30-15

On April 29, 2015, the governor issued EO B-30-15 which added an interim target of GHG emissions reductions to help ensure the State meets its 80 percent reduction by 2050, as set in EO S-3-05. The interim target is reducing GHG emissions by 40 percent by 2030. It also directs State agencies to update the Scoping Plan, update Adaptation Strategy every three years, and take climate change into account in their planning and investment strategies. Additionally, it requires the State's Five-Year Infrastructure Plan will take current and future climate change impacts into account in all infrastructure projects.

Title 24

Although not originally intended to reduce GHGs, California Code of Regulations Title 24 Part 6: California's Building Energy Efficiency Standards for Residential and Nonresidential Buildings, was first adopted in 1978 in response to a legislative mandate to reduce California's energy consumption. The standards are updated periodically to allow consideration and possible incorporation of new energy efficient technologies and methods. The 2016 standards have been published and became effective July 1, 2017. The requirement for when the 2008 standards must be followed is dependent on when the application for the building permit is submitted. Energy efficient buildings require less electricity; therefore, increased energy efficiency reduces fossil fuel consumption and decreases GHG emissions. The 2019 Standards improve upon the 2016 Standards for new construction of, and additions and alterations to, residential and nonresidential buildings. Buildings whose permit applications are dated on or after January 1, 2020, must comply with the 2019 Standards. The 2019 Standards constitute a major step towards meeting the Zero Net Energy goal by the year 2030 and were the last of three updates to move California towards achieving that goal. The California Energy Commission updates the standards every three years. The 2022 Energy Code, adopted August 11, 2021 by the CEC and approved by the California Building Standards Commission in December 2021, took effect for all buildings whose permit applications are applied for on or after January 1, 2023.

4.8.2.4 The Mojave Desert Air Quality Management District (MDAQMD)

The Mojave Desert Air Quality Management District maintains a set of rules and regulations to improve and maintain healthy air quality for the entire population within its jurisdiction. When

developing new regulations, the MDAQMD must comply with complex procedures established by statutes in federal and state codes. Its regulations development process is based on the specific nature of the regulation and its potential impacts.

4.8.2.5 Local Regulations

City of Hesperia Climate Action Plan (CAP)

In compliance with Goal CN-7 in the City's General Plan (City of Hesperia, 2019a), the City of Hesperia prepared a climate action plan (CAP) with the coordination of regional councils of government, and it was approved in July 2010 (Michael Brandman Associates, 2010b). The CAP strategy is primarily based upon the land use, transportation, and conservation policies that are part of the General Plan Update, recent specific plans, and major development plans in the City. The concept is that design, density, and pattern of land uses impact the amount people drive and the options available for using less polluting and energy-consuming modes of transportation such as walking, bicycling, and transit. The plans also promote energy efficiency in buildings, government operations, and through more efficient water use. Implementing these plans helps ensure that the city will be developed in ways that produce fewer greenhouse gas emissions.

This CAP identifies policies within the City of Hesperia General Plan Update that would decrease the City's emissions of greenhouse gases. This CAP also lists implementation strategies that add more details and specific actions to the General Plan policies and clarify how the reductions would occur. This CAP demonstrates that the General Plan Update policies and CAP strategies would reduce emissions to the reduction target. The CAP includes strategies in the following categories:

- CEQA compliance.
- Parking measures.
- Mixed use development.
- Energy efficiency.
- Transit oriented development.
- Water conservation and reuse.
- Compact development.
- Waste reduction and recycling.
- Pedestrian connections.
- Regional cooperation.
- Bicycle infrastructure.
- Governmental operation.

The City of Hesperia's updated General Plan (City of Hesperia, 2019a) includes goals and policies in several elements that aim to reduce GHG emissions and energy consumption by:

Goal: CN-6 Provide programs and incentives to encourage residents, businesses and developers to reduce consumption and efficiently use energy resources.

Implementation Policy CN-6.1: Develop a green building program in the City to educate the development community and promote the conservation of natural resources.

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

Implementation Policy CN-6.3: Provide incentives like technical assistance and low interest loans for projects that are energy efficient and contain energy conservation measures

Implementation Policy CN-6.4: Educate the public about energy conservation techniques.

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

Implementation Policy CN-6.6: Encourage residents and businesses to utilize the incentives provided by the local energy providers to retrofit their buildings and businesses for energy efficiency and conservation.

Implementation Policy CN-6.7: Continue the existing recycling program and utilization of the material recovery facility program while exploring additional methods of reducing waste.

Goal: CN-7 Develop, promote and implement policies to reduce and limit Greenhouse Gas Emissions.

Implementation Policy CN-7.1: Coordinate with the regional councils of government in developing appropriate regional climate action policies.

Implementation Policy CN 7.2: In conjunction with regional councils of government, prepare and implement a city climate action plan.

Implementation Policy CN-7.3: Coordinate with neighboring cities and public jurisdictions in the preservation of air quality resources.

Implementation Policy CN-7.4: Promote the utilization of alternative energy resources such as wind and solar in new development.

Implementation Policy CN 7.5: Promote the utilization of environmentally sensitive construction materials to limit impacts on the ozone, global climate change and mineral resources.

Implementation Policy CN 7.6: Preserve land resources for the utilization of energy resources, including wind and solar energy resources.

Implementation Policy CN 7.7: Promote energy conservation through site layout, building design, natural light and efficient mechanical and electrical products in development.

Implementation Policy CN 7.8: Continue the existing recycling program and utilization of the material recovery facility program while exploring additional methods of reducing waste.

Implementation Policy CN 7.9: Promote sustainable principles in development that conserves such natural resources as air quality and energy resources.

4.8.3 GHG Emissions

4.8.3.1 National Emissions

The United States is the second largest emitter of GHGs globally (behind China) and emitted approximately 6.0 billion metric tons of CO_2 equivalent ($MTCO_2e$) in 2018 (WRI, 2021a), not including GHG absorbed by forests and agricultural land. The largest source of GHG in the United States (34.2 percent) is electrical power generation (WRI, 2021b). Burning fossil fuels for transportation accounted for the second largest portion (28.4 percent). The remaining 37.1 percent of U.S. GHG emissions was contributed by building, manufacturing/construction, agriculture, fugitive, industrial, waste, bunker fuels, and other fuels.

4.8.3.2 State Emissions

The World Resources Institute (WRI) reports that in 2018, the average GHG emissions per capita in the United States was 17.74 $MTCO_2e$ (WRI, 2021c) but with a total GHG emissions in California of 425.3 $MMTCO_2e$ in 2018 (ARB, 2020c), California had an average GHG emissions per capita of only 10.76 $MTCO_2e$ (USCB, 2021). California had a larger percentage of its total GHG emissions coming from the transportation sector (40 percent) and a smaller percentage of its total GHG emissions from the electricity generation sector; i.e., California has 12 percent.

4.8.3.3 Local Emissions

The CAP's purpose is to (1) navigate the city government and Hesperia community towards a 29 percent per capita GHG emissions reduction by 2020 while adapting to climate change effects, and (2) guide the city staff on the implementation of key provisions of the CAP with a monitoring framework. The City of Hesperia CAP shows existing and projected GHG emissions. The city's existing (2009) community-wide GHG emissions were 0.639 $MMTCO_2e$ and its projected 2020 and buildout year (2025) inventories were 0.955 $MMTCO_2e$ and 1.256 $MMCO_2e$, respectively. **Table 4.8-1** shows the results of the community-wide baseline inventory, the projected 2020 inventory, and the projected buildout inventory. The emissions forecast estimates future emissions under a Business as Usual (BAU) scenario. The BAU scenario assumes that no special effort has been made to reduce GHG emissions. Therefore, the future emissions depicted in **Table 4.8-1** present how GHG emissions may increase in Hesperia if no reduction programs are implemented.

Table 4.8-1
CITY OF HESPERIA COMMUNITY BUSINESS AS USUAL EMISSIONS

Community Sector	Greenhouse Gas Emissions ($MTCO_2e$ per year)		
	2009	2020	Buildout (2025)
Transportation: Automobiles, Light Duty Trucks, Medium Duty Trucks	199,414	249,365	302,008
Transportation: Heavy Duty Diesel Trucks	200,392	250,587	303,488
Transportation: Other	7,454	9,321	11,288
Natural Gas	34,507	87,734	136,118
Electricity	135,824	233,019	321,378
Solid Waste	28,394	48,713	67,184
Wood Burning Fireplaces and Stoves.	9,528	16,073	22,023
Refrigerants	23,906	59,836	92,825
Total	**639,419**	**954,648**	**1,256,312**
Population	102,896	176,527	243,456
Per Capita Emissions	6.2	5.4	5.2

Source: City of Hesperia, 2010.

4.8.4 Impact Thresholds

CEQA Guidelines §15064.4 provides discretion to the lead agency whether to: (1) use a model or methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. In addition, CEQA does not provide guidance to determine whether the project's estimated GHG emissions are significant, but recommends that lead agencies consider several factors that may be used in the determination of significance of project-related GHG emissions, including:

- The extent to which the project may increase or reduce GHG emissions as compared to the existing environmental setting.
- Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project.
- The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.

CEQA Guidelines § 15130(f) describes that the effects of GHG emissions are by their very nature cumulative and should be analyzed in the context of CEQA's requirements for cumulative impact analysis. Additionally, CEQA Guidelines § 15064(h)(3) states that a project's incremental contribution to a cumulative impact can be found not cumulatively considerable if the project would comply with an approved plan or mitigation program that provides requirements to avoid or lesson the cumulative problem.

The MDAQMD has established thresholds of significance for GHG emissions, applicable to both construction and operations regardless of whether they are stationary or mobile sources. The MDAQMD's GHG emissions thresholds are 548,000 pounds per day (lbs/day) CO_2e or 100,000

MT/year CO_2e. However, to provide a more conservative analysis, the City recommends evaluating the Project's GHG emissions against the South Coast Air Quality Management District 's (SCAQMD's) GHG thresholds.

To provide guidance to local lead agencies on determining significance for GHG emissions in their CEQA documents, SCAQMD convened a GHG CEQA Significance Threshold Working Group (Working Group). At the Working Group meeting #15 (SCAQMD, 2010), SCAQMD staff proposed to adopt a tiered approach for evaluating GHG emissions for development projects where SCAQMD is not the lead agency:

- **Tier 1. Exemptions:** If a project is exempt from CEQA, project-level and cumulative GHG emissions are less than significant.
- **Tier 2. Consistency with a Locally Adopted GHG Reduction Plan:** If the project complies with a GHG emissions reduction plan or mitigation program that avoids or substantially reduces GHG emissions in the project's geographic area (i.e., city or county), project-level and cumulative GHG emissions are less than significant.
- **Tier 3. Numerical Screening Threshold:** If GHG emissions are less than the numerical screening level threshold, project-level and cumulative GHG emissions are less than significant. For projects that are not exempt or where no qualifying GHG reduction plans are directly applicable, SCAQMD requires an assessment of GHG emissions. SCAQMD, under Option 1, proposed land use-specific thresholds: 1,400 $MTCO_2e$ for commercial projects; 3,500 MT CO_2e for residential projects; or 3,000 MT CO_2e for mixed-use industrial projects. Option 2 was a "bright-line" screening-level threshold of 3,000 $MTCO_2e$ per year for all land use types.[8]
- **Tier 4. Performance Standards:** If emissions exceed the numerical screening threshold, a more detailed review of the project's GHG emissions is warranted. The SCAQMD has proposed an efficiency target for projects that exceed the bright-line threshold. The current recommended approach is per-capita efficiency targets. The SCAQMD is not recommending use of a percentage emissions reduction target. Instead, the SCAQMD proposed a 2020 efficiency target of 4.8 MT CO_2e per year per service population for project-level analyses and 6.6 MT CO_2e per year per service population for plan-level projects (e.g., program-level projects such as General Plans).

The 3,000 $MTCO_2e$ per year threshold is based on a 90 percent emission "capture" rate methodology. A 90 percent emission capture rate means that, for a specific geographic area, new facilities whose unmitigated emissions exceed the threshold would account for more than 90 percent of all new unmitigated GHG emissions (Smith and Krause, 2008, p. 3-15). Projects whose emissions exceed the threshold would be subject to a detailed analysis of potential environmental impacts from GHG emissions, while those whose emissions are below the threshold would be excluded from detailed analysis. A GHG significance threshold based on a 90 percent emission capture rate is appropriate to address the long-term adverse impacts associated with global climate change because medium and large projects will be required to implement measures to reduce GHG emissions, while small projects, which are generally infill development projects that are not the focus of the State's GHG reduction targets, are allowed to proceed. Further, a 90 percent emission capture rate sets the emission threshold low enough to capture a substantial proportion of future development projects and demonstrate that cumulative emissions reductions are being achieved while setting the emission

8 The 3,000-$MTCO_2e$ threshold is discussed in detail below.

threshold high enough to exclude small projects that will, in aggregate, contribute approximate one percent of projected statewide GHG emissions in the Year 2050.

The City understands that the 3,000 $MTCO_2e$/yr threshold for residential/commercial uses was proposed by SCAQMD a decade ago and was adopted as an interim policy; however, no permanent, superseding policy or threshold has since been adopted. The 3,000 $MTCO_2e$/yr threshold was developed and recommended by SCAQMD, an expert agency, based on substantial evidence as provided in the Draft Guidance Document – Interim CEQA Greenhouse Gas Significance Threshold document (Smith and Krause, 2008) and subsequent Working Group meetings (the latest of which occurred in 2010). SCAQMD has not withdrawn its support of the interim threshold and all documentation supporting the interim threshold remains on the SCAQMD website on a page that provides guidance to CEQA practitioners for air quality analysis (and where all SCAQMD significance thresholds for regional and local criteria pollutants and toxic air contaminants also are listed). Further, as stated by SCAQMD, this threshold "uses the Executive Order S-3-05 goal [80% below 1990 levels by 2050] as the basis for deriving the screening level" and, thus, remains valid for use now. Lastly, this threshold has been used for hundreds, if not thousands of GHG analyses performed for projects located within the SCAQMD jurisdiction. Thus, for purposes of this analysis, if Project-related GHG emissions do not exceed the 3,000 $MTCO_2e$/year threshold, then Project-related GHG emissions would clearly have a less than significant impact. On the other hand, if Project-related GHG emissions exceed 3,000 MTCO2e/yr, the Project would be considered a substantial source of GHG emissions.

Based on the foregoing guidance, the City of Hesperia has elected to rely on compliance with a local air district threshold in the determination of significance of Project-related GHG emissions. Specifically, the City has selected the interim 3,000 $MTCO_2e$/yr threshold recommended by SCAQMD staff for residential and commercial sector projects against which to compare Project-related GHG emissions.

4.8.5 Impact Analysis

4.8.5.1 Methodology

Short-term construction GHG emissions and long-term operational GHG emissions were assessed using the California Emissions Estimator Model (CalEEMod) Version 2022.1.1.29 (CAPCOA, 2023). This analysis focused upon emissions of CO_2, CH_4, N_2O and CO_2e only.

a) Would the project generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact

California has enacted several pieces of legislation that relate to GHG emissions and climate change, much of which set aggressive goals for GHG reductions within the state. Per Senate Bill 97, the California Natural Resources Agency adopted amendments to the CEQA Guidelines, which address the specific obligations of public agencies when analyzing GHG emissions under CEQA to determine a project's effects on the environment. However, neither a threshold of significance nor any specific mitigations are included or provided in these CEQA Guideline amendments.

GHG Significance Threshold

As noted above, the City of Hesperia has set 3,000 metric tons of $C0_2e$ per year as its significant emissions threshold for GHG.

Construction GHG Emissions

Construction is an episodic, temporary source of GHG emissions. Emissions are generally associated with the operation of construction equipment and the disposal of construction waste. As explained by the California Air Pollution Control Officers Association (CAPCOA) in its 2008 white paper (CAPCOA, 2008), the information needed to characterize GHG emissions from manufacture, transport, and end-of-life of construction materials would be speculative at the CEQA analysis level. CEQA does not require an evaluation of speculative impacts (*CEQA Guidelines* § 15145). Therefore, the construction analysis does not consider such GHG emissions, but does consider non-speculative onsite construction activities, and offsite hauling, and construction worker trips. All GHG emissions are identified on an annual basis.

Estimated GHG emissions from the Cargo Solutions Truck Warehouse Project's onsite and offsite project construction activities were calculated using CalEEMod, Version 2022.1.1.29. The results of the analysis are presented in **Table 4.8-2**. The GHG emissions from the Cargo Solutions Truck Warehouse Project's construction activities would be **526.57 short tons of CO_2e**. This is below the annual threshold of 3,000 metric tons per year. Thus, GHG impacts from construction are considered individually less than significant.

Table 4.8-2
PROJECT CONSTRUCTION-RELATED GHG EMISSIONS

Year	Annual Emissions (metric tons)			
	CO_2	CH_4	N_2O	CO_2e
2025	182.33	0.01	0.00	183.16
2026	**339.55**	**0.01**	**0.01**	**343.41**
Total	521.89	0.02	0.01	526.57
MDAQMD Significance Thresholds				*3,000*
Significant? (Yes or No)				**No**

Source: Appendix B; MDAQMD, 2020; CAPCOA, 2022

Operational GHG Emissions

Operational GHG emissions calculated by CalEEMod are shown in **Table 4.8-3**. The amortized value of construction emissions for a 30-year period of **17.55 metric tons CO_2e** was added to the Cargo Solutions Truck Warehouses project's annual operational GHG emissions. Total annual unmitigated emissions from the project would be **1,251 metric tons CO_2e**. Modeling results are provided in **Appendix B.**

Table 4.8-3
PROJECT OPERATIONAL GHG EMISSIONS

Emissions Source	Estimated Project-Generated GHG Emissions ($MTCO_2e$ per year)
Area Sources	2.22
Energy Demand (Electricity & Natural Gas)	493
Mobile (Motor Vehicles)	600
Solid Waste Generation	44.4
Water Demand	94
Refrigerants	0.01
Construction Emissions[a]	17.55
Total	**1,251**
MDAQMD Significance Threshold	*3,000*
Significant? (Yes or No)	**No**

Source: Appendix B; MDAQMD, 2016; CAPCOA, 2022.

[a] *Total construction GHG emissions were amortized over 30 years and added to those resulting from the operation of the project.*

Therefore, under the first significance criterion, GHG emissions would be less than significant, and no mitigation is necessary.

b) Would the project conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG?

Less than Significant Impact

The San Bernardino County Transit Authority (SBCTA) authorized the preparation of a county-wide Regional Greenhouse Gas Reduction Plan. This plan was adopted in March 2021. The plan contains multiple reduction measures that would be effective in reducing GHG emissions throughout the SBCTA region. The lack of development in the immediate area of the project as well as in the city may preclude residents from obtaining employment or commercial services within city boundaries, thus compelling residents to travel outside of city boundaries for employment and commercial services. It is important to note that the California Department of Transportation as well as the Counties of Los Angeles and San Bernardino are engaged in an effort to construct a multi-modal transportation corridor consisting of public transit, a new freeway, and bicycle lanes known as the High Desert Corridor (HDC). The aforementioned regional program will reduce potential GHG emissions related to excessive vehicle miles traveled (VMT) to levels that are less than significant.

Those Partnership jurisdictions, including Hesperia, choosing to complete and adopt local Climate Action Plans (CAPs) that are consistent with the County's GHG Reduction Plan, and with the prior Regional Plan Program EIR and the addendum or supplemental CEQA document prepared by SBCOG, will be able to tier their future project-level CEQA analyses of GHG emissions from their CAP. In 2010, the City of Hesperia completed a CAP. As part of this effort, the City of Hesperia has selected a goal to

reduce its community GHG emissions to a level that is 40 percent below its 2020 level of GHG emissions by 2030. The City will meet and exceed this goal subject to reduction measures that are technologically feasible and cost-effective through a combination of state (~70 percent) and local (~30 percent) efforts. The Pavley vehicle standards, the State's low carbon fuel standard, the RPS, and other state measures will reduce GHG emissions in Hesperia's on-road, off-road, and building energy sectors in 2030.

As was noted in **Section 4.8.3.3**, the Climate Action Plan (CAP), as presented in the City's General Plan (City of Hesperia, 2019a), has the following purposes:

- Outline a course of action for the City government and the citizens of Hesperia to reduce per capita greenhouse gas emissions 29 percent below business as usual by 2020 and adapt to the effects of climate change.

- Provide clear guidance to City staff regarding when and how to implement key provisions of the CAP. This CAP sets out an implementation and monitoring framework for monitoring its strategies.

The CAP identifies policies within the City of Hesperia General Plan Update that would decrease the City's emissions of greenhouse gases. This CAP also lists implementation strategies that add more details and specific actions to the General Plan policies and clarify how the reductions would occur.

The project will comply with all relevant energy-reducing provisions of Title 24, Parts 6 and 11, which indirectly reduce GHG emissions by reducing energy use. Because the project will not interfere with or conflict with any plan to reduce GHG emissions, its GHG emissions impacts will be less than significant.

4.9 Hazards and Hazardous Materials

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?		**X**		
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		**X**		
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one quarter mile of an existing or proposed school?				**X**
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				**X**
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?				**X**
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?		**X**		
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				**X**

The analysis in this section is based in part upon the RecCheck report prepared by Environmental Record Search, dated September 13, 2022 (Environmental Records Search, 2022) (**Appendix F**). The RecCheck presents information based on hazards databases to determine if the project site contains potential hazardous materials.

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

Less than Significant Impact with Mitigation Incorporated

Based on the RecCheck report, the project site contains no potential areas of concern/contamination (Environmental Records Search, 2022, p. 1).

Construction

Transportation of hazardous materials/waste is regulated by *California Code of Regulations* (CCR) Title 26. The California Highway Patrol (CHP) and the California Department of Transportation (Caltrans) enforce federal and state regulations and respond to hazardous materials transportation emergencies. Emergency responses are coordinated as necessary among federal, state and local governmental authorities and private persons through a state-mandated Emergency Response Plan. Due to the significant short-term risks to public health and the environment associated with hazardous waste management during transportation of wastes, specific Commercial Hazardous Waste Shipping Routes are designated with the intent of minimizing the distance that wastes are transported and the proximity to vulnerable locations.

Construction of the proposed project would involve transport, storage, and use of chemical agents, solvents, paints, and other hazardous materials commonly associated with construction activities. Chemical transport, storage, and use would comply with Resource Conservation and Recovery Act (RCRA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Occupational Safety and Health Administration (OSHA); California Hazardous Waste Control Law (California Health and Safety Code, Division 20, Chapter 6.5, Hazardous Waste Control); California Division of Safety and Health (DOSH); South Coast Air Quality Management District (SCAQMD); and San Bernardino County Fire Protection District Hazardous Materials Division (HMD) requirements. The construction contractor would maintain equipment and supplies onsite for containing and cleaning up small spills of hazardous materials, and in the event of a release of hazardous materials of quantity and/or toxicity that onsite workers could not safely contain and clean up, would notify the HMD immediately.[9] Therefore, compliance with applicable laws and regulations during project construction would reduce the potential for accidental releases of hazardous materials, and construction hazards impacts would be less than significant.

Operation

The proposed project includes construction of two truck warehouse buildings and associated surface parking lot and landscaping. During operations, the future occupant (Cargo Solutions) may require the routine transport of hazardous materials for maintaining supplies onsite and for disposal of waste offsite. Transportation of hazardous materials can result in accidental spills, leaks, toxic releases, fire, or explosion.

The project site is located within an industrial and commercial portion of the city, with the closest residences to the project site located along Muscatel Street, approximately 0.22 mile southeast of the

[9] The Hazardous Materials of the San Bernardino County Fire Protection District is designated by the State Secretary for Environmental Protection as the Certified Unified Program Agency or "CUPA" for the County of San Bernardino in order to focus the management of specific environmental programs at the local government level. (San Bernardino County Fire Protection District, 2022).

project site (Google Earth Pro, 2024). Since hazardous materials must not be transported through existing residential areas, the occupant would propose routes that are surrounded primarily by existing industrial land uses.

The United States Department of Transportation (USDOT) Office of Hazardous Materials Safety prescribes strict regulations for the safe transportation of hazardous materials, as described in Title 49 of the Code of Federal Regulations (CFR), and implemented by Title 13 of the CFR. Appropriate documentation would be provided for all hazardous waste that is transported, as required by existing hazardous materials regulations. Chapter 6.95 of the California Health and Safety Code requires businesses that handle more than a specified amount of hazardous materials onsite to submit a Hazardous Materials Business Plan to firefighters, health officials, planners, public safety officers, health care providers, regulatory agencies, and other interested persons (see mitigation measure **HAZ-1** below). The business plan must include an inventory of the hazardous materials handled, facility floor plans showing where hazardous materials are stored, an emergency response plan, and provisions for employee safety and emergency response training.

Further, proper documentation would be required to identify which hazardous materials would be transported and which routes they would be transported along. As such, **MM HAZ-2** (see below) would be implemented to ensure that the occupant would provide proper hazardous materials transportation information.

In addition to the suggested mitigation measures, the occupant would be required to comply with existing regulations, standards, and guidelines established by the US Environmental Protection Agency, State of California, County of San Bernardino, and City of Hesperia related to storage, use, and disposal of hazardous materials, which would reduce the potential risk of hazardous materials exposure to a level that is less than significant.

Mitigation Measures

The following mitigation measure would be adopted to minimize or avoid impacts related to routine transport, use, or disposal of hazardous materials:

MM HAZ-1 In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant to submit a Hazardous Materials Business Plan which would include an inventory of all hazardous materials used, stored, or otherwise managed onsite to the County of San Bernardino County Fire Department – Hazardous Materials Division and the Fontana Fire Protection District. The recommendations of the Hazardous Materials Business Plan would be included in the lease agreement (signed by the tenant) as mandatory measures required to be implemented by the tenant.

MM HAZ-2 In the event that the future occupant will handle hazardous materials above the reportable quantity threshold, the occupancy agreement shall require the occupant, in coordination with the San Bernardino County Fire Department, to identify routes along which hazardous materials may routinely be transported. If essential facilities such as schools, hospitals, child care centers, or other facilities with special evacuation needs are located along these routes, the future occupant shall develop an emergency response plan that can be implemented in the event of an unauthorized release of hazardous materials. The recommendations of the Emergency Response

Plan would be included in the occupancy agreement (signed by the future occupant) as mandatory measures required to be implemented by the future occupant.

Level of Significance After Mitigation

In addition to compliance with established regulatory framework, compliance with mitigation measures **HAZ-1** and **HAZ-2** would provide for the implementation of established safety practices, procedures, and reporting requirements, to ensure that potentially significant impacts regarding hazardous materials are minimized or eliminated. Impacts to the public or the environment resulting from the routine transport, use, or disposal of hazardous materials would be less than significant after mitigation.

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

Less than Significant Impact with Mitigation Incorporated

Construction

As mentioned above, the RecCheck report found no potential areas of concern/contamination on the project site (Environmental Records Search, 2022, p. 3-4). Additionally, the construction of the proposed project would adhere to applicable federal, state and local regulations in regard to the safe handling and transportation of hazardous materials during construction. The construction contractor would maintain equipment and supplies onsite for containing and cleaning up small spills of hazardous materials and would train construction workers on such containment and cleanup. In the event of a release of hazardous materials of quantity and/or toxicity that onsite construction workers could not safely contain and clean up, the project proponent would notify the County of San Bernardino County Fire Department - Hazardous Materials Division immediately. Therefore, impacts would be less than significant during construction.

Operation

There is a potential that the proposed project could create a significant hazard to the public or the environment during operation through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Typical incidents that could result in accidental release of hazardous materials involve: leaking storage tanks; spills during transport; inappropriate storage; inappropriate use; and/or natural disasters. Accidental releases such as these could cause contamination of soil, surface water, groundwater, and toxic fumes. Depending on the nature and extent of the contamination, groundwater supplies could become unsuitable for use as a domestic water source. Human exposure to contaminated soil or water could have potential health effects depending on a variety of factors, including the nature of the contaminant and the degree of exposure.

Chemicals and wastes stored in aboveground or underground storage tanks would follow guidelines mandated by the federal and state agencies. Aboveground tanks storing hazardous chemicals would have secondary containment to collect fluids that are accidentally released. Underground storage tanks and connecting piping would be double-walled and would have monitoring devices with alarms installed to constantly monitor for unauthorized releases in accordance with federal and state standards.

Applicable existing standards include the Cal/OSHA operational requirements, California Health and Safety Code § 25270.7, and San Bernardino County Fire Department regulations regarding the installation and operation of underground tanks. These existing measures would minimize impacts to a less than significant level.

Transportation of hazardous materials could result in accidental spills, leaks, toxic releases, fire, or explosion, and there is a potential for licensed vendors to transport hazardous materials to and from the project site. As discussed previously, the proposed project is subject to compliance with all applicable federal, state and local laws (including Title 49 of the CFR) and regulations pertaining to the transport, use, disposal, handling and storage of hazardous waste. Additionally, with the implementation of mitigation measures **HAZ-1** and **HAZ-2**, the future occupant would coordinate with the city to ensure that transportation, handling and use of hazardous materials would create less than significant impacts. Therefore, with compliance with these regulations and measures, the proposed project would reduce the likelihood and severity of accidents during transit, thereby ensuring that potential impacts would be less than significant.

Mitigation Measures

Refer to mitigation measures **HAZ-1** and **HAZ-2** above.

Level of Significance After Mitigation

In addition to compliance with the established regulatory framework, compliance with mitigation measures **HAZ-1** and **HAZ-2** would provide for the implementation of established safety practices, procedures and reporting requirements, to ensure that potentially significant impacts regarding the accidental release of hazardous materials would be less than significant with the implementation of mitigation measures.

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

No Impact

No schools are located within 0.25 miles of the project site. The closest school to the project site is Canyon Ridge High School, located at 12850 Muscatel St #5566, approximately 0.42 miles southeast of the project site (Google Earth Pro, 2024). The project would not be within 0.25 mile of an existing or a proposed school; therefore, no impacts to schools would occur and mitigation is not required.

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

No Impact

Government Code § 65962.5 requires the Department of Toxic Substances Control (DTSC) to compile and update, at least annually, lists of the following:

- Hazardous waste and substances sites from the DTSC EnviroStor database.

- Leaking Underground Storage Tank (LUST) sites by county and fiscal year in the State Water Resources Control Board (SWRCB) GeoTracker database.
- Solid waste disposal sites identified by SWRCB with waste constituents above hazardous waste levels outside waste management units.
- SWRCB Cease and Desist Orders (CDOs), and Cleanup and Abatement Orders (CAOs).
- Hazardous waste facilities subject to corrective action pursuant to § 25187.5 of the Health and Safety Code, identified by DTSC.

These lists are collectively referred to as the "Cortese List." The project site is not included on the Cortese List (refer to **Figure 4.9-1**). Therefore, there would be no impacts.

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

No Impact

The nearest public-use airport to the project site is Hesperia Airport, approximately five miles to the southeast (see **Figure 4.9-2**). The project site is outside of Hesperia Airport's safety, runway protection, obstacle free, and noise contour zones (Ray A. Vidal, 1991). Therefore, project development would not cause airport-related hazards, or excessive noise, to persons at the project site, and no impacts would occur.

f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less than Significant Impact with Mitigation Measures Incorporated

Construction

The project would comply with applicable City regulations, such as the City's Fire Code in regard to providing adequate emergency access, as well as the California Building Standards Code. Prior to the issuance of building permits, the City of Hesperia would review project site plans, including location of all buildings, fences, access driveways and other features that may affect emergency access. Fire lanes would be provided for adequate emergency access. The site design for the proposed project includes access and fire lanes that would accommodate emergency ingress and egress by fire trucks, police units, and ambulance/paramedic vehicles. All onsite access and sight-distance requirements would be in accordance with City and Caltrans design requirements. The City's review process and compliance with applicable regulations and standards would ensure that adequate emergency access would be provided at the project site at all times.

Figure 4.9-1
PROJECT CORTESE LIST MAP

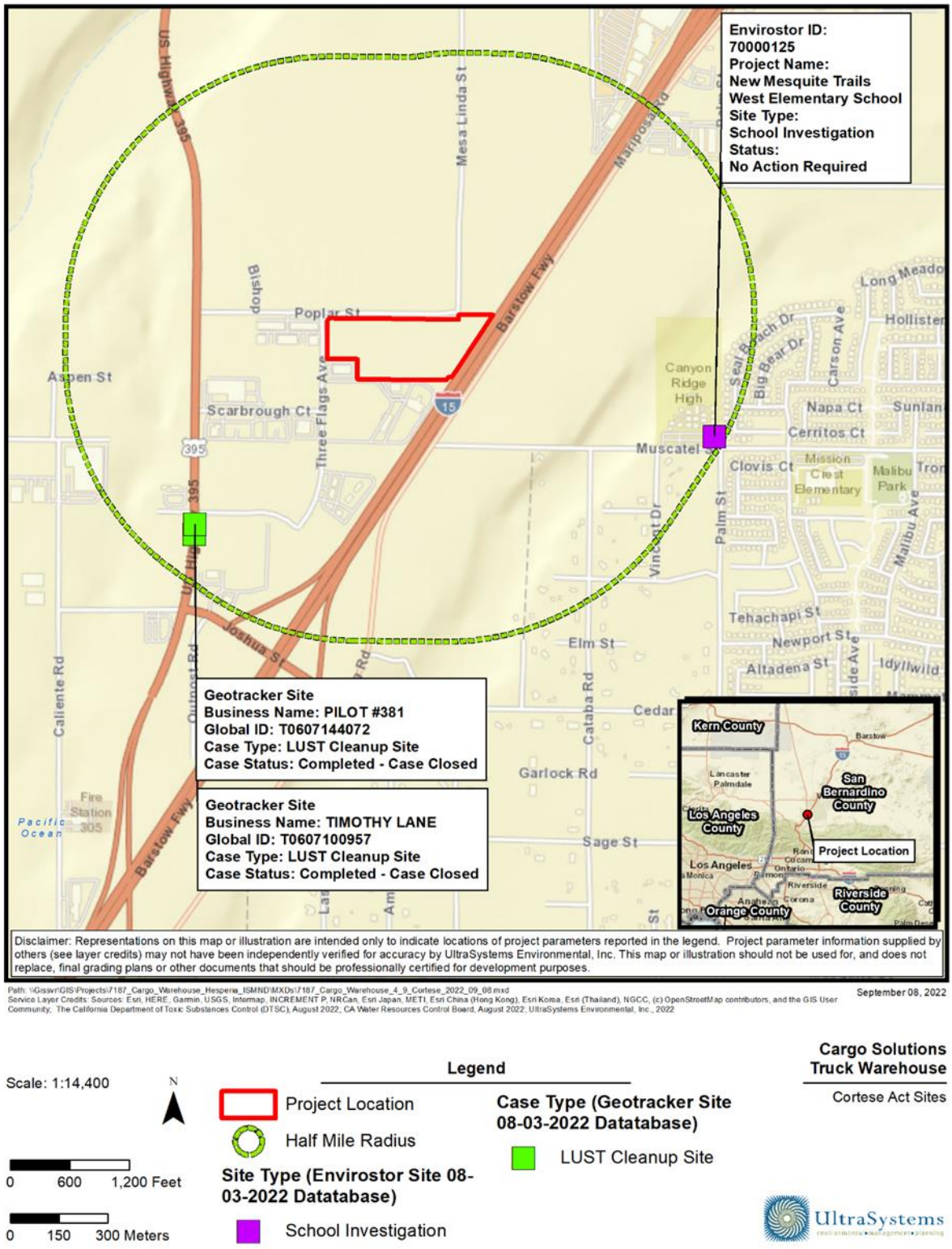
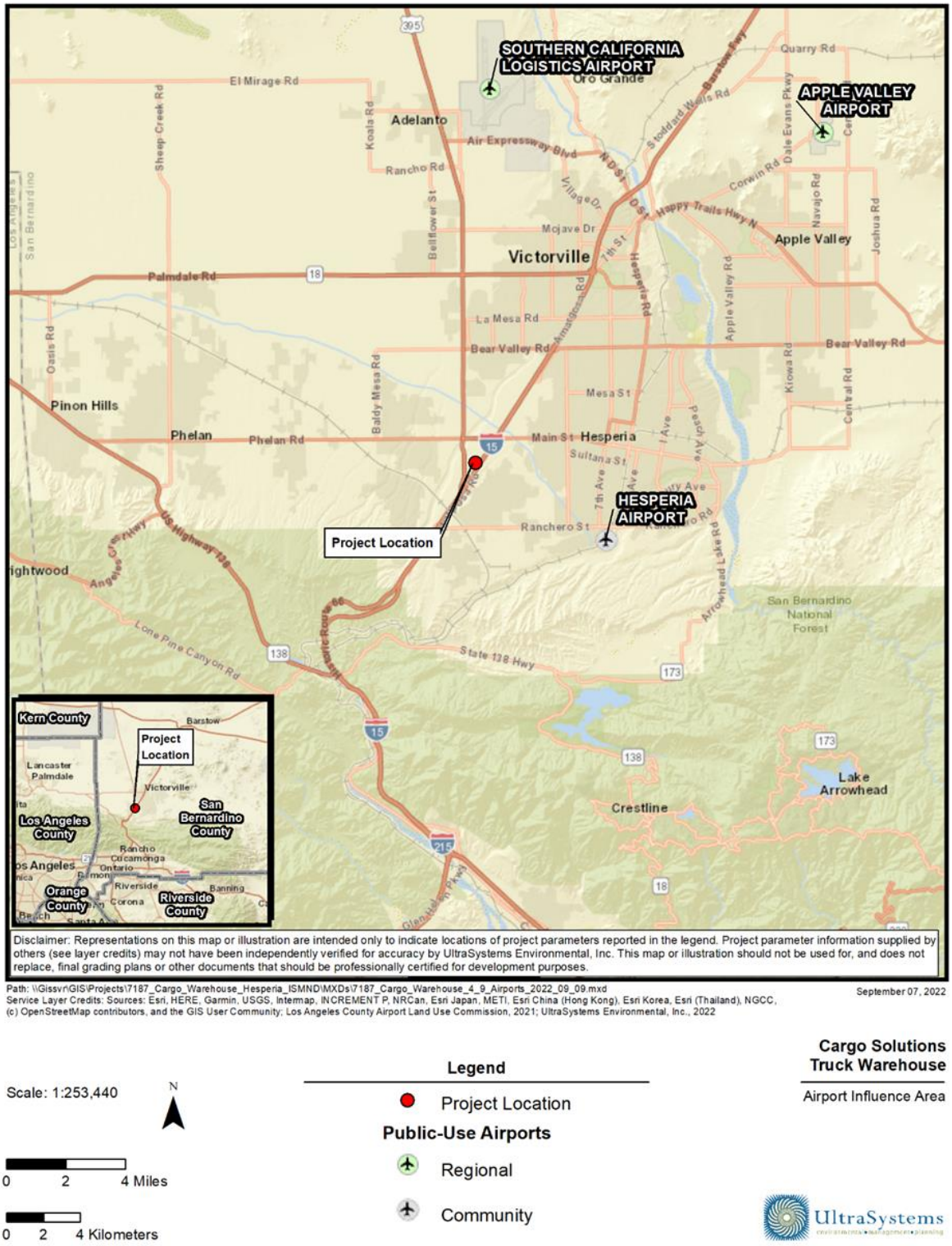


Figure 4.9-2
AIRPORTS IN THE PROJECT REGION



During the construction phase of the project, there may be temporary lane closures that could increase hazards due to geometric design features or incompatible uses. However, the preparation of a construction management plan, as detailed in mitigation measure **TRANS-3**, would reduce the potential for hazards due to geometric design features and incompatible uses to less than significant during the project construction phase.

Mitigation Measures

Refer to mitigation measure **TRANS-3** in **Section 4.17.**

Level of Significance After Mitigation

After implementation of mitigation measure **TRANS-3**, the project would have less than significant construction-phase impacts on emergency access.

Operation

City of Hesperia Hazard Mitigation Plan

The City of Hesperia Hazard Mitigation Plan (HMP) was adopted by the City Council in 2017. The purpose of the City's HMP is to provide a plan for reducing and/or eliminating risk in the City of Hesperia. The goals of the LHMP are to: protect life, property, and the environment; improve public awareness; protect the continuity of government; and improve emergency management preparedness, collaboration and outreach. The City, in cooperation with the San Bernardino County Fire Department, Hazardous Materials Division, will enforce disclosure laws that require all users, generators and transporters of hazardous materials and wastes to clearly identify the materials they store, use or transport. Users, generators and transporters are required to notify the appropriate city, county, state and federal agencies of a change in the quantity or type of hazardous materials and any violations. The Community Emergency Response Team (CERT) Program initiated by the City of Hesperia educates people about disaster preparedness and trains citizens to be self-sufficient following a major disaster (City of Hesperia, 2017, p. 3-7 to 3-12).

The HMP states that interstates would serve as major emergency response and evacuation routes (City of Hesperia, 2017, p. 4-70). As detailed in **Section 4.17**, the project would potentially impact surrounding intersection's level of service (LOS). However, the project would be required to implement **MM TRANS-1**, which would ensure that the Project Applicant would implement all the necessary operational improvements listed in the Section 11.7 of Traffic Impact Analysis (TIA) report (**Appendix I**) to ensure that all affected intersections by project development would operate at an adequate LOS. Additionally, the project would implement **MM TRANS-2**, which would ensure that the Project Applicant contribute to fair-share contributions for intersection operational improvements, resulting in less than significant LOS at all intersections affected in the project area. Therefore, project development would have less than significant impacts on emergency and evacuation plans.

Mitigation Measures

Refer to mitigation measure **TRANS-1** and **TRANS-2** in **Section 4.17.**

Level of Significance After Mitigation

After implementation of mitigation measure **TRANS-1** and **TRANS-2**, the project would have less than significant operational-phase impacts on emergency access.

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

No Impact

The California Department of Forestry and Fire Protection (CAL FIRE) developed Fire Hazard Severity Zones (FHSZ) for State Responsibility Areas (SRA) and Very High FHSZ Local Responsibility Areas (LRA). As shown on **Figure 4.9-3** Fire Hazard Severity Zone - *State Responsibility Area* and **Figure 4.9-4**, Fire Hazard Severity Zone - *Local Responsibility Area*, the project site is not located within either an SRA FHSZ or a Very High FHSZ in LRA for San Bernardino County (CAL FIRE, 2022). Therefore, there would be no impact.

Figure 4.9-3
FIRE HAZARD SEVERITY ZONES - STATE RESPONSIBILITY AREA

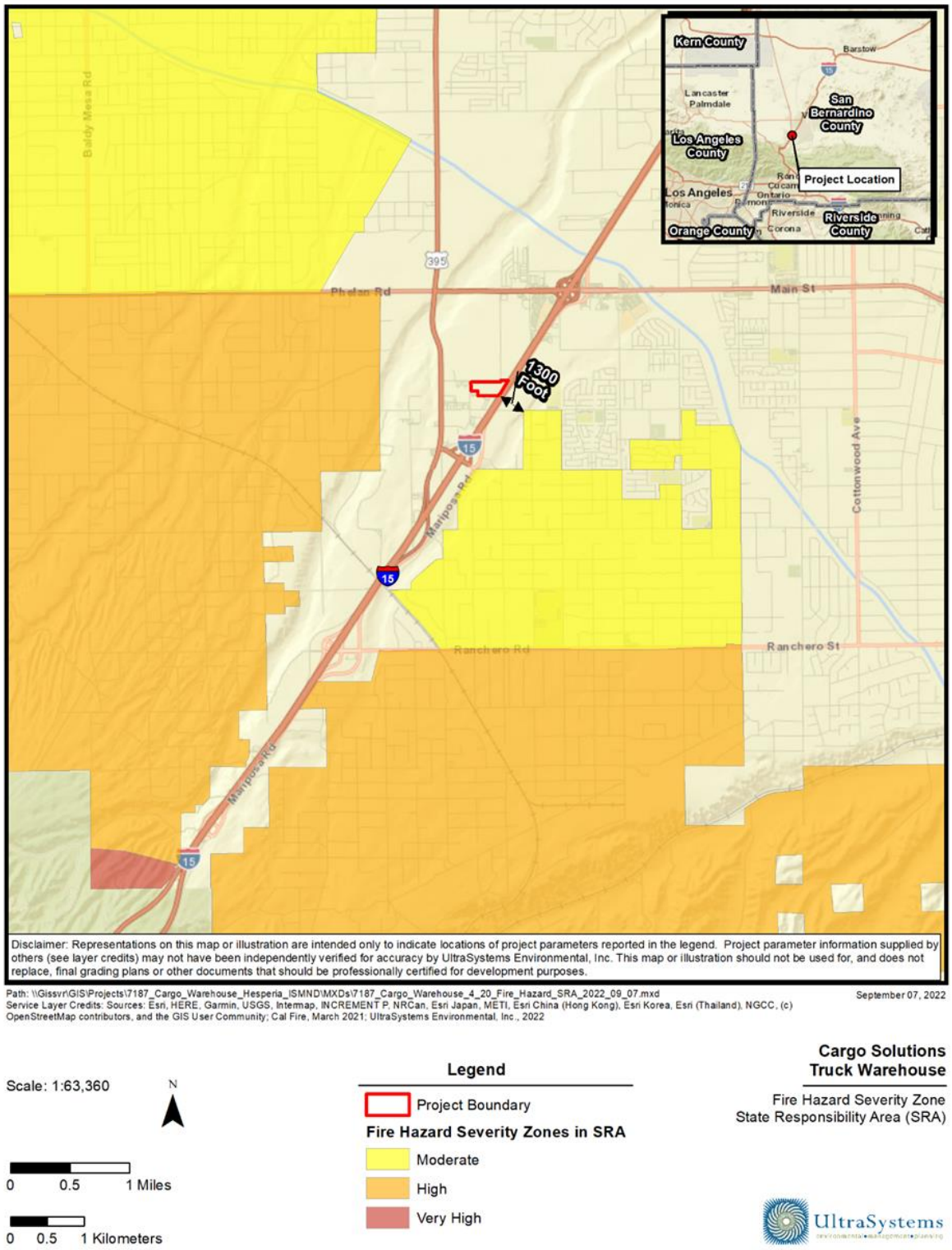
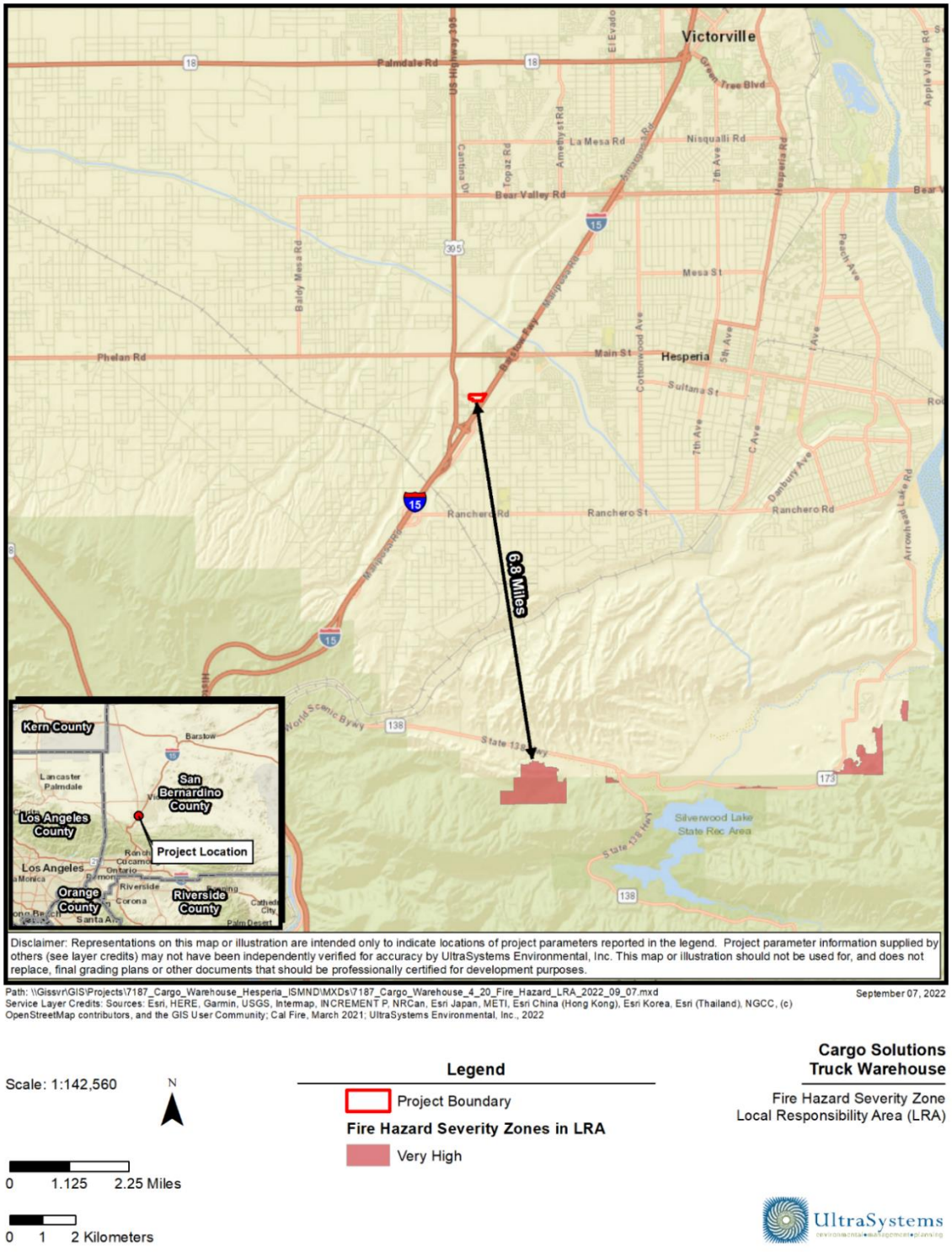


Figure 4.9-4
FIRE HAZARD SEVERITY ZONES - LOCAL RESPONSIBILITY AREA



4.10 Hydrology and Water Quality

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			**X**	
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			**X**	
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:				
i) result in substantial erosion or siltation on or offsite;			**X**	
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;			**X**	
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or			**X**	
iv) impede or redirect flood flows?				**X**
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				**X**
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?			**X**	

a) Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?

Less than Significant Impact

The California State Water Resources Control Board (SWRCB) requires its nine Regional Water Quality Control Boards (RWQCBs) to develop water quality control plans (Basin Plans) designed to preserve and enhance water quality and protect the beneficial uses of all Regional waters.

Specifically, Basin Plans designate beneficial uses for surface waters and groundwater, set narrative and numerical objectives that must be attained or maintained to protect the designated beneficial uses and conform to the State antidegradation policy, and describe implementation programs to protect all waters in the Regions (RWQCB 1995). In addition, Basin Plans incorporate by reference all applicable State and Regional Board plans and policies, and other pertinent water quality policies and regulations. The proposed project is under the jurisdiction of the Lahontan (Region 6) RWQCB.

As shown in **Figure 10.4-1,** *USGS Surface Waters and Watersheds*, the project site is located within the Oro Grande Wash hydrologic unit (HU; USGS HU code 180902080704), which drains an area of approximately 24 square miles. The Oro Grande HU is located within the larger Bell Mountain Wash-Mojave River Watershed (USGS HU code 1809020807), which encompasses approximately 276 square miles. The Oro Grande Wash HU drains the Oro Grande Wash and its tributaries beginning at the headwaters of the Wash, southeast of Baldy Mesa and approximately 0.6 mile west of Cajon Summit (USEPA, 2022h; Google Earth Pro, 2022).

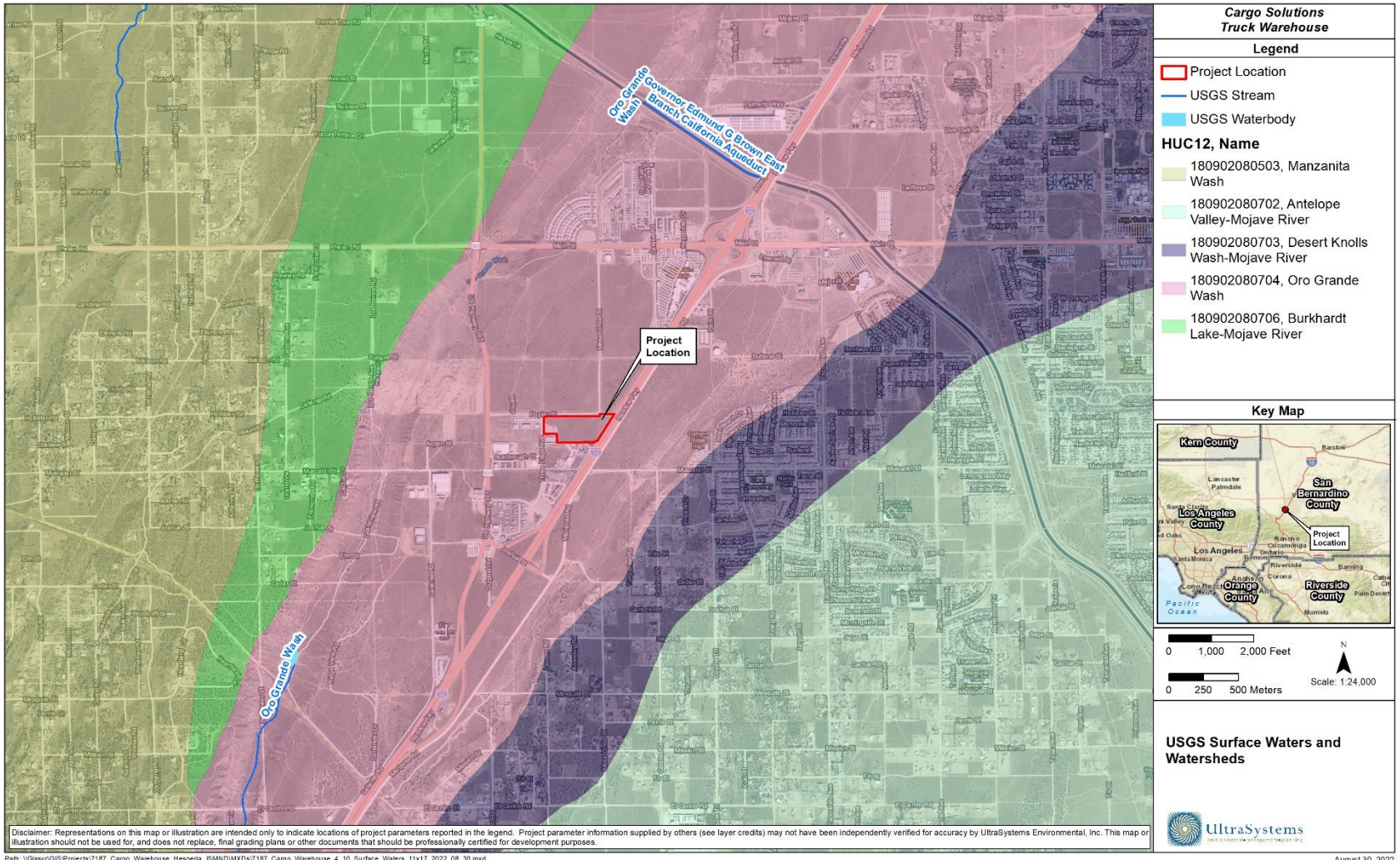
The project has prepared a preliminary Water Quality Management Plan (WQMP; Allard Engineering, 2024), which is designed to retain and treat stormwater generated onsite. The WQMP proposes one 20.33-acre drainage area (DA-1) containing drainage systems in two drainage management areas (DMA-1 and DMA-2).

DMA-1 (10.5 acres) would consist of swales, grated inlets with filter inserts and pipes that would convey the flows to the proposed infiltration/retention Basin-1 at the northeast corner in DMA-1. The proposed Basin-1 would be comprised of a two-stage pit system (Maxwell Plus Drywell System) at the northeast corner in DMA-1. The proposed infiltration/retention Basin-1 is sized to qualify for the required WQMP design capture volume (DCV) volume (30,956 cf) as well as the required detention volume (55,572 cf) from the drainage management area DMA-1 (Allard Engineering, 2024, p. 1-2).

DMA-2 (9.83 acres) would also consist of swales, grated inlets with filter inserts and pipes that would convey the flows to the proposed infiltration/retention Basin-2 with two-stage pit system (Maxwell Plus Drywell System) at the northwest corner in the drainage management area DMA-2. The proposed infiltration/retention Basin-2 is sized to qualify for the required DCV (28,981 cf) as well as the required detention volume (52,035 cf) from the drainage management area DMA-1 (Allard Engineering, 2024, p. 1-2).

Detention volume has been calculated based upon the City of Hesperia "13.5-cubic feet (cf) per 100-square feet (sqft) of impervious area" rule. Required combined detention volume (107,606 cf) exceeds the combined water quality volume (59,937 cf) from DMA-1 & DMA-2. The infiltration/retention Basin-1 with two-stage pit system will drain out at the northeast corner of DMA-1 to Poplar Street via an under-sidewalk parkway drain when the basin reaches capacity. The infiltration/retention Basin-2 with two-stage pit system will drain out at the northeast corner of DMA-2 to Poplar Street via under-sidewalk parkway drain when Basin-2 reaches capacity (Allard Engineering, 2024, p. 1-2). The proposed project site would maintain consistency with the existing drainage pattern in the area. (Allard Engineering, 2024, p. 4-12).

Figure 4.10-1
USGS SURFACE WATERS AND WATERSHEDS



Development of the project has the potential to result in two types of water quality impacts: (1) short-term impacts due to construction-related discharges; and (2) long-term impacts from operation. Temporary soil disturbance would occur during project construction, due to earth-moving activities such as excavation and trenching for foundations and utilities, soil compaction and moving, cut and fill activities, and grading. Disturbed soils are susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project area. Erosion and sedimentation affect water quality of receiving waters through interference with photosynthesis, oxygen exchange, and respiration, growth, and reproduction of aquatic species. Runoff from construction sites may include sediments and contaminants such as oils, fuels, paints, and solvents. Additionally, other pollutants such as nutrients, trace metals and hydrocarbons can attach to sediment and be carried by stormwater into storm drains which, under some circumstances, may discharge into the Mojave River and eventually to its terminus, East Cronise (Dry) Lake, located in Cronise Valley north of Interstate 15, east of the Cronise Mountains and west of the Soda Mountains, approximately 10 miles west of Zzyzx.

Spills and mishandling of construction materials and waste may also potentially leave the project site and negatively impact water quality. The use of construction equipment and machinery may potentially result in contamination from petroleum products, hydraulic fluids, and heavy metals. Contamination from building preparation materials such as paints and solvents, and landscaping materials such as fertilizers, pesticides, and herbicides may also potentially degrade water quality during project construction. Trash and demolition debris may also be carried into storm drains and discharged into receiving waters.

Construction Pollutants Control

The project proponent is required by the SWRCB to obtain coverage under a General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities (Order 2022-0057-DWQ; also called the General Permit), as authorized by § 402 of the Clean Water Act, for projects which would disturb one or more acres of soil during construction. The Construction General Permit requires potential dischargers of pollutants into waters of the U.S. to prepare a site-specific Stormwater Pollution Prevention Plan (SWPPP), which establishes enforceable limits on discharges, requires effluent monitoring, designates reporting requirements, and requires construction best management practices (BMPs) to reduce or eliminate point and non-point source discharges of pollutants. Additionally, BMPs must be maintained and inspected before and after each precipitation event, and repaired or replaced as necessary. Because the project is required by the SWRCB to comply with all applicable conditions of the General Permit (Order 2022-0057-DWQ), potential violations of water quality standards or waste discharge requirements during project construction would be less than significant.

Operational Pollutant Controls

National Pollutant Discharge Elimination System (NPDES; General Permit No. CAS000004), Waste Discharge Requirements (WDRs) for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (General Permit) requires that the permittees develop a Storm Water Management Program (SWMP). The City of Hesperia is a permittee (County of San Bernardino, 2003).

The SWMP regulates the discharge of pollutants into waters of the U.S. through stormwater and urban runoff conveyance systems, including flood control facilities. These conveyance systems are commonly referred to as municipal separate storm sewer systems (MS4s), or storm drains. In this context, the NPDES Permit is also referred to as an MS4 Permit.

A Phase II Small MS4 is any MS4 that is not already regulated under the Phase I storm water program. Regarding the City of Hesperia, the Phase II Small MS4 serves a small urbanized area as designated by the Bureau of Census. Principal permittees and co-permittees must regulate discharges of pollutants in urban runoff from man-made sources into storm water conveyance systems within their jurisdiction; for example, the Mojave Desert.

New development and redevelopment can significantly increase pollutant loads in stormwater and urban runoff, because increased population density results in proportionately higher levels of vehicle emissions, vehicle maintenance wastes, municipal sewage wastes, household hazardous wastes, fertilizers, pet waste, trash, and other pollutants (SWRCB, 2022). MS4 Permits require new development and significant redevelopment projects to incorporate post construction low impact development BMPs into project to reduce or eliminate the quantity, and improve the quality of, stormwater being discharged from the project site.

A preliminary WQMP (Allard Engineering, 2024), included in **Appendix G** of this document, has been prepared for the proposed project site in accordance with the *Mojave River Watershed Technical Guidance Document for Water Quality Management Plans* (County of San Bernardino, 2016). The *Stormwater Management Program for the Mojave River Watershed* (SWMP; County of San Bernardino, 2003) and the required WQMP includes the implementation of Low Impact Development (LID) features to ensure that most stormwater runoff is treated and retained onsite.

The preliminary WQMP includes structural BMPs, including use of efficient irrigation systems and landscape design, water conservation, smart controllers, and source control; and completion of grade of landscaped areas at a minimum of one to two inches below top of curb, sidewalk, or pavement, preservation the existing drainage patterns (Allard Engineering, 2024, pp. 4-5 to 4-9). These LID BMPs are highly effective at removing water pollutants such as sediment, nutrients, trash, metals, bacteria, oil and grease, and organic compounds while reducing the volume and intensity of stormwater flow leaving a site.

The WQMP also includes non-structural Source Control BMPs including (but not limited to): education of property owners, tenants, and occupants on stormwater BMPs; activity restrictions; landscape management BMPs; BMP maintenance; implementation of a spill contingency plan; implementation of a litter/debris control program; employee training; implementation of a drop inlets inspection program; housekeeping of loading docks; vacuum sweeping of private streets and parking lots; and compliance with all other applicable NPDES permits (Allard Engineering, 2024, pp. 4-5 to 4-9).

After implementation and design of both Source Control BMPs and Site Design BMP measures, runoff from DMA-1 and DMA-2 would be directed to proposed infiltration/retention Basin 1 and Basin 2, which are designed with two-stage pit systems to contain sediment and debris carried by incoming water. Floating trash, paper, pavement oil, etc. are removed by debris shields in each chamber; these shielding devices are equipped with a screen to filter suspended material and are vented to prevent siphoning of floating surface debris as the system drains. Additionally, settling chambers are equipped with absorbent sponges to remove pavement oils (Torrent Resources, Inc., 2012), as specified in Permit § E.12.e (ii)(c) *Numeric Sizing Criteria for Storm Water Retention and Treatment*.

With implementation of construction and operational BMPs, potential impacts to water quality would be less than significant and mitigation is not proposed.

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

Less than Significant Impact

The project site is located within the Upper Mojave River Valley Groundwater Basin (Basin ID 6-42), which covers approximately 645 square miles and underlies a north-south valley with the Mojave River occasionally flowing through the valley from the San Bernardino Mountains on the south, and northward into the Middle Mojave River Valley Groundwater Basin at the City of Helendale. This groundwater basin is bounded on the northeast by the Helendale fault zone, which forms a barrier to the groundwater flow in the regional fan unit, but does not appear to be a barrier to groundwater flow in the floodplain unit. Average precipitation varies across the basin from 5 to 36 inches; the average for the basin is approximately 12 inches (DWR, 2004).

The nearest water well (State Well Number 04N05W21H001S; California Statewide Groundwater Elevation Monitoring Program [CASGEM] Well Identification Number: 4044) is located approximately 0.7 miles northwest of the project. This active well is designated for observation purposes and is drilled to a depth of 670 feet. The most recent measurement, conducted on September 11, 2023, recorded a groundwater elevation of 658.6 feet below ground surface (bgs). The highest groundwater level was 647.4 feet bgs, measured on January 17, 1996 (CASGEM 2024).

The proposed project is within the service area of the Hesperia Water District (District). Water is supplied to the city from the groundwater aquifer, and is extracted using deep well water pumps and booster pumps in the distribution system. The city's water is extracted through 18 wells placed throughout Hesperia, where the water is regularly tested and treated per applicable state and federal regulations (City of Hesperia, 2008).

According to the City's Urban Water Management Plan (UWMP), the District can supply water to meet the needs of the service area through 2045 on a 25-year planning horizon with anticipation of both normal and dry conditions. Hesperia has reliable supplies to meet demand in normal, single dry years, and five consecutive dry year conditions through 2045 (Tully and Young, 2020).

The project would not substantially deplete groundwater supplies or result in a substantial net deficit in the aquifer volume or lowering of the local groundwater table. The project would have a less than significant impact in this regard and mitigation is not required.

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

i) Result in substantial erosion or siltation on or offsite;

Less Than Significant Impact

The project site is relatively flat with average slope of less than 2 percent (Allard Engineering 2024, p. 3-2). Elevations on the site range from approximately 3,606 to 3,620 feet above mean sea level (amsl; Google Earth Pro, 2022b). The southern segment of the project site contains slightly higher elevations that the northern segment. There is no evidence that the project site supports ephemeral, intermittent, or perennial streams or rivers. The site currently drains to the north toward Poplar

Street; the design of the project would direct water to the northeast corner (in DMA-1) and to the northwest corner (in DMA-2; Allard Engineering, 2024, pg. 3-1).

Construction

As described in **Section 4.10 a),** temporary soil disturbance would occur during project construction, due to earth-moving activities such as excavation and trenching for foundations and utilities, soil compaction and moving, cut and fill activities, and grading. Disturbed soils are susceptible to high rates of erosion from wind and rain, resulting in sediment transport via stormwater runoff from the project area.

The project owner would be required to have a SWPPP prepared by a certified qualified SWPPP developer. The required SWPPP would be project-specific and would prescribe site-specific stormwater BMPs which would be intended to minimize or avoid having soil leave the project site, through either stormwater or wind, and thus minimize or avoid soil erosion onsite and siltation in receiving waters. With implementation of a project specific SWPPP and proper maintenance and replacement of required stormwater BMPs (as necessary), potential impacts that could potentially result in substantial erosion or siltation on- or offsite would be minimized or avoided, and impacts would be less than significant.

Operation

As detailed in **Section 4.10 a)**, the LID BMPs proposed as part of project design would minimize or avoid on- or offsite erosion and siltation by a combination of maintaining drainage patterns, installation of landscaping, and installation of LID BMPs which would prevent erosion and prevent siltation-laden stormwater from leaving the site. Applicable regulations and guidelines (e.g., the SWMP), and installation of LID BMPs, including site design, infiltration, pre-treatment BMPs, etc., would limit pollutant discharges from project. The project's adherence to existing requirements and implementation of the project's WQMP would reduce erosion and siltation during operation; therefore, impacts resulting from operation of the project would be less than significant. Mitigation is not required.

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

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

<u>Less than Significant Impact</u>

As discussed in the project's preliminary WQMP, the project design would not substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite, 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. Impacts would be less than significant.

As detailed in the proposed project's WQMP and in **Section 4.10 a)** above, the proposed project would incorporate structural BMPs in compliance with the requirements of the SWMP for the Mojave River Watershed. The project proposes installation of two infiltration/retention basins in DMA-1 and

DMA-2 which, combined, retain stormwater onsite to the maximum extent practicable. The required combined detention volume (107,606 cubic feet) exceeds the combined water quality volume (59,937 cubic feet). The infiltration/retention Basins would drain out at the northeast and northwest corners of the site to Poplar Street via storm drain only when Basins reach capacity. (Allard Engineering, 2024, p. 3-1).

The SWMP and the project WQMP would require the implementation of water quality features to ensure that runoff is both retained and treated prior to discharge into native soils (infiltration), storm drains or other regional conveyance facilities, as described above. Therefore, upon adherence to existing state water quality requirements, including SWMP requirements, the proposed project would minimize or avoid causing a substantial increase in the rate or amount of surface runoff in a manner which would: (1) result in flooding on- or offsite; (2) would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems, or provide substantial additional sources of polluted runoff; or (3) 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. Impacts would be less than significant, and no mitigation is proposed.

iv) Impede or redirect flood flows?

No Impact

The project site is located on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) for San Bernardino County, California, and Incorporated Areas (Map Number 06071C6475H, effective August 28, 2008); the site is not located a Special Flood Hazard Area (SFHA) and above the elevation of the 0.2 percent annual chance (500-year) flood areas (FEMA, 2008; Google Earth Pro 2022b). The project site is located above the nearest 100- or 500-year floodplain and the proposed project would not impede or redirect flood flows. No impact would occur, and mitigation is not required.

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

No Impact

Two dams or reservoirs are within a 10-mile radius of the project site: Cedar Springs and Amethyst Basin. The project would not be located within the dam breach inundation areas of either of these dams or reservoirs (DWR, 2023) and would not be at risk of flood hazards due to dam breaches. As discussed previously, the project site is located above the 500-year floodplain and would not be at risk of inundation by flood hazards.

The tsunami inundation area nearest to the project site is the City of Long Beach, located approximately 60 miles southwest of the project site (FCGS, 2021), and therefore would not be at risk of inundation by tsunami.

A seiche is an oscillating wave, formed by earthquakes or winds, in an enclosed or partially enclosed waterbody. The nearest waterbody to the project site in which a seiche could form is Cedar Springs, approximately 8.75 miles southeast of the project site; however, flood water resulting from a seiche at that location would be directed into the Mojave River, east of the project site. The project site is

not within the dam breach inundation areas mapped for this waterbody (DWR, 2023), and the project would not be at risk of inundation by seiche.

The proposed project would not be at risk of inundation by flood hazards, tsunami, or seiche, and would therefore not be at risk of release of pollutants due to inundation. No impact would occur, and mitigation is not required.

e) Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?

Less than Significant Impact

Groundwater in the Upper Mojave River Valley Groundwater Basin (Basin ID 6-42) is recharged by natural storm water flows, infiltration of the Mojave River and tributaries, imported supplies from the Mojave Water Agency to recharge basins, and irrigation and wastewater return flow. Local supply of groundwater is naturally recharged by surface water from the Mojave River and the Mojave River watershed. Most of this water enters aquifers from the San Bernardino Mountains as rain or snow. Additionally, there are recharge sites in the floodplain aquifer along the Mojave River in Hesperia and southern Apple Valley through the operation of the MWA Regional Recharge and Recovery Project (Tully and Young, 2020).

As discussed in **Section 4.10 a)**, the proposed project would comply with the Construction General Permit by developing and implementing a site-specific SWPPP and construction stormwater BMPs throughout the construction phase. The proposed project would also comply with the SWMP by incorporating LID BMPs into project design, which would avoid or minimize the amount and type of pollutants leaving the project, entering receiving waters, and impacting water quality and beneficial uses defined for these waters by the Basin Plan (RWQCB, 1995). In addition, the LID BMPs would allow stormwater infiltration into the local aquifer, similar to the existing infiltration conditions and minimize or avoid impacts to groundwater quality and beneficial uses of the Upper Mojave River Valley Groundwater Basin (RWQCB, 1995). The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. No impact would occur, and mitigation is not required.

4.11 Land Use and Planning

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Physically divide an established community?				**X**
b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			**X**	

a) Would the project physically divide an established community?

No Impact

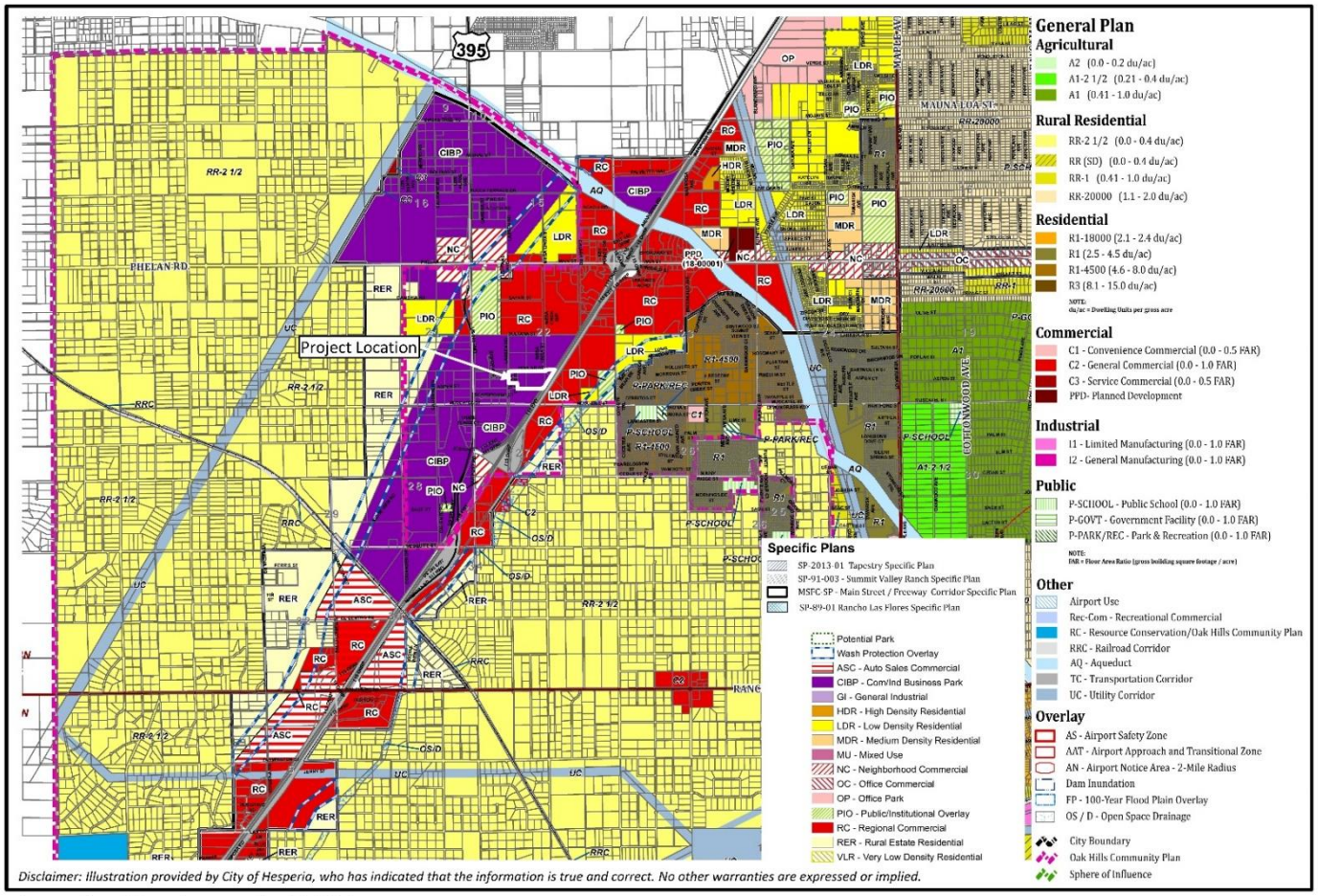
The entire project site is currently undeveloped land. The project site is located in a semi-rural and lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west (Google Earth Pro, 2024). The proposed project would stay within project site boundaries and would not extend into rights-of-way (ROWs) or other property. Therefore, project development would not physically divide an established community, and no impact would occur.

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

Less than Significant Impact

The City's General Plan land use and zoning designation for the project site is Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2020; City of Hesperia, 2010). Refer to **Figure 4.11-1** below, which depicts the General Plan land use and zoning designations of the project site and surrounding areas. The purpose of the CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses (The Arroyo Group, 2021, p. 196-197). The project proposes two truck warehouse buildings that would have warehouse, office, grade level door areas, and associated surface parking lot and landscaping. The proposed project would be consistent with the city's General Plan and zoning designation standards for the project site.

Figure 4.11-1
GENERAL PLAN LAND USE AND ZONING DESIGNATION



Source: City of Hesperia, November 18, 2021.

UltraSystems
environmental • management • planning

Cargo Solutions
Truck Warehouse

General Plan Land Use and Zoning

A consistency analysis of the proposed project in regards to applicable City of Hesperia General Plan Land Element and the Main Street and Freeway Corridor Specific Plan (MSFCSP) goals and policies is provided below in **Tables 4.11-1** and **4.11-2**, respectively.

Table 4.11-1
CONSISTENCY ANALYSIS: PROPOSED PROJECT COMPARED TO APPLICABLE CITY OF HESPERIA GENERAL PLAN LAND USE ELEMENT GOALS AND POLICIES

Goals and Policies	Consistency Analysis
Goal LU-1: Regulate development so that the density of residential development and the intensity of non-residential development are appropriate to the property, surrounding properties, and the general neighborhood.	
Policy LU-1.1: Require that new construction, additions, renovations, and infill developments be sensitive to neighborhood context and building form and scale.	The project would be a new construction project that is surrounded by similar industrial developments with similar building heights. Therefore, the project would be in compliance with this policy.
Policy LU-1.3: Require that new construction, additions, renovations, and infill developments be sensitive to the intent of the land use designations, incorporating neighborhood context as well as building form and scale.	The proposed buildings would be surrounded by similar industrial developments and would follow the project site's Com/Ind Business Park (CIBP) land use designation requirements. Therefore, this project would be consistent with this policy.
Goal LU-4: Promote industrial development within the City which will expand its tax base and provide a range of employment activities, while not adversely impacting the community or environment.	
Policy LU-4.2: Encourage a diverse mix of industrial and service businesses that support the local tax base, are beneficial to residents, and support the economic needs of the community.	The proposed project would construct and operate two industrial truck warehouse developments on an undeveloped and underutilized lot within the city, which would create additional jobs for the local workforce. Therefore, this project would be consistent with this policy.
Policy LU-4.3: Discourage the re-zoning of industrial land to other uses as sufficient industrial land should be maintained to provide a full range of industrial businesses to the community and surrounding areas.	The proposed project would adhere to its CIBP zoning and would provide an industrial development to the community and surrounding areas. Therefore, this project would be consistent with this policy.
Policy LU-4.6: Incorporate varied planes and textures and variety in building materials on industrial buildings to achieve high quality architectural design.	The proposed project would be built with a variety of high-quality materials that would adhere to the City's design guidelines, which would complement the industrial buildings surrounding the project. Therefore, the project would be consistent with this policy.
Policy LU-4.8: Require delivery areas to be separated from pedestrian areas.	The project has planned the office use and warehouse use on opposite sides of the buildings. Additionally, all truck parking areas are not within pedestrian rights-of-way (ROWs) such as sidewalks. Therefore, the project would be consistent with this policy.
Policy LU-4.9: Include full architectural treatment on all sides of buildings facing streets.	The proposed project would include full architectural treatment on all sides facing streets. Therefore, the project would comply with this policy.

Goals and Policies	Consistency Analysis

Sources: City of Hesperia, 2019a, p. XIX to XXIV. City of Hesperia General Plan. Accessed online at https://www.cityofhesperia.us/DocumentCenter/View/15728/General-Plan-Update-August-2019 , accessed on August 30, 2022.

Table 4.11-2
CONSISTENCY ANALYSIS: PROPOSED PROJECT COMPARED TO APPLICABLE CITY OF HESPERIA MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN GOALS AND POLICIES

Goals and Policies	Consistency Analysis
Goal LU-2: Create a jobs/housing balance in the City.	
Policy LU-2.1: Designate land near Interstate-15 and Highway 395 for freeway-oriented commercial and industrial/business park development.	The proposed project would construct and operate two industrial truck warehouse developments located between the I-15 and the U.S. 395 freeways. Therefore, the project would be consistent with this policy.
Policy LU-2.2: Add to the City's industrial land base where logically and physically possible to do so.	The proposed project would be located in a Com/Ind Business Park (CIBP) zoned area and within proximity to truck routes such as the I-15 and U.S.-395. Therefore, the project would be consistent with this policy.

Sources: The Arroyo Group, 2021, p. 24. City of Hesperia Main Street and Freeway Corridor Specific Plan. Accessed online at https://www.cityofhesperia.us/DocumentCenter/View/15940/MSFCSP-update , accessed on August 30, 2022.

As shown in **Tables 4.11-1** and **4.11-2**, the proposed project would adhere to all applicable land use goals and policies of the city's General Plan Land Use Element and the Main Street and freeway Corridor Specific Plan. Therefore, impacts would be less than significant.

4.12 Mineral Resources

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?			X	
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?			X	

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

and

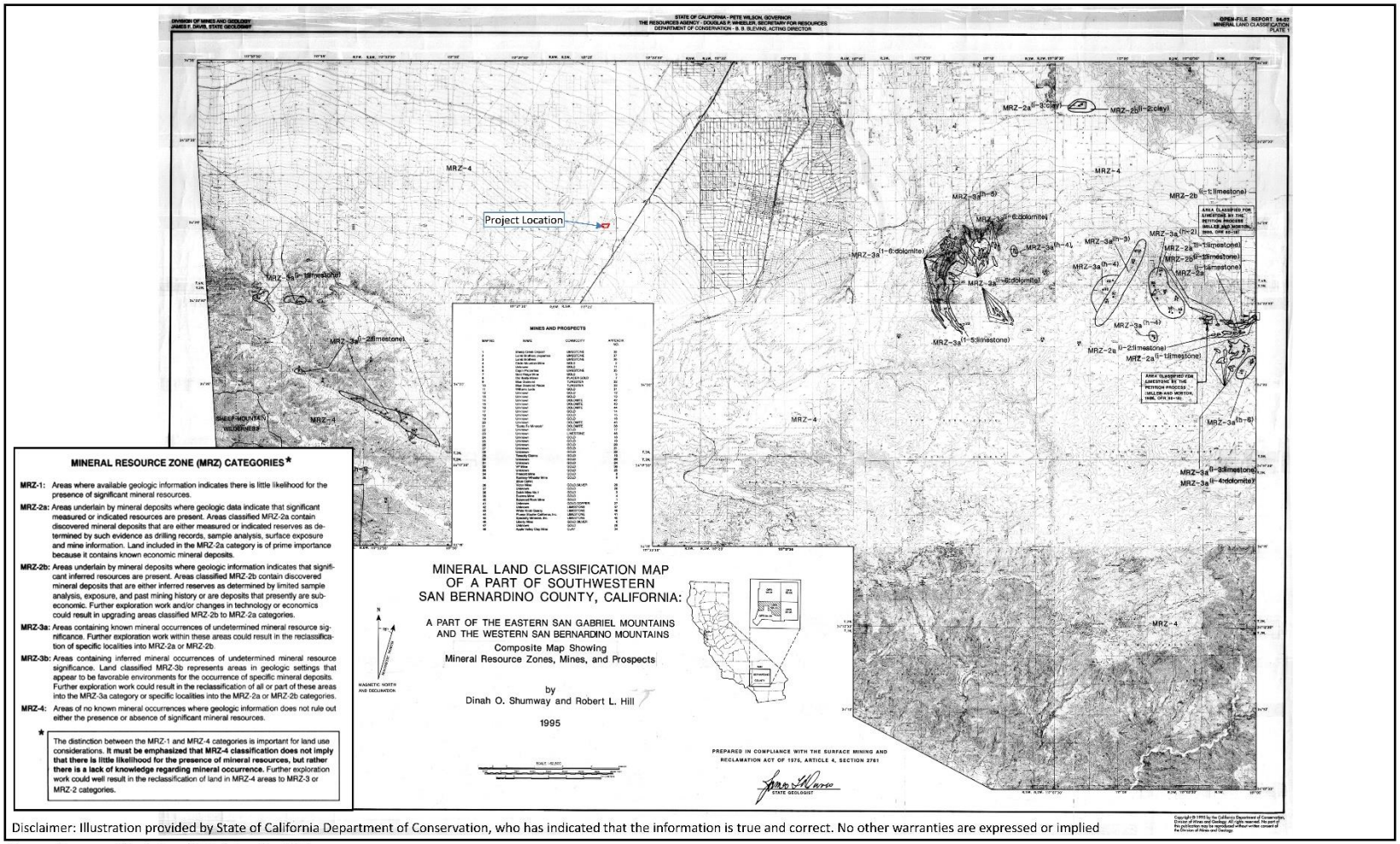
b) Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?

Less Than Significant Impact

The project site area is designated Mineral Resource Zone (MRZ-3a) by the California Department of Conservation (DOC), meaning that geologic data indicate that this area may contain significant aggregate deposit (DOC, 1993); see **Figure 4.12-2**. According to the proposed Hesperia General Plan Conservation and Open Space Element, the City of Hesperia currently has not identified any known mineral resources that would be of value to the region and the residents of the state (City of Hesperia, 2019a). Additionally, the project site is not scaled large enough for a mining operation.

The nearest mine to the project site mapped by the Division of Mines Reclamation (DMR) is a White Knob and White Ridge Mine at Crystal Creek Road and Gateway Road in the County of San Bernardino approximately 11.7 miles to the southeast (DOC, 2022a). The nearest oil or gas well to the project site is a plugged well approximately eight miles southwest of the project site (DOC, 2022b); see **Figure 4.12-2**. Therefore, project development would not cause a loss of availability of known mineral resources valuable in regards to the region with less than significant impact.

Figure 4.12-1
DESIGNATED MINERAL RESOURCE ZONE



Disclaimer: Illustration provided by State of California Department of Conservation, who has indicated that the information is true and correct. No other warranties are expressed or implied

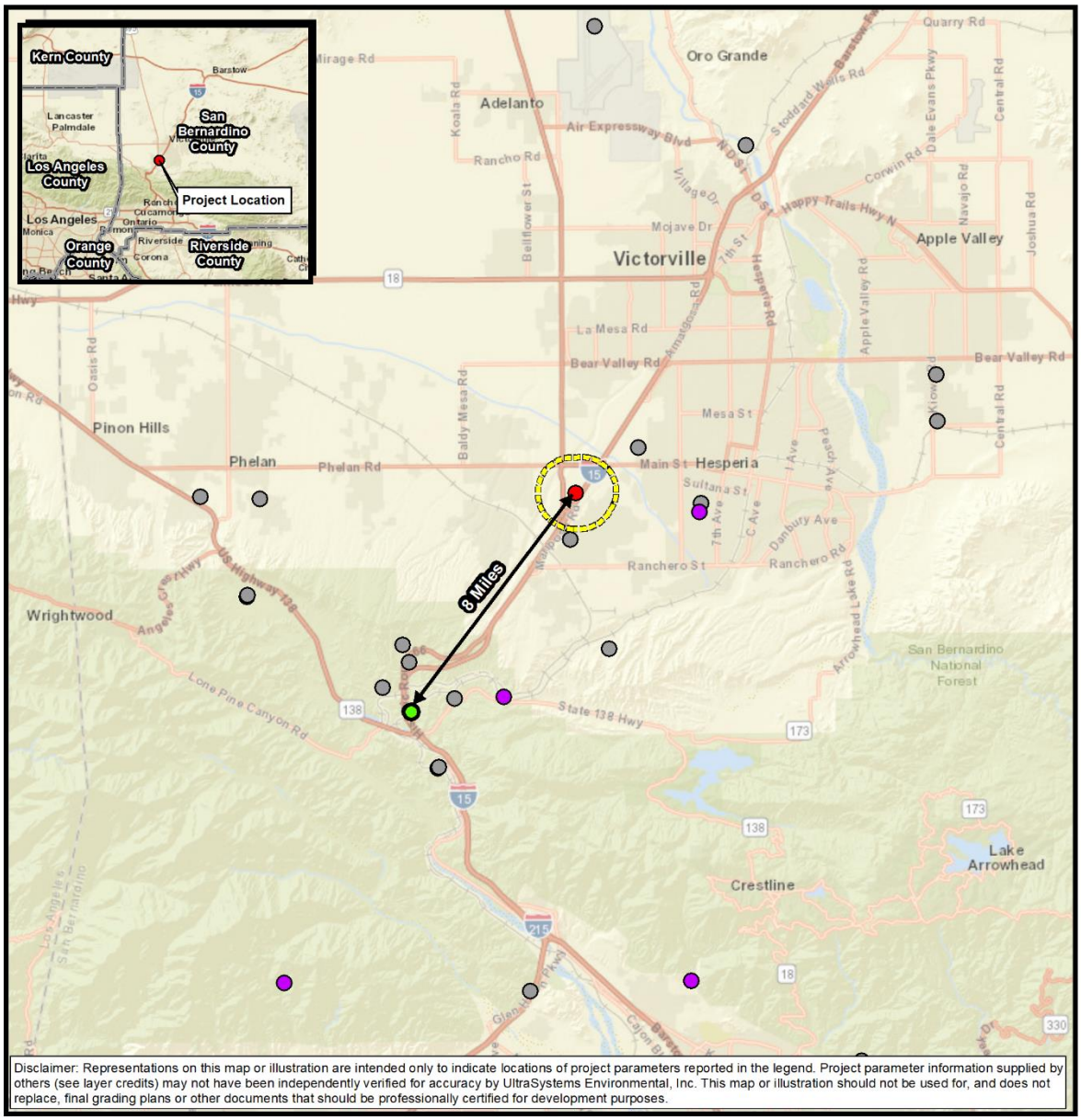
Source: Shumway, Dinah O. and Hill, Robert L., 1995.

UltraSystems environmental•management•planning

Cargo Solutions Truck Warehouse

Designated Mineral Resource Zones

Figure 4.12-2
OIL AND GAS WELLS



4.13 Noise

Would the project result in:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			**X**	
b) Generation of excessive groundborne vibration or groundborne noise levels?			**X**	
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				**X**

4.13.1 Characteristics of Sound

Sound is a pressure wave transmitted through the air. It is described in terms of loudness or amplitude (measured in decibels), frequency or pitch (measured in hertz or cycles per second), and duration (measured in seconds or minutes). The decibel (dB) scale is a logarithmic scale that describes the physical intensity of the pressure vibrations that make up any sound. The pitch of the sound is related to the frequency of the pressure vibration. Because the human ear is not equally sensitive to all frequencies, a special frequency-dependent rating scale is used to relate noise to human sensitivity. The A-weighted decibel scale (dBA) provides this compensation by discriminating against upper and lower frequencies in a manner approximating the sensitivity of the human ear. The scale is based on a reference pressure level of 20 micro pascals (zero dBA). The scale ranges from zero (for the average least perceptible sound) to about 130 (for the average human pain level).

4.13.2 Noise Measurement Scales

Several rating scales have been developed to analyze adverse effects of community noise on people. Since environmental noise fluctuates over time, these scales consider that the effect of noise on people depends largely upon the total acoustical energy content of the noise, as well as the time of day when the noise occurs. Those that are applicable to this analysis are as follows:

- L_{eq}, the equivalent noise level, is an average of sound level over a defined time period (such as 1 minute, 15 minutes, 1 hour or 24 hours). Thus, the L_{eq} of a time-varying noise and that of a steady noise are the same if they deliver the same acoustic energy to the ear during exposure.
- L_{90} is a noise level that is exceeded 90 percent of the time at a given location; it is often used as a measure of "background" noise.

- L_{max} is the root mean square (RMS) maximum noise level during the measurement interval. This measurement is calculated by taking the RMS of all peak noise levels within the sampling interval. L_{max} is distinct from the peak noise level, which only includes the single highest measurement within a measurement interval.
- CNEL, the Community Noise Equivalent Level, is a 24-hour average L_{eq} with a 4.77-dBA "penalty" added to noise during the hours of 7:00 p.m. to 10:00 p.m., and a 10-dBA penalty added to noise during the hours of 10:00 p.m. to 7:00 a.m. to account for noise sensitivity in the evening and nighttime (Hendriks, 2013). The logarithmic effect of these additions is that a 60-dBA 24-hour L_{eq} would result in a calculation of 66.7 dBA CNEL.
- L_{dn}, the day-night average noise, is a 24-hour average L_{eq} with an additional 10-dBA "penalty" added to noise that occurs between 10:00 p.m. and 7:00 a.m. The L_{dn} metric yields values within 1 dBA of the CNEL metric. As a matter of practice, L_{dn} and CNEL values are considered to be equivalent and are treated as such in this assessment.

4.13.3 Existing Noise

The proposed project includes the construction and operation of two truck warehouses at the southeast corner of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California. The western half of the project site (20.32 acres) will include the first truck warehouse building and surface parking for trucks and cars. The eastern half of the project site (9.8 acres) will include the second truck warehouse building and additional surface parking for trucks and cars. The project site will be divided and surrounded by an eight-foot-tall wall that serves as a property line and will help to attenuate noise during operation.

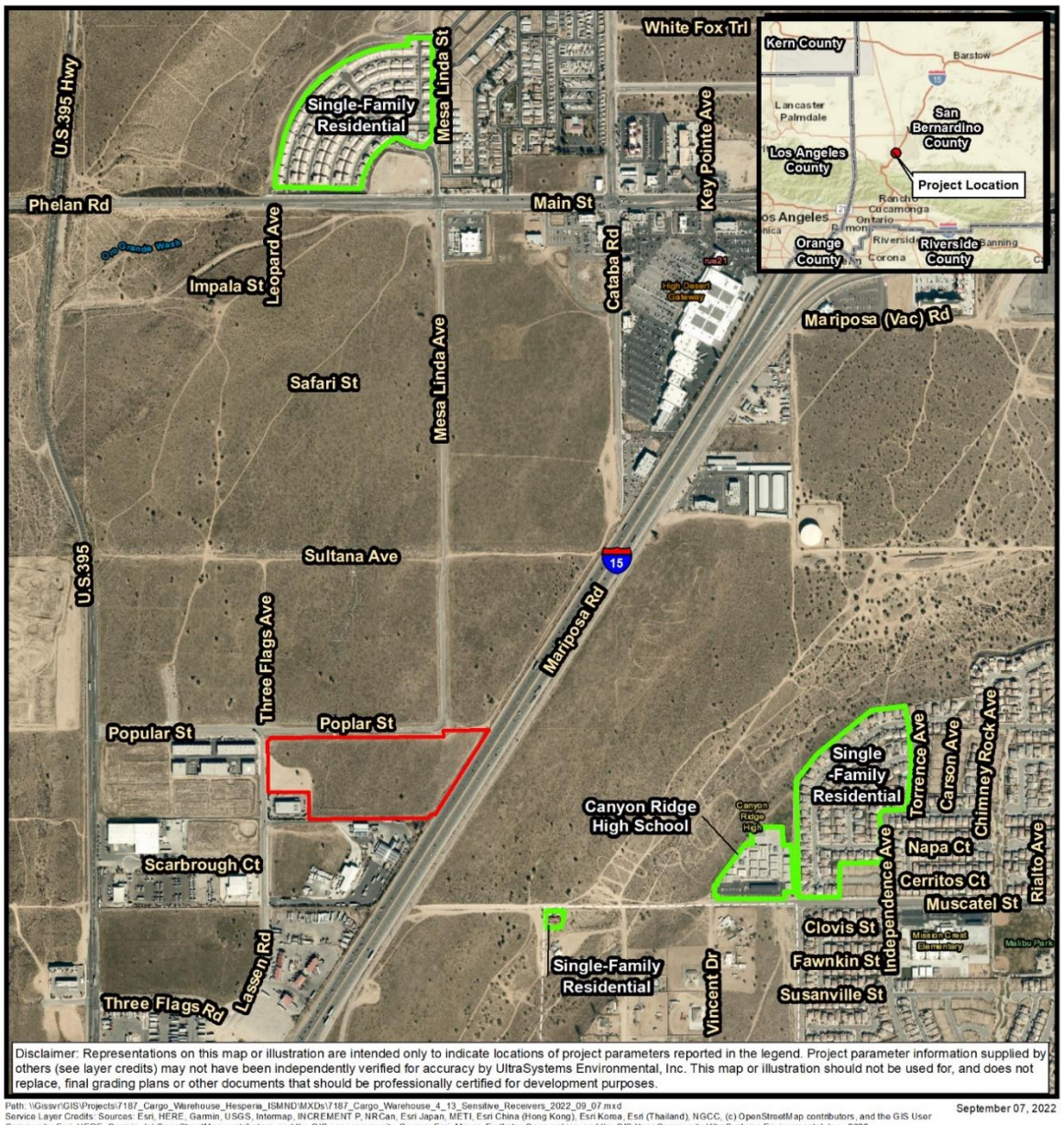
The City of Hesperia's General Plan lists a "*Noise Sensitive Land Use"* as a land use associated with indoor and/or outdoor activities that may be subject to stress and/or significant interference from noise, such as residential dwellings, transient lodging, dormitories, hospitals, educational facilities, public assembly facilities, amphitheaters, congregate care facilities, childcare facilities, and libraries (City of Hesperia, 2019a). Additionally, the City's Municipal Code has applicable noise standards in regard to construction noise, interior noise, and exterior noise (City of Hesperia Municipal Code, 2022). The closest noise sensitive land use to the project site is a rural single-family dwelling southeast of the project site, on the east side of the I-15 freeway and on the south side of Muscatel Road (Google Earth Pro, 2022). Noise sensitive land uses are shown in **Figure 4.13-1**. **Table 4.13-1** summarizes information about them.

Table 4.13-1
NOISE SENSITIVE LAND USES IN PROJECT AREA

Description	Location	Distance From Site Boundary (feet)[a]	Nearest Ambient Sampling Point[b]
Single-family Residence (Southeast)	12623 Muscatel Street	1,079	1
Canyon Ridge High School (Southeast)	12850 Muscatel Street	2,192	2
Single-family Residence (East)	9048 Seal Beach Drive	2,395	3
Single-family Residence (North)	9800 Mesa Linda Drive	4,059	4

[a]These distances were not used for the construction noise calculations; see **Section 4.13.6**.
[b]See **Figure 4.13-2** for locations of ambient noise sampling points.

Figure 4.13-1
SENSITIVE RECEIVERS NEAR THE PROJECT SITE



Freeway traffic (passenger vehicles and trucks) and traffic on heavily traveled surface streets are the largest contributors to ambient noise levels. City roadways that generate the most traffic noise include the major north-south trending I-15 and US Highway 395, due to their higher traffic volumes and vehicle speeds. The nearest east-west roadway that generates significant noise is Main Street, about 0.75 mile north of the project site. The project site is adjacent to the aforementioned freeways; the closest large noise-generating roadway to the project site is I-15 freeway, approximately 28 feet southeast of the project site and abutting the project boundary (Google Earth Pro, 2022).

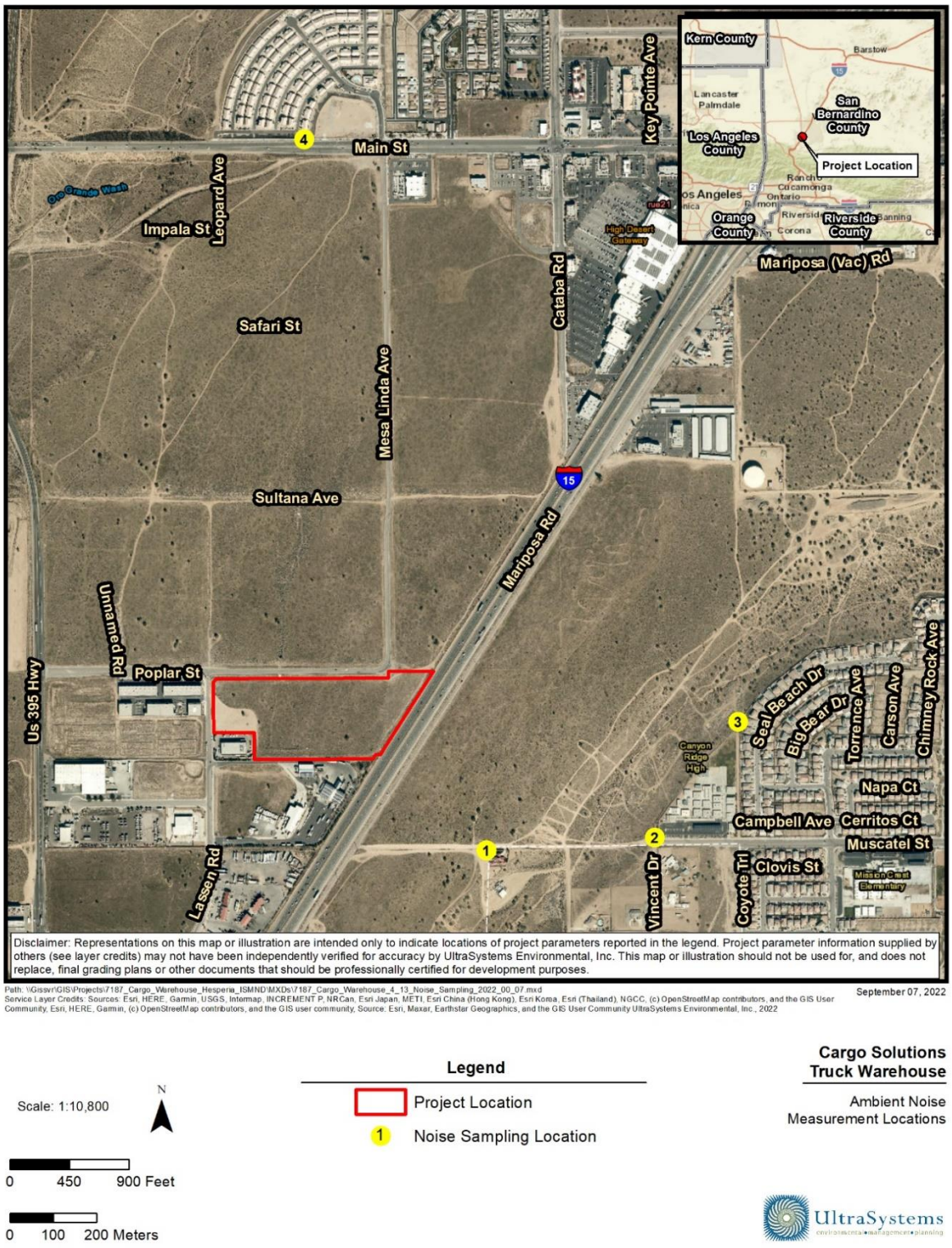
UltraSystems conducted ambient noise sampling at four locations around the project site area, as shown in **Figure 4.13-2**. **Table 4.13-2** lists the measurement points, sampling locations, and measurement results. Details of the ambient sampling methods and results are provided in **Appendix H**. The samples were taken between 10:52 a.m. and 12:53 p.m. on Thursday, August 25, 2022. The 15-minute L_{eq} values ranged from 49.8 dBA to 71.5 dBA. The lowest of these values was measured at Point 2, which is located in front of Canyon Ridge High School along Muscatel Street southeast of the project site. The maximum ambient noise level was located at Point 4, located in front of a single-family residence along Main Street approximately 0.75 mile north of the project site.

Table 4.13-2
AMBIENT NOISE MEASUREMENT RESULTS

Point	Data Set	Sampling Time	Address	Sound Level (dBA)			Notes
				L_{eq}	L_{max}	L_{90}	
2	S270	10:52 a.m. – 11:07 a.m.	12850 Muscatel Street	49.8	62.6	45.7	Southwest corner of Canyon Ridge High School, east-southeast of project site
3	S271	11:22 a.m. – 11:37 a.m.	9048 Seal Beach Drive	50.6	62.8	47.5	In front of residential wall on Canyon Ridge High School property east of project site
1	S272	11:58 a.m. – 12:13 p.m.	12623 Muscatel Street	53.1	61.1	49.8	In front of a rural single-family residence southeast of project site
4	S273	12:38 p.m. - 12:53 p.m.	9800 Mesa Linda Street	71.5	89.2	51.9	In front of single-family housing tract along residential wall north of project site

Source: UltraSystems, 2022.

Figure 4.13-2
AMBIENT NOISE MEASUREMENT LOCATIONS



4.13.4 Regulatory Setting

State of California

The California Department of Health Services (DHS) Office of Noise Control, which no longer exists, studied the correlation of noise levels with effects on various land uses. The most current guidelines prepared by the state noise officer are contained in the "General Plan Guidelines" issued by the Governor's Office of Planning and Research in 2003 and reissued in 2017 (OPR, 2017). These guidelines establish four categories for judging the severity of noise intrusion on specified land uses:

- Normally Acceptable: Is generally acceptable, with no mitigation necessary.
- Conditionally Acceptable: May require some mitigation, as established through a noise study.
- Normally Unacceptable: Requires substantial mitigation.
- Clearly Unacceptable: Probably cannot be mitigated to a less-than-significant level.

The types of land uses addressed by the state standards, and the acceptable noise categories for each, are presented in Table 4.13-4. There is some overlap between categories, which indicates that some judgment is required in determining the applicability of the numbers in a given situation.

Title 24 of the California Code of Regulations requires performing acoustical studies before constructing dwelling units in areas that exceed 60 dBA L_{dn}. In addition, the California Noise Insulation Standards identify an interior noise standard of 45 dBA CNEL for new multi-family residential units. Local governments frequently extend this requirement to single-family housing.

Table 4.13-4
CALIFORNIA LAND USE COMPATIBILITY FOR COMMUNITY NOISE SOURCES

Land Use Category	Noise Exposure (dBA, CNEL)						
	55	60	65	70	75	80	
Residential – Low-Density Single-Family, Duplex, Mobile Homes							
Residential – Multiple Family							
Transient Lodging – Motel, Hotels							
Schools, Libraries, Churches, Hospitals, Nursing Homes							
Auditoriums, Concert Halls, Amphitheaters							
Sports Arena, Outdoor Spectator Sports							

Land Use Category	Noise Exposure (dBA, CNEL)
Playgrounds, Neighborhood Parks	
Golf Courses, Riding Stables, Water Recreation, Cemeteries	
Office Buildings, Business Commercial and Professional	
Industrial, Manufacturing, Utilities, Agriculture	

	Normally Acceptable: Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.
	Conditionally Acceptable: New construction or development should be undertaken only after a detailed analysis of the noise reduction requirements is made and needed noise insulation features included in the design. Conventional construction, but with closed windows and fresh air supply system or air conditioning will normally suffice.
	Normally Unacceptable: New construction or development should generally be discouraged. If new construction or development does proceed, a detailed analysis of the noise reduction requirements must be made and needed noise insulation features included in the design.
	Clearly Unacceptable: New construction or development should generally not be undertaken.

Source: Governor's Office of Planning and Research, 2017.

City of Hesperia General Plan Noise Element

The City of Hesperia General Plan Noise Element has the following applicable goals and associated policies for addressing noise issues in the community (City of Hesperia, 2019a):

Goal: NS-1 To achieve and maintain an environment which is free from excessive or harmful noise through identification, control and abatement.

Policy NS-1.1: Incorporate noise reduction features during site planning and into land use planning decisions to mitigate anticipated noise impacts on affected residential noise-sensitive land uses.

Policy NS-1.2; Control and abate undesirable sounds through the use of the land use compatibility criteria shown in Exhibit NS-1, Table N-3, and Municipal Code Section 16.20.125(B).

Policy NS-1.3; Enforce the California Noise Insulation Standards (California Code of Regulations, Title 24). Title 24 requires that an acoustical analysis be performed for all new multifamily residences in areas where the exterior sound level exceeds 60 dBA CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 dBA CNEL or below.

Policy: NS-1.4; Require that an acoustical analysis be performed for all new single-family residences in areas where the exterior sound level exceeds 60 dBA CNEL. The analysis shall ensure that the building design limits the interior noise environment to 45 dBA CNEL or below.

Policy NS-1.5; Require the design and construction of commercial, industrial, office and mixed-use structures developments with noise attenuation methods to minimize excessive noise upon noise-sensitive land uses.

Policy NS-1.6: Provide developers and builders with development noise policy guidelines. The guidelines shall provide specific design criteria, minimum standards for submittal of acoustical studies and descriptions of acceptable noise mitigation measures.

Policy NS-1.7: Ensure that areas of frequent outdoor use … are not subjected to inappropriate noise levels resulting from transportation systems.

Policy NS-1.8: Coordinate with state and local agencies to maintain and enforce noise control policies and standards.

Policy NS-1.9: Encourage commercial, industrial, office and mixed-use developments to locate loading areas, parking lots, driveways, trash enclosures, mechanical equipment, and other noisier components away from noise-sensitive land uses.

Policy NS-1.10: Limit the hours of construction activity in, and around, residential areas in order to reduce the intrusion of noise in the early morning and late evening hours and on weekends and holidays.

Policy NS-1.11: Limit delivery hours for businesses with loading areas or docks fronting, siding, or bordering or gaining access on driveways adjacent to noise-sensitive areas.

Policy NS-1.12: Implement nighttime and daytime on-site noise level limits to address noise generated by commercial and industrial uses where it affects abutting residential and other noise sensitive land uses.

Policy NS-1.13: Ensure adequate noise control measures at construction sites by requiring that construction equipment be fitted with manufacturer-recommended mufflers and ensuring physical separation of machinery maintenance and staging areas from adjacent residential uses.

Policy NS-1.14: Encourage noise compatible land uses within airport influence areas in accordance with federal and state noise standards and guidelines.

Policy NS-1.15: Require an avigation easement for new residential development within the Airport Noise Area, as defined in the Land Use Element.

Policy NS-1.16: Review the noise element when major changes in the noise environment occur. Building Design Goal: NS-2 To achieve and maintain an environment which is free from excessive vibration.

Goal: NS-2 To achieve and maintain an environment which is free from excessive vibration.

Policy NS 2.1: Control exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels as set forth in Table NS-1 and Municipal Code Section 16.20.130.

Policy NS 2.2: Evaluate potential vibration impacts during site planning and into land use planning decisions for proposed residential building within 200 feet of the centerline of the nearest track of the BNSF and UP railroad.

To the extent that the foregoing applies to the proposed project, the project design and operational characteristics are compatible with the Noise Element's goals, objectives and policies.

The City of Hesperia exterior and interior noise standards are shown in **Table 4.13-5**.

Table 4.13-5
CITY OF HESPERIA INTERIOR AND EXTERIOR NOISE STANDARDS

Land Use Categories		Community Noise Equivalent Level (dBA CNEL)	
Categories	**Land Uses**	**Interior[a]**	**Exterior[b]**
Residential	Single Family, Duplex, Multiple Family	45[c]	65
	Mobile Homes	n/a	65[d]
Commercial Industrial Institutional	Hotel, Motel, Transient Lodging	45	65[e]
	Commercial Retail, Bank, Restaurant	55	n/a
	Office Building, Research and Development, Professional Offices, City Office Building	50	n/a
	Amphitheatre, Concert Hall, Meeting Hall	45	n/a
	Gymnasium (Multipurpose)	50	n/a
	Sports Club	55	n/a
	Manufacturing, Warehousing, Wholesale, Utilities	65	n/a
	Movie Theatres	45	n/a
Institutional	Hospitals, School Classrooms	45	65
	Church, Library	45	n/a
Open Space	Parks	n/a	65

Land Use Categories		Community Noise Equivalent Level (dBA CNEL)	
Categories	**Land Uses**	**Interior[a]**	**Exterior[b]**

a. Indoor environment excluding: bathrooms, toilets, closets, corridors.
b. Outdoor environment limited to:
Private yard of single family
Multi-family private patio or balcony which is served by a means of exit from inside.
Mobile home park
Hospital patio
Park picnic area
School playground
Hotel and motel recreation area
c. Noise level requirement with closed windows
Mechanical ventilation system or other means of natural ventilation shall be provided per Building Code.
d. Exterior noise level should be such that interior noise level will not exceed 45 dBA CNEL.
e. Except those areas affected by aircraft noise.

Source: Kimley-Horn (2010), p 10.

City of Hesperia Municipal Code

The City of Hesperia's regulations with respect to noise are included in Municipal Code Article V § 16.20.125 (Noise) and 16.20.130 (Vibration). The City of Hesperia Municipal Code noise standards are shown in **Table 4.13-6**.

City of Hesperia Municipal Code § 16.20.125

A) Noise Measurement. Noise will be measured with a sound level meter, which meets the standards of the American National Standards Institute (ANSI Section S1.4-1979, Type 1 or Type 2). Noise levels shall be measured using the "A" weighted sound pressure level scale in decibels (ref. pressure = 20 micro-newtons per meter squared). The unit of measure shall be designated as dB(A). The building official shall be the noise control officer.

B) Noise Standards.

1. The following table describes the noise standard for emanations from any source, as it affects adjacent properties:

Table 4.13-6
CITY OF HESPERIA NOISE STANDARDS

Affected Land Use (Receiving Noise)	Maximum Noise Level (dB)	Time Interval
A-1, A-2, R-1, R-3, and RR Zone Districts	55	10:00 p.m. – 7:00 a.m.
A-1, A-2, R-1, R-3, and RR Zone Districts	60*	7:00 a.m. – 10:00 p.m.
C-1, C-2, C-3, C-4, C-R, AP, and P-I Zone Districts	65*	Anytime
I-1 and I-2 Zone Districts	70*	Anytime

Affected Land Use (Receiving Noise)	Maximum Noise Level (dB)	Time Interval

* Due to wind noise, the maximum permissible noise level may be adjusted so that it is no greater than 5 dB(A) above the ambient noise level.

2. No person shall operate or cause to be operated any source of sound at any location or allow the creation of any noise on property owned, leased, occupied or otherwise controlled by such person, which causes the noise level, when measured on any other property, either incorporated or unincorporated, to exceed:

   a. The noise standard for that receiving land use (as specified in subsection (B)(1) of this section) for a cumulative period of more than thirty (30) minutes in any hour; or

   b. The noise standard plus five dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or

   c. The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour; or

   d. The noise standard plus fifteen (15) dB(A) for a cumulative period of more than one minute in any hour; or

   e. The noise standard plus twenty (20) dB(A) for any period of time.

C) If the measured ambient level exceeds any of the first four noise limit categories above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level.

D) If the alleged offense consists entirely of impact noise or simple tone noise, each of the noise levels in subsection (B)(1) of this section shall be reduced by five dB(A).

E) Exempt Noises. The following sources of noise are exempt:

1. Motor vehicles not under the control of the industrial use;

2. Emergency equipment, vehicles and devices;

3. Temporary construction, repair, or demolition activities between seven a.m. and seven p.m. except Sundays and federal holidays.

City of Hesperia Municipal Code § 16.20.130

The maximum allowable vibration at or beyond the lot line of a vibration-producing activity is peak particle velocity of 0.2 inch per second. Construction activities are exempt from this restriction as long as they occur between 7:00 a.m. and 7:00 p.m., except Sundays and holidays.

4.13.5 Significance Thresholds

Two criteria were used for judging noise impacts. First, noise levels generated by the proposed project must comply with all applicable relevant federal, state, and local standards and regulations. Noise impacts on the surrounding community are limited by local noise ordinances, which are implemented through investigations in response to nuisance complaints. It is assumed that all existing regulations for the construction and operation of the proposed project will be enforced. In addition, the proposed project should not produce noise levels that are incompatible with adjacent noise-sensitive land uses.

The second measure of impact used in this analysis is a significant increase in noise levels above existing ambient noise levels as a result of the introduction of a new noise source. An increase in noise level due to a new noise source has a potential to adversely impact people. The proposed project would have a significant noise impact if it would:

- Expose persons to or generate noise levels in excess of standards prescribed by the City of Hesperia Municipal Code; or
- Include construction activities within the hours prohibited by the Municipal Code, without a permit; or
- Result in total (ambient plus project-related) short-term noise exposures exceeding 80 dBA L_{eq}
- Contribute, with other local construction projects, to a significant cumulative noise impact; or
- Increase operational exposures at sensitive receivers (mainly because of an increase in traffic flow) by 5 dBA CNEL or more.

4.13.6 Impact Analysis

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

Less than Significant Impact

Noise impacts associated with commercial and industrial projects include short-term and long-term impacts. Construction activities, especially heavy equipment operation, would create noise effects on and adjacent to the construction site. Long-term noise impacts include those from project-generated onsite and offsite operational noise sources. Onsite (stationary) noise sources from the project site would include operation of mechanical equipment such as air conditioners, landscape and building maintenance; and onsite automobile and truck traffic. Offsite noise would be attributable to project-induced traffic, which would cause an incremental increase in noise levels within and near the project vicinity.

Construction

Noise impacts from construction activities are a function of the noise generated by the operation of construction equipment, onroad delivery and worker commuter vehicles, the location of equipment, and the timing and duration of the noise-generating activities. For the purpose of this analysis, it is estimated that the proposed project would be built in one phase, whose subphases are listed in **Table 4.13-7**. **Table 4.3-4** lists the starts and ends of the subphases. Construction is anticipated to take about eleven months, from February 2025 to December 2025. This was taken into account in the analysis of construction noise.

The types and numbers of pieces of equipment to be deployed during each construction phase were determined as part of the air quality and greenhouse gas emissions analyses for this project. (See **Appendix B**.) For each equipment type, **Table 4.13-7** shows an average noise emission level (in dB at 50 feet, unless otherwise specified) and a "usage factor," which is an estimated fraction of operating time that the equipment would be producing noise at the stated level.

Table 4.13-7
CONSTRUCTION EQUIPMENT CHARACTERISTICS

Phase	Equipment Type	Horse-power	No. of Pieces	Usage Factor	dBA @ 50 Feet
1 – Grading	Graders	148	1	0.41	85
	Tractor/Loader/Backhoes	84	1	0.37	85
	Scrapers	367	4	0.48	84
2 – Offsite Phase – Poplar Street - Trenching	Excavators	158	2	0.38	77
	Tractor/Loader/Backhoes	84	1	0.37	85
2 – Offsite Phase– Three Flags Ave – Trenching	Excavators	158	2	0.38	77
	Tractor/Loader/Backhoes	84	2	0.37	85
3 – Vertical/Site Work Phase - Building Construction	Rough Terrain Forklifts	231	4	0.30	67
	Tractor/Loader/Backhoes	84	3	0.37	85
	Skid Steer Loaders	65	4	0.40	80
4 – Vertical/Site Work Phase - Paving	Pavers	81	2	0.42	77
	Paving Equipment	89	2	0.4	85
	Rollers	36	2	0.38	74
5 - Vertical/Site Work Phase - Architectural Coating	Air Compressors	37	1	0.48	81

Source: CalEEMod Version 2020.4.0 and FHWA, 2006.

Using calculation methods published by the Federal Transit Administration (FTA, 2018), UltraSystems estimated the average hourly exposures at the nearest sensitive receiver for each construction phase. The receivers evaluated included single-family houses along the south side of Muscatel Street, southeast of the project site; Canyon Ridge High School along the north side of Muscatel Street, east-southeast of the project site; a single-family house along the north side of Main Street, north of the project site; and a single-family house on Seal Beach Drive east of the project site (see **Figure 4.13-1**). The distances used for the calculation were measured from the receivers to the approximate center of activity of each construction phase, since that would be the average location of construction equipment most of the time.

Table 4.13-8 shows the results of the construction noise calculations. The combination of building construction and trenching would create the highest exposures at any of the sensitive receivers. This is why the table shows two distances: first the distance from the building construction noise source then the distance from the trenching noise source. Given the low exposure levels, noise attenuation by walls shielding some of the receivers was not calculated. Given that the Municipal Code exempts construction activities from noise exposure limits and that the total noise exposures (ambient plus project-related) will be less than 80 dBA L_{eq}, the noise impacts from construction will be less than significant and no mitigation is necessary.

Table 4.13-8
MAXIMUM ESTIMATED CONSTRUCTION NOISE LEVELS

Sensitive Receivers	Distance (feet)	15-minute L_{eq} (dBA)	
		Existing	Projected
1 - 12623 Muscatel Street	1,445, 2,057	53.1	55.1
2 - 12850 Muscatel Street	2,402, 3,023	49.8	51.2
3 - 9048 Seal Beach Drive	2,858, 3,414	50.6	51.4
4 - 9800 Mesa Linda	4,456. 4,100	71.5	71.5

Operations

Onsite

Onsite (stationary) noise sources from the Proposed Project in the operational phase would include automobiles and heavy-duty trucks entering, exiting, and idling within the project. According to the CalEEMod Version 2022.1.1.29 analysis for this project, the maximum hourly traffic would be 168.3 passenger vehicles and 92.1 heavy-duty trucks (CAPCOA, 2022). The maximum hourly noise exposure for a given number of individual arrivals is (FTA, 2018, p. 44):

$$L_{eq} = SEL + 10 \log(V) + C_S \log(S/50) - 35.6$$

where

SEL = sound exposure level of one vehicle[10]

[10] The sound exposure level (SEL) is equivalent to the total sound energy experienced during a measurement period, as if it had all occurred in one second.

V = number of vehicles per hour

C_S = speed constant (15 for trucks, 30 for autos)

S = average vehicle speed, miles per hour (15 miles per hour)

No information on SEL values for diesel trucks was publicly available. A typical noise exposure level for a heavy-duty diesel truck at 50 feet and moving at 50 miles per hour is about 82 dBA (FHWA, 2019, p. 69). This is the same as the SEL for a diesel bus (FTA, 2018, p. 78). It is reasonable, for the purpose of this analysis, to use 82 dBA for the trucks. Therefore, for 92.1 heavy-duty trucks per hour, the L_{eq} would be 58.2 dBA at 50 feet. The SEL for automobiles was assumed to be 74 dBA (FTA, 2018, p. 44). A similar analysis for onsite automobile use results in an estimate of 45.0 dBA at 50 feet. Total onsite mobile source noise would be 58.4 dBA L_{eq}. Increases in L_{eq} at the closest residence used for the construction noise analysis would essentially be undetectable. Noise impacts from onsite sources would be less than significant.

Offsite

The principal noise source in the project area is traffic on local streets. The project may contribute to a permanent increase in ambient noise levels in the project vicinity due to project-generated vehicle traffic on neighborhood roadways and at intersections. A noise impact would occur if the project contributes to a permanent increase in ambient noise levels affecting sensitive receivers along roadways that would carry project-generated traffic. According to the CalEEMod Version 2022.1.1.29 analysis for this project, the project would generate 260.4 trips per day (CAPCOA, 2022).

The proposed warehouses are close to two major transportation corridors: U.S. Highway 395 and Interstate 15. Traffic to and from U.S. 395 would likely follow Three Flags Avenue and Poplar Street; all project entrances and exits would be on Poplar Street. An offramp from the southbound I-15 leads to Joshua Street and then U.S. 395, and the aforementioned route to the facility. An offramp from the northbound I-15 leads to Mariposa Road, and then Joshua Street and again the aforementioned route to the project site. All these alternatives pass through industrial and commercial areas, with few sensitive receivers.

I-15 is the predominant onroad traffic noise source in the project area and is the nearest source to surrounding sensitive receivers. According to Caltrans (2024), the 2021 average annual daily traffic (AADT) on I-5 north of its intersection with US Route 395 was 133,000 vehicles per day. Assuming that all project traffic travels on I-5, the increase in traffic would be 0.2 percent.

Given the logarithmic nature of the decibel, traffic volume needs to be doubled in order for the noise level to increase by 3 dBA, the minimum change perceived by the average human ear (ICF Jones & Stokes, 2009). A doubling is equivalent to a 100% increase. Because the maximum increase in traffic along any route to and from the project site is far below 100%, the increase in roadway noise experienced at sensitive receivers would not be perceptible to the human ear. Therefore, roadway noise associated with project operation would not expose a sensitive land use to noise levels that are considered incompatible with or in excess of adopted standards, and impacts would be less than significant.

b) Would the project result in generation of excessive groundborne vibration or groundborne noise levels?

Less than Significant Impact

Vibration is sound radiated through the ground. Vibration can result from a source (e.g., subway operations, vehicles, machinery equipment, etc.) causing the adjacent ground to move, thereby creating vibration waves that propagate through the soil to the foundations of nearby buildings. This effect is referred to as groundborne vibration. The peak particle velocity (PPV) or the RMS velocity are usually used to describe vibration levels. PPV is defined as the maximum instantaneous peak of the vibration level, while RMS is defined as the square root of the average of the squared amplitude of the level. PPV is typically used for evaluating potential building damage, while RMS velocity in dB is typically more suitable for evaluating human response.

The background vibration velocity level in residential areas is usually around 50 vibration decibels (VdB). The vibration velocity level threshold of perception for humans is approximately 65 VdB. A vibration velocity level of 75 VdB is the approximate dividing line between barely perceptible and distinctly perceptible levels for most people. Most perceptible indoor vibration is caused by sources within buildings such as operation of mechanical equipment, movement of people, or the slamming of doors. Typical outdoor sources of perceptible groundborne vibration are construction equipment, steel-wheeled trains, and traffic on rough roads. If a roadway is smooth, the groundborne vibration from traffic is rarely perceptible.

Construction Vibration

Construction activities for the project have the potential to generate low levels of groundborne vibration. The operation of construction equipment generates vibrations that propagate though the ground and diminish in intensity with distance from the source. Vibration impacts can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibration at moderate levels, to slight damage of buildings at the highest levels. The construction activities associated with the project could have an adverse impact on both sensitive structures (i.e., building damage) and populations (i.e., annoyance). The receiver at the stated distance is a single-family residence at 12623 Muscatel Street.

Pile drivers or other major vibration sources will not be used for construction of the Cargo Solutions Truck Warehouses Project. The question is whether the equipment that will be deployed will have significant vibration impacts. In 2018, the FTA published standard vibration levels for construction equipment operations, at a distance of 25 feet. The construction related vibration levels for the nearest sensitive receivers for major construction phases are shown in **Table 4.13-9**. These calculations were based on the distances from the construction activity to the closest sensitive receiver.

Table 4.13-9
VIBRATION LEVELS OF TYPICAL CONSTRUCTION EQUIPMENT

Equipment	PPV at 25 feet (in/sec)	Vibration Decibels at 25 feet (VdB)	PPV at 1,791 feet (in/sec)[a]	Vibration Decibels at 1,791 feet (VdB)[a]	PPV at 99 feet (in/sec)[a]	Vibration Decibels at 99 feet (VdB)[a]
Loaded Trucks	0.076	86			0.017	68
Jackhammer	0.035	79	0.00032	23		
Small bulldozer	0.003	58	0.00003	2.3		
Large bulldozer	0.089	87	0.00081	31		

Source: Calculated by UltraSystems.
Note: PPV = peak particle velocity, VdB = vibration decibels, in/sec = inches per second.
[a]Applies to onsite construction activities to the nearest sensitive receiver (12623 Muscatel Street).

As shown in **Table 4.13-9**, the PPV of construction equipment at the nearest sensitive receiver (99 feet) is at most 0.017 inch per second, which is less than the FTA damage threshold of 0.12 inch per second PPV for fragile historic buildings. It is also lower than the Hesperia Municipal Code § 16.20.130 standard of 0.2 inch per second. The maximum VdB are 68 VdB, which is below the FTA threshold for human annoyance of 80 VdB. Unmitigated vibration impacts would therefore be less than significant.

Operational Vibration

Operation of the proposed project would not involve significant sources of ground-borne vibration or ground-borne noise. Thus, operation of the proposed project would result in a less than significant impact.

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

No Impact

The closest active airport is the Hesperia Airport, located 4.9 miles southeast of the project site (Google Earth Pro, 2022). The project site is not located within the 65-dBA CNEL noise contours of that airport (City of Hesperia, 2019a). Therefore, the project would not expose people residing or working in the project area to a safety hazard or excessive noise levels associated with airports and no impact would occur.

4.14 Population and Housing

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			X	
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				X

a) Would the project induce substantial unplanned growth in an area either directly (for example, by proposing new homes and business) or indirectly (for example, through extension of roads or other infrastructure)?

Less than Significant Impact

The project proposes the construction and operation of two truck warehouse developments, which does not propose a residential development that would cause direct population growth. The project would create limited employment opportunities (both during the construction and operational phases). However, it is anticipated that employees from the local workforce would be hired during both the construction and operational phases of the project, and the project is not of the scope or scale to induce people to move from out of the project area to work at the proposed project. Additionally, as discussed in **Section 4.11**, the City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan (MSFCSP) (City of Hesperia, 2023; City of Hesperia, 2010). Since the MSFCSP development accounts for this site being developed according to its current zoning designation, the project would not induce substantial unplanned growth in this area. Proposed offsite utility improvements would be minor and not of the scale to induce indirect unplanned population growth in the project area. Therefore, less than significant impacts would occur regarding unplanned growth as a result of the project. Based on the discussion above, a less than significant impact would occur.

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

No Impact

No housing exists onsite and no one currently resides on the project site. Therefore, the project would not displace any housing or people and the project would not necessitate the construction of replacement housing. No impact would occur.

4.15 Public Services

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?			**X**	
b) Police protection?			**X**	
c) Schools?				**X**
d) Parks?				**X**
e) Other public facilities?				**X**

a) Fire protection?

Less than Significant Impact

The City of Hesperia and the sphere of influence are served by the San Bernardino County Fire Department (Michael Brandman Associates, 2010a, p. 3.13-1). The city has three fire stations within city boundaries – Fire Stations 302, 304, and 305. Station 305 is the closest station to the project site, approximately 0.95 mile southwest of the project site. Fire Station 305 is staffed by eight personnel daily, including one Battalion Chief, and serves as the Battalion 8 Quarters. Apparatus includes one paramedic engine, two paramedic ambulances, one battalion chief command vehicle, one brush engine, one urban and search and rescue (USAR) unit, one swift rescue unit and equipment (including rescue boat), and one mobile command post (City of Hesperia, 2022b).

As detailed in **Section 4.11**, development of the project site would be consistent with the project site's General Plan land use and zoning designation of Com/Ind Business Park (CIBP), and the land use goals and policies included in the city's General Plan and the Main Street Freeway Corridor Specific Plan (MSFCSP). Therefore, a development like the proposed project is expected and would be adequately served by the fire department. In addition, the Fontana Fire Protection District collects development mitigation fees for fire facilities which would be available to fund additional fire protection facilities as needed. Therefore, impacts would be less than significant.

b) Police protection?

Less than Significant Impact

The San Bernardino County Sheriff's Department provides police protection and crime prevention services for the City of Hesperia and its sphere of influence on a contractual basis (Michael Brandman Associates, 2010a, p. 3.13-1). The Hesperia Police Department is comprised of 58 sworn law enforcement personnel including one captain, one lieutenant, seven sergeants, five detectives, and 44 deputy sheriffs (City of Hesperia, 2022a).

Development of the project site would be consistent with the project site's General Plan land use and zoning designation of Com/Ind Business Park (CIBP), and the land use goals and policies included in the city's General Plan and the Main Street Freeway Corridor Specific Plan (MSFCSP). Therefore, a development like the proposed project is expected and would be adequately served by the police department. In addition, the police department collects development mitigation fees for police facilities which would be available to fund additional police protection facilities as needed. Therefore, impacts would be less than significant.

c) Schools?

No Impact

The Hesperia Unified School District (HUSD) provides school services to the City of Hesperia (Michael Brandman Associates, 2010a, p. 3.13-2). The HUSD has 15 elementary schools, three middle schools, and six high schools (HUSD, 2022). Impact on school facilities is based on the direct population increase that the project would bring. As detailed in **Section 4.13**, as a non-residential development the proposed project would not induce a direct population increase and would most likely create employment for the local workforce. Therefore, there would be no population increase and no impacts on schools.

d) Parks?

No Impact

The Hesperia Recreation and Park District (HRPD) provides park and recreational amenities to the city (Michael Brandman Associates, 2010a, p. 3.13-5). HRPD has 15 different parks and recreational centers to serve the city (HRPD, 2022). Impacts on park facilities are based on the direct population increase the project would have. As a non-residential development, the proposed project would not induce a direct population increase and would most likely create employment for the local workforce. Therefore, there would be no population increase and no impacts on parks.

e) Other Public Facilities?

No Impact

The County of San Bernardino Library operates the Hesperia Branch Library located at the Civic Center Plaza, 9650 Seventh Avenue in the City of Hesperia. This state-of-the-art 20,000 square foot facility, constructed in 2006, provides library services for the City of Hesperia and its Sphere of Influence (Michael Brandman Associates, 2010a, p. 3.13-5). The project would not induce population growth and would not impact libraries. Therefore, there would be no impact on libraries.

4.16 Recreation

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				**X**

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

No Impact

Recreational services in the City of Hesperia are provided by the City's Recreation and Parks District, which maintains over 15 parks, sports facilities, and community centers (HRPD, 2022). The project proposes two truck warehouse developments. The residential population is not expected to increase as a result of the proposed project. While the project would create limited employment opportunities (both during the construction and operational phases), it is anticipated that employees from the local workforce would be hired during both phases. Therefore, there would be no impact in regards to recreational facilities.

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

No Impact

As described above, the project does not propose new or expanded recreational facilities that would have potential adverse effects on the environment. Therefore, no impact would occur.

4.17 Transportation

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?		**X**		
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?			**X**	
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?		**X**		
d) Result in inadequate emergency access?		**X**		

The following analysis is based upon the Cargo Solution Express Warehouse Project Traffic Impact Analysis (TIA) for the proposed project conducted by RK Engineering Group, Inc. dated May 23, 2025 (RK Engineering Group, Inc., 2025) (**Appendix I**).

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

Less than Significant Impact with Mitigation Incorporated

Applicable Plans, Ordinances, and Policies

Statewide Transportation Improvement Program (STIP)

The Statewide Transportation Improvement Program (STIP) is a multi-year capital improvement program of transportation projects on and off the State Highway System, funded with revenues from the State Highway Account and other funding sources. The proposed project development is not a transportation project and would not conflict with the STIP.

San Bernardino County Transportation Authority (SBCTA) Recommended Traffic Impact Analysis (TIA) Guidelines for Vehicle Miles Traveled (VMT) and Level of Service (LOS) Assessment

As detailed in **Section 4.17b)** below, the project meets the requirement of a Low VMT Area and impacts would be less than significant in regards to VMT. In the TIA report, it was determined that the project would generate 402 passenger car equivalent (PCE) daily trips with 34 PCE trips in the AM peak hour and 36 PCE trips in the PM peak hours. With project implementation, there would be six intersections near the project site that would create several operationally deficient LOS and queueing intersections in the project area (RK Engineering Group, Inc., 2024, p. 4-1). However, the project would be required to implement **MM TRANS-1**, which would ensure that the Project

Applicant would implement all the necessary operational improvements listed in the Section 11.7 of TIA report to ensure that all affected intersections by project development would operate at an adequate LOS. Additionally, the project would implement **MM TRANS-2**, which would ensure that the Project Applicant contribute to fair-share contributions for intersection operational improvements, resulting in less than significant LOS at all intersections affected in the project area.

MM TRANS-1 The Project Applicant would be required to implement operational improvements detailed in section 11.7 of the Traffic Impact Analysis (TIA) report to ensure that all affected intersections by project buildout would have an adequate level of service (LOS) (**Appendix I**).

MM TRANS-2 The Project Applicant would be required to contribute to fair-share contributions for intersection operational improvements in the project area. The contributions are identified in section 11.8 of the Traffic Impact Analysis (TIA) report (**Appendix I**).

Level of Significance After Mitigation

With the implementation of **MM TRANS-1** and **MM TRANS-2**, potential impacts in regard to LOS would be reduced to a less than significant level.

City of Hesperia General Plan—Circulation Element

The City of Hesperia General Plan's Circulation Element has several goals and policies that apply to the proposed project. Refer to **Table 4.17-1** below, which lists the applicable policies and how the proposed project would comply.

Table 4.17-1
PROJECT COMPLIANCE WITH CITY OF HESPERIA GENERAL PLAN POLICIES REGARDING MOBILITY AND TRANSPORTATION

General Plan Element	Project Compliance
Goal CI-1: Develop a safe, efficient, convenient, and attractive transportation system throughout the community, providing links within the City and with neighboring regions, and accommodating automobile, truck, pedestrian, recreational, equestrian, rail, air, and public transit needs which will meet current and future development requirements within the planning area.	
Implementation Policy CI-1.10: Ensure that new development provides for adequate road improvements to serve internal circulation needs, as well as to mitigate the impacts of increased traffic on the existing road system.	The proposed project would provide road improvements such as widening Three Flags Avenue and Poplar Street to include AC pavement, curb and gutter, sidewalks, and connection to existing utility lines. Therefore, the proposed project would not conflict with this policy.
Implementation Policy CI-1.12: Provide a safe and efficient pedestrian network.	Sidewalks would be provided surrounding the project site along Poplar Street and Three Flags Avenue, where there are currently none. Therefore, the proposed project would not conflict with this policy.
Goal: CI-4: Provide a circulation system that facilitates the movement of goods and services throughout the City while protecting residences, sensitive land uses, and pedestrians from activities along rail and truck corridors	

General Plan Element	Project Compliance
Implementation Policy CI-4.2: Locate new development and their access points in such a way that traffic is not encouraged to utilize local residential streets for access to the development and its parking.	The project site is located along the I-15 freeway and near U.S.-395. Additionally, the project is surrounded by commercial and industrial land uses. Therefore, the project would not utilize residential streets for access and parking, and the project would not conflict with this policy.

Source: City of Hesperia, 2019a.

As detailed above, the proposed project would not conflict with any applicable policies from the city's General Plan that address the circulation system, including transit, roadway, bicycle and pedestrian facilities. Therefore, the project would have a less than significant impact in this regard.

San Bernardino Congestion Management Program (CMP)

The intent of the CMP is to provide the analytical basis for transportation decisions through the STIP process. The San Bernardino County CMP, published by the San Bernardino County Transportation Authority (SBCTA), defines a network of state highways and arterials in the county and provides guidelines regarding the LOS standards, impact criteria, and a process for mitigation of impacts on CMP facilities. With certain exceptions, the minimum acceptable Level of Service (LOS) standards for CMP facilities is defined as LOS E. More specifically, the CMP states, "In no case shall the LOS standards established be below the LOS E or the current level, whichever is farthest from LOS A. When the LOS on a segment or at an intersection fails to attain the established LOS standard, a deficiency plan shall be adopted pursuant to Section 65089.4" (SANBAG, 2016, p. 1-2).

As detailed above, the project would create operationally deficient intersections and would potentially impact LOS in the project area. However, with implementation of **MM TRANS-1** and **MM TRANS-2**, the Project Applicant would be required to incorporate operational improvements and pay fair-share contributions, which would ensure adequate LOS at affected intersections with project buildout, resulting in less than significant LOS impacts.

b) Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)

Less than Significant Impact

CEQA Guidelines § 15064.3(b) pertains to the use of Vehicle Miles Traveled (VMT) as a method of determining the significance of transportation impacts. The SBCTA Senate Bill 743 Guidelines provide details on appropriate "screening thresholds" that can be used to identify when a proposed land use project is anticipated to result in a less-than-significant impact without conducting a more detailed analysis. Screening thresholds are broken into three categories: Transit Priority Area screening, Low VMT Area screening, and Project Type screening. A land use project need only meet one of the screening thresholds to result in a less-than-significant impact. As detailed in the traffic report, the project meets the requirement of a Low VMT Area and impacts would be less than significant (RK Engineering, 2025, p. 10-4). Therefore, the project would not conflict or be inconsistent with CEQA Guidelines § 15064.3, and impacts would be less than significant.

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

Less than Significant Impact with Mitigation Measures Incorporated

Construction

During the construction phase of the project, there may be temporary sidewalk and lane closures that could increase hazards due to geometric design features or incompatible uses. However, the preparation of a construction management plan, as detailed in mitigation measure **TRANS-3**, would reduce the potential for hazards due to geometric design features and incompatible uses to less than significant during the project construction phase.

MM TRANS-3 Prior to construction, the General Contractor shall submit a detailed Construction Management Plan to be reviewed and approved by the City of Hesperia. The Construction Management Plan shall specify that the Construction Manager will schedule truck traffic and employee shifts to avoid creating trips during the peak traffic periods, as is feasible for construction operations. All measures, including identified truck routes and designated employee parking areas, shall be included in the Construction Management Plan. The Plan shall include but is not limited to the following provisions:

- The Construction Management Plan shall specify how traffic will be routed and controlled during the construction phase, including which lane(s) of traffic will be temporarily blocked off for construction work.
- Specification of permitted hours for construction-related deliveries and removal of heavy equipment and material.
- Specification of where construction workers would park their personal vehicles during project construction with a requirement that at no time shall construction worker vehicles block any driveways. If complaints are received by the project applicant regarding issues with construction worker vehicle parking, the project applicant shall identify alternative parking options for construction workers so as not to interfere with any surrounding parking availability.
- Identification of how emergency access to and around the project site will be maintained during project construction.
- Specification of haul routes for delivery or removal of heavy and/or oversized equipment or material loads. Where feasible, delivery or removal of oversized equipment or material loads shall be conducted during off-peak traffic periods.
- Provide pedestrian and bicycle connections around the project site and designate safe crossing locations for all pedestrian detours.
- Maintain the security of the project site by erecting temporary fencing during the construction phase of the project. Any onsite night lighting used during the

construction phase of the project shall be in compliance with the lighting requirements of the City of Hesperia.

- If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times.
- Flag persons and/or detours shall be provided as needed to ensure safe traffic operations.
- Construction signs shall be posted to advise of reduced construction zone speed limits.
- The project design shall include entry/exit gates for first responders' vehicles to gain access to the project site.

Level of Significance After Mitigation

With the implementation of **MM TRANS-3**, potential impacts to transportation hazards during construction would be reduced to a less than significant level.

Operation

Vehicular access to the project would be provided by four driveways, all located along Poplar Street. The project's circulation system, including driveways and parking areas, would be designed to meet the development standards of the City and would not result in uses or design features that would create traffic hazards. Therefore, impacts regarding increases in hazards due to geometric design features or incompatible uses would be less than significant during the operational phase of the project.

d) Would the project result in inadequate emergency access?

Less than Significant Impact with Mitigation Measures Incorporated

Construction

During the construction phase of the project, there may be temporary lane closures that could result in inadequate emergency access. However, the preparation of a construction management plan, as detailed in mitigation measure **TRANS-3**, would result in less than significant impacts in regard to inadequate emergency access to the project site during the project construction phase.

MM TRANS-3 Refer above in this section.

Level of Significance After Mitigation

With the implementation of **MM TRANS-3**, potential impacts in regard to emergency access would be reduced to a less than significant level.

Operation

The project would comply with applicable city regulations, such as the requirement to comply with the city's fire code to provide adequate emergency access, as well as the California Building Standards

Code. Prior to the issuance of building permits, the City of Hesperia would review project site plans, including the location of all buildings, fences, access driveways, and other features that may affect emergency access. The project's site design includes access and fire lanes that would accommodate emergency ingress and egress by fire trucks, police units, and ambulance/paramedic vehicles. All onsite access and sight-distance requirements would be in accordance with all applicable design requirements. The city's review process and compliance with applicable regulations and standards would ensure that adequate emergency access would be provided. Therefore, the project would not result in inadequate emergency access, and there would be less than significant impacts during the operational phase of the project.

4.18 Tribal Cultural Resources

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?				**X**
b) Cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?		**X**		

Information from UltraSystems' Phase I Cultural Resources Inventory for the proposed project dated April 15, 2021 (refer to **Appendix D1**) is included in the analysis below.

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code § 5020.1(k)?

No Impact

No traditional cultural sites within the area of the project boundary are documented in the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF) search. No resources as defined by Public Resources Code § 21074 have been identified (refer to Attachment C: "Native American Heritage Commission Records Search and Native American Contacts" in **Appendix D1 to this IS/MND**). Additionally, the project site has not been recommended for historic designation for prehistoric and tribal cultural resources (TCRs). No specific tribal resources have been identified by local tribes responding to inquiries for the Cultural Resources Inventory.

No prehistoric archaeological resources were observed during the archaeological field survey conducted August 31, 2022 by Daniel Ballester, M.A., RPA, and Hunter O'Donnell, B.A., as part of the cultural resources investigation (Section 4.3, **Appendix D1**). The results of the pedestrian assessment indicate that it is unlikely that prehistoric resources will be adversely affected by construction of the project. Findings of a records search at the South Central Coastal Information Center (the local California Historic Resources Information System facility) received October 4, 2022 indicated that a prehistoric isolate consisting of a single worked obsidian nodule was located in the north-central area of the project parcel; no other prehistoric resources were recorded within the half-mile buffer of the project boundary.

No tribal cultural resources onsite are listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code § 5020.1(k). Therefore, the project would have no impact in this regard.

b) Would the project cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?

Less than Significant Impact with Mitigation Incorporated

Assembly Bill 52 (AB 52) requires meaningful consultation with California Native American Tribes on potential impacts on TCRs, as defined in Public Resources Code § 21074. TCRs are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either eligible or listed in the California Register of Historical Resources or local register of historical resources (CNRA, 2022).

As part of the AB 52 process, Native American tribes must submit a written request to the lead agency to be notified of projects within their traditionally and culturally affiliated area. The lead agency must provide written, formal notification to those tribes within 14 days of deciding to undertake a project. The tribe must respond to the lead agency within 30 days of receiving this notification if they want to engage in consultation on the project, and the lead agency must begin the consultation process within 30 days of receiving the tribe's request. Consultation concludes when either (1) the parties agree to mitigation measures to avoid a significant effect on a tribal cultural resource, or (2) a party, acting in good faith and after reasonable effort, concludes mutual agreement cannot be reached.

The City of Hesperia (the lead agency) initiated AB 52 outreach to local tribes for the Cargo Solutions Warehouses project following submittal of the project cultural resources report to the City Planning Department so that it could be included in the consultation request package to the several tribes. The City Planning Department prepared and sent letters to the several tribes on their list for AB 52 contact, informing them of the project. The letters were sent via certified mail to: the Torres-Martinez Desert Cahuilla Indians, the Cabazon Band of Mission Indians, and the San Manuel Band of Mission Indians (SMBMI) on September 22, 2022 by Ryan Leonard, Senior Planner with the City of Hesperia (Leonard, personal communication, 2022a). The letters conveyed that the recipient has 30 days from the receipt of the letter to request AB 52 consultation regarding the project.

On October 7, 2022, Ryan Nordness, Cultural Resource Analyst with the Yuhaaviatam of San Manuel Nation (YSMN) (formerly the SMBMI) replied to Mr. Leonard via email stating that they wished to participate in AB 52 consultation. Mr. Nordness stated that the project area exists within Serrano ancestral territory and asked for the following documents for review: cultural report, geotechnical report, and project plans including depth of proposed disturbance. The project cultural resources report was provided to Mr. Leonard by Stephen O'Neil, UltraSystems Cultural Resources Manager, on October 27, 2022; it was then forwarded to the YSMN. On November 3, 2022, Mr. Nordness replied to Mr. Leonard stating that, following their review of the cultural resources report, they did "not have any concerns with the project's implementation, as planned, at this time." Mr. Nordness did provide three recommended Cultural Resource Mitigation Measures and two recommended Traditional Cultural Resources Mitigation Measures, which the City has agreed to implement. While the YSMN still requested "a final copy of the project/permit/plan conditions to review," otherwise this concluded the tribe's input and no additional consultation was required (Leonard, personal communication, 2022b).

The other two contacted tribes did not request AB 52 consultation.

No traditional cultural sites within the area of the project boundary are documented in the Native American Heritage Commission's (NAHC) Sacred Lands File (SLF) search. No resources as defined by Public Resources Code § 21074 have been identified (refer to Attachment C: "Native American Heritage Commission Records Search and Native American Contacts" in **Appendix D1 to this IS/MND**). Additionally, the project site has not been recommended for historic designation for prehistoric and TCRs. No specific tribal resources have been identified.

No prehistoric resources and one early twentieth-century refuse scatter were observed during the archaeological field survey. Findings of the records search at the South Central Coastal Information Center indicated a prehistoric isolate consisting of a single worked obsidian nodule was located in the north-central area of the project parcel; no other prehistoric resources were recorded within the half-mile buffer of the project boundary.

There were five responses to UltraSystems' outreach contacts to NAHC listed tribes conducted as part of its cultural resources study. Patricia Garcia-Plotkin, Director for the Agua Caliente Band of Cahuilla Indians indicated the project is not located within the Tribe's Traditional Use Area and that they are deferring any comments to closer tribes. Jill McCormick, Historic Preservation Officer for the Quechan Tribe of the Fort Yuma Reservation responded indicating that the tribe does not wish to comment on this project and defers to more local tribes. Ryan Nordness, Cultural Resources Analyst for the San Manuel Band of Mission Indians indicated that the proposed project is located 0.4 miles south of two known prehistoric privy/scatter sites and 0.6 miles northeast from a lithic scatter and hearth site; the area is of concern to the tribe and the Band's cultural resources department is interested to consult whenever this project moves into AB 52/CEQA territory.[11] Chairperson Anthony Morales, Chairperson of the Gabrieleno/Tongva San Gabriel Band of Mission Indians indicated that he did not have much information about the project area. Christina Conley, Tribal Consultant and Administrator for the Gabrielino Tongva Indians of California Tribal Council indicated that the tribe does not have any comment as it is outside of their tribal area, so they defer to sister tribes. (See Attachment C in **Appendix D1**).

Land at the project site has remained relatively undisturbed open desert into the early 21st century despite being part of a larger homestead established in the 1890s, with an historic road running north/south through the far eastern portion. In the past decade or so there has been shallow grading gathering soil to build berms along the parcel border, though not to the extent of removing several Joshua trees and a large juniper bush. Therefore, while the potential for subsurface prehistoric cultural deposits is considered to be moderate, the relatively undisturbed nature of the land in a region known to have been used for habitation and natural resource gathering by the local Serrano tribe (see Section 2.2.2 in **Appendix D1**) suggests the potential for the presence of cultural material.

The project proposes grading and trenching. Grading activities associated with development of the project would involve new subsurface disturbance and may result in the unanticipated discovery of cultural resources. The implementation of mitigation measures **TCR MM-1** and **TCR-MM 2,** as suggested and provided by the YSMN, upon the discovery of prehistoric cultural material would ensure impacts relate to such discoveries would be less than significant.

The ground disturbing construction work associated with the project also may result in the unanticipated discovery of unknown human remains, including those interred outside of formal

[11] The results of the AB52 consultation, which has concluded, are summarized above.

cemeteries. In the unlikely event of an unexpected discovery, implementation of **mitigation measure TCR-3** dealing with human remains are recommended to ensure that impacts related to the accidental discovery of human remains would be less than significant.

Mitigation Measures

MM TCR-1: The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in MM CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

MM TCR-2: Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

MM TCR-3: As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the San Bernardino County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.

Level of Significance After Mitigation

With implementation of **MM TCR-1** and **TCR MM-2** potential project impacts on TCRs would be less than significant. With implementation of Mitigation Measure **MM TCR-3** above, the proposed project would result in less than significant impacts to human remains and associated funerary objects.

4.19 Utilities and Service Systems

Would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Require or result in the relocation or construction of new or expanded water wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of whi1ch could cause significant environmental effects?			**X**	
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?			**X**	
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			**X**	
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			**X**	
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			**X**	

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

Less than Significant Impact

As discussed in **Section 3.0**, the proposed project would require a sewer, domestic water, fire water, stormwater drainage, gas and dry utilities connections to existing utility infrastructure in Poplar Street.

Wastewater Treatment and Conveyance – As detailed in **Threshold 4.19 c)** below, the current wastewater conveyance and treatment system servicing the project site would adequately serve the proposed project. Therefore, impacts would be less than significant.

Domestic Water – As detailed in **Threshold 4.19 b)** below, the project would have sufficient water supplies available to serve the and reasonably foreseeable future development during normal, dry and multiple dry years. Therefore, impacts would be less than significant.

Fire Water – Fire water would come from the same water line that supplies domestic water. A six-inch water line is proposed to connect to the existing main in Poplar Street. As detailed in **Threshold 4.19 b)** below, there would be sufficient water supply to serve the project site. Therefore, there would be less than significant impacts regarding fire water supplies.

Stormwater – As detailed in **Section 4.10** of this document, development of drainage management area (DMA)-1 and DMA-2 would ensure that the proposed new development site would maintain consistency with the existing drainage pattern in the area (Allard Engineering, 2024, p. 1-2). Impacts regarding stormwater would be less than significant.

Electric Power: Southern California Edison (SCE) would provide electricity to the project site. The proposed project is in a partially developed area, and infrastructure for providing electric power to the area is established. SCE typically utilizes existing utility corridors to reduce environmental impacts and has energy-efficiency programs to reduce energy usage and maintain reliable service for its service area (Southern California Edison, 2021).

Electrical utilities would be undergrounded. Construction would need to occur in the public right-of-way during installation of a new utility connections to the project site. The project would be constructed in accordance with applicable Title 24 regulations. Therefore, a less than significant impact would occur.

Natural Gas: – Natural gas services to the project site would be provided by Southern California Gas Company (SoCalGas). SoCalGas's projections out to 2035 show available capacity that is well above the existing and future anticipated natural gas demand in the area (California Gas and Electric Utilities, 2022). Gas utilities would be installed underground to a gas service riser and meter the proposed building to be used for the HVAC units. Construction would need to occur in the public right-of-way during installation of a new utility connections to the project site. Therefore, the proposed project would be adequately served and would not require new gas service facilities to be developed. Less than significant impact would occur.

Telecommunications Facilities: Spectrum serves internet & cable television customers in the project area (Cabletv, 2022). It is expected that facilities of the telecommunications provider would be extended into the project site from existing lines in adjacent roadways. The proposed project would not interfere with operation of telecommunications facilities, and therefore a less than significant impact would occur.

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

Less than Significant Impact

Water Supplies and Demands

The Hesperia Water District (HWD) provides water to the City (Michael Brandman Associates, 2010, p. 3.16-2). Groundwater is the primary water supply source for the City. The City pumps groundwater

from the Alto Subarea of the Upper Mojave River Valley subbasin that is part of the groundwater basins covering the broader Mojave region. The groundwater system incorporates a number of sources that mix and blend to become the groundwater sources available in the Mojave Basin Area. Local supplies consisting of percolated natural supplies, wastewater imports, and return flows derived from wastewater and percolation make up the total groundwater supply. Percolated natural supplies are derived from stream flow in the drainage basins like the Mojave River as well as infiltrating natural precipitation.

Wastewater imports come from Lake Arrowhead Community Services District, Big Bear Area Regional Wastewater Agency, and Crestline Sanitation District also augment the supplies in the groundwater basin. Return flows are percolated supplies that are derived from non-consumptive uses including septic system percolation, applied irrigation water, treated wastewater, or returns through storm drains and other items. Desalination opportunities for the City water supply are not currently feasible and are not included in the projections. Mojave Water Agency (MWA) surface water imports are used to augment the groundwater supplies. All of these supplies together constitute the supplies available to meet demands in the City's service area (Tully & Young, 2021).

HWD's forecast retail water supplies in normal, dry, and multiple dry years are listed below in **Table 4.19-1**.

Table 4.19-1
CITY OF HESPERIA SUPPLY AND DEMAND COMPARISON (ACRE-FEET PER YEAR)

Supply and Demand		2025	2030	2035	2040	2045
Average Year						
Supply Totals		15,250	16,290	16,990	17,740	18,420
Demands Totals		15,250	16,290	16,990	17,740	18,420
Difference		0	0	0	0	0
Single-Dry Year						
Supply Totals		15,250	16,290	16,990	17,740	18,420
Demands Totals		15,250	16,290	16,990	17,740	18,420
Difference		0	0	0	0	0
Multiple Dry Years Supply and Demand Comparison						
First Year	Supply Totals	15,250	16,290	16,990	17,740	18,420
	Demand Totals	15,250	16,290	16,990	17,740	18,420
	Difference	0	0	0	0	0
Second Year	Supply Totals	15,460	16,430	17,140	17,880	18,540
	Demand Totals	15,460	16,430	17,140	17,880	18,540
	Difference	0	0	0	0	0
Third Year	Supply Totals	15,670	16,570	17,290	18,020	18,660
	Demand Totals	15,670	16,570	17,290	18,020	18,660
	Difference	0	0	0	0	0
Fourth Year	Supply Totals	15,880	16,710	17,440	18,160	18,780
	Demand Totals	15,880	16,710	17,440	18,160	18,780
	Difference	0	0	0	0	0
Fifth Year	Supply Totals	16,090	16,850	17,590	18,300	18,900
	Demand Totals	16,090	16,850	17,590	18,300	18,900
	Difference	0	0	0	0	0

Source: Tully & Young, 2021, p. 4.12-2 to 4.12-3.

As shown above, the City would have sufficient water supplies to meet demands in normal water year, single-dry-year, and multiple-dry-year conditions over the 2020-2040 period.

Estimated project water demand is 1.94 acre-feet per year (afy), as shown below in **Table 4.19-2**. The estimated project water demand is a small fraction of the City's project water increase in the future (see **Table 4.19-1** above).

Table 4.19-2
ESTIMATED PROJECT WATER DEMAND

Unit Water Demand Factor Gallons Per Day (GPD)/per unit[a]	Industrial Units	Estimated Water Demand in gallons per day	Estimated Water Demand (gallons per year)[b]	Estimated Water Demand (acre-feet per year)
866	2	1,732	632,180	1.94

[a] 866 gallons per unit per day
[b] Assuming a 365 day per year operation.
Source: City of Hesperia, 2022e, Table 2

As detailed in **Section 4.11**, the proposed project would adhere to the project site's development regulations. Therefore, although the project would use water during project operation, increased water use for the proposed project has been accounted for in the latest UWMP. The UWMP found that with its current water supplies, planned future water supplies, and water conservation, HWD will be able to reliably provide water to all current and future planned developments. Therefore, impacts would be less than significant.

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

Less than Significant Impact

The Hesperia Water District (HWD) serves as a subsidiary special district of the City of Hesperia (City). The City owns, operates, and maintains a wastewater collection system that serves the entire city. The City's sewer system connects to Victor Valley Wastewater Reclamation Authority's (VVWRA) three-mile interceptor that runs along the northeast boundary of the City, and ultimately flows to the Regional Wastewater Treatment Plant (RWWTP) that is owned and operated by the VVWRA. VVWRA was originally formed to meet the requirements of the Federal Clean Water Act and provide wastewater treatment for the growing area.

According to the City's 2015 Wastewater Masterplan (WWMP), approximately 11 percent of the geographic area studied in the WWMP is currently served by the City's sewers which ultimately flow to the RWWTP. The remaining area is either undeveloped or served by on-site systems (septic tanks). Based upon the WWMP, the wastewater flow volume from the service area is 2.0 million gallons per day (mgd) or 2,240 acre-feet per year (afy). The City has future plans to expand its sewer collection system and in conjunction with VVWRA, construct sub-regional wastewater treatment plants to treat the city's future wastewater flows and create a supply source for its planned recycled water system (Tully & Young, 2021, p. 3-14).

As part of the adoption of the Main Street and Freeway Corridor Specific Plan and City of Hesperia General Plan, the availability of infrastructure and water/sewer services was assessed and determined that adequate water supply and sewer capacity is available for future residential and non-residential uses (Tully & Young, 2021, p. 2-9).

The project proposes two eight-inch sewer laterals connecting to an existing sewer in Poplar Street. The proposed project would adhere to the project site's General Plan land use and zoning regulations for the project site. Therefore, project-generated wastewater was taken account and would be

adequately served by the RWWTP, and project development would not require construction of a new or expanded wastewater treatment facility. Impacts would be less than significant.

d) Would the project generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?

Less than Significant Impact

Advance Disposal Company, located at 17105 Mesa Street, Hesperia, CA 92345, currently provides residential and commercial waste collection and recycling programs under a franchise agreement with the City. This waste is processed and separated at the Advance Disposal Company facility into material that can be recycled while the remaining solid waste is transferred approximately 15 miles north for disposal at Victorville Sanitary Landfill. The Victorville Sanitary Landfill is located at 18600 Stoddard Wells Road, Victorville, CA 92307 and is owned and operated by the County of San Bernardino (Michael Brandman Associates, 2010, p. 3.16-8). **Table 4.19-3** below summarizes the two facilities long-term and daily capacities for handling solid waste.

Table 4.19-3
SOLID WASTE FACILITIES SERVING HESPERIA

Facility and Nearest City/Community	Remaining Capacity, tons	Daily Permitted Disposal Capacity, tons	Actual Daily Disposal, tons	Residual Daily Disposal Capacity, tons	Estimated Closing Date
Advance Disposal Company Large Volume Transfer/Processing Facility (Hesperia)	n/a	1,500	461[a]	1,039	n/a
Victorville Sanitary Landfill	111,160,000	3,000	1,612[b]	1,388	10/1/2047

[a] Daily disposal quoted as the peak value observed on 7/7/2022 during most recent inspection report dated 7/28/2022.
[b] Daily disposal quoted as the peak value observed on 8/2/2022 during most recent inspection report dated 8/10/2022.
Sources: CalRecycle. 2022a, b, c, e, f, g.

Construction

Materials generated during construction of the project would include paper, cardboard, metal, plastics, glass, concrete, lumber scraps and other materials. During construction (short-term) and operation (long-term), bulk solid waste, excess building material, fill, and other construction-related solid waste, would be disposed of in a manner consistent with State of California Integrated Waste Management Act of 1989 (CIWMA) and would be removed from the project site. Existing regulations related to recycling during construction phase of the project require that the project provide readily accessible areas that serve the entire building and are identified for the depositing, storage, and collection of nonhazardous materials for recycling, including (at a minimum) paper, corrugated cardboard, glass, plastics, and metals. Therefore, impacts during the construction phase would be less than significant.

Operation

The project proposes development of two truck warehouse buildings and a surface parking lot for 448 employees in the City of Hesperia in San Bernardino County, California. Industrial units in the City generated an average of 8.93 pounds of solid waste per employee per day in 2014, the latest year for which data are available.[12] Thus, the proposed industrial development with 448 employees is estimated to generate 4,001 pounds of solid waste per day or 731 tons per year, as shown below in **Table 4.19-4**.

Table 4.19-4
ESTIMATED PROJECT-GENERATED SOLID WASTE

Land Use	Generation Rate*	Approximate Waste (pounds/year)	Approximate Waste (tons/year)
Industrial	8.93 pounds per employee per day	1,460,224	731

*(CalRecycle, 2022d).

Two facilities are involved in the processing and disposal of solid waste within the city, and both are analyzed to ensure that they have sufficient capacity to satisfy the demands of the project. The Advance Disposal Company Large Volume Transfer/Processing facility has remaining processing capacity of 1,039 tons per day or 379,235 tons per year. The remaining solid waste capacity at Advance Disposal Company Large Volume Transfer/Processing facility is unknown at this time. The project is under daily maximum capacity of this facility. But should the landfill be filled, the remaining solid waste would go to Victorville Sanitary Landfill.

The Victorville Sanitary Landfill facility has remaining disposal capacity of 1,388 tons per day or 506,620 tons per year. For the purposes of this analysis only, a worst-case scenario is used that 100 percent of the project waste goes to landfill. Estimated project operational solid waste disposal of 731 tons per year is approximately 0.00007 percent of remaining disposal capacity at Victorville Sanitary Landfill. Sufficient processing and disposal capacity is available in the region for estimated project solid waste generation, and project impacts on solid waste disposal capacity would be less than significant.

e) Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Less Than Significant Impact

In 1989, the California Legislature enacted the California Integrated Waste Management Act (AB 939), in an effort to address solid waste problems and capacities in a comprehensive manner. The law required each city and county to divert 50 percent of its waste from landfills by the year 2000.

Assembly Bill 341 (AB 341; Chapter 476, Statutes of 2011) increases the statewide waste diversion goal to 75 percent by 2020, and mandates recycling for commercial and multi-family residential land

[12] The estimate is based on an assumed operation of 365 days per year producing 8.93 lbs total solid waste generation from each employee per day, which yields 183 tons per year or 1,000 pounds per day. Source: CalRecycle, 2022d.

uses. To comply with the State requirements of AB 341, the City has an exclusive franchise agreement with Advance Disposal Co. to collect, process, recycle and dispose of solid waste from residential premises and commercial businesses in the City of Hesperia. This process is considered to be the equivalent of mandatory commercial recycling in that all solid waste generated by businesses and multifamily units will be collected by Advance Disposal Co. using existing trash enclosures and bins, and processed through a mixed waste materials recovery facility. This eliminates the need to modify existing bin enclosures to accommodate separate recycling bins and train employees on recycling requirements. As required by AB 341, the City and Advance Disposal Co. track, monitor and report to the State on program effectiveness and diversion data (Advance Disposal Company, 2022).

The proposed project would comply with applicable local, state and federal solid waste disposal standards; therefore, impacts would be less than significant.

4.20 Wildfire

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?				**X**
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?				**X**
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?				**X**
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?				**X**

a) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project substantially impair an adopted emergency response plan or emergency evacuation plan?

No Impact

As shown in **Figure 4.9-3** in **Section 4.9** of this IS/MND, the project site is not located in or adjacent to a Very High Fire Hazard Severity Zone (VHFHSZ) within a State Responsibility Area (SRA), where the State is responsible for the costs of wildfire prevention and suppression. The nearest SRA to the project site is in unincorporated San Bernardino County approximately 2.15 miles to the south of the site (CAL FIRE, 2022). As shown in **Figure 4.9-4** in **Section 4.9** of this IS/MND, the project site is not located within or adjacent to a Local Responsibility Area (LRA), where cities or counties are responsible for the costs of wildfire prevention and suppression. The nearest VHFHSZ in LRA to the project site is about 6.8 miles to the southeast. Therefore, the proposed project would have no impact in this regard.

b) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project due to slope, prevailing winds, and other

factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?

No Impact

The project site is not located in or near VHFHSZs. Therefore, the proposed project would have a no impact in this regard.

c) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?

No Impact

The project site is not located in or near VHFHSZs. Therefore, the proposed project would have a no impact in this regard.

d) If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?

No Impact

The project site is not located in or near VHFHSZs. Therefore, the proposed project would have a no impact in this regard.

4.21 Mandatory Findings of Significance

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

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

Less Than Significant Impact with Mitigation Incorporated

As detailed in **Section 4.4**, the project site is undeveloped and contains Western Joshua Trees with a low-to- medium potential of wildlife on the project site. However, with the implementation of **MM BIO-1** to **BIO-7**, impacts to plant and wildlife species would be less than significant.

As detailed in **Section 4.5**, the project site does not contain any significant historic or archaeological resources. However, if archaeological or human remains are discovered during project construction, **MM CUL-1** and **CUL-2** would be implemented to ensure impacts would be less than significant.

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

Less than Significant Impact with Mitigation Incorporated

In the short term, there would be a potential for cumulative effects on traffic, air quality, and noise if other development projects were implemented concurrently with the project.

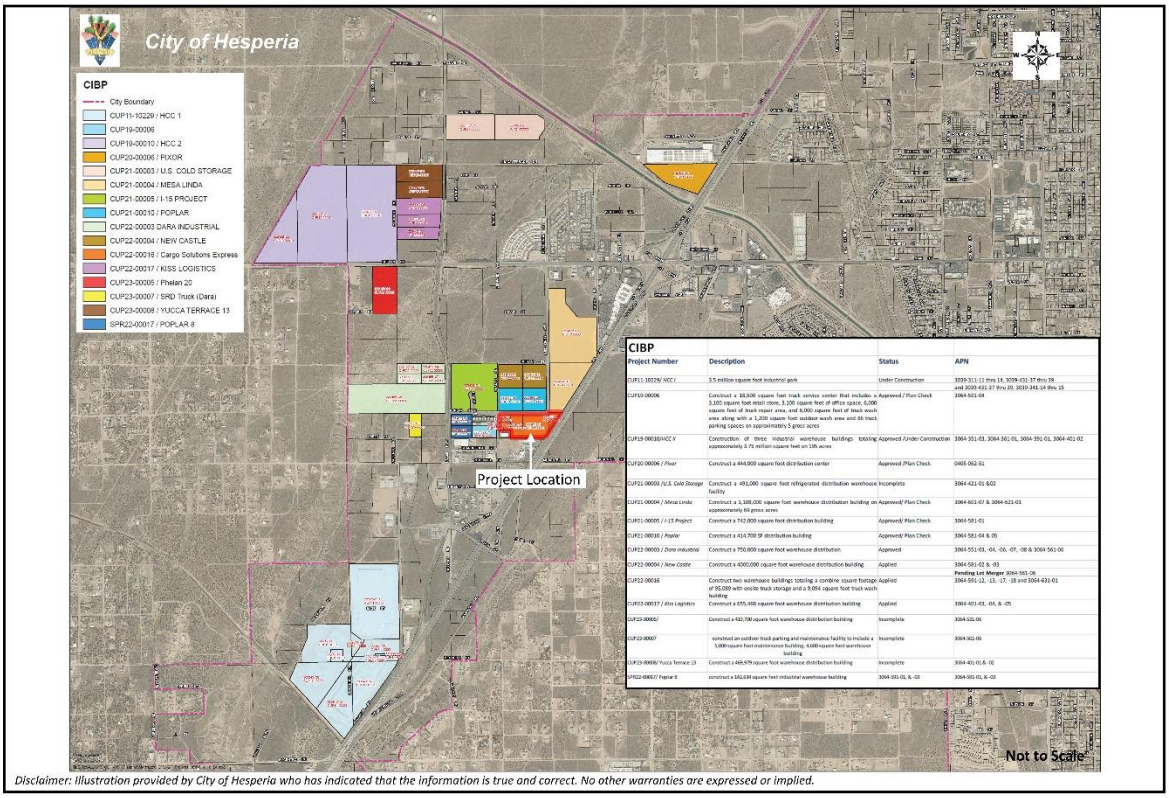
As shown in **Figure 4.21-1,** Cumulative Projects, there are several current projects within the City of Hesperia's Commercial/Industrial Business Park. However, as analyzed throughout this document, the proposed project would create less than significant impacts with mitigation incorporated. Therefore, the project would not significantly contribute to cumulative impacts in the area with mitigation incorporated.

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

Less than Significant Impact with Mitigation Incorporated

As detailed in **Section 4.8**, Hazards and Hazardous Materials, after implementation of **MM HAZ-1** and **MM HAZ-2**, potential impacts from hazard materials storage and transportation would be reduced to less than significant. As discussed in **Sections 4.1** through **4.20** of this document, after the implementation of mitigation measures, potential adverse environmental effects were found to be less than significant on human beings, either directly or indirectly.

Figure 4.21-1
CUMULATIVE PROJECTS



Source: City of Hesperia, April 10, 2024

UltraSystems
environmental•management•planning

Cargo Solutions Truck Warehouse
Cumulative Projects

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7.0 MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with § 21081.6 of the Public Resources Code and § 15097 of the CEQA Guidelines, which requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon a MND or an EIR. The MMRP ensures implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified through the use of monitoring and reporting. Monitoring is generally an ongoing or periodic process of project oversight; reporting generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

It is the intent of the MMRP to: (1) provide a framework for document implementation of the required mitigation; (2) identify monitoring/reporting responsibility; (3) provide a record of the monitoring/reporting; and (4) ensure compliance with those MM that are within the responsibility of the City and/or Applicant to implement.

The following table lists impacts, mitigation measures adopted by the City of Hesperia in connection with approval of the proposed project, level of significance after mitigation, responsible and monitoring parties, and the project phase in which the measures are to be implemented.

Only those environmental topics for which mitigation is required are listed in this Mitigation Monitoring and Reporting Program.

Table 7.0-1
MITIGATION MONITORING AND REPORTING PROGRAM

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
4.4 Biological Resources				
Threshold 4.4a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1: 2081 Incidental Take Permit** Western Joshua trees are a state candidate for listing under CESA and will require a 2081 Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of **MM BIO-7**. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where "take" is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **MM BIO-2: Focused Borrowing Owl Survey** Although BUOW was not detected on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist would conduct a focused BUOW survey in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). Following the completion of the survey, the biologist would prepare a letter report summarizing the results of the survey. The report would be submitted to the City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required. If BUOW or signs of BUOW are observed during the survey, the site would be considered occupied. The biologist would implement mitigation measure BIO-2 and contact the City of Hesperia, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing project	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	activities. The list of potential measures to avoid and minimize impacts to BUOWs described below would be implemented. **BUOW Protection Measures** If BUOWs or signs of BUOW are observed during the survey, then the site would be considered occupied and the biologist shall contact the City, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures discussed below, prior to commencing project activities.). If no BUOW or signs of BUOW are observed during the focused surveys, the components of this measure (discussed below) would not be applicable. **Planning BUOW Protection** Grading, construction, and other project activities on all grassland habitat will be delayed until the qualified biologist has implemented burrow exclusion and closure. No ground-disturbing activities within 165 feet of an active BUOW burrow will be permitted until burrow exclusion and closure have been implemented. No destruction of foraging habitat will be permitted until burrow exclusion and closure have been implemented. **Preconstruction BUOW Protection** Prior to the initiation of grading and construction activities, the biologist shall implement passive relocation of an active BUOW burrow by installing a one-way door and then permanently excluding the BUOW from returning once it is confirmed that no BUOW individuals remain in the burrow. A biological monitor will visit the site daily to verify that the burrow is empty by monitoring and scoping the burrow. **Construction BUOW Protection Measures** A biological monitor will be onsite to monitor any BUOW or signs of BUOW. If any BUOW are observed then the biologist will consult with the County EMD and CDFW to determine the appropriate measures. **MM BIO-3: Pre-Construction General Wildlife Survey** Special-status wildlife species that have no designated status under the ESA, the CESA, and/or the NPPA, but are designated as sensitive or locally important by	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	federal agencies, state agencies, local agencies such as the RCA, and nonprofit resource organizations such as the CNPS are referred to as "sensitive" in this section. The following measures will be implemented to minimize impacts to these species which include but are not limited to: Blainville's horned lizard and desert kit fox. The measures below will help to reduce direct and indirect impacts caused by construction on various sensitive species to less than significant levels. • A qualified biologist will conduct a pre-construction general wildlife survey for sensitive wildlife and potential nesting sites such as open ground, shrubs, and burrows within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance. • If sensitive species and/or active nesting sites are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required. • If any sensitive wildlife species are identified within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. zone. • Sensitive wildlife species and/or potential nesting sites will not be disturbed, captured, handled or moved. **MM BIO-4: Loggerhead Shrike Survey and Protection Measures** The following measures are proposed in order to minimize impacts to loggerhead shrike, for which there is suitable habitat in the BSA.	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	• If activities occur during the breeding/nesting period, a wildlife survey will be completed by a qualified biologist to identify potential loggerhead shrike activity in the area of the project activities. • Additional species surveys to determine presence/absence of birds prior to disturbances, from May 1 until the work start date, if the work start date is prior to August 31. Surveys are to occur weekly in May, every other week in June, and once per month in July and August (assuming no loggerhead shrike are observed). • Incidental occurrences of other sensitive avian species such as Swainson's hawk, prairie falcon, and Cooper's hawk should also be recorded during the survey. **MM BIO-5: Pre-Construction Breeding Bird Survey** To maintain compliance with the MBTA and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels. Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts on migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	• If project activities cannot be avoided during February 15 through September 15, a qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. • Birds or their active nests will not be disturbed, captured, handled or moved. Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist			

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Threshold 4.4b) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-6: Mitigation for Impacts to Western Joshua Tree and California Juniper Woodlands** **Avoidance and Minimization Measures** The entirety of the project area is currently planned for development. Approximately 19 acres is California juniper woodland. The California juniper woodland is a sensitive natural community, as such, impacts as a result of the project, shall be mitigated so that all impacts to these habitats are mitigated on acreage and tree basis. Proposed project activities including the construction phase, operations, and maintenance phase shall be designed to avoid California juniper woodland (and Joshua tree) habitat to the full extent practicable. If the California juniper (or associated Joshua trees) are removed as a result of project activities, then compensatory mitigation is required, as follows. The preferred compensatory mitigation is through an in-lieu fee to a qualified mitigation bank within the service area of the site, ideally within the same watershed. The project proponent shall coordinate with CDFW to identify appropriate mitigation banks and number of required mitigation credits to fully offset site impacts at a minimum of a 2:1 replacement to impact ratio. However, applicant-responsible compensatory mitigation is acceptable through preparation of a Habitat Preservation and Protection Plan, to be approved by CDFW prior to project approval. **Habitat Preservation and Protection Plan** For applicant-responsible compensatory mitigation, then the project proponent shall enter into a binding legal agreement regarding the preservation of offsite lands describing the terms of the acquisition, enhancement, and management of those lands. Fee title to acquired habitat lands, or a conservation easement over these lands, shall be transferred to CDFW or to an entity approved by CDFW, along with	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	financial assurances (funds) for preservation, rehabilitation, and enhancement of the land, and an endowment for permanent management of the lands. A formal Habitat Preservation and Protection Plan to detail methods for site preservation, restoration, monitoring, and protection shall be written. The plan will include permanent photo documentation points from the pre-restoration stage to the conclusion of the monitoring requirement. Photo documentation shall occur on a quarterly and annual basis or as required by CDFW. The number of western Joshua and California juniper trees existing onsite, transplanted, installed as container stock, will be recorded and qualitatively assessed quarterly and quantitatively assessed on an annual basis until performance criteria and/or contingency criteria are successfully attained. A final monitoring report will be provided at the conclusion of the post-construction restoration phase. The project proponent shall provide the final monitoring report to CDFW for approval of completion for the project.			
Threshold 4.4e) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-7: Native Desert Vegetation Survey and Protected Plant Preservation Plan** A Preservation Plan will be prepared and submitted to the City, which is required by City Municipal Code. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings "10 feet or greater in diameter" as per § 16.24.150 of City Municipal Code. Transplant suitability of the western Joshua trees will be determined by the results of the survey. This survey shall be conducted by a qualified City-approved biologist or arborist. The plan will incorporate survey data, identify and outline preconstruction survey methods for the native desert vegetation on the project site, describe preconstruction and construction-phase biological monitoring and transplant methods that are applicable, or outline any identified CDFW permit and Memorandum of Understanding requirements for	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	active relocation, if either is necessary. The Plan should be referred to for a detailing of protective actions regarding the western Joshua trees on the project site.			
4.5 Cultural Resources				
Threshold 4.5b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.	**MM CUL 1** If archaeological resources are discovered during construction activities, the contractor will halt construction activities in the immediate area of the find (within a 60-foot buffer) and notify the City of Hesperia. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to assess the find. Work on the other portions outside the buffer area may continue during this assessment period. The archaeologist will also be afforded the necessary time and resources to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM CUL 3 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	archaeologist shall monitor the remainder of the project and implement the Plan accordingly.			3. During construction activities
Threshold 4.5c): Disturb any human remains, including those interred outside of formal cemeteries.	**MM CUL 2** If human remains are encountered during excavations associated with this project, all work will stop within a 30-foot radius of the discovery and the San Bernardino County Coroner will be notified (§ 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).	Project Construction Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project construction activities
4.7 Geology and Soils				
Threshold 4.7f): Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**MM GEO 1** Before the beginning of project construction, the project applicant shall retain a qualified paleontologist to remain on-call for the duration of project ground disturbance activities. If paleontological resources are uncovered during project construction, the contractor shall halt construction activities in the immediate area and notify the City. The on-call paleontologist shall be notified and afforded the necessary time and funds to recover and analyze the finds and curate the find(s) with an accredited repository for paleontological resources. Subsequently, the monitor shall remain onsite for the duration of the ground disturbance to ensure the protection of any other resources that are found during construction on the project site	Project Applicant, Qualified Paleontologist	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
4.9 Hazards and Hazardous Materials				
Threshold 4.9a)	**MM HAZ-1**	Project Applicant	Field Verification	

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant to submit a Hazardous Materials Business Plan which would include an inventory of all hazardous materials used, stored, or otherwise managed onsite to the County of San Bernardino County Fire Department – Hazardous Materials Division and the Fontana Fire Protection District. The recommendations of the Hazardous Materials Business Plan would be included in the lease agreement (signed by the tenant) as mandatory measures required to be implemented by the tenant **MM HAZ-2** In the event that the future occupant will handle hazardous materials above the reportable quantity threshold, the occupancy agreement shall require the occupant, in coordination with the San Bernardino County Fire Department, to identify routes along which hazardous materials may routinely be transported. If essential facilities such as schools, hospitals, child care centers, or other facilities with special evacuation needs are located along these routes, the future occupant shall develop an emergency response plan that can be implemented in the event of an unauthorized release of hazardous materials. The recommendations of the Emergency Response Plan would be included in the occupancy agreement (signed by the future occupant) as mandatory measures required to be implemented by the future occupant.			1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation
Threshold 4.9b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment**?**	Refer to **MM HAZ-1 and MM HAZ-2** in **Threshold 4.9a).**			

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Threshold 4.9f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Refer to **MM TRANS-3** in **Threshold 4.17c).**			
4.17 Transportation				
Threshold 4.17a) Would the project conflict with a program plan, ordinance or policy addressing circulation system, including transit, roadway, bicycle and pedestrian facilities?	**MM TRANS-1** The Project Applicant would be required to implement operational improvements detailed in section 11.7 of the Traffic Impact Analysis (TIA) report to ensure that all affected intersections by project buildout would have an adequate level of service (LOS). **MM TRANS-2** The Project Applicant would be required to contribute to fair-share contributions for intersection operational improvements in the project area. The contributions are identified in section 11.8 of the Traffic Impact Analysis (TIA) report.	Project Applicant	Field Verification	1. City of Hesperia 2. City of Hesperia 3.Before construction
	MM TRANS-3 Prior to construction, the General Contractor shall submit a detailed Construction Management Plan to be reviewed and approved by the City of Hesperia. The Construction Management Plan shall specify that the Construction Manager will schedule truck traffic and employee shifts to avoid creating trips during the peak traffic periods, as is feasible for construction operations. All measures, including identified truck routes and designated employee parking areas, shall be included in	City of Hesperia and Construction Manager	Field Verification	1. City of Hesperia 2. City of Hesperia 3. During Construction

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
Threshold 4.17c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	the Construction Management Plan. The Plan shall include but is not limited to the following provisions: • The Construction Management Plan shall specify how traffic will be routed and controlled during the construction phase, including which lane(s) of traffic will be temporarily blocked off for construction work. • Specification of permitted hours for construction-related deliveries and removal of heavy equipment and material. • Specification of where construction workers would park their personal vehicles during project construction with a requirement that at no time shall construction worker vehicles block any driveways. If complaints are received by the project applicant regarding issues with construction worker vehicle parking, the project applicant shall identify alternative parking options for construction workers so as not to interfere with any surrounding parking availability. • Identification of how emergency access to and around the project site will be maintained during project construction. • Specification of haul routes for delivery or removal of heavy and/or oversized equipment or material loads. Where feasible, delivery or removal of oversized equipment or material loads shall be conducted during off-peak traffic periods. • Provide pedestrian and bicycle connections around the project site and designate safe crossing locations for all pedestrian detours. • Maintain the security of the project site by erecting temporary fencing during the construction phase of the project. Any onsite night lighting used during the construction phase of the project shall be in compliance with the lighting requirements of the City of Hesperia. • If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times. • Flag persons and/or detours shall be provided as needed to ensure safe traffic operations.			

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
	• Construction signs shall be posted to advise of reduced construction zone speed limits. • The project design shall include entry/exit gates for first responders' vehicles to gain access to the project site.			
Threshold 4.17d) Would the project result in inadequate emergency access?	**MM TRANS-3.** Refer to **Threshold 4.17c).**	City of Hesperia and Construction Manager	Construction Management Plan	1. City of Hesperia 2. City of Hesperia 3. During Construction
4.18 Tribal Cultural Resources				
Threshold 4.18b): cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe	**MM TCR-1** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in MM CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?	monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.			
	MM TCR-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM TCR-3 As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the San Bernardino County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

ATTACHMENT 6A
RESPONSES TO COMMENTS
CARGO SOLUTIONS TRUCK WAREHOUSE AND TRUCK STOP
HESPERIA, CA

Prepared for:

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September 2025

Project No. 7187

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ATTACHMENTS

Attachment A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI)
Attachment B NOI Posting at the State of California, Office of Planning and Research Clearinghouse
Attachment C County Clerk-Recorder NOI Posting
Attachment D AB 52 Tribal Consultation Letters from the City to the Native American Tribes
Attachment E Public Comment Letters

1.0 INTRODUCTION

This Responses to Comments (RTC) document, in conjunction with the Draft Initial Study/Mitigated Negative Declaration (IS/MND) responds to comments on the proposed Cargo Solutions Warehouse and Truck Stop (project). While the State of California Environmental Quality Act (CEQA) Guidelines do not require a final initial study or the preparation of formal responses to comments received during the public review period for an Initial Study/Mitigated Negative Declaration,[1] to provide further disclosure about the proposed project the City of Hesperia (City) is making available responses to the comments it received during the public review process.

1.1 Background of Environmental Review Process for the Project

The IS/MND, along with a Notice of Intent to Adopt a Mitigated Negative Declaration (NOI, see **Attachment A**), was released for public and agency review on June 18, 2025, with a 30-day review period ending on July 21, 2025. In addition, the NOI was posted on the State Clearinghouse on June 19, 2025. See **Attachment B**.

The NOI was also posted at the San Bernardino County Clerk-Recorder on or around June 2, 2025 (see **Attachment C**), and copies of the IS/MND were made available for review at the following locations:

- City of Hesperia Website: https://www.cityofhesperia.us/1466/Environmental-Documents
- City of Hesperia Planning Division, 9700 Seventh Avenue, Hesperia, CA 92345

A hard copy of the NOI was mailed to:

- Residents and property owners, located within 500 feet of the project site.

A hard copy of the NOI was sent via US Mail on July 18, 2025 to the following entities:

- Oak Hills Prop. Assoc.
- CEQA Reviewer; Mojave Water Agency
- Mitchell M. Tasi Law
- CEQA Reviewer; Mojave Desert AQMD
- Department of Water Resources
- CEQA Reviewer; City of Victorville
- CEQA Reviewer; City of Apple Valley
- Native American Heritage Commission
- CEQA Reviewer; San Bernardino County Fire
- CEQA Reviewer; Sheriff
- 306459104 KAUR RAJINDER
- Angel Esparza; (SW Carpenters)
- Oscar Ocastaneda
- Richard Drury, Komalpreet Toor, Stacey Oborne; Lozeau Drury LLP
- CEQA Reviewer; Southern California Edison
- France Tinney; Center for Biological Diversity

1 CEQA only requires the lead agency to respond to comments that are received in response to an environmental impact report (Title 14, California Code of Regulations, § 15088, Evaluation of and Response to Comments).

- Kevin Johnston; Requestor
- Alexandra McCleary; San Manuel Band of Mission Indians
- CEQA Reviewer; City of San Bernardino
- James Brownyard; Requestor
- 306463103 TIGER PAW LAND LLC
- CEQA Reviewer; Snowline Joint Unified School District
- Jeff Modrzejewski; Creed LA
- Sean Silva; CARE CA
- 306459114 LITTLE SISTER'S CALIFORNIA REALTY LL
- Rick Engineering Company
- Adams Broadwell Joseph & Cardozo
- 306464124 GARTIZ PROPERTIES LLC
- CEQA Reviewer; County of San Bernardino
- Jacquelyn Barnum; Cabazon Band of Mission Indians
- Planning Division; City of Hesperia
- Adam Salcido; Requestor
- Golden State Envriomental Justice Alliance
- State Water Resources Control Board, Division of Drinking Water
- Alicia Reed; Torres Martinez Desert Cahuilla Indians
- Center for Community Action and Environmental Justice
- Hesperia Rec/Park Dist
- Blum Collins LLc; Golden State Envriomental Justice Alliance
- Aria Soeprono; Advocates for the Environment

1.2 Tribal Consultation

The City of Hesperia (the lead agency) initiated AB 52 outreach to three local tribes for the Cargo Solutions Truck Warehouse Project on or around September 2022, pursuant to Public Resources Code § 21074. (see **Attachment D**) The City prepared letters to these tribes on their list for AB 52 contact, informing them of the project. The letters were sent by Ryan Leonard, AICP, Senior Planner, on September 22, 2022 via email to the following tribes:

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

The City received one response from the San Manuel Band of Mission Indians. The City contacted the Tribe's representative directly. After consultation occurred, Tribal Cultural Resources (TCR) mitigation measures were included to address the tribe's concerns and to include the tribal monitoring measures. With these actions, AB 52 consultation was concluded in January 2023. **Section 4.18** of the Initial Study documents all consultation held between the City and Native American Tribes.

1.3 Responses to Comments

This document provides a response to comments received on the IS/MND. Several comment letters were received during the public review period. (see **Attachment E**) These letters are in **Section 2.0**, Public Comment Letters.

1.4 Intended Uses of this IS/MND

The IS/MND will be used by the City in considering approval of the proposed project. In accordance with CEQA Guidelines § 15074, the IS/MND will be used as the primary environmental document in consideration of all subsequent planning and permitting actions associated with the proposed project, to the extent such actions require CEQA compliance and as otherwise permitted under applicable law.

15074. CONSIDERATION AND ADOPTION OF A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION.

(a) Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making itsrecommendation.

(b) Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency's independent judgment and analysis.

(c) When adopting a negative declaration or mitigated negative declaration, the lead agency shall specify the location and custodian of the documents or other material which constitute the record of proceedings upon which its decision is based.

(d) When adopting a mitigated negative declaration, the lead agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.

(e) A lead agency shall not adopt a negative declaration or mitigated negative declaration for a project within the boundaries of a comprehensive airport land use plan or, if a comprehensive airport land use plan has not been adopted, for a project within two nautical miles of a public airport or public use airport, without first considering whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area.

(f) When a non-elected official or decision-making body of a local lead agency adopts a negative declaration or mitigated negative declaration, that adoption may be appealed to the agency's elected decision-making body, if one exists. For example, adoption of a negative declaration for a project by a city's planning commission may be appealed to the city council. A local lead agency may establish procedures governing such appeals.

Upon review and consideration of the IS/MND, the City may take action to adopt, revise, or reject the proposed project. A decision to approve the proposed project would be made in a resolution recommending certification of the IS/MND as part of the consideration of the proposed project. The City has prepared this IS/MND and has determined that the environmental impacts of the proposed project have been reduced to a less than significant level through mitigation measures.

2.0 PUBLIC COMMENT LETTERS

The following agencies and entitles submitted written comments on the IS/MND, during the public review period. The comment letters are provided in **Attachment E** of this document.

Letter	Agency, Organization, or Individual	Date
A	**Mojave Water Agency**	**June 23, 2025**
Comment A-1	This confirms that the Mojave Water Agency has no conflict with this project.	
Response A-1	Comment noted. No further action.	
B	**Lozeau Drury**	**June 23, 2025**
Comment B-1	We hereby request that the City of Hesperia ("City") send by electronic mail, if possible, or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following: • Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091. • Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to: • Notices of any public hearing held pursuant to CEQA. • Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4. • Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9. • Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092. • Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations. • Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law. • Notices of any addenda prepared to a previously certified or approved EIR. • Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law. • Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law. • Notice of any Final EIR prepared pursuant to CEQA. • Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.	

Letter	Agency, Organization, or Individual	Date
	Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.	
Response B-1	The City acknowledges receipt of the commenter's request for notice pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092. This request has been forwarded to the appropriate City staff and will be included in the City's records for this Project. The City will provide the commenter with all future notices concerning the project as required by CEQA and the California Planning and Zoning Law, including but not limited to notices of public hearings and notices of CEQA determinations. No further response to this comment is required under CEQA.	
C	**SoCalGas**	**June 26, 2025**
Comment C-1	SoCalGas Distribution does not appear to have a conflict with this project. Please note on case to have Developer contact 811 / USA at DigAlert | Utility Locating California | Underground Wire & Cable Locator prior to any excavation / demolition activities so we can Locate & Mark out our facilities.	
Response C-1	Comment noted. Applicant will contact prior to excavation.	
Comment C-2	If the Developer needs new gas service, please have them contact our Builder Services group to begin the application process as soon as practicable, at https://www.socalgas.com/foryour-business/builder-services.	
Response C-2	Comments noted. Applicant will contact if a new gas line will be installed.	
Comment C-3	Please notify Southern California Gas Company 4 months prior to start of Pavement projects for the gas company to complete leak survey & repair leaks if found.	
Response C-3	Comment noted. Applicant will contact SoCalGas four months prior to the pavement process.	
Comment C-4	Please provide Southern California Gas Company with your signed designed Plans with gas company facilities posted on your design plans, 4-6 months prior to start of construction for possible relocation of SCG medium pressure facilities and 9-12 months for possible relocation of SCG high pressure facilities.	
Response C-4	Comment noted. Applicant will provide SoCalGas with plans four to six months prior to the start of construction.	
D	**Mojave Desert Air Quality Management District**	**July 9, 2025**
Comment D-1	We have reviewed the project as proposed and based on the information available to us at this time, the District requires that the owner/operator obtain a Dust Control Plan (DCP) for the planned project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at https://www.mdaqmd.ca.gov/permitting/compliance-forms. Other District requirements include: • Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction. • Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible	

Letter	Agency, Organization, or Individual	Date
	fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits. • All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing. • All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion. • Obtain District permits for any miscellaneous process equipment that may be required under District Rule 219 including, but not limited to: Internal Combustion Engines with a manufacturer's maximum continuous rating greater than or equal to 50 brake horsepower. • Comply with all applicable provisions listed in Rule 403 – Fugitive Dust Control.	
Response D-1	Comment noted. The project would incorporate a dust plan that would incorporate all these outlined steps that would be consistent with Rule 403.	
E	**California Department of Fish and Wildlife**	**July 11, 2025**
Comment E-1	Mohave ground squirrel (Xerospermophilus mohavensis) Section #4.4 Biological Resources, Page #72-73 Issue: The Project has the potential to result in take of Mohave ground squirrel, a CESA listed species, and in the permanent loss of potential habitat for the species. California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill". Specific impact: Mohave ground squirrel was identified by the MND to have a low potential to occur within the biological study area (BSA), but no focused surveys were conducted, nor were any species-specific avoidance or mitigation measures included in the MND. Why impact would occur: The Project would permanently impact 20.32 acres of open space through grading, staging, construction of two large warehouses, and installation of parking lots. CDFW is concerned that the Project may impact Mohave ground squirrel considering that the MND mentions the presence of burrows and creosote bush (Larrea tridentata), which are known to provide habitat for Mohave ground squirrel and no focused surveys to determine presence/absence of Mohave ground squirrel were conducted. Evidence impact would be significant: The MND mentions that Mohave ground squirrel has a low potential to occur onsite and that the BSA offers minimal habitat value for fossorial species, such as Mohave ground squirrel. Thus,	

Letter	Agency, Organization, or Individual	Date
	considering that the Project site offers some habitat value and there is vegetation suitable for Mohave ground squirrel (i.e., creosote bush), CDFW is concerned that mitigation measures were not included in the MND to ensure impacts to Mohave ground squirrel are mitigated to a level of less than significant. Furthermore, California Natural Diversity Database (CNNDB) indicates the Project is within the Mohave ground squirrel distribution range and Mohave ground squirrel occurs within 2.5 miles of the Project site. In fact, burrows were detected onsite, which the MND attributes to belonging to an unknown ground squirrel species. Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following measure for inclusion in the final MND: Mitigation Measure Biological Resources 6 (MM-BIO-6) (New): Mohave ground squirrel Visual surveys for Mohave ground squirrel shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (Ammospermophilus leucurus). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.	
Response E-1	The Project applicant will incorporate and comply with this recommended mitigation measure addition. As MM BIO-6 and MM BIO-7 are existing mitigation measures, this new mitigation measure will be incorporated as MM BIO-8 to reduce confusion of changed mitigation measures.	
Comment E-2	Western Joshua tree (Yucca brevifolia) Section #2.3.4 Environmental Setting, 4.4 Biological Resources, Page #25, 67, 72, 73, 77, 80-81, 191 Issue: The Project may impact western Joshua tree; a candidate species protected under CESA and Fish and Game Code section 1927. Specific impact: The Project, as described, will result in the lethal take of western Joshua trees present onsite. In fact, the MND confirms that direct and indirect take of western Joshua tree is likely to occur. Why impact would occur: Project activities, such as grubbing and grading may result in removal of western Joshua tree or may impact their root system. Under Fish and Game Code section 1927, the take of western Joshua trees and parts thereof, including roots, is prohibited. Damage to roots can lead to the death of the tree.	

Letter	Agency, Organization, or Individual	Date
	Evidence impact would be significant: The MND is not clear regarding how many western Joshua trees are present on site, but states that there are between 1 to 6 western Joshua trees present and CDFW confirmed the presence of western Joshua trees onsite through aerial imagery. The MND also does not provide information regarding the extent that the Project may impact the species but in BIO-1 (see below) discusses the need for an Incidental Take Permit (ITP) under Fish and Game Code section 2081. Please note that the Project may also receive an ITP under Fish and Game Code section 1927 through the Western Joshua Tree Conservation Act (WJTCA), which will require a census of all trees dead or alive within the Project site and a 50-foot buffer. For further information please visit Western Joshua Tree Conservation Permitting. Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-1 for inclusion in the final MND (edits are in strikethrough and bold): MM-BIO-1 (Revised): Section 2081 FGC Incidental Take Permit Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of MM BIO-6. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA).** **Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees.**	

Letter	Agency, Organization, or Individual	Date
Response E-2	The Project applicant will incorporate and comply with this recommended mitigation measure revision. Revisions were made in the biology section of the MND. After review of the Section 2.3.4 of the Environmental Setting, there was no indication of the take of Joshua tree; the subsection simply stated there were Joshua Trees on the project site and therefore, no revisions to this section.	
Comment E-3	Burrowing owl (Athene cunicularia hypugaea) Section #4.4 Biological Resources, Page #68, 73, 76-77 Issue: The Project has the potential to significantly impact burrowing owl; a candidate species protected under CESA. Specific impact: The Project may result in take of burrowing owl through Project activities such as mass grading. Additionally, the Project may lead to the permanent elimination of habitat for burrowing owls from warehouse development. Why impact would occur: The MND states that suitable habitat is present onsite for burrowing owl; for example, sparse vegetation, burrows, and suitable soils. As a result, the MND included BIO-2 (see below). CDFW appreciates that BIO-2 considers focused surveys for burrowing owls and is in line with previous guidance provided by CDFW. However, CDFW would like to note that since burrowing owl became a CESA candidate species in March 2024, CDFW cannot accept relocation plans outside of a CESA ITP. Instead, BIO-2 should consider obtaining an ITP if burrowing owls are detected and impacts cannot be avoided. Thus, the change in regulatory status for burrowing owl requires changes to measure BIO-2 as recommended by CDFW below. Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-2 for inclusion in the final MND (edits are in strikethrough and bold): MM-BIO-2 (Revised): Focused Burrowing Owl Survey Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist **shall** conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012). Following the completion of the survey, the biologist **shall** prepare a letter report summarizing the results of the survey. The report would be submitted to the CDFW and the City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required.	

Letter	Agency, Organization, or Individual	Date
	If BUOW or signs of BUOW are observed during the survey, the site **shall** be considered occupied **and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable.**	
Response E-3	The Project applicant will incorporate and comply with this recommended mitigation measure revision.	
Comment E-4	Nesting Birds Section #4.4 Biological Resources, Page #68, 69, 72, 73, 75-77 Issue: The Project has the potential to impact nesting birds, including CDFW Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918. Specific Impact: Project implementation could result in the loss of nesting and/or foraging habitat for (non-)passerine and raptor species. Why impact would occur: Nesting avian species could be directly or indirectly impacted during construction and for the life of the Project through the removal of potential foraging habitat, loss of and/or modification of habitat features, construction of warehouses, installation of new artificial lighting, creation of noise and vibration, and the removal of vegetation. Nest destruction, nest abandonment, behavioral disturbance, increased risk of predation, and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations. The MND indicates that pre-construction nesting bird surveys would only occur during February-August. However, CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests. This is in consideration that the timing of the bird nesting season varies greatly depending on several factors, such as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have also observed that changing climate conditions may result in the nesting bird season occurring earlier and/or later in the year than historical nesting season dates. Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.	

Letter	Agency, Organization, or Individual	Date
	Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-5 for inclusion in the final MND (edits are in strikethrough and bold): MM-BIO-5 (Revised): Pre-Construction Breeding Bird Survey To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels. Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities. • A qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted **within 72 hours** prior to the onset of scheduled activities, such as mobilization and staging. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and **the qualified biologist determines** they will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone.	

Letter	Agency, Organization, or Individual	Date
	• If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency, **including CDFW**, to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency, **including CDFW**. • Birds or their active nests will not be disturbed, captured, handled or moved.	
Response E-4	The Project applicant will incorporate and comply with this recommended mitigation measure revision.	
F	**Lozeau Drury**	**July 16, 2025**
Comment F-1	SAFER is concerned that the IS/MND is improper 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. SAFER requests that an environmental impact report be prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated.	
Response F-1	The commenter asserts, in general terms, that the Initial Study/Mitigated Negative Declaration (IS/MND) is inadequate under the California Environmental Quality Act (CEQA) and that an Environmental Impact Report (EIR) should be prepared. However, the commenter has not identified any specific substantial evidence in the record that demonstrates that the Project would result in potentially significant impacts that cannot be mitigated to less than significant levels. The IS/MND prepared for the project includes a comprehensive analysis of the project's potential impacts on the environment, consistent with the requirements of CEQA. Where potentially significant impacts were identified, feasible mitigation measures have been incorporated into the project to reduce those impacts to a less than significant level. The IS/MND therefore appropriately concludes that no significant unavoidable impacts would occur with implementation of the identified mitigation measures. Under CEQA, preparation of an EIR is only required when there is substantial evidence, in light of the whole record, that the Project may have a significant effect on the environment that cannot be mitigated. No such evidence has been provided by the commenter. Therefore, an MND is the appropriate level of environmental review for the Project. The IS/MND complies with CEQA's requirements to disclose, analyze, and mitigate the project's potential environmental impacts.	
G	**Caltrans**	**July 21, 2025**
Comment G-1	**Safety Reviews:** The proposed project will generate additional trips on the State Highway System on US-395 and I-15. Please provide a Safety Analysis Report for I-15 and US-395 facilities affected by the proposed project. The Safety Analysis Report shall follow the attached guidance. See the attached guidance: Local Development Review (LDR) Safety Review Practitioner's Guidance. Please follow the steps below:	

Letter	Agency, Organization, or Individual	Date
	a. To request crash data on the State Highway System, please submit your request via our California Public Records Act (CPRA) portal at mycusthelp.com. b. Please analyze the existing crash data and discuss project's impact on safety as needed. c. Provide appropriate countermeasures to mitigate/reduce project's impact as needed.	
Response G-1	As shown in Table 4-1 of the May 23, 2025 traffic study, the project is forecast to generate a small amount of trips (i.e., 34 AM and 36 PM PCE peak hour trips). Once assigned to the network, these trips are even less at all nearby Caltrans facilities. As such, based on engineering judgement, the project's impact on adjacent Caltrans facilities is considered nominal and as such, a safety review is unnecessary.	
Comment G-2	Per previous review, the project is in the vicinity of I-15 facility on Main Street. Please include study area intersections for I-15 ramp/Main Street intersections, and street intersections leading to the project site in the TIA (for example, Mesa Linda St/Main St Intersection).	
Response G-2	As shown in Exhibit 4-7 (total project traffic volumes) of the most recent version of the traffic study (dated May 23, 2025), only approximately 12 AM peak hour trips and 14 PM peak hour trips are forecast to travel north/south along Mesa Linda Street to/from Main Street/I-15 Freeway. Of these vehicles, none of these trips are truck trips. Per the City of Hesperia's truck route map, Main Street (between the I-15 and Highway 395) is not an identified truck route, and as such, no trucks have been assigned along Main Street. Additionally, per the City of Hesperia's TIA Guidelines, the study area shall include any intersection of "Collector" to higher classification street, with "Collector" or higher classification, shown on Hesperia Circulation Element, at which the proposed project will add 50 or more A.M. or P.M. peak hour trips. In addition, all freeway links with 100 or more peak-hour project trips (two-way); and CMP roadways with 50 or more peak-hour project trips. Based on these considerations, the addition of these intersections along Main Street are not required and the project's impact can be considered nominal.	
Comment G-3	Please include Northbound and Southbound I-15 off-ramp to Main St in the queuing analysis of the report.	
Response G-3	Please see Response #1 above. The project is forecast to add a nominal amount of traffic at the Northbound and Southbound I-15 off-ramp intersections along Main Street. As such, the addition of these intersections along Main Street are not required and the project's impact can be considered nominal. As such, RK does not recommend updating the TIA based on this comment.	
Comment G-4	Please consider using the Intersection Safety and Operational Assessment Process (ISOAP) evaluation for recommending improvements at the proposed traffic signal intersection of US-395 and Poplar Street (refer to the attached ISOAP memo dated September 10, 2024).	
Response G-4	As directed by the City of Hesperia during the TIA scoping process, this traffic study utilizes the data/approach/methodology from the recently completed traffic study for the I-15 Industrial Project (located adjacent to the project site on the north side of Poplar Street). As such, this traffic study recommends the installation of a traffic signal at the intersection of US-395 and Poplar Street which is consistent with the recommendations from the I-15 Industrial Project	

Letter	Agency, Organization, or Individual	Date
	TIA. Installing a traffic signal at this location does not propose any safety concerns (e.g., spacing with other nearby traffic signals, layout/geometry, etc.). Additionally, given the amount of trucks that will utilize this intersection, a roundabout would not be feasible. Recommendations to signalize this intersection have already been made in past TIA's without utilizing the ISOAP evaluation. RK concurs with these past traffic studies that the installation of a traffic signal at this location will provide the safest and most efficient solution. As such, RK does not recommend updating the TIA based on this comment.	
Comment G-5	Truck Services specialist should review and concur with truck-related items in the report.	
Response G-5	Comment noted. No changes to the TIA are required.	
Comment G-6	A 2% per year growth rate is applied to background traffic, but there's no reference to SCAG, SBCTA, or Caltrans sources. Using a generic rate without justification can lead to inaccurate forecasts. Recommend supporting the growth assumption with data from a regional travel demand model or Caltrans resources.	
Response G-6	Per the City of Hesperia's TIA Guidelines, for project opening day analysis, "*Use accepted growth rates provided by the jurisdictions in which the analysis is to take place. Each jurisdiction's growth rates should be used for intersections and segments within that jurisdiction*." A two percent (2%) annual ambient growth rate is typical for the City of Hesperia and was confirmed during the scoping process. Additionally, this growth rate is consistent with the rate utilized in the I-15 Industrial Project TIA. Furthermore, the addition of cumulative projects within the area were manually assigned to the study area in addition to the ambient growth rate. As such, RK does not recommend updating the TIA based on this comment.	
Comment G-7	Although the project description includes a truck stop with 8 fueling stations, the TIA only analyzes two warehouses. This may underestimate traffic impacts. Recommend updating the TIA to include truck stop traffic or confirming its removal from the project.	
Response G-7	The project is no longer proposing a truck stop. The description used in the TIA is what the project is currently proposing. As such, no changes to the TIA are necessary.	
Comment G-8	Although the TIA models area-wide traffic impacts, it does not confirm whether or how project-generated trips utilize Caltrans facilities such as US-395 or the I-15 ramps. The trip description states that approximately 60 percent of vehicle trips will come from or go to the Main Street ramps. However, the TIA does not include the Main Street ramps or the Main Street and Mesa Linda Street intersection in the list of analyzed intersections. This omission is concerning, as these are key access points to the regional transportation network. Additionally, based on the provided trip distribution figures, it is difficult to accept the assumption that no trucks associated with the project will use the Main Street ramps. It is recommended that the TIA clearly identify which Caltrans facilities will carry project traffic, quantify the number of trips expected to use each route, and include the relevant intersections in the traffic analysis. This information is critical for a transparent and complete assessment of potential impacts on state facilities.	

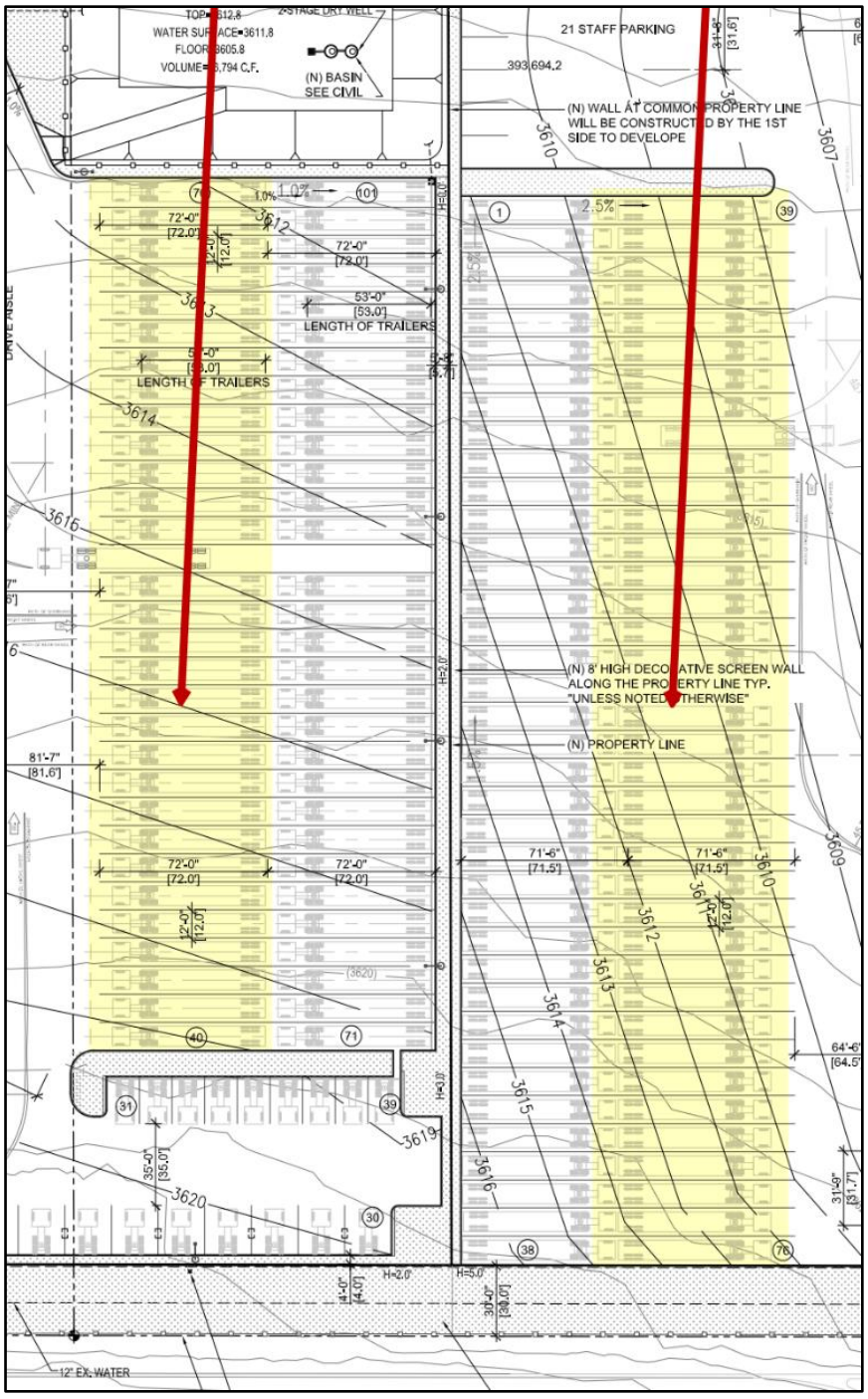
Letter	Agency, Organization, or Individual	Date
Response G-8	Please see Response #2 above. The project is forecast to add a nominal amount of traffic at the Northbound and Southbound I-15 off-ramp intersections along Main Street. As such, the addition of these intersections along Main Street are not required and the project's impact can be considered nominal.	
Comment G-9	The background traffic volumes on US-395 and I-15 appear to be escalated from nearby local studies, but the TIA does not provide a complete reference to the source studies or include the full reports or trip count sheets. Additionally, these background volumes are not cross validated against Caltrans Performance Measurement System (PeMS) data or Caltrans traffic count station data. For consistency and transparency, recommend including the complete local study report or at minimum the relevant traffic count sheets used for background traffic estimation. Also recommend validating existing and future traffic volumes on Caltrans facilities using Caltrans PeMS or count station data to ensure alignment with actual observed trends and to support defensible forecasting.	
Response G-9	The referenced study is the *I-15 Industrial Park Project Transportation Impact Analysis*, prepared by Dudek, dated October 2022. At the time of initial scoping, this study had just been completed and City of Hesperia staff directed that the traffic analysis for this project be based on the information contained within this Dudek study (for consistency between both sites). The I-15 Industrial Park TIA, completed by Dudek, will be provided to Caltrans for reference.	
Comment G-10	The TIA should address the horizon year assumption. The selected 2040 horizon is only 14 years beyond the project opening year (2026), not the typical 20- year planning horizon recommended for long-range traffic analysis.	
Response G-10	In May 2023, a scoping agreement was submitted to and ultimately approved by the City of Hesperia. Per the direction of the City, traffic volumes (including existing, opening year, and horizon year) were to be utilized from the recently completed traffic study for the I-15 Industrial Project (located adjacent to the project site on the north side of Poplar Street). Based on these considerations, no changes to the traffic study are recommended.	
Comment G-11	The project affects Caltrans intersections (e.g., US-395), but the IS/MND and TIA do not state whether work will occur in Caltrans right-of-way or if an encroachment permit is needed. Recommend clarifying this and identifying any required Caltrans permits.	
Response G-11	As concluded in the traffic impact analysis, improvements have been identified for all operationally deficient intersections consistent with the *I-15 Industrial Park Project Transportation Impact Analysis*, prepared by Dudek, dated October 2022. The project's responsibility for all identified off-site intersections are in the form of fair share contributions. The traffic impact analysis does not indicate that the project will perform any direct work on any Caltrans right-of-way. However, an encroachment permit will be obtained if ultimately the project is required to work within any Caltrans right-of-way.	
Comment G-12	The TIA explains that a traffic signal at US-395 and Poplar Street must be installed by either this project or another (I-15 Industrial Park), depending on timing. The IS/MND does not clearly state who is responsible if Cargo Solutions is built first. Recommend adding a clear condition of approval that defines signal installation responsibility and reimbursement terms.	

Letter	Agency, Organization, or Individual	Date
Response G-12	The IS/MND will clearly state that if the proposed Cargo Solutions project is built prior to the installation of a traffic signal at the intersection of US-395 & Poplar Street, the proposed Cargo Solutions project shall construct this signal and be reimbursed for the total costs less their fair share contribution. The traffic signal shall be constructed prior to issuance of Certificate of Occupancy.	
Comment G-13	While the VMT screening memo is referenced in the appendix, the IS/MND briefly says the site is in a "low VMT area" without explaining why or how that was determined. Recommend including a brief explanation or summary of the VMT screening criteria and findings in the IS/MND's transportation section.	
Response G-13	The VMT section in the IS/MND will be expanded to include the following additional language from Chapter 10 of the traffic impact analysis explaining why/how the project is located within a low VMT area: **Per the *City of Hesperia Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service (LOS) Assessment*, dated July 2020: "Residential and office projects located within a low VMT-generating area may be presumed to have a less than significant impact absent substantial evidence to the contrary. In addition, other employment-related and mixed-use land use projects may qualify for the use of screening if the project can reasonably be expected to generate VMT per resident, per worker, or per service population that is similar to the existing land uses in the low VMT area."** **To identify if the project is in a low VMT-generating area, the San Bernardino County Transportation Authority (SBCTA) VMT screening tool was utilized to compare the project's baseline TAZ VMT to the County's baseline VMT metric. Since the project is exclusively an industrial use (i.e., warehousing), the "PA VMT Per Worker" metric was utilized for evaluation Based on the results of the SBCTA VMT screening tool, the proposed project's TAZ VMT was calculated to be 16.0 PA VMT Per Worker which does not exceed the County VMT threshold of significance of 16.9 VMT Per Worker. Therefore, the proposed project does satisfy the Low VMT Generating Area Screening and may be presumed to have a less than significant impact on VMT under CEQA.**	
Comment G-14	**Equitable Access** If any Caltrans facilities are impacted by the project, they must comply with the American Disabilities Act (ADA) Standards upon project completion. Additionally, the project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase. These access considerations align with Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.	
Response G-14	Comment acknowledged. As previously mentioned, the project does not intend to directly perform work on any Caltrans facilities, but will comply with ADA Standards if any work on Caltrans facilities is ultimately required. The project will also ensure the maintenance of bicycle and pedestrian access throughout the construction phase.	
Comment G-15	**Caltrans Encroachment Permit** Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) requires a Caltrans-issued encroachment permit.	

Letter	Agency, Organization, or Individual	Date
Response G-15	Comment acknowledged. Any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) will require a Caltrans-issued encroachment permit.	

3.0 ERRATA

The City has requested from the Project Applicant to remove the tandem tractor/trailer parking in these areas shown below from the site plan to adhere to City regulations. Additionally, the City requested double or hairpin striping for the parking spots.



Previous Site Plan - Parking Summary			
Buildings	**Type of Parking**	**Stalls**	**Total**
Building 1	Employee/Guest	123	551
	Tractor/Trailer	101	
	Tractor Only	59	
Building 2	Employee/Guest	141	
	Tractor/Trailer	76	
	Tractor Only	51	
Current Site Plan - Parking Summary			
Building 1	Employee/Guest	123	482
	Tractor/Trailer	70	
	Tractor Only	59	
Building 2	Employee/Guest	141	
	Tractor/Trailer	38	
	Tractor Only	51	

COMPARISON OF ENVIRONMENTAL EFFECTS

The following matrix provides a list of topical issues that were analyzed in the Initial Study. Based on the minor changes to the tandem tractor/trailer parking requested by the City, the results of those changes are noted below.

Environmental Issue	IS/MND Conclusions	Minor Modified Project Conclusions	Minor Modified Project in Comparison to the IS/MND
Aesthetics	Less than Significant	Less than Significant	Net Benefit/Less Impact
Agriculture and Forestry Resources	No Impact	No Impact	Net Benefit/Less Impact
Air Quality	Less than Significant	Less than Significant	Net Benefit/Less Impact
Biological Resources	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Cultural Resources	Less than Significant with Mitigation Incorporated	Less than Significant Impacts/No Change	Net Benefit/Less Impact
Energy	Less than Significant	Less than Significant	Net Benefit/Less Impact
Geology and Soils	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Greenhouse Gas Emissions	Less than Significant	Less than Significant	Net Benefit/Less Impact
Hazardous Materials	Less than Significant with Mitigation Incorporated	Less Than Significant Impact/No Change	Net Benefit/Less Impact
Hydrology/Water Quality	Less than Significant	Less than Significant	Net Benefit/Less Impact

Environmental Issue	IS/MND Conclusions	Minor Modified Project Conclusions	Minor Modified Project in Comparison to the IS/MND
Land Use & Planning	Less than Significant	Less than Significant	Net Benefit/Less Impact
Mineral Resources	Less than Significant	Less than Significant	Net Benefit/Less Impact
Noise	Less than Significant	Less than Significant	Net Benefit/Less Impact
Population and Housing	Less than Significant	Less than Significant	Net Benefit/Less Impact
Public Services	Less than Significant	Less than Significant	Net Benefit/Less Impact
Recreation	No Impact	No Impact	Net Benefit/Less Impact
Traffic/Transportation	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Tribal Cultural Resources	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact
Utilities	Less than Significant	Less than Significant	Net Benefit/Less Impact
Wildfire	No Impact	No Impact	Net Benefit/Less Impact
Mandatory Findings of Significance	Less than Significant with Mitigation Incorporated	Less than Significant with Mitigation Incorporated	Net Benefit/Less Impact

4.0 FINAL MITIGATION MONITORING AND REPORTING PROGRAM

The Final Mitigation Monitoring and Reporting Program (MMRP) has been prepared in conformance with § 21081.6 of the Public Resources Code and § 15097 of the CEQA Guidelines, which requires all state and local agencies to establish monitoring or reporting programs whenever approval of a project relies upon a MND or an EIR. The MMRP ensures implementation of the measures being imposed to mitigate or avoid the significant adverse environmental impacts identified through the use of monitoring and reporting. Monitoring is generally an ongoing or periodic process of project oversight; reporting generally consists of a written compliance review that is presented to the decision-making body or authorized staff person.

It is the intent of the MMRP to: (1) provide a framework for document implementation of the required mitigation; (2) identify monitoring/reporting responsibility; (3) provide a record of the monitoring/reporting; and (4) ensure compliance with those MMs that are within the responsibility of the City and/or Applicant to implement.

The following table lists impacts, mitigation measures adopted by the City of Hesperia in connection with approval of the proposed project, level of significance after mitigation, responsible and monitoring parties, and the project phase in which the measures are to be implemented.

Only those environmental topics for which mitigation is required are listed in this Mitigation Monitoring and Reporting Program.

Table 4.0-1
FINAL MITIGATION MONITORING AND REPORTING PROGRAM

TOPICAL AREA IMPACT	MITIGATION MEASURE	RESPONSIBLE PARTY	MONITORING ACTION	1. ENFORCEMENT AGENCY 2. MONITORING AGENCY 3. MONITORING PHASE
4.4 Biological Resources				
Threshold 4.4a) Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	**MM BIO-1: Section 2081 CFGC Incidental Take Permit** Western Joshua trees are a state candidate for listing under CESA and will require a 2081 Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of **MM BIO-7**. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where "take" is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA).** **Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity**	Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees. **MM BIO-2: Focused Borrowing Owl Survey** Although BUOW was not detected on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist **shall** conduct a focused BUOW survey in accordance with the *Staff Report on Burrowing Owl Mitigation* (CDFW, 2012). Following the completion of the survey, the biologist **shall** prepare a letter report summarizing the results of the survey. The report would be submitted to the **CDFW and the** City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required. If BUOW or signs of BUOW are observed during the survey, the site **shall** be considered occupied **and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable**. **MM BIO-3: Pre-Construction General Wildlife Survey** Special-status wildlife species that have no designated status under the ESA, the CESA, and/or the NPPA, but are designated as sensitive or locally important by federal agencies, state agencies, local agencies such as the RCA, and nonprofit resource organizations such as the CNPS are referred to as "sensitive" in this section. The following measures will be implemented to minimize impacts to these species which include but are not limited to: Blainville's horned lizard and desert kit fox. The measures below will help to reduce direct and indirect impacts caused by construction on various sensitive species to less than significant levels. • A qualified biologist will conduct a pre-construction general wildlife survey for sensitive wildlife and potential nesting sites such as open ground, shrubs, and burrows within the limits of project disturbance. The survey will be conducted at least seven days prior to the onset of scheduled activities, such as mobilization and staging. It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.	Applicant Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation 1. City of Hesperia Planning Department

	• If sensitive species and/or active nesting sites are observed during the pre-construction survey or they are observed and will not be impacted, project activities may begin and no further mitigation will be required. • If any sensitive wildlife species are identified within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency. zone. • Sensitive wildlife species and/or potential nesting sites will not be disturbed, captured, handled or moved. **MM BIO-4: Loggerhead Shrike Survey and Protection Measures** The following measures are proposed in order to minimize impacts to loggerhead shrike, for which there is suitable habitat in the BSA. • If activities occur during the breeding/nesting period, a wildlife survey will be completed by a qualified biologist to identify potential loggerhead shrike activity in the area of the project activities. • Additional species surveys to determine presence/absence of birds prior to disturbances, from May 1 until the work start date, if the work start date is prior to August 31. Surveys are to occur weekly in May, every other week in June, and once per month in July and August (assuming no loggerhead shrike are observed). • Incidental occurrences of other sensitive avian species such as Swainson's hawk, prairie falcon, and Cooper's hawk should also be recorded during the survey. **MM BIO-5: Pre-Construction Breeding Bird Survey** To maintain compliance with the MBTA and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.	Applicant	Field Verification Field Verification	2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation 1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts on migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities. • A qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted **within 72 hours** prior to the onset of scheduled activities, such as mobilization and staging. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and **the qualified biologist determines** they will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency, **including CDFW,** to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency, **including CDFW**.			

	• Birds or their active nests will not be disturbed, captured, handled or moved.			
Threshold 4.4b) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-6: Mitigation for Impacts to Western Joshua Tree and California Juniper Woodlands** **Avoidance and Minimization Measures** The entirety of the project area is currently planned for development. Approximately 19 acres is California juniper woodland. The California juniper woodland is a sensitive natural community, as such, impacts as a result of the project, shall be mitigated so that all impacts to these habitats are mitigated on acreage and tree basis. Proposed project activities including the construction phase, operations, and maintenance phase shall be designed to avoid California juniper woodland (and Joshua tree) habitat to the full extent practicable. If the California juniper (or associated Joshua trees) are removed as a result of project activities, then compensatory mitigation is required, as follows. The preferred compensatory mitigation is through an in-lieu fee to a qualified mitigation bank within the service area of the site, ideally within the same watershed. The project proponent shall coordinate with CDFW to identify appropriate mitigation banks and number of required mitigation credits to fully offset site impacts at a minimum of a 2:1 replacement to impact ratio. However, applicant-responsible compensatory mitigation is acceptable through preparation of a Habitat Preservation and Protection Plan, to be approved by CDFW prior to project approval. **Habitat Preservation and Protection Plan** For applicant-responsible compensatory mitigation, then the project proponent shall enter into a binding legal agreement regarding the preservation of offsite lands describing the terms of the acquisition, enhancement, and management of those lands. Fee title to acquired habitat lands, or a conservation easement over these lands, shall be transferred to CDFW or to an entity approved by CDFW, along with financial assurances (funds) for preservation, rehabilitation, and enhancement of the land, and an endowment for permanent management of the lands.	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	A formal Habitat Preservation and Protection Plan to detail methods for site preservation, restoration, monitoring, and protection shall be written. The plan will include permanent photo documentation points from the pre-restoration stage to the conclusion of the monitoring requirement. Photo documentation shall occur on a quarterly and annual basis or as required by CDFW. The number of western Joshua and California juniper trees existing onsite, transplanted, installed as container stock, will be recorded and qualitatively assessed quarterly and quantitatively assessed on an annual basis until performance criteria and/or contingency criteria are successfully attained. A final monitoring report will be provided at the conclusion of the post-construction restoration phase. The project proponent shall provide the final monitoring report to CDFW for approval of completion for the project.			
Threshold 4.4e) Have Substantial Adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	**MM BIO-7: Native Desert Vegetation Survey and Protected Plant Preservation Plan** A Preservation Plan will be prepared and submitted to the City, which is required by City Municipal Code. A native desert vegetation survey must be conducted to produce findings that will guide the formation of this plan. The survey objective is to evaluate the health and general condition of the western Joshua trees and creosote bush present on the project site. A project-specific plan will provide further guidance regarding the transplant and/or preservation of the western Joshua trees and protection for creosote rings "10 feet or greater in diameter" as per § 16.24.150 of City Municipal Code. Transplant suitability of the western Joshua trees will be determined by the results of the survey. This survey shall be conducted by a qualified City-approved biologist or arborist. The plan will incorporate survey data, identify and outline preconstruction survey methods for the native desert vegetation on the project site, describe preconstruction and construction-phase biological monitoring and transplant methods that are applicable, or outline any identified CDFW permit and Memorandum of Understanding requirements for active relocation, if either is necessary. The Plan should be referred to for a detailing of protective actions regarding the western Joshua trees on the project site.	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation
	Mitigation Measure Biological Resources 8 (MM-BIO-8) (New): Mohave ground squirrel **Visual surveys for Mohave ground squirrels shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus*	Applicant	Field Verification	1 City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project

	***leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.**			construction activities, and during operation
4.5 Cultural Resources				
Threshold 4.5b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.	**MM CUL 1** If archaeological resources are discovered during construction activities, the contractor will halt construction activities in the immediate area of the find (within a 60-foot buffer) and notify the City of Hesperia. The project applicant shall retain an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology who will be notified and afforded the necessary time to assess the find. Work on the other portions outside the buffer area may continue during this assessment period. The archaeologist will also be afforded the necessary time and resources to recover, analyze, and curate the find(s). The qualified archaeologist will recommend the extent of archaeological monitoring necessary to ensure the protection of any other resources that may be in the area. Any identified cultural resources shall be recorded on the appropriate DPR 523 (A-L) form and filed with the South Central Coastal Information Center. Construction activities may continue on other parts of the project site while evaluation and treatment of prehistoric archaeological resources takes place. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact and/or historic-era finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM CUL 3 If significant pre-contact and/or historic-era cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
Threshold 4.5c): Disturb any human remains, including	**MM CUL 2** If human remains are encountered during excavations associated with this project, all work will stop within a 30-foot radius of the discovery and the San Bernardino	Project Construction Contractor	Field Verification	1. City of Hesperia Planning Department

those interred outside of formal cemeteries.	County Coroner will be notified (§ 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are recent human origin or older Native American ancestry. If the coroner, with the aid of the supervising archaeologist, determines that the remains are prehistoric, they will contact the NAHC. The NAHC will be responsible for designating the Most Likely Descendant (MLD). The MLD (either an individual or sometimes a committee) will be responsible for the ultimate disposition of the remains, as required by § 7050.5 of the California Health and Safety Code. The MLD will make recommendations within 24 hours of their notification by the NAHC. These recommendations may include scientific removal and nondestructive analysis of human remains and items associated with Native American burials (§ 7050.5 of the Health and Safety Code).			2. City of Hesperia Planning Department 3. During project construction activities
4.7 Geology and Soils				
Threshold 4.7f): Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	**MM GEO 1** Before the beginning of project construction, the project applicant shall retain a qualified paleontologist to remain on-call for the duration of project ground disturbance activities. If paleontological resources are uncovered during project construction, the contractor shall halt construction activities in the immediate area and notify the City. The on-call paleontologist shall be notified and afforded the necessary time and funds to recover and analyze the finds and curate the find(s) with an accredited repository for paleontological resources. Subsequently, the monitor shall remain onsite for the duration of the ground disturbance to ensure the protection of any other resources that are found during construction on the project site	Project Applicant, Qualified Paleontologist	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
4.9 Hazards and Hazardous Materials				
Threshold 4.9a) Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	**MM HAZ-1** In the event that the future tenant will handle hazardous materials above the reportable quantity threshold, the lease agreement with the future tenant shall require the tenant to submit a Hazardous Materials Business Plan which would include an inventory of all hazardous materials used, stored, or otherwise managed onsite to the County of San Bernardino County Fire Department – Hazardous Materials Division and the Fontana Fire Protection District. The recommendations of the Hazardous Materials Business Plan would be included in the lease agreement (signed by the tenant) as mandatory measures required to be implemented by the tenant **MM HAZ-2** In the event that the future occupant will handle hazardous materials above the reportable quantity threshold, the occupancy agreement shall require the occupant, in coordination with the San Bernardino County Fire Department, to identify routes along which hazardous materials may routinely be transported. If essential facilities such as schools, hospitals, child care centers, or other facilities with special	Project Applicant	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During project design, during project construction activities, and during operation

	evacuation needs are located along these routes, the future occupant shall develop an emergency response plan that can be implemented in the event of an unauthorized release of hazardous materials. The recommendations of the Emergency Response Plan would be included in the occupancy agreement (signed by the future occupant) as mandatory measures required to be implemented by the future occupant.			
Threshold 4.9b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment**?**	Refer to **MM HAZ-1 and MM HAZ-2** under **Threshold 4.9a).**			
Threshold 4.9f) Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	Refer to **MM TRANS-3** under **Threshold 4.17c).**			
4.17 Transportation				
Threshold 4.17a) Would the project conflict with a program plan, ordinance or policy addressing circulation system, including transit, roadway, bicycle and pedestrian facilities?	**MM TRANS-1** The Project Applicant would be required to implement operational improvements detailed in section 11.7 of the Traffic Impact Analysis (TIA) report to ensure that all affected intersections by project buildout would have an adequate level of service (LOS). **MM TRANS-2** The Project Applicant would be required to contribute to fair-share contributions for intersection operational improvements in the project area. The contributions are identified in section 11.8 of the Traffic Impact Analysis (TIA) report.	Project Applicant	Field Verification	1. City of Hesperia 2. City of Hesperia 3.Before construction
	MM TRANS-3 Prior to construction, the General Contractor shall submit a detailed Construction Management Plan to be reviewed and approved by the City of Hesperia. The	City of Hesperia and Construction Manager	Field Verification	1. City of Hesperia 2. City of Hesperia 3. During

Threshold 4.17c) Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	Construction Management Plan shall specify that the Construction Manager will schedule truck traffic and employee shifts to avoid creating trips during the peak traffic periods, as is feasible for construction operations. All measures, including identified truck routes and designated employee parking areas, shall be included in the Construction Management Plan. The Plan shall include but is not limited to the following provisions: ● The Construction Management Plan shall specify how traffic will be routed and controlled during the construction phase, including which lane(s) of traffic will be temporarily blocked off for construction work. ● Specification of permitted hours for construction-related deliveries and removal of heavy equipment and material. ● Specification of where construction workers would park their personal vehicles during project construction with a requirement that at no time shall construction worker vehicles block any driveways. If complaints are received by the project applicant regarding issues with construction worker vehicle parking, the project applicant shall identify alternative parking options for construction workers so as not to interfere with any surrounding parking availability. ● Identification of how emergency access to and around the project site will be maintained during project construction. ● Specification of haul routes for delivery or removal of heavy and/or oversized equipment or material loads. Where feasible, delivery or removal of oversized equipment or material loads shall be conducted during off-peak traffic periods. ● Provide pedestrian and bicycle connections around the project site and designate safe crossing locations for all pedestrian detours. ● Maintain the security of the project site by erecting temporary fencing during the construction phase of the project. Any onsite night lighting used during the construction phase of the project shall be in compliance with the lighting requirements of the City of Hesperia. ● If temporary lane closures are necessary for the installation of utilities, emergency access should be maintained at all times. ● Flag persons and/or detours shall be provided as needed to ensure safe traffic operations. ● Construction signs shall be posted to advise of reduced construction zone speed limits. ● The project design shall include entry/exit gates for first responders' vehicles to gain access to the project site.			Construction

Threshold 4.17d) Would the project result in inadequate emergency access?	**MM TRANS-3.** Refer to **Threshold 4.17c).**	City of Hesperia and Construction Manager	Construction Management Plan	1. City of Hesperia 2. City of Hesperia 3. During Construction
4.18 Tribal Cultural Resources				
Threshold 4.18b): cause a substantial adverse change in the significance of a tribal cultural resource that is determined to be a significant resource to a California Native American tribe pursuant to the criteria set forth in subdivision (c) of Public Resource Code § 5024.1(c)?	**MM TCR-1** The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in MM CR-1, of any pre-contact and/or historic-era cultural resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a cultural resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM TCR-2 Any and all archaeological/cultural documents created as a part of the project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities
	MM TCR-3 As specified by California Health and Safety Code § 7050.5, if human remains are found on the project site during construction or during archaeological work, the San Bernardino County Coroner's office shall be immediately notified and no further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. The Coroner would determine within two working days of being notified, if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage	Qualified Archaeologist and Project Contractor	Field Verification	1. City of Hesperia Planning Department 2. City of Hesperia Planning Department 3. During construction activities

	Commission (NAHC) within 24 hours. The NAHC would make a determination as to the Most Likely Descendent.			

ATTACHMENTS

ATTACHMENT A: NOTICE OF INTENT

City of Hesperia

Notice of Intent to Adopt a Mitigated Negative Declaration

To: Agencies, Organizations, and Interested Parties

From: City of Hesperia

Subject: Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for the Cargo Solutions Truck Warehouse Hesperia Project

The City of Hesperia ("City") is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed project identified below. The City has prepared an Initial Study to determine the environmental effects of the proposed project and finds issuance of a Mitigated Negative Declaration is the appropriate level of CEQA environmental review.

AGENCIES: The City requests that your agency review the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the proposed project, in accordance with California Code of Regulations, Title 14, Section 15086(a).

ORGANIZATIONS AND INTERESTED PARTIES: The City requests your comments and concerns regarding the environmental issues associated with the proposed project.

Project Title: Cargo Solutions Truck Warehouse Hesperia Project

Project Description: The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of a truck warehouse development (project) at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, and -13 and 3064-631-01). The project proposes development of two truck warehouse buildings and a surface parking lot on an approximately 20.32-acre site.

The City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan. The CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses. Additionally, the CIBP zoning designation would allow vehicle wash facilities with a conditional use permit (CUP). The entire 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north; industrial, commercial, and undeveloped land uses to the south; the Interstate 15 (I-15) freeway to the east; and commercial and undeveloped land uses to the west.

Project Location: Southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, and -13 and 3064-631-01)

Significant Environmental Effects: The IS/MND concludes that no significant unavoidable environmental effects would occur as a result of the proposed project. Potentially significant impacts related to biological resources, cultural resources, geology and soils, hazards and hazardous materials, transportation, tribal cultural resources, and mandatory findings of significance would be mitigated to a less than significant level.

Public Review Period/Responses and Comments: The IS/MND will be available for public review and comment pursuant to California Code of Regulations, Title 14, Section 15087. The City will accept responses and comments for 30 days, starting on **June 18, 2025 to July 21, 2025**. All comments must be submitted in writing; either in a letter or email. Please indicate a contact person for your agency or organization and send your responses or comments to:

City of Hesperia Planning Department
Attn: Ryan Leonard, Senior Planner
9700 Seventh Avenue
Hesperia, CA 92345
Email: rleonard@cityofhesperia.us

DOCUMENT AVAILABILITY: This IS/MND and associated materials are available for review during regular business hours at the following location:

- City of Hesperia Planning Department, 9700 Seventh Avenue, Hesperia, CA 92345

The document is available online on the City's website at: https://www.cityofhesperia.us/1466/Environmental-Documents

ATTACHMENT B: NOI POSTING AT THE STATE OF CALIFORNIA, OFFICE OF PLANNING AND RESEARCH CLEARINGHOUSE

Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project

Summary

SCH Number
2025060948

Lead Agency
City of Hesperia

Document Title
Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project

Document Type
MND - Mitigated Negative Declaration

Received
6/19/2025

Present Land Use
The City's General Plan Land Use and Zoning designations for the project site are Com/Ind Business Park (CIBP) under the Main Street and Freeway Corridor Specific Plan.

Document Description
The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of two truck warehouses (project) on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, -13, and 3064- 631-01). The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site on an approximately 10.52-acre lot, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site on an approximately 9.8-acre lot. The City is the Lead Agency for the purposes of the CEQA. The entire approximately 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west (Google Earth Pro, 2024). The City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan (City of Hesperia, 2023; City of Hesperia, 2010). The CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses (The Arroyo Group, 2021, p. 196-197). Additional details on the land use and planning can be found in Section 4.11 of this document.

Contact Information

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Ryan Leonard

Agency Name
City of Hesperia

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Lead/Public Agency

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Bobby Kang

Agency Name
Cargo Solutions Express Inc.

Job Title
Owner

Contact Types

Other Location Info

Canyon Ridge High School, approximately 0.47 mile southeast of the project site. Mission Crest Elementary School, approximately 0.66 miles southeast of the project site. Cedar Middle School, approximately 1.13 mile southeast of the project site. Mesquite Trails Elementary School, approximately 1.41 mile southeast of the project site. Oak Hills High School, approximately 1683 mile southeast of the project site.

Notice of Completion

State Review Period Start

6/19/2025

State Review Period End

7/21/2025

State Reviewing Agencies

California Air Resources Board (ARB), California Department of Conservation (DOC), California Department of Fish and Wildlife, Inland Deserts Region 6 (CDFW), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Parks and Recreation, California Department of Pesticide Regulation (DPR), California Department of Toxic Substances Control (DTSC), California Department of Transportation, District 8 (DOT), California Department of Water Resources (DWR), California Fish and Game Commission (CDFGC), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Regional Water Quality Control Board, Lahontan Victorville Region 6 (RWQCB), Colorado River Board, Department of Food and Agriculture (CDFA), Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Drinking Water, District 13, State Water Resources Control Board, Division of Drinking Water, District 27, State Water Resources Control Board, Division of Water Quality

Development Types

Industrial (Sq. Ft. 378059, Acres 8.68, Employees 448)

Local Actions

Site Plan

Project Issues

Aesthetics, Air Quality, Biological Resources, Cumulative Effects, Drainage/Absorption, Flood Plain/Flooding, Growth Inducement, Land Use/Planning, Mineral Resources, Noise, Recreation, Schools/Universities, Septic System, Sewer Capacity, Solid Waste, Vegetation, Wetland/Riparian, Agricultural Land, Archeological/Historical, Forest Land/Fire Hazard, Geologic Seismic, Soil Errosion/Compaction/Grading, Toxic/Hazardous, Traffic Circulation, Water Quality, Water Supply/Groundwater, Public Services/Facilities, Population/Housing Balance,

Public Review Period Start

6/17/2025

Public Review Period End

7/21/2025

Attachments

Draft Environmental Document [Draft IS, NOI_NOA_Public notices, OPR Summary Form, Appx,]

Project Applicant

Address

14587 Valley Boulevard
Fontana, CA 92335

Phone

(909) 350-1644 ext. 346

Email

bobby@cargosolutionsexpress.com

Location

Coordinates

34°24'53.59"N 117°23'33.79"W

Cities

Hesperia

Counties

San Bernardino

Regions

Citywide

Cross Streets

Southeast intersection of Three Flags Avenue and Poplar Street

Zip

92345

Total Acres

20.32

Jobs

1

Parcel #

3064-591-17,-18,-12, and -13 and 3064-631-01

State Highways

U.S. 395 and I-15

Township

4N

Range

5W

Section

22

Base

San Bern

Appendices PDF 137856 K | Cargo Solutions Truck Warehouse IS-MND PDF 18280 K | NOI PDF 192 K

Summary Form PDF 490 K

Notice of Completion [NOC] Transmittal form

NOC PDF 2638 K

Disclaimer: The Governor's Office of Land Use and Climate Innovation (LCI) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. For more information, please visit LCI's Accessibility Site.

ATTACHMENT C: SAN BERNARDINO COUNTY CLERK-RECORDER NOI POSTING

CLERK OF THE
BOARD OF SUPERVISORS
2025 JUL -2 AM 11:05
SAN BERNARDINO COUNTY
CALIFORNIA

CLERK OF THE BOARD
Received on: 7-2-25
Remove on: 7-22-25

City of Hesperia

Notice of Intent to Adopt a Mitigated Negative Declaration

To: Agencies, Organizations, and Interested Parties

From: City of Hesperia

Subject: Notice of Intent to Adopt an Initial Study/Mitigated Negative Declaration (IS/MND) for the Cargo Solutions Truck Warehouse Hesperia Project

The City of Hesperia ("City") is the Lead Agency under the California Environmental Quality Act (CEQA) for the proposed project identified below. The City has prepared an Initial Study to determine the environmental effects of the proposed project and finds issuance of a Mitigated Negative Declaration is the appropriate level of CEQA environmental review.

AGENCIES: The City requests that your agency review the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the proposed project, in accordance with California Code of Regulations, Title 14, Section 15086(a).

ORGANIZATIONS AND INTERESTED PARTIES: The City requests your comments and concerns regarding the environmental issues associated with the proposed project.

Project Title: Cargo Solutions Truck Warehouse Hesperia Project

Project Description: The City of Hesperia (City) is processing a request to implement a series of discretionary actions that would ultimately allow for the development of a truck warehouse development (project) at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, and -13 and 3064-631-01). The project proposes development of two truck warehouse buildings and a surface parking lot on an approximately 20.32-acre site.

The City's General Plan Land Use and zoning designation for the project site is Com/Ind Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan. The CIBP zoning designation is to create employment-generating uses in a business park setting. This zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings, which will produce only a small environmental impact, such as noise, vibration, air pollution, glare or waste disposal. Permitted uses include commercial storage facilities, manufacturing, offices, repair shops, warehousing and wholesale distribution centers, and other similar uses. Additionally, the CIBP zoning designation would allow vehicle wash facilities with a conditional use permit (CUP). The entire 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north; industrial, commercial, and undeveloped land uses to the south; the Interstate 15 (I-15) freeway to the east; and commercial and undeveloped land uses to the west.

Project Location: Southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia in San Bernardino County, California (APNs: 3064-591-17, -18, -12, and -13 and 3064-631-01)

Significant Environmental Effects: The IS/MND concludes that no significant unavoidable environmental effects would occur as a result of the proposed project. Potentially significant impacts related to biological resources, cultural resources, geology and soils, hazards and hazardous materials, transportation, tribal cultural resources, and mandatory findings of significance would be mitigated to a less than significant level.

Public Review Period/Responses and Comments: The IS/MND will be available for public review and comment pursuant to California Code of Regulations, Title 14, Section 15087. The City will accept responses and comments for 30 days, starting on **June 18, 2025 to July 21, 2025**. All comments must be submitted in writing; either in a letter or email. Please indicate a contact person for your agency or organization and send your responses or comments to:

City of Hesperia Planning Department
Attn: Ryan Leonard, Senior Planner
9700 Seventh Avenue
Hesperia, CA 92345
Email: rleonard@cityofhesperia.us

DOCUMENT AVAILABILITY: This IS/MND and associated materials are available for review during regular business hours at the following location:

- City of Hesperia Planning Department, 9700 Seventh Avenue, Hesperia, CA 92345

The document is available online on the City's website at: https://www.cityofhesperia.us/1466/Environmental-Documents

ATTACHMENT D: AB 52 TRIBAL CONSULTATION LETTER TO THE TORRES MARTINEZ DESERT CAHUILLA INDIANS

City of Hesperia

Gateway to the High Desert

September 22, 2022

Alesia Reed
Cultural Resources Coordinator
Torres Martinez Desert Cahuilla Indians
66-725 Martinez Road
Thermal, CA 92274

RE: Notification required under AB-52 Native American: California Environmental Quality Act for Local Government Tribal Consultation for CUP22-00016 - Cargo Solutions Truck Warehouse.

Dear Ms. Reed:

The City of Hesperia is engaged in writing environmental compliance documents associated with the following project, which requires that consultation be considered pursuant to Section 21080.3.1 of the California Public Resources Code (aka AB-52). This is a formal request for consultation pursuant to Government Code Section 65352.3. The Project Site is located in Section 22, Township 4 North, Range 5 West, SBB&M, California USGS 7.5-minute quadrangle an aerial photo is shown on page 2 of this letter.

Project description: The proposed project consists of the development of a two-phase project with two warehouse buildings and associated parking. The site is currently high desert open space.

Two warehouse buildings totaling a combined square footage of 95,089 with onsite truck storage and a 9,094 square foot truck wash building on 20.3 gross acres within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan located at the southeast corner of Poplar Street and Tree Flags Avenue. Fire lanes will be established around the perimeter of the building as required by City Code. Stormwater detention facilities will be provided in the north of the parcel. The parking areas will be paved with asphalt, with concrete truck dock aprons.

Small strips of irrigated landscaping will be installed on the north side of the project. Small strips of natural landscape will be retained on the north, east and west sides of the Project. The Project will be fully fenced.

The Project Site is part of the Main Street and Freeway Corridor Specific Plan and has a zoning designation of Commercial/Industrial Business Park (CIBP).

Brigit Bennington, Mayor
Bill Holland, Mayor Pro Tem
Cameron Gregg, Council Member
Rebekah Swanson, Council Member
Larry Bird, Council Member

Nils Bentsen, City Manager

9700 Seventh Avenue
Hesperia, CA 92345

760-947-1000
TD 760-947-1119

www.cityofhesperia.us

City of Hesperia

CUP22-00016 AB-52 Letter
September 22, 2022
Page 2 of 2

Location: The project site is in Section 22, Township 4 North, Range 5 West, as shown on the Hesperia, California USGS 7.5-minute quadrangle. The project site is located on the south side of Poplar, east of Three Flags Avenue. APNs: 3064-591-12, -13, -17, -18 & 3064-4631-01.

Following legislation guidelines, you have 30 days after receipt of this letter to request a consultation with the city. If you wish consultation, you must identify a lead contact. You are also afforded the right to respond with a "no effect' statement. If you have any questions, feel free to contact me at (760) 947-1651 or by e-mail at rleonard@cityofhesperia.us.

Sincerely,

Ryan Leonard, AICP
Senior Planner

PROJECT LOCATION

ATTACHMENT D: AB 52 TRIBAL CONSULTATION LETTER TO THE CABAZON BAND OF MISSION INDIANS

City of Hesperia

Gateway to the High Desert

September 22, 2022

Jacquelyn Barnum
Environmental Director
Cabazon Band of Mission Indians
84-245 Indo Springs Parkway
Indio, CA 92203

RE: Notification required under AB-52 Native American: California Environmental Quality Act for Local Government Tribal Consultation for CUP22-00016-Cargo Solutions Truck Warehouse.

Dear Ms. Barnum:

The City of Hesperia is engaged in writing environmental compliance documents associated with the following project, which requires that consultation be considered pursuant to Section 21080.3.1 of the California Public Resources Code (aka AB-52). This is a formal request for consultation pursuant to Government Code Section 65352.3. The Project Site is located in Section 22, Township 4 North, Range 5 West, SBB&M, California USGS 7.5-minute quadrangle an aerial photo is shown on page 2 of this letter.

Project description: The proposed project consists of the development of a two-phase project with two warehouse buildings and associated parking. The site is currently high desert open space.

Two warehouse buildings totaling a combined square footage of 95,089 with onsite truck storage and a 9,094 square foot truck wash building on 20.3 gross acres within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan located at the southeast corner of Poplar Street and Tree Flags Avenue. Fire lanes will be established around the perimeter of the building as required by City Code. Stormwater detention facilities will be provided in the north of the parcel. The parking areas will be paved with asphalt, with concrete truck dock aprons.

Small strips of irrigated landscaping will be installed on the north side of the project. Small strips of natural landscape will be retained on the north, east and west sides of the Project. The Project will be fully fenced.

The Project Site is part of the Main Street and Freeway Corridor Specific Plan and has a zoning designation of Commercial/Industrial Business Park (CIBP).

Brigit Bennington, Mayor
Bill Holland, Mayor Pro Tem
Cameron Gregg, Council Member
Rebekah Swanson, Council Member
Larry Bird, Council Member

Nils Bentsen, City Manager

9700 Seventh Avenue
Hesperia, CA 92345

760-947-1000
TD 760-947-1119

www.cityofhesperia.us

City of Hesperia

CUP22-00016 AB-52 Letter
September 22, 2022
Page 2 of 2

Location: The project site is in Section 22, Township 4 North, Range 5 West, as shown on the Hesperia, California USGS 7.5-minute quadrangle. The project site is located on the south side of Poplar, east of Three Flags Avenue. APNs: 3064-591-12, -13, -17,-18 & 3064-4631-01.

Following legislation guidelines, you have 30 days after receipt of this letter to request a consultation with the city. If you wish consultation, you must identify a lead contact. You are also afforded the right to respond with a "no effect' statement. If you have any questions, feel free to contact me at (760) 947-1651 or by e-mail at rleonard@cityofhesperia.us.

Sincerely,

Ryan Leonard, AICP
Senior Planner

PROJECT LOCATION

ATTACHMENT D: AB 52 TRIBAL CONSULTATION LETTER TO THE SAN MANUEL BAND OF MISSION INDIANS

City of Hesperia

Gateway to the High Desert

September 22, 2022

Jessica Mauck
Director of Cultural Resources Management
San Manuel Band of Mission Indians
26569 Community Center Drive
Highland, CA 92346

RE: Notification required under AB-52 Native American: California Environmental Quality Act for Local Government Tribal Consultation for CUP22-00016- Cargo Solutions Truck Warehouse.

Dear Ms. Mauck:

The City of Hesperia is engaged in writing environmental compliance documents associated with the following project, which requires that consultation be considered pursuant to Section 21080.3.1 of the California Public Resources Code (aka AB-52). This is a formal request for consultation pursuant to Government Code Section 65352.3. The Project Site is located in Section 22, Township 4 North, Range 5 West, SBB&M, California USGS 7.5-minute quadrangle an aerial photo is shown on page 2 of this letter.

Project description: The proposed project consists of the development of a two-phase project with two warehouse buildings and associated parking. The site is currently high desert open space.

Two warehouse buildings totaling a combined square footage of 95,089 with onsite truck storage and a 9,094 square foot truck wash building on 20.3 gross acres within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan located at the southeast corner of Poplar Street and Tree Flags Avenue. Fire lanes will be established around the perimeter of the building as required by City Code. Stormwater detention facilities will be provided in the north of the parcel. The parking areas will be paved with asphalt, with concrete truck dock aprons.

Small strips of irrigated landscaping will be installed on the north side of the project. Small strips of natural landscape will be retained on the north, east and west sides of the Project. The Project will be fully fenced.

The Project Site is part of the Main Street and Freeway Corridor Specific Plan and has a zoning designation of Commercial/Industrial Business Park (CIBP).

Brigit Bennington, Mayor
Bill Holland, Mayor Pro Tem
Cameron Gregg, Council Member
Rebekah Swanson, Council Member
Larry Bird, Council Member

Nils Bentsen, City Manager

9700 Seventh Avenue
Hesperia, CA 92345

760-947-1000
TD 760-947-1119

www.cityofhesperia.us

City of Hesperia

CUP22-00016 AB-52 Letter
September 22, 2022
Page 2 of 2

Location: The project site is in Section 22, Township 4 North, Range 5 West, as shown on the Hesperia, California USGS 7.5-minute quadrangle. The project site is located on the south side of Poplar, east of Three Flags Avenue. APNs: 3064-591-12, -13,-17,-18 & 3064-4631-01.

Following legislation guidelines, you have 30 days after receipt of this letter to request a consultation with the City. If you wish consultation, you must identify a lead contact. You are also afforded the right to respond with a "no effect' statement. If you have any questions, feel free to contact me at (760) 947-1651 or by e-mail at rleonard@cityofhesperia.us.

Sincerely,

Ryan Leonard, AICP
Senior Planner

PROJECT LOCATION

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER A - MOJAVE WATER AGENCY

Mojave Water Agency

Comment Letter A

June 23, 2025

City of Hesperia, Planning Department
Ryan Leonard, Senior Planner
9700 Seventh Ave.
Hesperia, CA. 92345

Regarding: Cargo Solutions Truck Warehouse Hesperia Project

Dear Ryan,

This confirms that the Mojave Water Agency has no conflict with this project. A-1

Sincerely,
Christy Huiner
Senior Water Resource Analyst
Mojave Water Agency
chuiner@mojavewater.org
760-946-7066

13846 Conference Center Drive
Apple Valley, CA 92307
Phone: (760) 946-7000 | Fax: (760) 240-2642
WWW.MOJAVEWATER.ORG

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER B - LOSEAU DRURY

Comment Letter B

LOZEAU DRURY LLP
T 510.836.4200
F 510.836.4205
1939 Harrison Street, Ste. 150
Oakland, CA 94612
www.lozeaudrury.com
rebecca@lozeaudrury.com

VIA EMAIL

June 23, 2025

Ryan Leonard, Senior Planner
Development Services Department
Planning Division
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
rleonard@hesperiaca.gov

Michael Hearn, Deputy Community Development Director
Development Services Department
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
developmentservices@cityofhesperia.us

Melinda Sayre, Deputy City Manager/City Clerk
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
cityclerk@cityofhesperia.us

Re: CEQA and Land Use Notice Request for Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project (SCH 2025060948)

Dear Mr. Leonard, Mr. Hearn, and Ms. Sayre,

I am writing on behalf of Supporters Alliance for Environmental Responsibility ("SAFER") regarding the project known as Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project (SCH 2025060948), including all actions referring or related to the proposed development of two truck warehouses on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue on Accessor's Parcel Numbers: 3064-591-17, -18, -12, -13, and 3064- 631-01 in the City of Hesperia ("Project").

We hereby request that the City of Hesperia ("City") send by electronic mail, if possible, or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the Project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared for the Project pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
  - Notices of any public hearing held pursuant to CEQA.
  - Notices of determination that an Environmental Impact Report ("EIR") is required for the Project, prepared pursuant to Public Resources Code Section 21080.4.

B-1

- Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.
- Notices of preparation of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the Project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the Project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of any addenda prepared to a previously certified or approved EIR.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the Project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

B-1

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail, if possible, or U.S. Mail to:

Leslie Reider
Emy Lipkind
Chase Preciado
Lozeau Drury LLP
1939 Harrison Street, Suite 150
Oakland, CA 94612
leslie@lozeaudrury.com
emy@lozeaudrury.com
chase@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,

Leslie Reider

Leslie Reider
Lozeau | Drury LLP

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER C - SOCALGAS

Comment Letter C

From: SCG SE Region Redlands Utility Request
To: Ryan Leonard
Cc: SoCalGasTransmissionUtilityRequest
Subject: 6/26/25-Cargo Solutions Truck Warehouse Hesperia Project
Date: Thursday, June 26, 2025 10:30:05 AM
Attachments: Cargo Solutions Truck Warehouse Hesperia Project.pdf

You don't often get email from scgseregionredlandsutilityrequest@semprautilities.com. Learn why this is important

This is a SoCalGas Distribution response. I am including SoCalGas Transmission SoCalGasTransmissionUtilityRequest@semprautilities.com as they have facilities in the area and will need to review this project.

Hello,

I just reviewed the documents regarding: **Cargo Solutions Truck Warehouse Hesperia Project**

SoCalGas Distribution does not appear to have a conflict with this project. Please note on case to have Developer contact 811 / USA at DigAlert | Utility Locating California | Underground Wire & Cable Locator prior to any excavation / demolition activities so we can Locate & Mark out our facilities. C-1

If the Developer needs new gas service, please have them contact our Builder Services group to begin the application process as soon as practicable, at https://www.socalgas.com/for-your-business/builder-services. C-2

To avoid delays in processing requests and notifications, please have all Franchise correspondence sent to our Utility Request inbox, at SCGSERegionRedlandsUtilityRequest@semprautilities.com

I cover the **Southeast Region – Redlands** SCGSERegionRedlandsUtilityRequest@semprautilities.com would be your contact for requests in the southeastern ends of LA County, Riverside County, San Bernardino & Imperial Counties.

Southeast Region - Anaheim office which is all of Orange County and the southern ends of Los Angeles County; therefore, any Map and/or Will Serve Letter requests you have in these areas please send them to AtlasRequests/WillServeAnaheim@semprautilities.com

Northwest Region – Compton HQ For West and Central LA County, your Map Request and Will Serve Letters, will go to SCG-ComptonUtilityRequest@semprautilities.com

Northwest Region - Chatsworth

For any requests from the northern most parts of LA County all the way up to Visalia, San Luis Obispo, Fresno and Tulare you would
contact NorthwestDistributionUtilityRequest@semprautilities.com

Transmission
For Transmission requests, please contact SoCalGas Transmission,
at SoCalGasTransmissionUtilityRequest@semprautilities.com

READ MORE .....

MINOR STREET IMPROVEMENT PROJECTS: (CHIP SEAL, SLURRY SEAL, GRIND & OVERLAY)
Please notify Southern California Gas Company 4 months prior to start of pavement
projects for the gas company to complete leak survey & repair leaks if found.

C-3

-
MAJOR STREET IMPROVEMENT PROJECTS: (PROJECTS REQUIRING EXCAVATIONS GREATER THAN 9 INCHES, WIDENING OF EXISTING STREETS, INSTALLING NEW CURBS &
GUTTERS, BUS PADS, TRAFFIC SIGNALS, REALIGNMENT, GRADE SEPARATION, ETC.)
&
PIPELINE PROJECTS: (STORM DRAIN, WATERLINE, WATER, SEWER, ELECTRICAL, TELECOMUNICATIONS, ETC.)
Please provide Southern California Gas Company with your signed designed plans
with *gas company facilities posted* on your designs plans, 4-6 months prior to start of construction for possible relocation of SCG medium pressure facilities and 9-12 months
for possible relocation of SCG high pressure facilities.

C-4

This time is needed to analyze plans and to design required alterations to any conflicting SCG gas facilities. Please keep us informed of any and all pre-construction meetings, construction schedules, etc., so that our work can be scheduled accordingly.
Potholing may be required to determine if a conflict exists between the proposed development and our facilities. If, for any reason, there are SCG facilities in conflict, and a request to be relocated is needed, it is important to send the request in writing. Please include all required information below:

- **A Signed "Notice to Owner" request on Official Letterhead from the City, County,**

and/or company.

- **Name, Title and Project Number.**
- **Address, Location, Start Date, Parameters & Scope of Entire Job/Project.**
- **Copy of Thomas Guide Page and/or Google Map Screenshot Highlighting Project Area.**
- **Requestor Company's Contact Name, Title, Phone Number, Email, and other pertinent information**.

Thank you,
Josh Rubal
Lead Planning Associate
Distribution Planning & Project Management
Redlands HQ - Southeast Region
(213) 231-7978 Office
SCGSERegionRedlandsUtilityRequest@semprautilities.com

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER D - MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT

Comment Letter D

Mojave Desert Air Quality Management District
Brad Poiriez, *Executive Director*
14306 Park Avenue, Victorville, CA 92392-2310
760.245.1661 • Fax 760.245.2022
www.MDAQMD.ca.gov • @MDAQMD

July 09, 2025

Edgar Gonzales, Assistant Planner
City of Hesperia, Planning Department
9700 Seventh Avenue
Hesperia, CA 92345

Project: Hesperia Cargo Solutions Trucking Warehouse

Dear Mr. Gonzales:

The Mojave Desert Air Quality Management District (District) has reviewed the Project Notice/Initial Study for the Cargo Solutions Trucking Facility Project in Hesperia. The project proposes the development of two truck warehouses (project) on an approximately 20.32-acre site located at the southeast intersection of Poplar Street and Three Flags Avenue in the City of Hesperia. The project proposes to develop Truck Warehouse Building 1 with an associated parking lot on the western portion of the project site on an approximately 10.52-acre lot, and Truck Warehouse Building 2 with an associated parking lot on the eastern portion of the project site on an approximately 9.8-acre lot. The City is the Lead Agency for the purposes of the CEQA. The entire approximately 20.32-acre project site is currently undeveloped land. The project site is located in a semi-rural, lightly developed portion of the city with undeveloped land to the north and east; industrial, commercial, and undeveloped land uses to the south; and commercial and undeveloped land uses to the west.

We have reviewed the project as proposed and based on the information available to us at this time, the District requires that the owner/operator obtain a Dust Control Plan (DCP) for the planned project. The most current Dust Control Plan Requirements and Dust Control Plan Submission Form are available at https://www.mdaqmd.ca.gov/permitting/compliance-forms.

Other District requirements include:

- Signage compliant with Rule 403 Attachment B shall be erected at each project site entrance not later than the commencement of construction.
- Use a water truck to maintain moist disturbed surfaces and actively spread water during visible dusting episodes to minimize visible fugitive dust emissions. For projects with exposed sand or fines deposits (and for projects that expose such soils through earthmoving), chemical stabilization or covering with a stabilizing layer of gravel will be required to eliminate visible dust/sand from sand/fines deposits.

D-1

- All perimeter fencing shall be wind fencing or the equivalent, to a minimum of four feet of height or the top of all perimeter fencing. The owner/operator shall maintain the wind fencing as needed to keep it intact and remove windblown dropout. This wind fencing requirement may be superseded by local ordinance, rule or project-specific biological mitigation prohibiting wind fencing.

- All maintenance and access vehicular roads and parking areas shall be stabilized with chemical, gravel or asphaltic pavement sufficient to eliminate visible fugitive dust from vehicular travel and wind erosion. Take actions to prevent project-related trackout onto paved surfaces, and clean any project-related trackout within 24 hours. All other earthen surfaces within the project area shall be stabilized by natural or irrigated vegetation, compaction, chemical or other means sufficient to prohibit visible fugitive dust from wind erosion.

- Obtain District permits for any miscellaneous process equipment that may not be exempt under District Rule 219 including, but not limited to: Internal Combustion Engines with a manufacture's maximum continuous rating greater than or equal to 50 brake horsepower.

- Comply with all applicable provisions listed in Rule 403 – *Fugitive Dust Control.*

D-1

Thank you for the opportunity to review this project. If you have any questions regarding this letter, please contact me at (760) 245-1661, extension 1846, or Bertrand Gaschot at extension 4020.

Sincerely,

Chris Anderson
Planning and Air Monitoring Supervisor

CA/bg Hesperia Cargo Solutions Truck Warehouse 2025 09 Jul

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER E - CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Inland Deserts Region
3602 Inland Empire Boulevard, Suite C-220
Ontario, CA 91764
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Comment Letter E

July 11, 2025
Sent via email

Ryan Leonard
Principal Planner
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345

Dear Ryan Leonard:

Cargo Solutions Truck Warehouse and Truck Stop Hesperia Project (PROJECT)
Mitigated Negative Declaration (MND)
SCH# 2025060948

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Hesperia (City) for the Project pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

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CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

PROJECT DESCRIPTION SUMMARY

Proponent: Bobby Kang

Objective: The objective of the Project is to develop two warehouse buildings and associated parking lots and utilities across five Assessor Parcel Numbers (APNs) (see Project location below for APNs). The warehouses are intended for truck storage and will encompass 20.32 acres. Truck Warehouse 1 will encompass 10.52 acres and include a 75,894-square foot (sf) warehouse with office and grade level doors, 121,975 sf of surface parking space for passenger vehicles and truck/trailer parking, and 26,864 sf of landscaping. Truck Warehouse 2 will encompass 9.8 acres and include a 75,894-sf warehouse with office and grade level warehouse space, 143,708 sf surface parking lot for passenger vehicles and truck/trailer parking, and 58.389 sf of landscaping. Utilities including domestic water, sewer lines, fire suppression, irrigation lines, gas, and electricity will be needed across the Project site for both warehouses. The Project will also include interior and exterior lighting and the installation of an 8-foot-tall wall and an 8-foot-tall iron fence separating the two warehouses. The Project intends to operate 24 hours a day, 7 days a week, and is estimated to result in employing 448 staff for both warehouses.

Location: The Project is located in the City of Hesperia in the southeast corner of Three Flags Avenue and Poplar Street, County of San Bernardino, State of California. The Project will occur on APNs 3064-591-12, -13. -17, -18 and 3064-631-01. The Project is centered at Latitude 34.4148905 and Longitude -117.3926335.

Timeframe: The Project is expected to occur in one phase and is estimated to commence October 2025 and be completed in November 2026.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

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COMMENT #1: Mohave ground squirrel (*Xerospermophilus mohavensis*)

Section #4.4 Biological Resources, Page #72-73

Issue: The Project has the potential to result in take of Mohave ground squirrel, a CESA listed species, and in the permanent loss of potential habitat for the species. California Fish and Game Code section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill".

Specific impact: Mohave ground squirrel was identified by the MND to have a low potential to occur within the biological study area (BSA), but no focused surveys were conducted, nor were any species-specific avoidance or mitigation measures included in the MND.

Why impact would occur: The Project would permanently impact 20.32 acres of open space through grading, staging, construction of two large warehouses, and installation of parking lots. CDFW is concerned that the Project may impact Mohave ground squirrel considering that the MND mentions the presence of burrows and creosote bush (*Larrea tridentata*), which are known to provide habitat for Mohave ground squirrel and no focused surveys to determine presence/absence of Mohave ground squirrel were conducted.

Evidence impact would be significant: The MND mentions that Mohave ground squirrel has a low potential to occur onsite and that the BSA offers minimal habitat value for fossorial species, such as Mohave ground squirrel. Thus, considering that the Project site offers some habitat value and there is vegetation suitable for Mohave ground squirrel (i.e., creosote bush), CDFW is concerned that mitigation measures were not included in the MND to ensure impacts to Mohave ground squirrel are mitigated to a level of less than significant. Furthermore, California Natural Diversity Database (CNNDB) indicates the Project is within the Mohave ground squirrel distribution range and Mohave ground squirrel occurs within 2.5 miles of the Project site. In fact, burrows were detected onsite, which the MND attributes to belonging to an unknown ground squirrel species.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following measure for inclusion in the final MND:

Mitigation Measure Biological Resources 6 (MM-BIO-6) (New): Mohave ground squirrel

Visual surveys for Mohave ground squirrel shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines

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(CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.

COMMENT #2: Western Joshua tree (*Yucca brevifolia*)

Section #2.3.4 Environmental Setting, 4.4 Biological Resources, Page #25, 67, 72, 73, 77, 80-81, 191

Issue: The Project may impact western Joshua tree; a candidate species protected under CESA and Fish and Game Code section 1927.

Specific impact: The Project, as described, will result in the lethal take of western Joshua trees present onsite. In fact, the MND confirms that direct and indirect take of western Joshua tree is likely to occur.

Why impact would occur: Project activities, such as grubbing and grading may result in removal of western Joshua tree or may impact their root system. Under Fish and Game Code section 1927, the take of western Joshua trees and parts thereof, including roots, is prohibited. Damage to roots can lead to the death of the tree.

Evidence impact would be significant: The MND is not clear regarding how many western Joshua trees are present on site, but states that there are between 1 to 6 western Joshua trees present and CDFW confirmed the presence of western Joshua trees onsite through aerial imagery. The MND also does not provide information regarding the extent that the Project may impact the species but in BIO-1 (see below) discusses the need for an Incidental Take Permit (ITP) under Fish and Game Code section 2081. Please note that the Project may also receive an ITP under Fish and Game Code section 1927 through the Western Joshua Tree Conservation Act (WJTCA), which will require a census of all trees dead or alive within the Project site and a 50-foot buffer. For further information please visit Western Joshua Tree Conservation Permitting.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-1 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-1 (Revised): Section 2081 FGC Incidental Take Permit

Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts,

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in addition to the surveys that are recommended in the discussion of MM BIO-6. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. **The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA).**

Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the permittee to relocate one or more of the western Joshua trees.

COMMENT #3: Burrowing owl (*Athene cunicularia hypugaea*)

Section #4.4 Biological Resources, Page #68, 73, 76-77

Issue: The Project has the potential to significantly impact burrowing owl; a candidate species protected under CESA.

Specific impact: The Project may result in take of burrowing owl through Project activities such as mass grading. Additionally, the Project may lead to the permanent elimination of habitat for burrowing owls from warehouse development.

Why impact would occur: The MND states that suitable habitat is present onsite for burrowing owl; for example, sparse vegetation, burrows, and suitable soils. As a result, the MND included BIO-2 (see below). CDFW appreciates that BIO-2 considers focused surveys for burrowing owls and is in line with previous guidance provided by CDFW. However, CDFW would like to note that since burrowing owl became a CESA candidate species in March 2024, CDFW cannot accept relocation plans outside of a CESA ITP. Instead, BIO-2 should consider obtaining an ITP if

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burrowing owls are detected and impacts cannot be avoided. Thus, the change in regulatory status for burrowing owl requires changes to measure BIO-2 as recommended by CDFW below.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-2 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-2 (Revised): Focused Burrowing Owl Survey

Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist **shall** ~~would~~ conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012).

Following the completion of the survey, the biologist **shall** ~~would~~ prepare a letter report summarizing the results of the survey. The report would be submitted to the **CDFW and the** City prior to initiating any ground disturbance activities.

If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required.

If BUOW or signs of BUOW are observed during the survey, the site **shall** ~~would~~ be considered occupied **and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable**. ~~The biologist would implement mitigation measure BIO-2 and contact the City of Hesperia, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures, prior to commencing project activities. The list of potential measures to avoid and minimize impacts to BUOWs described below would be implemented.~~

~~BUOW Protection Measures~~

~~If BUOWs or signs of BUOW are observed during the survey, then the site would be considered occupied and the biologist shall contact the City, EMD, and CDFW to assist in the development of avoidance, minimization, and mitigation measures discussed below, prior to commencing project activities.). If no BUOW or signs of BUOW are observed during the focused surveys, the components of this measure (discussed below) would not be applicable.~~

~~Planning BUOW Protection~~

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~~Grading, construction, and other project activities on all grassland habitat will be delayed until the qualified biologist has implemented burrow exclusion and closure. No ground-disturbing activities within 165 feet of an active BUOW burrow will be permitted until burrow exclusion and closure have been implemented. No destruction of foraging habitat will be permitted until burrow exclusion and closure have been implemented.~~

~~Preconstruction BUOW Protection~~
~~Prior to the initiation of grading and construction activities, the biologist shall implement passive relocation of an active BUOW burrow by installing a one-way door and then permanently excluding the BUOW from returning once it is confirmed that no BUOW individuals remain in the burrow. A biological monitor will visit the site daily to verify that the burrow is empty by monitoring and scoping the burrow.~~

~~Construction BUOW Protection Measures~~

~~A biological monitor will be onsite to monitor any BUOW or signs of BUOW. If any BUOW are observed then the biologist will consult with the County EMD and CDFW to determine the appropriate measures.~~

Comment #4: Nesting Birds

Section #4.4 Biological Resources, Page #68, 69, 72, 73, 75-77

Issue: The Project has the potential to impact nesting birds, including CDFW Species of Special Concern (SSC), and common birds that are subject to Fish and Game Code Sections 3503, 3503.5, and 3513, and the Migratory Bird Treaty Act of 1918.

Specific Impact: Project implementation could result in the loss of nesting and/or foraging habitat for (non-)passerine and raptor species.

Why impact would occur: Nesting avian species could be directly or indirectly impacted during construction and for the life of the Project through the removal of potential foraging habitat, loss of and/or modification of habitat features, construction of warehouses, installation of new artificial lighting, creation of noise and vibration, and the removal of vegetation. Nest destruction, nest abandonment, behavioral disturbance, increased risk of predation, and degradation of suitable habitat could also lead to significant impacts to nesting avian species and local populations.

The MND indicates that pre-construction nesting bird surveys would only occur during February-August. However, CDFW recommends the completion of nesting bird survey regardless of time of year to ensure compliance with all applicable laws pertaining to nesting and to avoid take of nests. This is in consideration that the timing of the bird nesting season varies greatly depending on several factors, such

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as the bird species, weather conditions in any given year, and long-term climate changes (e.g., drought, warming, etc.). CDFW staff have also observed that changing climate conditions may result in the nesting bird season occurring earlier and/or later in the year than historical nesting season dates.

Evidence impact would be significant: Fish and Game Code section 3503 makes it unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, except as otherwise provided by Fish and Game Code or any regulation made pursuant thereto. Fish and Game Code section 3513 makes it unlawful to take or possess any migratory nongame bird except as provided by the rules and regulations adopted by the Secretary of the Interior under provisions of the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. § 703 et seq.). Fish and Game Code section 3503.5 makes it unlawful to take, possess, or destroy any birds in the orders Falconiformes or Strigiformes (birds-of-prey) to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by Fish and Game Code or any regulation adopted pursuant thereto.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less than significant: CDFW offers the following revisions to BIO-5 for inclusion in the final MND (edits are in ~~strikethrough~~ and **bold**):

MM-BIO-5 (Revised): Pre-Construction Breeding Bird Survey

To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.

Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities.

• ~~If project activities cannot be avoided during February 15 through September 15, a~~ **A** qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project

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disturbance. The survey will be conducted ~~at least seven days~~ **within 72 hours** prior to the onset of scheduled activities, such as mobilization and staging. ~~It will end no more than three days prior to vegetation, substrate, and structure removal and/or disturbance.~~

• If no breeding birds or active nests are observed during the pre-construction survey or they are observed and **the qualified biologist determines they** will not be impacted, project activities may begin and no further mitigation will be required.

• If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone.

• If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency**, including CDFW,** to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency**, including CDFW**.

• Birds or their active nests will not be disturbed, captured, handled or moved. ~~Active nests cannot be removed or disturbed; however, nests can be removed or disturbed if determined inactive by a qualified biologist~~.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDB). The CNNDB field survey form can be filled out and submitted online at the following link: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The

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types of information reported to CNDDB can be found at the following link: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Steven Recinos, Environmental Scientist at 909-731-5954 or by email at Steven.Recinos@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Jeff Brandt
6BBFAB19FE504F9...
For Alisa Ellsworth
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento
state.clearinghouse@lci.ca.gov

ATTACHMENTS

Attachment A: Mitigation Monitoring Reporting Plan

REFERENCES

California Department of Fish and Wildlife. 2023. Mohave Ground Squirrel Survey Guidelines.

Docusign Envelope ID: 4435FE25-CEFC-49FC-A67B-F5E3BDCF1C72

California Department of Fish and Game. 2003. CDFG [currently CDFW] unpublished guidelines. Mohave Ground Squirrel Survey Guidelines. January 2003; minor process and contact changes in July 2010). Sacramento, CA

California Department of Fish and Wildlife. 2019. Mohave Ground Squirrel Range-CWHR M073 [ds908]. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.

California Natural Diversity Database (CNDDB) Government [ds45]. 2024. Calif. Dept. of Fish and Wildlife. Biogeographic Information and Observation System.

Attachment A

Mitigation Monitoring and Reporting Plan

Biological Resources (BIO)		
Mitigation Measure (MM)	**Implementation Schedule**	**Responsible Party**
MM BIO-6 Visual surveys for Mohave ground squirrel shall be conducted by a qualified biologist prior to ground disturbing activities. Visual surveys shall be conducted between March 15 and April 15 according to the California Department of Fish and Game Mohave Ground Squirrel Survey Guidelines (CDFW 2023). Visual surveys shall be conducted on the Project site during daylight hours by a qualified biologist who can readily identify Mohave ground squirrel and white-tailed antelope squirrel (*Ammospermophilus leucurus*). If the survey or monitoring throughout the duration of the Project confirms presence of Mohave ground squirrel, the Project proponent shall fully avoid impacts to Mohave ground squirrel or should obtain an Incidental Take Permit (ITP) for Mohave ground squirrel if impacts are unavoidable.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

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MM BIO-1 Western Joshua trees are a state candidate for listing under CESA and will require a § 2081 FGC Incidental Take Permit (ITP) with compensatory mitigation for impacts, in addition to the surveys that are recommended in the discussion of MM BIO-6. The exceptions and permitting process under the California Desert Native Plants Act and the separate exceptions under the Native Plant Protection Act will not apply to western Joshua tree in any manner. For projects where take is incidental to carrying out an otherwise lawful activity, an ITP may be obtained from CDFW. The Project may also obtain take authorization through § 1927 of the Western Joshua Tree Conservation Act (WJTCA). Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a western Joshua tree if all of the following conditions are met: (1) The permittee submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height. b. One meter or greater but less than five meters in height. c. Five meters or greater in height. (2) The permittee avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The permittee mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. For the current fees, please visit: Western Joshua Tree Conservation Act Incidental Take Permit. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem of trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the	Prior to initiation of all ground disturbing activities	Project proponent

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permittee to relocate one or more of the western Joshua trees.		
MM BIO-2 Although BUOW was not observed on site during the general wildlife survey, the BSA contains suitable habitat to potentially support BUOW in the future. A qualified biologist shall conduct a focused BUOW survey in accordance with the Staff Report on Burrowing Owl Mitigation (CDFW, 2012). Following the completion of the survey, the biologist shall prepare a letter report summarizing the results of the survey. The report would be submitted to the CDFW and the City prior to initiating any ground disturbance activities. If no BUOWs or signs of BUOW are observed during the survey and concurrence is received from Environmental Management Division of the San Bernardino County Department of Public Works (County EMD) and CDFW, project activities may begin and no further mitigation would be required. If BUOW or signs of BUOW are observed during the survey, the site shall be considered occupied and the Project proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP if impacts are unavoidable.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist
MM BIO-5 To maintain compliance with the Migratory Bird Treaty Act (MBTA) and Fish and Game Code, and to avoid impacts or take of migratory non-game breeding birds, their nests, young, and eggs, the following measures will be implemented. The measures below will help to reduce direct and indirect impacts caused by construction on migratory non-game breeding birds to less than significant levels.	Prior to initiation of all ground disturbing activities	Project proponent and Qualified Biologist

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Project activities that will remove or disturb potential nest sites, such as open ground, trees, shrubs, grasses, or burrows, during the breeding season would be a potential significant impact if migratory non-game breeding birds are present. Project activities that will remove or disturb potential nest sites will be scheduled outside the breeding bird season to avoid potential direct impacts to migratory non-game breeding birds protected by the MBTA and Fish and Game Code. The breeding bird nesting season is typically from February 15 through September 15, but can vary slightly from year to year, usually depending on weather conditions. Removing all physical features that could potentially serve as nest sites will also help to prevent birds from nesting within the project site during the breeding season and during construction activities. • A qualified biologist will conduct a pre-construction breeding bird survey for breeding birds and active nests or potential nesting sites within the limits of project disturbance. The survey will be conducted within 72 hours prior to the onset of scheduled activities, such as mobilization and staging. • If no breeding birds or active nests are observed during the pre-construction survey or they are observed and the qualified biologist determines they will not be impacted, project activities may begin and no further mitigation will be required. • If a breeding bird territory or an active bird nest is located during the pre-construction survey and will potentially be impacted, the site will be mapped on engineering drawings and a no activity buffer zone will be marked (fencing, stakes, flagging, orange snow fencing, etc.) a minimum of 100 feet in all directions or 500 feet in all directions for listed bird species and all raptors. The biologist will determine the appropriate buffer size based on the type of activities planned near the nest and the type of bird that created the nest. Some bird species are more		

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tolerant than others of noise and activities occurring near their nest. This no-activity buffer zone will not be disturbed until a qualified biologist has determined that the nest is inactive, the young have fledged, the young are no longer being fed by the parents, the young have left the area, or the young will no longer be impacted by project activities. Periodic monitoring by a biologist will be performed to determine when nesting is complete. Once the nesting cycle has finished, project activities may begin within the buffer zone. • If listed bird species are observed within the project site during the pre-construction survey, the biologist will immediately map the area and notify the appropriate resource agency, including CDFW, to determine suitable protection measures and/or mitigation measures and to determine if additional surveys or focused protocol surveys are necessary. Project activities may begin within the area only when concurrence is received from the appropriate resource agency, including CDFW. • Birds or their active nests will not be disturbed, captured, handled or moved.		

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER F – LOZEAU DRURY

Comment Letter F

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July 16, 2025

Via Email

Ryan Leonard, Senior Planner
Planning Department
City of Hesperia
9700 Seventh Avenue
Hesperia, CA 92345
rleonard@cityofhesperia.us

Re: Comment on Mitigated Negative Declaration, Cargo Solutions Truck Warehouses Hesperia Project (SCH 2025060948)

Dear Mr. Leonard:

This comment is submitted on behalf of Supporters Alliance For Environmental Responsibility ("SAFER") regarding the Initial Study and Mitigated Negative Declaration ("IS/MND") prepared for the Cargo Solutions Truck Warehouses Hesperia Project, which proposes the development of two truck warehouse buildings totaling 151,788 square-feet on an approximately 20.32-acre site at the southeast intersection of Poplar Street and Three Flags Avenue on Accessor's Parcel Numbers 3064-591-17, -18, -12, and -13 and 3064-631-01 in the City of Hesperia ("Project").

SAFER is concerned that the IS/MND is improper 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. SAFER requests that an environmental impact report be prepared for the Project rather than an MND because there is a fair argument that the Project may have adverse environmental impacts. An EIR will ensure that potentially significant impacts of this Project are fully disclosed, analyzed, and mitigated. F-1

SAFER reserves the right to supplement this comment throughout the administrative process. *Galante Vineyards v. Monterey Peninsula Water Management Dist.*, 60 Cal. App. 4th 1109, 1121 (1997).

Sincerely,

Kylah Staley
Lozeau Drury LLP

ATTACHMENT E: PUBLIC AGENCY COMMENT LETTERS: COMMENT LETTER G - CALIFORNIA DEPARTMENT OF TRANSPORTATION

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 8
464 WEST 4TH STREET
SAN BERNARDINO CA, 92401
(909) 963-8604
www.dot.ca.gov

Comment Letter G

July 21, 2025

Route & Postmile #: I-15/32.945
Cross Street: Southeast intersection of Three Flags Ave and Polar St.
GTS ID: 35673

City of Hesperia
Planning Division
Attn: Ryan Leonard
9700 Seventh Avenue,
Hesperia, CA, 92345

Subject: Cargo Solution Truck Warehouse and Truck Stop Hesperia Project

The California Department of Transportation (Caltrans) Local Development Review (LDR) branch has completed its review of the Initial Study/Mitigated Negative Declaration (IS/MND) and related documents for the proposed Cargo Solution Truck Warehouse and Truck Stop Hesperia Project.

The proposed project involves the development of two truck warehouse buildings with associated parking and circulation improvements on an approximately 20.32-acre site located at the southeast intersection of Polar Street and Three flags Avenue in the City of Hesperia, California (APNs: 3064-591-17, -18, -12, -13, and 3064-631-01). The site is currently vacant and designated as Commercial/Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan. The proposed development includes Truck Warehouse Building 1 on the western portion of the site (approximately 10.52 acres) and Truck Warehouse Building 2 on the eastern portion (approximately 9.8 acres), with each building featuring a dedicated parking lot and circulation areas to accommodate truck and employee vehicle access.

Site improvements will include building construction, loading docks, landscaping, driveways connections, internal drive aisles, stormwater infrastructure, lighting, and utility connections. Access to the project site is proposed via new driveways along Polar Street and Three Flags Avenue. The project is anticipated to generate new vehicle and truck trips that may impact local and regional traffic operations, including potential indirect effects on the State Highway System, particularly Interstate 15 (I-15), which is located approximately 1.5 miles west of the site. A traffic Impact Analysis will be prepared to evaluate project trip generation, intersection operations, and any necessary mitigation measures.

Construction is expected to commence in mid-2026 and take approximately 12 to 18 months to complete. The project is designed to comply with the City's Zoning standard for the CIBP designation, with operations primarily conducted within enclosed buildings to minimize

environmental impacts such as noise, emission, and light spillover.

Based on the information provided in the environmental documents made available for public review, we are submitting the following comments and recommendations for your consideration.

General:

1. Please include responses to the comments in this memorandum for your next review submittal.
2. Please see the attached pages for additional comments.

Safety Reviews:

3. The proposed project will generate additional trips on the State Highway System on US-395 and I-15. Please provide a Safety Analysis Report for I-15 and US-395 facilities affected by the proposed project. The Safety Analysis Report shall follow the attached guidance. See the attached guidance: Local Development Review (LDR) Safety Review Practitioner's Guidance. Please follow the steps below: G-1
   a. To request crash data on the State Highway System, please submit your request via our California Public Records Act (CPRA) portal at mycusthelp.com.
   b. Please analyze the existing crash data and discuss project's impact on safety as needed.
   c. Provide appropriate countermeasures to mitigate/reduce project's impact as needed.

Traffic Analysis Report:

4. Per previous review, the project is in the vicinity of I-15 facility on Main Street. Please include study area intersections for I-15 ramp/Main Street intersections, and street intersections leading to the project site in the TIA (for example, Mesa Linda St/Main St Intersection). G-2
5. Please include Northbound and Southbound I-15 off-ramp to Main St in the queuing analysis of the report. G-3
6. Please consider using the Intersection Safety and Operational Assessment Process (ISOAP) evaluation for recommending improvements at the proposed traffic signal intersection of US-395 and Poplar Street (refer to the attached ISOAP memo dated September 10, 2024). G-4
7. Truck Services specialist should review and concur with truck-related items in the report. G-5
8. A 2% per year growth rate is applied to background traffic, but there's no reference to SCAG, SBCTA, or Caltrans sources. Using a generic rate without justification can lead to inaccurate forecasts. Recommend supporting the growth assumption with data from a regional travel demand model or Caltrans resources. G-6
9. Although the project description includes a truck stop with 8 fueling stations, the TIA only analyzes two warehouses. This may underestimate traffic impacts. Recommend updating the TIA to include truck stop traffic or confirming its removal from the project. G-7
10. Although the TIA models area-wide traffic impacts, it does not confirm whether or how project-generated trips utilize Caltrans facilities such as US-395 or the I-15 ramps. The trip description states that approximately 60 percent of vehicle trips will come from or go to the Main Street ramps. However, the TIA does not include the Main Street ramps or the Main Street and Mesa Linda Street intersection in the list of analyzed intersections. This omission is concerning, as these are key access points to the regional transportation network. Additionally, based on the provided trip distribution figures, it is difficult to accept the assumption that no trucks associated with the project will use the Main Street ramps. It is recommended that the TIA clearly identify which Caltrans facilities will carry project G-8

traffic, quantify the number of trips expected to use each route, and include the relevant intersections in the traffic analysis. This information is critical for a transparent and complete assessment of potential impacts on state facilities. G-8

11. The background traffic volumes on US-395 and I-15 appear to be escalated from nearby local studies, but the TIA does not provide a complete reference to the source studies or include the full reports or trip count sheets. Additionally, these background volumes are not cross validated against Caltrans Performance Measurement System (PeMS) data or Caltrans traffic count station data. For consistency and transparency, recommend including the complete local study report or at minimum the relevant traffic count sheets used for background traffic estimation. Also recommend validating existing and future traffic volumes on Caltrans facilities using Caltrans PeMS or count station data to ensure alignment with actual observed trends and to support defensible forecasting. G-9
12. The TIA should address the horizon year assumption. The selected 2040 horizon is only 14 years beyond the project opening year (2026), not the typical 20- year planning horizon recommended for long-range traffic analysis. G-10

Initial Study/Mitigated Negative Declaration (IS/MND):

13. The project affects Caltrans intersections (e.g., US-395), but the IS/MND and TIA do not state whether work will occur in Caltrans right-of-way or if an encroachment permit is needed. Recommend clarifying this and identifying any required Caltrans permits. G-11
14. The TIA explains that a traffic signal at US-395 and Poplar Street must be installed by either this project or another (I-15 Industrial Park), depending on timing. The IS/MND does not clearly state who is responsible if Cargo Solutions is built first. Recommend adding a clear condition of approval that defines signal installation responsibility and reimbursement terms. G-12
15. While the VMT screening memo is referenced in the appendix, the IS/MND briefly says the site is in a "low VMT area" without explaining why or how that was determined. Recommend including a brief explanation or summary of the VMT screening criteria and findings in the IS/MND's transportation section. G-13

Equitable Access

If any Caltrans facilities are impacted by the project, they must comply with the American Disabilities Act (ADA) Standards upon project completion. Additionally, the project must ensure the maintenance of bicycle and pedestrian access throughout the construction phase. These access considerations align with Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users. G-14

Caltrans Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right-of-Way (R/W) requires a Caltrans-issued encroachment permit. G-15

For information regarding the Encroachment Permit application and submittal requirements, contact:

Caltrans Office of Encroachment Permits
464 West 4th Street, Basement, MS 619
San Bernardino, CA 92401-1400
(909) 383-4526
D8.E-permits@dot.ca.gov
https://dot.ca.gov/programs/traffic-operations/ep
Important Note: All permit applications must now be submitted

through our CEPS Online Portal at: https://ceps.dot.ca.gov/

Currently, no further review from the Local Development Review (LDR) Branch is required. Please be advised that LDR's point of contact role will conclude upon the completion of the development entitlement process. Once the project is entitled, the Encroachment Permit Office will serve as the primary point of contact moving forward.

Thank you again for including Caltrans in the review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D8@dot.ca.gov or call 909-963-8604.

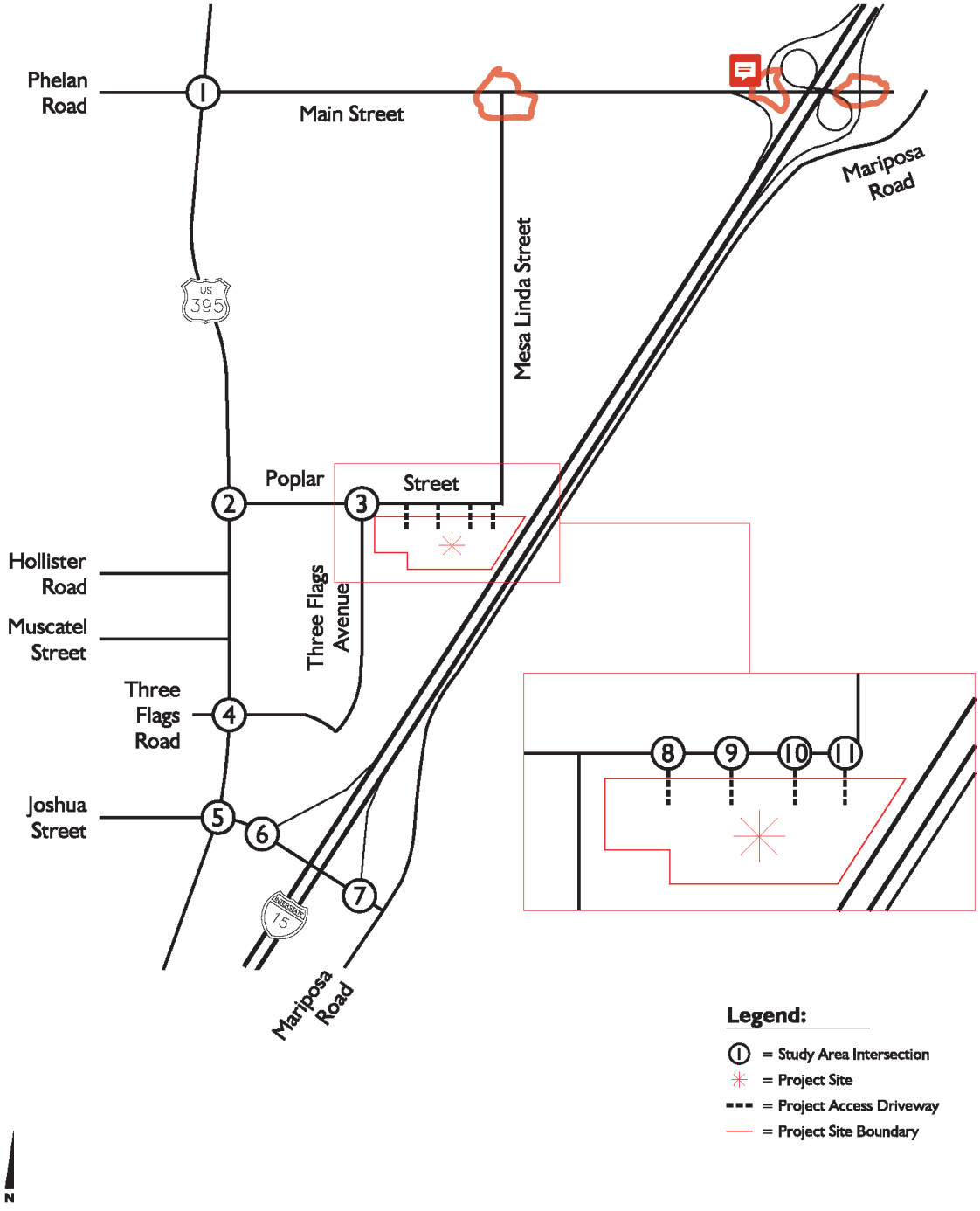
Sincerely,

Janki Patel

Janki Patel
Branch Chief - Local Development Review
Division of Transportation Planning
Caltrans District 8

4

Exhibit 1-1
Location Map



1219-2023-03
PROPOSED CARGO SOLUTION EXPRESS WAREHOUSE PROJECT TRAFFIC IMPACT STUDY,City of Hesperia, CA

RK engineering group, inc.

3.0 Existing Conditions & Circulation System

This section provides a discussion of existing study area conditions and traffic volumes.

3.1 Existing Traffic Controls & Intersection Geometrics

The *I-15 Industrial Park Project Traffic Impact Analysis*, dated October 2022, prepared by Dudek, is one of the most recently performed traffic impact analyses in the study area. The I-15 Industrial Park project is located south of Main Street, north of Poplar Street, and adjacent to the proposed Cargo Solution Express Warehouse Project.

To ensure consistency between the traffic impact analysis prepared by Dudek and within this analysis, the lane configurations and traffic controls illustrated in Figure 16 of the Dudek report have been utilized in this analysis and is shown in **Exhibit 3-1**.

One exception, however, is the intersection of Three Flags Avenue at Poplar Street (i.e., Int. #3). This study intersection has been identified in this analysis to be a three-legged intersection with south, east, and west legs. Figure 16 of the Dudek report denotes this intersection as a four-legged intersection. The north leg is proposed to be Lassen Road, a two-lane undivided arterial to be located between Poplar Street and Sultana Street. This roadway is not currently built and therefore the lane configurations have been adjusted accordingly.

Exhibit 3-1 identifies the roadway conditions, number of through traffic lanes, and intersection controls for the study area. The type of traffic control and number of lanes at an intersection are key inputs for the calculation of level of service.

3.2 Existing Traffic Volumes

Existing conditions traffic volumes are based on the 2021 peak hour traffic volumes displayed on Figure 17 of the Dudek report. A two percent (2%) annual growth rate has been applied for three (3) years (i.e., 6% total growth) to the 2021 peak hour traffic volumes to establish existing (2024) traffic volumes for the study intersection.

Existing Conditions (2024) weekday AM and PM peak hour volumes for the key study intersections are shown on **Exhibit 3-2**.

3.3 City of Hesperia General Plan Circulation Element

The City of Hesperia's Traffic Circulation Plan illustrates each roadway's street classification within the City of Hesperia and is shown in **Exhibit 3-3**.

Therefore, the cumulative analyses set forth below are conservative and could result in greater impacts than anticipated. Additionally, the analysis utilizes an ambient growth rate of two percent (2%) per year, which would already capture and account for most projects in the area. The growth rate methodology is considered conservative since it is applied to all movements in all the study intersections.

4.3 Planned Roadway Improvements

As documented in Section 5.1.1 of the *I-15 Industrial Park Project Traffic Impact Analysis*, dated October 2022, prepared by Dudek, several roadway improvements are planned as part of the I-15 Industrial Park development. However, to conservatively assess the level of service impacts associated with the proposed project, only roadway improvements that facilitate vehicular flow stemming from the I-15 Industrial Park project were considered (i.e., new legs to intersections). Consequently, roadway improvements aimed at improving intersection level of service (e.g., capacity improvements, traffic control devices, etc.) were not assumed. Additionally, the future year traffic analysis incorporates provisions for future traffic corridors to accommodate the flow of vehicles originating from adjacent cumulative projects. As a result, the following roadway improvements have been reviewed and incorporated in all future scenarios, (i.e., Project Opening Year (2026) Conditions and Horizon Year (2040) Conditions) as shown in **Table 4-3**:

Table 4-3
Planned Roadway Improvements

Study Intersection / Roadway	Planned Improvement
Study Intersection #2 U.S. Route 395 (NS) at Poplar Street (EW) (Dudek Intersection #13)	The west leg of U.S. Route 395 at Poplar Street will be built to consist of one left-turn pocket and one shared through/right-turn lane.
Study Intersection #3 Three Flags Avenue (NS) at Poplar Street (EW) (Dudek Intersection #16)	Lassen Road is to be built to a half width, with the ultimate ROW and Curb-to-Curb buildout pending development east of the roadway. Vehicles would be able to travel northbound and southbound along Lassen Road.
Poplar Street	Poplar Street is to be built to a 100-foot ROW, with a 72-foot Curb-to-Curb width. It must be noted that these widths proposed with the development of the Project appear to match the arterial classification.

The planned and project-specific intersection and roadway improvements are shown in **Exhibit 4-9**: Future Year Traffic Controls & Intersection Geometrics.

State of California
DEPARTMENT OF TRANSPORTATION

California State Transportation Agency

Memorandum

To: DISTRICT DIRECTORS
DEPUTY DIRECTORS
DIVISION CHIEFS

Date: September 10, 2024

From: DAVID MAN *David S Man*
Chief, Division of Traffic Operations

RACHEL CARPENTER *Rhonda Chowdhury*
Chief Safety Officer

LISA RAMSEY *Lisa Ramsey*
Acting Chief, Division of Design

Subject: **INTERSECTION SAFETY AND OPERATIONAL ASSESSMENT PROCESS (ISOAP)**

This memorandum updates the process the Department uses to evaluate proposed traffic control and design geometrics for intersections and other access improvements proposed on the State Highway System. Intersection Safety and Operational Assessment Process (ISOAP) is an update and renaming of Intersection Control Evaluation (ICE) and supersedes Traffic Operations Policy Directive 13-02 and the August 23, 2013, memorandum "Intersection Control Evaluation (ICE) and Design Guidance." ISOAP places a greater emphasis on road safety performance consistent with the strategic direction of the Department. Intersection geometry and traffic control shall be determined through a performance-based analysis that considers all users and supports the principles of the Safe System Approach.

The ISOAP Information Guide shall govern the procedures for the performance-based determination analysis, including data collection, parameter choice, analysis methodology and scenarios, performance measures, review process, and reporting format.

Any project that has started using the existing ICE procedures and guidance may continue to do so provided that district acceptance and approval is received by November 15, 2024. All other proposed intersection improvements shall follow the ISOAP procedures.

Projects initiated by others using the existing ICE procedures and guidance that have prior consultation or an encroachment permit submittal with Caltrans and completed environmental process by November 15, 2024, may continue to do so through completion.

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Any requests for exceptions to ISOAP must be approved by both Divisions of Safety Programs and Traffic Operations. The District ISOAP Coordinators will facilitate any proposed exception.

If you have questions about ISOAP, please contact Zifeng Wu, Chief of Transportation System Analysis Branch, at (916) 764-4074 or by email at <zifeng.wu@dot.ca.gov>.

c: Said Ismail, Deputy Division Chief, Division of Traffic Operations
Sri Balasubramanian, Deputy Division Chief, Division of Traffic Operations
Zhongren Wang, Chief, Office of Mobility and System Performance, Division of Traffic Operations
Paul Chung, Deputy Division Chief, Division of Design
Pyo Hong, Chief, Office of Standards and Procedures, Division of Design
Tina Lucas, Chief, Office of Project Support, Division of Design
Zifeng Wu, Chief, Transportation System Analysis Branch, Division of Traffic Operations

ATTACHMENT 7

RESOLUTION NO. PC-2025-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP22-00016 TO CONSTRUCT TWO 75,894 SQUARE FOOT WAREHOUSES WITH ONSITE TRUCK STORAGE AND TRACTOR STALLS ON 20.3 GROSS ACRES IN CONJUNCTION WITH TENATIVE PARCEL MAP NO. 20883 (TPM24-00003) TO CONSOLODTE 5 PARCELS INTO TWO PARCELS AND TO ADOPT AN INITIAL STUDY/MITGATED NEGATIVE DECLARTION PURSUANT TO THE CALIFORNIA ENVRIONMENTAL QUALITY ACT

WHEREAS, Cargo Solutions Express (Applicant) has filed an application requesting approval of Conditional Use Permit CUP22-00016 and Tentative Parcel Map TPM24-00003 described herein (hereinafter referred to as "Application"); and

WHEREAS, the proposed project consist of the construction of two warehouse buildings, each approximately 75,894 square feet in size with 108 truck and trailer parking stalls and 110 tractor stalls on approximately 20.3 gross acres of vacant land in conjunction with Tentative Parcel Map No. 20883 (TPM24-00003) to consolidate five parcels into two parcels located at the southeast corner of Three Flags Road and Poplar Street; and

WHEREAS, the 20.3 acre site is vacant. The properties to the north consist of vacant land. A commercial industrial business park exists to the west. A commercial truck wash and truck repair facility exits to the south. The Interstate 15 freeway is located immediately to the east followed by vacant land; and

WHEREAS, the subject property as well as the surrounding properties to the north, west and south of the site are zoned Commercial Industrial Business Park (CIBP) within the Main Street and Freeway Corridor Specific Plan. The Interstate 15 freeway is located immediately to the east; and

WHEREAS, the proposed project consists of consists of Assessor's Parcel Numbers 3064-591-12,13,17,18, and 3064-631-01; and

WHEREAS, the Application, as contemplated, proposes to construct two warehouse buildings, each approximately 75,894 square feet in size with 108 truck and trailer parking stalls and 110 tractor stalls, which requires approval of a conditional use permit; and

WHEREAS, an environmental Initial Study/ Mitigated Negative Declaration for the proposed project was circulated for a 30-day public review from June 18, 2025, to July 21, 2025, and it determined that no significant adverse environmental impacts to either the man-made or physical environmental setting would occur with the inclusion of mitigation measures; and

WHEREAS, on September 11, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Application, and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Commission during the above-referenced September 11, 2025, hearing, including public testimony and written and oral staff reports, this Commission specifically finds as follows:

(a) Based upon the Initial Study/ Mitigated Negative Declaration prepared for the project (Attachment 6 to the staff report) the Planning Commission finds that there is no substantial evidence that the proposed Conditional Use Permit will have a significant effect on the environment.

(b) The site for the proposed development of two warehouse buildings each approximately 75,894 square feet in size with 108 truck and trailer parking stalls and 110 tractor stalls is adequate in size and shape to accommodate the proposed uses. On-site improvements required by the Development Code can be constructed on the property including the 264 conventional parking spaces. The site can accommodate 26-foot-wide drive aisles, landscaping, trash enclosures, building setbacks, and maximum floor area ratio. The development also meets all the San Bernardino County Fire Department standards including fire lanes, two-points of access, fire truck turn-around, fire department connection / post indicator valve (FDC/PIV), and fire hydrant requirements. The project is also designed with on-site retention facilities to retain the additional stormwater created by the development in a 100-year storm event.

(c) The proposed development will not have a substantial adverse effect on abutting properties, or the permitted use thereof because the proposed project is consistent with the City's General Plan and the Main Street and Freeway Corridor Specific Plan. In addition, the uses envisioned under the proposed project are permitted or conditionally permitted in the Commercial Industrial Business Park (CIBP) Zone of the Specific Plan. The project is also in an area which is zoned CIBP and contains truck-related uses. A Traffic Impact Analysis (TIA) was submitted as part of the land use application, which identifies improvements needed to mitigate the additional traffic from this project. Further, the developer shall participate in the City-wide industrial community facilities district (CFD) to pay for the ongoing maintenance of public infrastructure and services. The developer is also required to pay City Development Impact Fees.

(d) The proposed project is consistent with the goals, policies, standards and maps of the adopted Zoning, Development Code, Main Street and Freeway Corridor Specific Plan and all applicable codes and ordinances adopted by the City of Hesperia because each of the uses envisioned under the proposed project is permitted within the CIBP Zone. The development shall be constructed pursuant to the California Building and Fire Codes as well as adopted amendments.

Further, the project shall comply with the conditions of approval for both off-site and on-site improvements. The conditions of approval shall be met based upon specific milestones. Some conditions shall be met prior to grading, some prior to building construction and prior to issuance of a Certificate of Occupancy.

(d) The site will have adequate access based upon the site's current access off Poplar Street. Primary access to the project site would be provided by four driveway approaches located off of Poplar Street. During phase 1 two driveway approaches will be constructed. The western driveway approach will provide full access for passenger cars while the eastern driveway will provide full access for warehouse truck traffic. Phase 2 will add two additional driveway approaches to the east. The western driveway approach will provide full access for warehouse truck traffic while the eastern driveway will provide full access for passenger cars. In addition, implementation of the project will also require the construction of certain off-site improvements including the construction of a traffic signal at the intersection of Highway 395 and Poplar Street, or the payment of fair share fees towards the signal if it is constructed by other developers.

(e) The proposed project is consistent with the adopted General Plan of the City of Hesperia because an objective in the City's General Plan seeks to "…Promote industrial development within the City which will expand its tax base and provide a range of employment activities, while not adversely impacting the community or environment."

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby approves Conditional Use Permit CUP22-00004 and Tentative Parcel Map No TPM24-00003 subject to the Conditions of Approval as set forth in ATTACHMENT "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED this 11th day of September 2025.

_____

Roger Abreo, Chair, Planning Commission

ATTEST:

_____

Maricruz Montes, Secretary, Planning Commission

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ATTACHMENT "A"
List of Conditions for CUP22-00016

Approval Date: September 11, 2025
Effective Date: September 23, 2025
Expiration Date: September 23, 2028

This list of conditions applies to: Consideration of Conditional Use Permit CUP22-00016 to construct two 75,894 square foot warehouses with onsite truck storage and tractor stalls on 20.3 gross acres in conjunction with Tentative Parcel Map No. 20883 (TPM24-00003) to consolidate five parcels into two parcels within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan located at the southeast corner of Poplar Street and Tree Flags Road (Applicant: Bobby Kang, CEO- Cargo solutions Express; APNs: 3064-591-12,13,17,18, and 3064-631-01).

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

ADDITONAL CONDITIONS

COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		TRUCK PARKING: The total number of truck parking spaces shall be limited to those shown on the approved site plan. Truck parking spaces shall not be rented, leased, or otherwise made available separately from the approved use without approval of a new Conditional Use Permit.

CONDITIONS REQUIRED AS PART OF SUBMITTAL OF PUBLIC IMPROVEMENT PLANS

COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		CONSTRUCTION PLANS. Five complete sets of construction plans prepared and wet stamped by a California licensed Civil or Structural Engineer or Architect shall be submitted to the Building Division with the required application fees for review. (B)
COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		UTILITY NON INTERFERE/QUITCLAIM DOCS. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. The improvement plans will not be accepted without the required documents and approval from the affected agencies. (E)
COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		WATER/SEWER/STORM DRAIN EASEMENT. The Developer shall submit a "Grant of Easement" to the City's Engineering Department for review and approval if needed. At time of submittal the developer shall complete the City's "application for document review" and pay all applicable fees. (E)
COMPLETED	COMPLIED BY	
NOT IN COMPLIANCE		GEOTECHNICAL REPORT. The Developer shall provide two copies of the soils report to substantiate all grading building

and public improvement plans. Include R value testing and pavement recommendations for public streets. (E B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Dena Alcayaga at (760) 947-1438 or dlalcayaga@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TITLE REPORT. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TRAFFIC STUDY. The applicant shall be required to provide a traffic study prepared by a California licensed traffic engineer to be reviewed and approved by the City Engineer. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FINAL WQMP SUBMITTAL. Submit a final WQMP, prepared using the applicable Mojave River Watershed Group Regulated WQMP Template, which includes all required or proposed revisions, addresses any comments provided on the draft WQMP, provides final designs for best management practices (BMPs), and includes calculations for BMP sizing.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(1). To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term “Third Party Action” collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively “Approvals”); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant’s obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval. (P)

COMPLETED **COMPLIED BY**

INDEMNIFICATION(2). Nothing in this condition shall obligate

NOT IN COMPLIANCE

the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim unless the City approves the settlement in writing. Additionally, the City shall not be prohibited from independently defending any claim, and whether or not the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Unless the City independently chooses to defend any Third Party Action on its behalf, Applicant shall control the conduct of the defense of any claim or action provided that: (1) the City shall have the right, prior to filing, to review and approve any and all pleadings or related documents filed with the court in connection with such defense and Applicant shall reimburse the City for review time for each draft brief or pleading to be filed on behalf of the City; and (2) the City shall review and reasonably approve any proposed settlement. The Applicant acknowledges that the City is not obligated to approve a proposed settlement requiring the City to pay or incur any monetary amount, take a future legislative action, render a future quasi judicial decision, or otherwise take a future discretionary government action. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(3). The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall tender to the City payment in full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment in full to the City shall be considered a breach and non compliance with the conditions of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

EXPIRATION OF ENTITLEMENT. Unless the applicant has obtained a grading permit and/or building permit and commenced construction, this approval shall expire three (3) years from the date of action of the reviewing authority. Where no grading or building permit is required, the allowed use on the site shall have commenced prior to the expiration date in compliance with the approval and any applicable conditions of approval. An extension of time may be granted pursuant to Municipal Code Section 16.12.060 if the applicant files an application and written request for an extension prior to the expiration of the permit. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FILING NOTICE OF DETERMINATION. Within five days from approval of the entitlement, the applicant shall file a Notice of Determination with the San Bernardino County Clerk of the Board and pay the filing fee of $3,018.75 payable to the Clerk

of the Board of Supervisors of San Bernardino County. A copy of the stamped NOD from the County shall be provided to the Planning Division when completed. Additionally, an electronic copy of the stamped NOD shall be filed with the Governor's Office of Planning and Research and posted on the CEQAnet Web Portal. (P)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CFD ANNEXATION. Applicant shall annex the site into Community Facilities District CFD 94-01 and insure the reapportionment of all existing obligations affecting the property.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION MEETING. Pre-construction meetings shall be held between the City the Developer grading contractors and special inspectors to discuss permit requirements monitoring and other applicable environmental mitigation measures required prior to ground disturbance and prior to development of improvements within the public right-of-way. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PRE-CONSTRUCTION SURVEY. A pre-construction survey for the burrowing owl shall be conducted by a City approved and licensed biologist, no more than 30 days prior to ground disturbance. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PROTECTED PLANTS. Three copies of a protected plant plan shall be submitted to the Building Division showing the present location and proposed treatment of all smoke tree, species in the Agavacea family, mesquite, large creosote bushes, Joshua Trees, and other plants protected by the State Desert Native Plant Act. The grading plan shall be consistent with the approved protected plant plan. No clearing or grading shall commence until the protected plant plan is approved and the site is inspected and approved for clearing. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SURVEY. The Developer shall provide a legal survey of the property. All property corners shall be staked and the property address posted. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

APPROVAL OF IMPROVEMENT PLANS. All required improvement plans shall be prepared by a registered Civil Engineer per City standards and per the City's improvement plan checklist to the satisfaction of the City Engineer. Five sets of improvement plans shall be submitted to the Development Services Department and Engineering Department for plan review with the required plan checking fees. All Public Works plans shall be submitted as a complete set. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

TRAFFIC SIGNAL(S). The Developer shall design to construct a traffic signal at the intersection of US Hwy 395 / Poplar Street with north- and southbound lane configurations as approved by the City and Caltrans. At a minimum, one westbound left-turn lane and two westbound right-turn lanes shall be designed to be installed on Poplar Street. Cycle lengths and phase splits are optimized for each plus Project

scenario . Should the intersection be signalized and improved by others, the applicant shall pay a fair-share towards ultimate improvements at the intersection as determined by the City of Hesperia based on the fair-share percentage established in the approved Project Traffic Impact Analysis . Traffic signal improvements shall exclude project driveways which shall be constructed by the proposed project. These payments shall be made to the City of Hesperia based on the latest cost estimates to be calculated by the applicant and as approved by the City Engineer immediately prior to payment.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY NON INTERFERENCE/QUITCLAIM. The Developer shall provide non interference and or quitclaim letter(s) from any applicable utility agencies for any utility easements that affect the proposed project. All documents shall be subject to review and approval by the Engineering Department and the affected utility agencies. Grading permits will not be issued until the required documents are reviewed and approved by all applicable agencies. Any fees associated with the required documents are the Developers responsibility. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

POPLAR STREET. Developer shall design to construct half-width improvements on Poplar Street across the project frontage. Half width right-of-way shall 50' and the curb face is to be located at 42’ from the approved centerline. The design shall be based upon an acceptable centerline profile extending a minimum of three hundred (300) feet beyond the project boundaries where applicable. These improvements shall consist of:

A. 8” Curb and Gutter per City standards.
B. Sidewalk (width = 6 feet) per City standards.
C. Roadway drainage device(s).
D. Streetlights per City standards.
E. Intersection improvements including handicapped ramps per City standards.
F. Design roadway sections per existing, approved street sections and per “R” value testing with a traffic index of 10 and per the soils report.
G. Cross sections every 50-feet per City standards.
H. Traffic control signs and devices as required by the traffic study and the City Engineer.
I. Provide a signage and striping plan per City standards. All striping shall be thermoplastic.
J. Relocate existing utilities as required. The Developer shall coordinate with affected utility companies.
K. It is the Developer’s responsibility to obtain any off-site dedications for transition tapers including acceleration / deceleration tapers per City standards. It is also the Developer’s responsibility to obtain any additional Right-of-Way dedication needed to satisfy the 26’ minimum paving requirement and returns at no cost to the City.

All work shall comply with City standards and to the satisfaction of the CIty Engineer.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia

benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STREET IMPROVEMENTS. The Developer shall design street improvements in accordance with City standards and these conditions. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY PLAN. The Developer shall design a Utility Plan for service connections and / or private hydrant and sewer connections. Any existing water, sewer, or storm drain infrastructures that are affected by the proposed development shall be removed / replaced or relocated and shall be constructed per City standards at the Developers expense. (E)

A. A remote read automatic meter reader shall be added on all meter connections as approved by the City Engineer.
B. The Developer shall design a Utility Plan for service connections and / or private water and sewer connections. Domestic and fire connections shall be made from the existing 12" PVC (Poly Vinyl Chloride) water line in Poplar Street per City Standards.
C. It is the Developers responsibility to connect to sewer and pay the appropriate fees. The Developer will be required to connect to the existing 10" PVC (Poly Vinyl Chloride) sewer main in Poplar Street per City standards.
D. Complete V.V.W.R.A.s Wastewater Questionnaire for Commercial / Industrial Establishments and submit to the Engineering Department. Complete the Certification Statement for Photographic and X ray Processing Facilities as required.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WATER/SEWER IMPR. PLAN. The Developer shall design water and sewer improvements in accordance with City standards, and as indicated below. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SEWER IMPROVEMENT PLAN: When realigning existing sewer along the southeast property line of project, the Developer will need to design to construct an 8" minimum PVC SDR 35 sewer main in proposed easement and reconnect sewer main to existing in Poplar Street per approved site plan. Design shall consist of plan and profile per City standards. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

The Project shall be designed to prevent adverse impacts to downstream properties and/or drainage facilities caused or exacerbated by the project. The project shall demonstrate that runoff from the completed project site will not exceed 90% of the pre-project runoff discharge rates for the 24-hour design storm for the 100-year return frequency rainfall events.

A. Drawdown Time. All drainage facilities which are designed

to percolate/infiltrate surface runoff (including basins, drywells, or infiltration-based low impact development features) shall not accumulate standing water for more than 48 hours. All drainage facilities designed to provide detention storage shall recover 100 percent of their design detention volume within 48 hours.

B. Groundwater Protection. The Project shall ensure any retention/infiltration or detention facilities will not adversely impact groundwater.

C. Underground Retention/Detention Systems. The Project shall demonstrate a minimum functional life span of 50 years for materials (e.g., polymer, metal, mineral-based, or other) used in underground retention/detention systems.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

STORM WATER POLLUTION PREVENTION PLAN. The Project shall submit to the City for approval two (2) copies of a Storm Water Pollution Prevention Plan (SWPPP) as specified in the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board.
Prepare the SWPPP using or following the format of the most recent SWPPP Template in the Construction BMP Handbook prepared by the California Stormwater Quality Association (requires subscription); see:
https://www.casqa.org/resources/bmp-handbooks

NPDES: The Project shall enroll under the prevailing National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities issued by the California State Water Resources Control Board and pay applicable fees. The Project shall provide proof of such permit coverage including a copy of the Notice of Intent Receipt Letter and the project WDID No. to the City.
Alternatively, projects from 1 to 5 acres with an approved Rainfall Erosivity Waiver authorized by U.S. EPA Phase II regulations certifying to the State Water Resources Control Board that construction activity will occur only when the Rainfall Erosivity Factor is less than 5 (R in the Revised Universal Soil Loss Equation), shall provide a copy of the project's Erosivity Waiver Certification and Waiver ID to the City.
NPDES-PERMIT TERMINATION: Upon completion of construction, the Project shall ensure that all disturbed areas are stabilized and all construction waste, equipment, and unnecessary temporary BMPs are removed from the site. In addition, the Project shall file a Notice of Termination (NOT) with the Lahontan Regional Water Board as required by the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

SWPPP IMPLEMENTATION. All of the requirements of the City-approved Storm Water Pollution Prevention Plan shall be implemented prior to the City's issuance of a grading permit, and shall be maintained until construction is complete and all

disturbed areas are fully stabilized. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

WQMP PERMIT. The Property Owner shall apply for a City WQMP Permit with the Building and Safety Department and pay the applicable permit fees. The WQMP Permit shall be renewed annually. To comply with the WQMP Permit, the Property Owner shall certify on an annual basis that all of the post-construction best management practices (BMPs) described in the approved project WQMP have been inspected and maintained as specified and required by the BMP Inspection and Maintenance Form and Operation and Maintenance Plan. The Property Owner shall provide proof of the WQMP Permit before the City will issue a Certificate of Occupancy.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

GRADING PLAN. The Developer shall submit a Grading Plan with existing contours tied to an acceptable City of Hesperia benchmark. The grading plan shall indicate building footprints and proposed development of the retention basin(s) as a minimum. Site grading and building pad preparation shall include recommendations provided per the Preliminary Soils Investigation. All proposed walls shall be indicated on the grading plans showing top of wall (tw) and top of footing (tf) elevations along with finish grade (fg) elevations. Wall height from finish grade (fg) to top of wall (tw) shall not exceed 6.0 feet in height. Grading Plans are subject to a full review by the City of Hesperia and the City Engineer upon submittal of the Improvement Plans. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

NATIVE AMERICAN RESOURCES. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project. In the event that Native American cultural resources are discovered during project activities, all work in the immediate vicinity of the find shall cease and a qualified archaeologist shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. If significant Native American historical resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, a qualified archaeologist shall be retained to develop a cultural resources Treatment Plan, as well as a Discovery and Monitoring Plan. The Lead Agency and/or applicant shall, in good faith, consult local Indian tribes on the disposition and treatment of any artifacts or other cultural materials encountered during the project. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DESIGN FOR REQUIRED IMPROVEMENTS. Improvement plans for off-site and on-site improvements shall be consistent with the plans approved as part of this site plan review application with the following revisions made to the improvement plans: (E, P)

A. Additional window features shall be added to the tower elements above the dock doors on the south elevation.

CONDITIONS REQUIRED PRIOR TO BUILDING PERMIT ISSUANCE

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CONSTRUCTION WASTE. The developer or builder shall contract with the City's franchised solid waste hauler to provide bins and haul waste from the proposed development. At any time during construction, should services be discontinued, the franchise will notify the City and all building permits will be suspended until service is reestablished. The construction site shall be maintained and all trash and debris contained in a method consistent with the requirements specified in Hesperia Municipal Code Chapter 15.12. All construction debris, including green waste, shall be recycled at Advance Disposal and receipts for solid waste disposal shall be provided prior to final approval of any permit. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	AQMD APPROVAL. The Developer shall provide evidence of acceptance by the Mojave Desert Air Quality Management District. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DEVELOPMENT FEES. The Developer shall pay required development fees as follows: A. School Fees (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	CFD ANNEXATION. The applicant shall annex the site into the Community Facilities District CFD-2022-1 (Non Residential Maintenance and Services).
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ELECTRIC VEHICLE CHARGING INFRASTRUCTURE. The project shall comply with the requirements of California Green Building Standards Code (CALGreen) Section 5.106.5.3 regarding electric vehicle (EV) charging infrastructure for non-residential developments. The developer shall provide the required number of EV-capable parking spaces, including the necessary raceways, conduits, panel capacity, and other supporting infrastructure to facilitate the future installation of EV charging stations in accordance with state and local requirements. This may include designated Electric Vehicle Charging Spaces (EVCS) that are required to have Electric Vehicle Supply Equipment (EVSE) installed as part of the project. (B)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	LIGHT POLLUTION REDUCTION. The project shall comply with California Green Building Standards Code (CALGreen) Section 5.106.8 regarding Light Pollution Reduction for non-residential developments. Outdoor lighting systems shall be designed and installed to meet the minimum requirements of the California Energy Code for applicable Lighting Zones (0-4) and shall not exceed the allowable BUG (Backlight, Uplight, and Glare) ratings as specified in CALGreen Table 5.106.8 [N]. (B
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ACCESSIBLE PARKING SPACES. The project shall comply with California Building Code (CBC) Section 11B-208, ensuring that accessible parking spaces are provided as required for non-residential developments. (B)

COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	DRAINAGE STUDY. The Developer shall submit three (3) copies of a Final Drainage Study which analyzes the pre-project and proposed project hydrology, including flows from offsite, flows generated onsite, hydraulic properties of flows entering or exiting the project to and from natural or constructed conveyances, and capacity and function of any runoff management structures such as catch basins, inlets, outlets and detention or retention structures. The study must include all information specified in the City's hydrology study outline
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	FENCING PLANS. A combination four-foot high wrought iron fence and two- foot high split-face masonry wall shall be constructed on private property along the boundary of the retention basin in accordance with City standards. Two complete sets of engineered construction plans for the required fencing shall be submitted to the Building and Safety counter. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	LANDSCAPE PLANS. The Developer shall submit three sets of landscape and irrigation plans including water budget calculations, required application fees, and completed landscape packet to the Building Division. Plans shall utilize xeriscape landscaping techniques in conformance with the Landscaping Ordinance. The number, size, type and configuration of plants approved by the City shall be maintained in accordance with the Development Code. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	SOLID MASONRY WALLS AND FENCES. The Developer shall submit four sets of masonry wall/wrought iron fencing plans to the Building Division with the required application fees for all proposed walls. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	ROOFTOP EQUIPMENT. All roofftop equipment shall be screened from view from the right-of-way and architecturally integrated into the design of the building. All roof-mounted mechanical equipment proposed on the roof shall be shown on a cross-section of the building, as well as a line of site study, evidencing that the equipment will be screened from view and will not be visible from the right-of-way. (P)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	LIGHT AND LANDSCAPE DISTRICT ANNEXATION. Developer shall annex property into the lighting and landscape district administered by the Hesperia Recreation and Parks District for any proposed street lights. The required forms are available from the Building Division and once completed, shall be submitted to the Building Division. (RPD)
COMPLETED NOT IN COMPLIANCE	**COMPLIED BY**	TRASH ENCLOSURE. All trash enclosures shall be in conformance with Municipal Code Section 16.16.360 and City approved construction details. The enclosure shall be enclosed on three sides by a minimum six-foot tall decorative masonry wall with split face block on the viewable side and a decorative cap. The masonry wall shall be earth tone in color; solid grey block is not allowed. The enclosure shall have non-transparent metal gates and a solid roof-cover that is architecturally compatible with the primary building onsite and

that serves to protect the refuse area from inclement weather, as well as prevents unauthorized entry into the enclosure. (P)

CONDITIONS REQUIRED PRIOR TO CERTIFICATE OF OCCUPANCY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

DEVELOPMENT FEES. The Developer shall pay required development fees as follows:

A. Development Impact Fees (B)
C. Utility Fees (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY CLEARANCE AND C OF O. The Building Division will provide utility clearances on individual buildings after required permits and inspections and after the issuance of a Certificate of Occupancy on each building. Utility meters shall be permanently labeled. Uses in existing buildings currently served by utilities shall require issuance of a Certificate of Occupancy prior to establishment of the use. (B)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

AS BUILT PLANS. The Developer shall provide as built plans. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

CATABA BASIN - Developer shall the pay a fair-share towards ultimate improvements of the Cataba Basin as determined by the City of Hesperia based on the fair-share percentage established by the City Engineer. These payments shall be made to the City of Hesperia based on the latest cost estimates to be calculated by the applicant and as approved by the City Engineer immediately prior to payment.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

EXECUTED AND RECORDED WQMP MAINTENANCE AGREEMENT. The WQMP Maintenance Agreement: Covenant and Agreement Regarding Water Quality Management Plan and Stormwater Best Management Practices Transfer, Access, and Maintenance, must be (1) prepared using the WQMP Maintenance Agreement Template provided as Attachment A to the City of Hesperia WQMP Templates, and (2) the complete WQMP Maintenance Agreement, with the Property Owners notarized signature(s) and suitable for recordation by the City, must be received before the City will authorize the final inspection or issue a Certificate of Occupancy.

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

LANDSCAPING/IRRIGATION. The Developer shall install the landscaping and irrigation as required by the Planning Division. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

ON SITE IMPROVEMENTS. All on site improvements as recorded in these conditions, and as shown on the approved site plan shall be completed in accordance with all applicable

Title 16 requirements. The building shall be designed consistent with the design shown upon the approved materials board and color exterior building elevations identified as Exhibit A. Any exceptions shall be approved by the Director of Development Services. (P)

NOTICE TO DEVELOPER: IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	**947-1300**
(E) Engineering Division	**947-1476**
(F) Fire Prevention Division	**947-1603**
(P) Planning Division	**947-1200**
(RPD) Hesperia Recreation and Park District	**244-5488**

EXHIBIT A

DRAFT

ATTACHMENT "A"
List of Conditions for TPM24-00003

Approval Date: September 11, 2025
Effective Date: September 23, 2025
Expiration Date: September 23, 2028

This list of conditions applies to Consideration of Tentative Parcel Map No. 20883 (TPM24-00003) to consolidate five existing parcels into two new parcels on 21.03 gross acres, in conjunction with CUP22-00016 within the Commercial Industrial Business Park zone of the Main Street and Freeway Corridor Specific Plan located at the southeast corner of Poplar Street and Tree Flags Avenue (Applicant: Bobby Kang, CEO- Cargo solutions Express; 3064-591-12,13,17,18, and 3064-631-01).

The use shall not be established until all conditions of this land use approval application have been met. This approved land use shall become null and void if all conditions have not been completed by the expiration date noted above. Extensions of time may be granted upon submittal of the required application and fee prior to the expiration date.

(Note: the "COMPLETED" and "COMPLIED BY" spaces are for internal City use only).

CONDITIONS REQUIRED PRIOR TO RECORDATION OF THE PARCEL MAP

COMPLETED / NOT IN COMPLIANCE	**COMPLIED BY** — ALL EASEMENTS OF RECORD. It shall be the responsibility of the Developer to provide all Easements of Record per recent title report. (E)
COMPLETED / NOT IN COMPLIANCE	**COMPLIED BY** — PARCEL MAP (RES). A Parcel Map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, based upon a survey, and shall conform to all provisions as outlined in article 66444 of the Subdivision Map Act as well as the San Bernardino County Surveyors Office Map Standards. (E)
COMPLETED / NOT IN COMPLIANCE	**COMPLIED BY** — PLAN CHECK FEES. Plan checking fees must be paid in conjunction with the improvement plan submittal. All required plans, maps, requested studies, CFD annexations, etc. must be submitted as a package. The Developer shall coordinate with the City's Engineering Analyst, Dena Alcayaga at (760) 947-1438 or dlalcayaga@cityofhesperia.us, to obtain the fee calculation form which shall be completed and submitted, along with fee payment, at time of plan submittal. Any outstanding fees must be paid before final inspection and the release of bonds.
COMPLETED / NOT IN COMPLIANCE	**COMPLIED BY** — TITLE REPORT. The Developer shall provide a complete title report 90-days or newer from the date of submittal. (E)
COMPLETED / NOT IN COMPLIANCE	**COMPLIED BY** — APPROVAL OF CUP. These conditions are concurrent with approval of CUP22-00016 becoming effective
COMPLETED / NOT IN COMPLIANCE	**COMPLIED BY** — INDEMNIFICATION(1). To the furthest extent allowed by law, Applicant shall indemnify, hold harmless and defend City and each of its officers, officials, employees, consultants, agents and volunteers from any and all loss, liability, fines, penalties,

forfeitures, damages and costs (including attorney's fees, litigation expenses and administrative record preparation costs) arising from, resulting from, or in connection with any Third-Party Action (as hereinafter defined). The term "Third Party Action" collectively means any legal action or other proceeding instituted by (i) a third party or parties, or (ii) a governmental body, agency or official other than the City, that: (a) challenges or contests any or all of these Conditions of Approval or any approval associated with entitlements associated with the project to which these conditions of approval apply (collectively "Approvals"); or (b) claims or alleges a violation of CEQA or another law in connection with the Approvals by the City, or the grant, issuance or approval by the City of any or all Approvals. Applicant's obligations under this paragraph shall apply regardless of whether City or any of its officers, officials, employees, consultants, agents or volunteers are actively or passively negligent, but shall not apply to any loss, liability, fines, penalties forfeitures, costs or damages caused solely by the active negligence or willful misconduct of the City or any of its officers, officials, employees, agents or volunteers. The provisions of this section shall survive any termination, revocation, overturn, or expiration of an approval. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(2). Nothing in this condition shall obligate the City to defend any claim and the City shall not be required to pay or perform any settlement arising from any such claim unless the City approves the settlement in writing. Additionally, the City shall not be prohibited from independently defending any claim, and whether or not the City does decide to independently defend a claim, the applicant shall be responsible for City's attorneys' fees, expenses of litigation, and costs for that independent defense, including the costs of preparing any required administrative record. Unless the City independently chooses to defend any Third Party Action on its behalf, Applicant shall control the conduct of the defense of any claim or action provided that: (1) the City shall have the right, prior to filing, to review and approve any and all pleadings or related documents filed with the court in connection with such defense and Applicant shall reimburse the City for review time for each draft brief or pleading to be filed on behalf of the City; and (2) the City shall review and reasonably approve any proposed settlement. The Applicant acknowledges that the City is not obligated to approve a proposed settlement requiring the City to pay or incur any monetary amount, take a future legislative action, render a future quasi judicial decision, or otherwise take a future discretionary government action. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

INDEMNIFICATION(3). The City may, at any time, require the applicant to reimburse the City for costs that have been, or which the City reasonably anticipates will be, incurred by the City during the course of processing or defending any Third-Party Actions. The City shall provide Applicant with an invoice detailing all reasonable costs incurred. Applicant shall

tender to the City payment in full of all reasonable and necessary costs within thirty (30) days from the date upon the invoice. Applicant further acknowledges and agrees that failure to timely tender payment in full to the City shall be considered a breach and non compliance with the conditions of approval for the project. Applicant shall also be required, upon request of the City, to deposit two month's estimated costs anticipated by the City to be incurred, which may be used by the City as a draw down account to maintain a positive balance pending tender of payment by Applicant as noted herein. (P)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

FISH AND WILDLIFE FEE. Within five days from approval of the entitlement, the applicant shall file a Notice of Determination with the San Bernardino County Clerk of the Board and pay the filing fee of $3,018.75 payable to the Clerk of the Board of Supervisors of San Bernardino County. A copy of the stamped NOD from the County shall be provided to the Planning Division when completed. Additionally, an electronic copy of the stamped NOD shall be filed with the Governor's Office of Planning and Research and posted on the CEQAnet Web Portal. (P)

CONDITIONS REQUIRED PRIOR TO DEVELOPMENT OF ANY PARCEL OF THE PARCEL MAP

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

RECORDATION OF MAP. Map shall be recorded with the San Bernardino County Recorders Office. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITIES. Each parcel shall be served by a separate water meter, service line, and sewer lateral connection where available. Automatic meter reader to be included on all meter connections. (E)

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

UTILITY RELOCATION/UNDERGROUND. If the developer is required to install water, sewer, or construct street improvements or when utilities shall be placed underground, it shall be the developer's responsibility to relocate / underground any existing utilities at their own expense. Relocation / undergrounding of utilities shall be identified upon submittal of construction plans. (P, E)

CONDITIONS REQUIRED PRIOR TO GROUND DISTURBING ACTIVITY

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

APPROVAL OF IMPROVEMENT PLANS. All improvement plans shall be prepared by a registered Civil Engineer per City standards and shall be approved and signed by the City Engineer. (E)

CONDITIONS REQUIRED PRIOR TO OCCUPANCY OF ANY UNIT

COMPLETED **COMPLIED BY**
NOT IN COMPLIANCE

PUBLIC IMPROVEMENTS. All public improvements shall be completed by the Developer and approved by the Engineering Department. Existing public improvements determined to be unsuitable by the City Engineer shall be removed and replaced. (E)

NOTICE TO DEVELOPER: THIS CONCLUDES THE REQUIREMENTS FOR RECORDATION OF THE PARCEL MAP. IF YOU NEED ADDITIONAL INFORMATION OR ASSISTANCE REGARDING THESE CONDITIONS, PLEASE CONACT THE APPROPRIATE DIVISION LISTED BELOW:

(B) Building Division	**947-1300**
(E) Engineering Division	**947-1476**
(F) Fire Prevention Division	**947-1603**
(P) Planning Division	**947-1200**
(RPD) Hesperia Recreation and Park District	**244-5488**

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DATE: September 11, 2025

TO: Planning Commission

FROM: Nathan R. Freeman, Director of Development Services
Ryan Leonard, Principal Planner

BY: Edgar Gonzalez, Senior Planner

SUBJECT: Development Code Amendment DCA25-00003; Applicant: City of Hesperia; Area affected: City-wide

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RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2025-12 recommending that the City Council introduce and place on first reading an ordinance approving DCA25-00003, modifying development standards associated with Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (Junior ADUs).

BACKGROUND

On May 19, 2020, the City Council adopted Ordinance No. 2020-04 adopting development standards associated with Accessory Dwelling Units (ADUs). To date, the City Council has adopted four amendments to the existing ADU regulations to ensure compliance with State law.

Staff have identified the required changes to the ADU Ordinance as well as other opportunities to improve the existing ordinance, as discussed below. The proposed Development Code Amendment will modify the City's existing ADU Ordinance to fully comply with the State ADU Law.

An Accessory Dwelling Unit (ADU) is an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary dwelling unit. An ADU can be up to 1,200 square feet, is fully self-contained (including sanitation), and does not share internal access with the primary dwelling unit.

A Junior Accessory Dwelling Unit (JADU) is not classified as a separate housing unit, therefore it is permitted within any existing or proposed single-family residence. It must be entirely contained within the primary dwelling and may not exceed 500 square feet in size. Junior ADU's must include an efficiency kitchen, can have internal access to the primary dwelling unit, and can share sanitation facilities (such as a restroom) with the primary unit. The City's existing Development Code (specifically section 16.12.360 of the Development Code) currently allows Junior ADUs and ADUs in all single family, multi-family, and mixed-use zoning designations.

ISSUES/ANALYSIS

The City of Hesperia received a comment letter from the California Department of Housing and Community Development's (HCD) on June 19, 2025, regarding the City's Accessory Dwelling Unit (ADU) Ordinance (Attachment 1). Their response provides findings and clarifications on several provisions that do not comply with State ADU and JADU laws under Government Codes 66310 - 66342. HCD has directed the City to revise the ordinance to address the following issues:

1. Add specific language for approval and denial of an ADU application.
2. Allow all types of ADU combinations including a converted ADU, a detached new-construction ADU and a JADU on single-family lots for a total of up to three ADUs on single family lots.
3. Increase the allowable number of detached ADUs on multifamily lots to up to eight for existing or proposed multifamily buildings.
4. Clarification on the type of building code that is applicable to ADUs.
5. Removal of maximum size restrictions for the conversation of ADUs within single-family dwellings and detached ADUs with multi-family dwellings.
6. Clarification on the language for conversation of JADUs, which may be created in enclosed areas like attached garages.

The City proposes the following amendments to Section 16.12.360 of the City of Hesperia Development Code, pertaining to Accessory Dwelling Units (ADUs) in response to findings issued by the California Department of Housing and Community Development (HCD), except for comment No. 2 relating to the types of ADU combinations allowed and comment No. 5 relating to the removal of maximum size restrictions for specific types of ADUs.

Section 16.12.360, subdivision (C)(b) will be amended to include specific language to state that the City shall either "approve or deny" an application for an ADU or JADU within sixty (60) days of receiving a complete application, in compliance with Government Code section 66317. This revision replaces existing language that states the City will "act on" such applications, ensuring consistency with state law requirements.

The City has elected not to amend the Ordinance in response to comment No. 2, which recommends explicit authorization for all combinations of ADUs and JADUs on single-family residential lots and up to a total of three ADUs on single family lots. Government Code Section 66323(a) (formerly subsection (e)(1) of Government Code Section 65852.2) says that the City shall "ministerially approve an application … to create any of the following." It does not say "all of the following," nor does it say, "one or more of the following," nor is there an "and" after the final item to indicate that the list is inclusive. A plain reading does not require the inference HCD contends the law requires. Section 66323(a)(1) and (a)(2) together indicate that applicants are entitled to ministerial approval for only one accessory dwelling unit (ADU) and one junior accessory dwelling unit (JADU) per single-family lot. Section (a)(2) specifically allows an ADU under that subsection to be combined with a JADU under (a)(1), not another ADU, which limits applicants to one ADU and one JADU rather than multiple ADUs. HCD's interpretation that "any" in Section 66323 allows approval of all combinations disregards this caveat and renders the legislature's language meaningless. The statute's structure and word choice show the intent was not to compel approval of two ADUs plus a JADU, but rather to allow ministerial approval of a single ADU and JADU combination. In addition, HCD's interpretation is inconsistent with the legislative history for Assembly Bill 68 from 2019 (AB68), which is the bill where the Section 66323 ADUs were originally added to California law. In the various legislative summaries related to AB68, it is clear that the intent was to allow one attached ADU or one detached ADU. HCD's current interpretation is also inconsistent with HCD's own previous interpretation of this language.

In December 2020, HCD published an ADU Handbook that addressed this exact issue and stated that these options could not be combined, directly contradicting the position HCD subsequently has taken, even though the statutory language did not change. Considering these clear contradictions, HCD's interpretation of state ADU law on this issue would not receive deference in state court. Case law is clear that when a state agency flatly contradicts itself, and when its current interpretation is not long-standing, its interpretation of state law is not entitled to deference. (*Kaanaana v. Barrett Bus. Servs.*, Inc., 11 Cal. 5th 158, 178 (2021); *State Bldg. & Constr. Trades Council of California v. Duncan,* 162 Cal. App. 4th 289, 303 (2008).) The Ordinance will retain its existing limitations accordingly, the City affirms that Hesperia Municipal Code Sections 16.12.360 D.2. and F.2. are compliant as adopted and respectfully disagree with HCD's Finding.

Section 16.12.360, subdivision (D)(3)(b) will be amended to be in compliance with Government Code section 66323, which will allow up to eight (8) detached ADUs on lots containing existing multi-family dwellings, not to exceed the total number of existing units.

Section 16.12.360, subdivision (D)(11) will be amended to specify that the design and construction of all ADUs and JADUs within single-family or multi-family dwellings must comply with the California Residential Code and the California Building Code. This revision will ensure clarity for property owners and developers regarding applicable construction requirements for both ADUs and JADUs.

Section 16.12.360, subdivision (D)(12) will be added to prohibit ADUs from converting enclosed garages or carports that are required to meet the minimum parking standards for existing or proposed multi-family dwellings, unless prohibited by the Government Code. This revision ensures that the City's regulations align with current state law for multi-family properties while maintaining compliance with local parking requirements.

The City has elected not to amend the Ordinance in response to comment No. 5, which recommends removal of maximum size restrictions for the conversion of ADUs within single-family dwellings and detached ADUs with multi-family dwellings. Though the City has elected not remove the maximum size restrictions, the City has added a new Subdivision (D)(13) to reflect the City's intent to ministerially approve ADUs meeting the requirements of Government Code Section 66323. The City believes this approach is justified for a few reasons. First, while HCD's interpretation of Section 66323 is one possible interpretation, it is not binding legal authority on local agencies and results in an illogical result. For example, HCD's interpretation would arguably allow a property owner to build an ADU of unlimited size, subject only to certain height limitations and 4 foot side and rear setback limits, which could conceivably result in an ADU that is larger than the primary residence on the property. Additionally, under a hyper technical reading of Section 66323, the City could arguably impose an 800 square foot maximum square foot limitation on the ADUs contemplated under Section 66323, under the rationale that an 800 square foot limitation on the total area is a development standard authorized for detached single-family ADUs under Subsection 66323(b). Based on such a hyper technical reading, the City's maximum square foot limitation of 1,200 square feet would be less restrictive than the 800 square foot limitation the City could impose. Lastly, by adding in the new Subdivision (D)(13), the City has formalized its intent to comply with the approval requirements of Section 66323, as interpreted by the City. This revision preserves the City's desire to maintain a total area limitation on ADUs, subject to the requirements of the Government Code, as it now exists or may be amended, and eliminates the need for further revisions to the City's ADU Ordinance if a different interpretation is eventually made by California courts.

Section 16.12.360, subdivision (F)(1) will be amended to state that enclosed uses within a single-family residence, such as attached garages, are considered part of the proposed or existing single-family residence for the purpose of constructing a JADU. This clarification aligns the Ordinance with Government Code section 66333, subdivision (d) and provides precise guidance to applicants.

For reference, attached are red-line strikeouts illustrating the changes to the Ordinance in comparison to the City's existing ADU regulations.

Environmental: Approval of the Development Code Amendment is exempt from the requirements of the California Environmental Quality Act per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment is also exempt from the requirements of the California Environmental Quality Act by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as a Development Code Amendment is exempt if it does not propose to increase the density or intensity allowed in the General Plan. According to Government Code 65852.2, ADUs do not count towards the allowable density, and are a residential use consistent with the existing General Plan and zoning designation. Additionally, approval of ADUs is a ministerial activity and exempt from application of CEQA in accordance with Section 21080 of the Public Resources Code and Section 15300.1 of the State CEQA Guidelines.

CITY GOAL SUPPORTED BY THIS ITEM

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

Conclusion: The Ordinance is consistent with the goals, policies and objectives of the General Plan and will bring the City's ADU regulations into compliance with State law.

FISCAL IMPACT

None.

ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. HCD Comment Letter
2. Resolution No. PC-2025-12, with Exhibit "A"

ATTACHMENT 2

RESOLUTION NO. PC-2025-12

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT A DEVELOPMENT CODE AMENDMENT MODIFYING DEVELOPMENT STANDARDS ASSOCIATED WITH ACCESSORY DWELLING UNITS (ADUs) AND JUNIOR ACCESSORY DWELLING UNITS (JADUs) (DCA25-00003).

WHEREAS, on January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, on May 19, 2020, the City Council adopted Ordinance No. 2020-04 adopting development standards associated with Accessory Dwelling Units (ADUs); and

WHEREAS, on June 1, 2021, the City Council adopted Ordinance No. 2021-01 modifying various sections of the ADU Ordinance for the purpose of providing added clarity and to be consistent with State requirements; and

WHEREAS, on August 16, 2022, the City Council adopted Ordinance No. 2022-13 modifying various sections of the ADU Ordinance to be consistent with State requirements; and

WHEREAS, on November 19, 2024, the City Council adopted Ordinance No. 2024-13 modifying various sections of the ADU Ordinance to be consistent with State requirements; and

WHEREAS, on May 6, 2025, the City Council adopted Ordinance No. 2025-01 modifying various sections of the ADU Ordinance to be consistent with State requirements; and

WHEREAS, the City proposes additional amendments to Section 16.12.360 of the City of Hesperia Development Code, pertaining to Accessory Dwelling Units (ADUs) (the "ADU Ordinance"), as further set forth in Exhibit "A" attached hereto and incorporated herein by reference, and finds that the amendments comply with Government Code Sections 66310 through 66342; and

WHEREAS, the amendments to the ADU Ordinance set forth in Exhibit "A" are proposed in response to findings issued by the California Department of Housing and Community Development (HCD) in a letter dated June 19, 2025; and

WHEREAS, the City has considered the findings in HCD's letter and has determined not to amend the ADU Ordinance in response to Comment No. 2, relating to the types and total number of ADU combinations allowed, and Comment No. 5, relating to the removal of maximum size restrictions for specific types of ADUs; and

WHEREAS, the City of Hesperia has elected not to amend the Ordinance in response to HCD Comment No. 2, which recommends explicit authorization for all combinations of ADUs and JADUs on single-family residential lots for a total of three units, and in support of such election the Planning Commission further finds as follows pursuant to Government Code Section 66326(b)(2)(B):

A. There is no case law addressing this issue, so there is no authoritative interpretation of Government Code Section 66323 (formerly subsection (e)(1) of Government Code Section 65852.2) to support HCD's position.

B. Government Code Section 66323(a) (formerly subsection (e)(1) of Government Code Section 65852.2) says that the City shall "ministerially approve an application … to create any of the following." It does not say "all of the following," nor does it say "one or more of the following," nor is there an "and" after the final item to indicate that the list is inclusive. A plain reading does not require the inference HCD contends the law requires.

C. Section 66323(a)(1) requires a local agency to ministerially approve an application for a building permit within a residential or mixed-use zone to create one accessory dwelling unit and one junior accessor dwelling unit per lot with a proposed or existing single-family dwelling if each of the listed factors apply. Section 66323(a)(2) requires a local agency to ministerially approve an application for a building permit within a residential or mixed-use zone to create one detached, new construction, accessory dwelling unit that does not exceed four-foot side and rear yard setbacks for a lot with a proposed or existing single-family dwelling, and permits a local agency to impose certain conditions listed in the statute. This section also specifically notes that an ADU in this section "may be combined with a junior accessory dwelling unit described in paragraph (1)".

B. In concluding that the City's ordinance does not comply, HCD interprets the phrase "any combination" in Section 66323(a) to mean that a property owner may be entitled to all of the ADU combinations contemplated in Section 66323 (a)(1) and (2) as opposed to either the combination of units allowed in Subsection (a)(1) or those allowed in Subsection (a)(2). That conclusion ignores the caveat in Section 66323(a)(2) identified above. If the intent of this section is to permit "any" combination of the ADUs enumerated, it would be unnecessary for the Legislature to include the caveat. The language of Subsection (a)(1) and Subsection (a)(2), taken together, indicate that an applicant may only receive ministerial approval for one ADU and one JADU. This aligns with the specific provision allowing an ADU approved under (a)(2) to be combined only with a JADU approved under (a)(1), not with another ADU. An applicant is only entitled to ministerial approval of an ADU under one section or the other, not both.

C. HCD's findings also ignore the plain text of the statute. The Legislature did not need to use the terms "or" or "one of" to set limits on what ADUs shall be ministerially approved. The Legislature included those limits based on the (a)(2) caveat. The statute was not intended to be used to justify compelling ministerial approval of a combination of two ADUs and one JADU. Otherwise, the specific language about combining an (a)(1) JADU with an (a)(2) ADU would be meaningless. Applying HCD's own logic, the omission of the words "each" or "all" from the statute indicates that the Legislature only intended to permit ministerial approval of one option out of the menu of four options, not all of them together.

D. The City's interpretation of Section 66323 is also consistent with the legislative history of Section 66323, as originally adopted (before renumbering) in Assembly Bill 68. Multiple legislative analyses prepared by the California Legislature provide that the intent was to allow one attached single-family ADU or one detached single family ADU (plus the contemplated JADU), not one of each. Lastly, HCD's current interpretation is also inconsistent with HCD's own previous interpretation of this language. In December 2020, HCD published an ADU Handbook that addressed

this exact issue and stated that these options could not be combined, directly contradicting the position HCD subsequently has taken, even though the statutory language did not change.

E. In light of these clear contradictions, HCD's interpretation of state ADU law on this issue would not receive deference in state court. Case law is clear that when a state agency flatly contradicts itself, and when its current interpretation is not long-standing, its interpretation of state law is not entitled to deference. (*Kaanaana v. Barrett Bus. Servs.*, Inc., 11 Cal. 5th 158, 178 (2021); *State Bldg. & Constr. Trades Council of California v. Duncan*, 162 Cal. App. 4th 289, 303 (2008).) The most reasonable reading of the statute indicates the applicant is entitled to ministerial approval of one ADU and a JADU. Therefore, the City respectfully disagrees with HCD's findings and believes Hesperia Municipal Code sections 16.12.360 D.2. and F.2. are compliant as adopted.

WHEREAS, the City of Hesperia has elected not to amend the Ordinance in response to HCD Comment No. 5, which recommends removal of maximum size restrictions for the conversion of ADUs within single-family dwellings and detached ADUs with multi-family dwellings as being in violation of the requirement that ADUs meeting the requirements of Section 66323 be ministerially approved and not subject to additional development standards imposed by the local agency and in support of that election, the Planning Commission finds as follows:

A. In lieu of removing the maximum size restrictions, the City has added a new Subdivision (D)(13) to the ADU Ordinance to reflect the City's intent to ministerially approve ADUs meeting the requirements of Government Code Section 66323. The City finds this approach is justified for a few reasons. First, while HCD's interpretation of Section 66323 is one possible interpretation, it is not binding legal authority on local agencies and results in an illogical result. For example, HCD's interpretation would arguably allow a property owner to build an ADU of unlimited size, subject only to certain height limitations and 4-foot side and rear setback limits, which could conceivably result in an ADU that is larger than the primary residence on the property. Additionally, under a hyper technical reading of Section 66323, the City could arguably impose an 800 square foot maximum square foot limitation on the ADUs contemplated under Section 66323, under the rationale that an 800 square foot limitation on the total area is a development standard authorized for detached single-family ADUs under Subsection 66323(b). Based on such a hyper technical reading, the City's maximum square foot limitation of 1,200 square feet would be less restrictive than the 800 square foot limitation the City could impose.

B. Lastly, by adding in the new Subdivision (D)(13), the City has formalized its intent to comply with the approval requirements of Section 66323, as interpreted by the City. This revision preserves the City's desire to maintain a total area limitation on ADUs, subject to the requirements of the Government Code, as it now exists or may be amended, and eliminates the need for further revisions to the City's ADU Ordinance if a different interpretation is eventually made by California courts.

WHEREAS, the Planning Commission finds that the proposed amendments relating to Accessory Dwelling Unit regulations are necessary updates to bring the City's Development Code into compliance with State law; and

WHEREAS, the proposed Development Code Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment; the proposed Amendment is also exempt from the requirements of CEQA by Section 16.12.415(B)(10) of the City's CEQA Guidelines, as the Amendment is exempt if it does not propose to increase the density or intensity allowed in the General Plan; and approval of ADUs is a ministerial activity and exempt from the application of CEQA in accordance with Section 21080 of the Public Resources Code and Section 15300.1 of the state CEQA Guidelines; and

WHEREAS, on September 11, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Development Code Amendment and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all the facts and recitals set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Development Code Amendment DCA25-00003, amending the Accessory Dwelling Unit regulations as shown on Exhibit "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 11th day of September 2025.

_____
Roger Abreo, Chair, Planning Commission

ATTEST:

_____
Maricruz Montes, Secretary, Planning Commission

Green Sheet Item # 5 Information Updated After Posting the Agenda.

EXHIBIT "A"

The following are modifications to Article X of Chapter 16.12 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

16.12.360 Accessory dwelling units.

A. Purpose. The purpose of this section is to expand the variety of housing opportunities in the City of Hesperia by implementing State Government Code Sections 66310-66342 as they pertain to accessory dwelling units and junior accessory dwelling units. Implementation of these regulations will ensure that accessory dwelling units and junior accessory dwelling units are located in areas where services are adequate to support them and that accessory dwelling units are designed and maintained as a compatible and integral part of the city's residential zoning districts.

B. Definitions.

a. "Accessory dwelling unit" or "ADU" means an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary residence. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated. An accessory dwelling unit also includes the following:

i. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

ii. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

b. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

c. "Junior accessory dwelling unit" or "JADU" means a unit that is no more than five hundred (500) square feet in size and contained entirely within an existing or proposed single-family structure. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of this section, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

C. Application Procedure—Accessory Dwelling Units. Application for a permit to construct an accessory dwelling unit shall be made pursuant to the provisions and limitations of this article.

a. The review procedure shall be administrative review without notice (ministerial), pursuant to the provisions of Section 16.12.005(A)(3).

b. The city shall ~~act on~~ approve or deny the application to create an ADU or a Junior ADU within sixty (60) days from the date that the city receives a completed application, unless either:

(i) The Applicant requests for a delay, in which case the sixty (60) day time period is tolled for the period of the requested delay, or

(ii) An application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is submitted with a permit application to create a new primary residence on the lot, the city may delay acting on the permit application for the Accessory Dwelling Unit or the Junior Accessory Dwelling Unit the city acts on the permit application to

create the primary residence. The application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is still considered ministerially without discretionary review or a public hearing.

D. General Standards.

1. An accessory dwelling unit may only be permitted on lots that are zoned for agricultural, single family, multi-family, or mixed uses and that contain an existing or proposed single-family or multi-family dwelling.

2. A Junior Accessory Dwelling unit may only be permitted on lots that are zoned for agricultural or single family and that contain an existing or proposed single-family dwelling.

3. Accessory dwelling units are exempt from the density limitations of the General Plan and subject to the following:

   a. Lots with an existing or proposed single-family residence may be permitted one accessory dwelling, and one junior accessory dwelling unit (see Section 16.12.360 F for additional regulations pertaining to junior accessory dwelling units).

   b. Lots with existing multi-family units may convert non-habitable space within an existing multi-family structure into accessory dwelling units. The number of these types of units shall allow at least ~~be limited to~~ one accessory dwelling or up to twenty-five (25) percent of the existing multi-family dwelling units~~, whichever is greater. In addition, no more than two detached accessory dwelling units may be permitted.~~ A detached accessory dwelling may be converted from non-habitable space, or newly constructed.

   c. Multiple detached accessory dwelling units are allowed within multi-family lots in accordance with the following:

      (i) Within an existing multi-family development, up to a maximum of eight (8) detached ADUs may be constructed provided that the total number of ADUs does not exceed the number of existing units on the lot.

      (ii) Within a proposed multi-family development, up to a maximum of two (2) detached ADUs may be constructed.

4. An accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling.

5. The correction of a nonconforming zoning condition that would result in a physical improvement on the property shall not be a condition of approval for an accessory dwelling unit.

6. The accessory dwelling unit shall provide complete and independent living facilities.

7. The accessory dwelling unit shall not be used for a rental term of less than thirty (30) consecutive days.

8. The accessory dwelling unit may not be sold or conveyed separately from the primary dwelling unit unless all of the following apply:

   (i) The accessory dwelling unit was built or developed by a qualified nonprofit corporation. For the purposes of this section, a qualified nonprofit corporation means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section

214.15 of the California Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

(ii) There is an enforceable restriction on the use of the land on which the ADU is located pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation. For the purposes of this section, a qualified buyer means very-low and low-income households as defined in Section 16.20.195.

(iii) The property is held pursuant to a recorded tenancy in common agreement that includes an allocation to each qualified buyer of an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies: a repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property: a requirement that the qualified buyer occupy the property as the qualified buyer's principal residence: and affordability restrictions on the sale and conveyance of the property that ensures the property will be preserved for very-low income or low-income housing for forty-five (45) years for owner-occupied housing and will be sold or resold to a qualified buyer.

(iv) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded with the County. A Preliminary Change of Ownership Report shall be filed concurrently with the grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(v) If requested by a utility providing service to the primary residence, the accessory dwelling unit has separate water, sewer, or electrical connection to that utility.

9. The accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.

10. In compliance with the State of California Lahontan Regional Water Quality Control Board, lots that are not connected to sewer facilities shall be a minimum of one gross acre in size or install an approved Supplemental Treatment Septic System.

11. The design and construction of each ADU within single-family or multi-family dwellings shall conform to all applicable provisions of the California Residential Code and the California Building Code. The ADU shall comply with all provisions of the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the ADU will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.

12. Unless prohibited by California Government Code Sections 66310-66342 an ADU shall not convert the required parking for an existing or proposed multi-family dwelling within an enclosed garage or carport without the concurrent replacement of the existing required parking elsewhere on the property in accordance with the size, placement, and design standards of the Development Code.

13. Notwithstanding any other provision in this Section 16.12.360, the City shall ministerially approve an application for a JADU and/or one or more ADUs if the proposed unit meets the requirements of Government Code Sections 66323.

E. Design and Development Standards—Accessory Dwelling Units.

1. The accessory dwelling unit may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses, or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages. An accessory dwelling may be converted from non-habitable space within, or detached from, an existing or proposed multi-family structure.

2. A detached accessory unit shall not exceed one thousand two hundred (1,200) square feet of livable floor area (excludes garage and any accessory structure) on any parcel. Accessory dwelling units attached to the principal unit may be up to fifty (50) percent of the area of the principal unit, up to a maximum of one thousand (1,000) square feet, except that if the principal unit has a floor area of one thousand six hundred (1,600) square feet or less, an attached accessory dwelling unit shall conform to the provisions of Section 16.12.360(E)(6), below. The area of an accessory dwelling unit is in addition to and shall not be considered as part of the allowable accessory building area authorized under Article X of Chapter 16.20. No accessory dwelling unit shall be less than one hundred and fifty (150) square feet in area. Further, a recreational vehicle, does not qualify for use as an accessory dwelling unit.

3. Independent access to an attached accessory dwelling unit is required and shall not be located on the same wall plane elevation as the access to the primary dwelling.

4. For new attached or detached accessory dwelling units, a minimum four-foot side yard and four-foot rear yard setback is allowed. The front yard and street side yard standards for the primary unit shall apply to the accessory dwelling unit.

5. No setback shall be required for the conversion of existing living area, conversion of an existing accessory structure, or for a new structure that is constructed in the same location and to the same dimensions as an existing structure.

6. The accessory dwelling unit shall be constructed in accordance with minimum standards for single-family residential uses on individual lots as specified in Section 16.20.160, unless otherwise specified herein.

7. No provisions within this Section, including lot coverage or legal nonconformity, shall preclude either an attached or detached eight hundred (800) square-foot accessory dwelling unit with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards

8. A detached accessory dwelling unit created on a lot with an existing or proposed single-family or multi-family dwelling may not exceed sixteen (16) feet in height. However, a detached accessory dwelling unit may be up to eighteen (18) feet in height if it is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. Furthermore, a detached accessory dwelling unit may be up to two additional feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit. A detached accessory dwelling unit created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed eighteen (18) feet in height. An accessory dwelling unit that is attached to the primary dwelling may not exceed twenty-five (25) feet in height or exceed two stories.

9. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

10. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces do not need to be replaced.

11. The accessory dwelling unit shall be architecturally compatible with the design of the primary unit and shall match with the same colors and materials of the primary unit.

12. The construction of an accessory dwelling unit shall not be considered when calculating minimum distance requirements for animal uses on the subject lot or on adjacent lots.

F. Junior Accessory Dwelling Units.

1. Purpose - This section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing single family residence, and requires owner occupancy of the single family residence where the unit is located. For the purposes of this section, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

2. Development Standards - Junior accessory dwelling units shall comply with the following standards:

   a) Lots with an existing or proposed single family residence may be permitted ~~one accessory dwelling unit and~~ one junior accessory dwelling unit.

   b) For the purposes of providing service for water, sewer or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. Lots that are not connected to sewer facilities shall meet the Lahontan Regional Water Quality Control Board regulations pertaining to minimum septic tank capacity.

   c) A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size and shall be contained entirely within a single family residence.

   d) The junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single-family residence.

   e) The junior accessory dwelling unit must include an efficiency kitchen that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

   f) The junior accessory dwelling unit may have a bathroom or share with the proposed or existing single family residence. If a permitted junior accessory dwelling unit does not include a separate bathroom, then an interior entry to the main living area shall be provided.

   g) A junior accessory dwelling unit shall not convert the required parking for the primary residential structure located within an attached garage without the concurrent replacement of the existing required parking within an enclosed garage

elsewhere on the property in accordance with the size, placement, and design standards of the Development Code.

h) A deed restriction, in a form to be approved and provided by the city, must be recorded and filed with the city, and must include the following stipulations: i) prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single family residence; ii) restriction on the size and attributes of the junior accessory dwelling unit; iii) if the unit is rented, the unit shall not be rented for a period of less than thirty (30) consecutive calendar days; and iv) owner occupancy of one of the units on-site is required, unless the owner is a governmental agency, land trust, or housing organization. These restrictions shall run with the land.

(Ord. 2003-05 § 4 (part), 2003; Ord. 299 § 4 (Exh. A § 3 (part)), 2000; Ord. 250 (part), 1997; Ord. 192 Exh. A (§ 83.10.020), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09; Ord. No. 2012-14, § 3(Exh. A), 8-7-12; Ord. No. 2017-12, § 3(Exh. A), 6-20-17; Ord. No. 2020-04, § 3(Exh. A), 5-19-20; Ord. No. 2021-01, 3(Exh. A), 6-1-21; Ord. No. 2022-13, § 3(Exh. A), 9-6-2022; Ord. No. 2024-13, § 3(Exh. A), 12-3-24; Ord. No. 2025-01, § 3(Exh. A), 5-20-25)

EXHIBIT "A"

The following are modifications to Article X of Chapter 16.12 (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

16.12.360 Accessory dwelling units.

A. Purpose. The purpose of this section is to expand the variety of housing opportunities in the City of Hesperia by implementing State Government Code Sections 66310-66342 as they pertain to accessory dwelling units and junior accessory dwelling units. Implementation of these regulations will ensure that accessory dwelling units and junior accessory dwelling units are located in areas where services are adequate to support them and that accessory dwelling units are designed and maintained as a compatible and integral part of the city's residential zoning districts.

B. Definitions.

a. "Accessory dwelling unit" or "ADU" means an additional detached or attached dwelling unit which provides complete independent living facilities for one or more persons and is located on a lot with an existing or proposed primary residence. The unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the primary unit is situated. An accessory dwelling unit also includes the following:

i. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

ii. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

b. "Accessory structure" means a structure that is accessory and incidental to a dwelling located on the same lot.

c. "Junior accessory dwelling unit" or "JADU" means a unit that is no more than five hundred (500) square feet in size and contained entirely within an existing or proposed single-family structure. A junior accessory dwelling unit may include separate sanitation facilities or may share sanitation facilities with the existing structure. For the purposes of this section, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

C. Application Procedure—Accessory Dwelling Units. Application for a permit to construct an accessory dwelling unit shall be made pursuant to the provisions and limitations of this article.

a. The review procedure shall be administrative review without notice (ministerial), pursuant to the provisions of Section 16.12.005(A)(3).

b. The city shall approve or deny the application to create an ADU or a Junior ADU within sixty (60) days from the date that the city receives a completed application, unless either:

(i) The Applicant requests for a delay, in which case the sixty (60) day time period is tolled for the period of the requested delay, or

(ii) An application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is submitted with a permit application to create a new primary residence on the lot, the city may delay acting on the permit application for the Accessory Dwelling Unit or the Junior Accessory Dwelling Unit the city acts on the permit application to

create the primary residence. The application of an Accessory Dwelling Unit or a Junior Accessory Dwelling Unit is still considered ministerially without discretionary review or a public hearing.

D. General Standards.

1. An accessory dwelling unit may only be permitted on lots that are zoned for agricultural, single family, multi-family, or mixed uses and that contain an existing or proposed single-family or multi-family dwelling.

2. A Junior Accessory Dwelling unit may only be permitted on lots that are zoned for agricultural or single family and that contain an existing or proposed single-family dwelling.

3. Accessory dwelling units are exempt from the density limitations of the General Plan and subject to the following:

   a. Lots with an existing or proposed single-family residence may be permitted one accessory dwelling, and one junior accessory dwelling unit (see Section 16.12.360 F for additional regulations pertaining to junior accessory dwelling units).

   b. Lots with existing multi-family units may convert non-habitable space within an existing multi-family structure into accessory dwelling units. The number of these types of units shall allow at least one accessory dwelling or up to twenty-five (25) percent of the existing multi-family dwelling units. A detached accessory dwelling may be converted from non-habitable space, or newly constructed.

   c. Multiple detached accessory dwelling units are allowed within multi-family lots in accordance with the following:

      (i) Within an existing multi-family development, up to a maximum of eight (8) detached ADUs may be constructed provided that the total number of ADUs does not exceed the number of existing units on the lot.

      (ii) Within a proposed multi-family development, up to a maximum of two (2) detached ADUs may be constructed.

4. An accessory dwelling unit shall be located on the same lot as the proposed or existing primary dwelling.

5. The correction of a nonconforming zoning condition that would result in a physical improvement on the property shall not be a condition of approval for an accessory dwelling unit.

6. The accessory dwelling unit shall provide complete and independent living facilities.

7. The accessory dwelling unit shall not be used for a rental term of less than thirty (30) consecutive days.

8. The accessory dwelling unit may not be sold or conveyed separately from the primary dwelling unit unless all of the following apply:

   (i) The accessory dwelling unit was built or developed by a qualified nonprofit corporation. For the purposes of this section, a qualified nonprofit corporation means a nonprofit corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the California Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

(ii) There is an enforceable restriction on the use of the land on which the ADU is located pursuant to a recorded contract between the qualified buyer and the qualified nonprofit corporation. For the purposes of this section, a qualified buyer means very-low and low-income households as defined in Section 16.20.195.

(iii) The property is held pursuant to a recorded tenancy in common agreement that includes an allocation to each qualified buyer of an undivided, unequal interest in the property based on the size of the dwelling that each qualified buyer occupies: a repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the accessory dwelling unit or primary dwelling if the buyer desires to sell or convey the property: a requirement that the qualified buyer occupy the property as the qualified buyer's principal residence: and affordability restrictions on the sale and conveyance of the property that ensures the property will be preserved for very-low income or low-income housing for forty-five (45) years for owner-occupied housing and will be sold or resold to a qualified buyer.

(iv) A grant deed naming the grantor, grantee, and describing the property interests being transferred shall be recorded with the County. A Preliminary Change of Ownership Report shall be filed concurrently with the grant deed pursuant to Section 480.3 of the Revenue and Taxation Code.

(v) If requested by a utility providing service to the primary residence, the accessory dwelling unit has separate water, sewer, or electrical connection to that utility.

9. The accessory dwelling unit shall have adequate water supply pursuant to specifications of the Uniform Plumbing Code.

10. In compliance with the State of California Lahontan Regional Water Quality Control Board, lots that are not connected to sewer facilities shall be a minimum of one gross acre in size or install an approved Supplemental Treatment Septic System.

11. The design and construction of each ADU within single-family or multi-family dwellings shall conform to all applicable provisions of the California Residential Code and the California Building Code. The ADU shall comply with all provisions of the Code pertaining to the adequacy of water, sewer, electrical, drainage, and fire and emergency services to the property on which the ADU will be located as well as all applicable codes pertaining to building, fire, health, and/or safety.

12. Unless prohibited by California Government Code Sections 66310-66342 an ADU shall not convert the required parking for an existing or proposed multi-family dwelling within an enclosed garage or carport without the concurrent replacement of the existing required parking elsewhere on the property in accordance with the size, placement, and design standards of the Development Code.

13. Notwithstanding any other provision in this Section 16.12.360, the City shall ministerially approve an application for a JADU and/or one or more ADUs if the proposed unit meets the requirements of Government Code Sections 66323.

E. Design and Development Standards—Accessory Dwelling Units.

1. The accessory dwelling unit may be either attached to, or located within, the proposed or existing primary dwelling, including attached garages, storage areas or similar uses,

or an accessory structure, or detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling, including detached garages. An accessory dwelling may be converted from non-habitable space within, or detached from, an existing or proposed multi-family structure.

2. A detached accessory unit shall not exceed one thousand two hundred (1,200) square feet of livable floor area (excludes garage and any accessory structure) on any parcel. Accessory dwelling units attached to the principal unit may be up to fifty (50) percent of the area of the principal unit, up to a maximum of one thousand (1,000) square feet, except that if the principal unit has a floor area of one thousand six hundred (1,600) square feet or less, an attached accessory dwelling unit shall conform to the provisions of Section 16.12.360(E)(6), below. The area of an accessory dwelling unit is in addition to and shall not be considered as part of the allowable accessory building area authorized under Article X of Chapter 16.20. No accessory dwelling unit shall be less than one hundred and fifty (150) square feet in area. Further, a recreational vehicle, does not qualify for use as an accessory dwelling unit.

3. Independent access to an attached accessory dwelling unit is required and shall not be located on the same wall plane elevation as the access to the primary dwelling.

4. For new attached or detached accessory dwelling units, a minimum four-foot side yard and four-foot rear yard setback is allowed. The front yard and street side yard standards for the primary unit shall apply to the accessory dwelling unit.

5. No setback shall be required for the conversion of existing living area, conversion of an existing accessory structure, or for a new structure that is constructed in the same location and to the same dimensions as an existing structure.

6. The accessory dwelling unit shall be constructed in accordance with minimum standards for single-family residential uses on individual lots as specified in Section 16.20.160, unless otherwise specified herein.

7. No provisions within this Section, including lot coverage or legal nonconformity, shall preclude either an attached or detached eight hundred (800) square-foot accessory dwelling unit with four-foot side yard and rear yard setbacks, and that is constructed in compliance with all other development standards

8. A detached accessory dwelling unit created on a lot with an existing or proposed single-family or multi-family dwelling may not exceed sixteen (16) feet in height. However, a detached accessory dwelling unit may be up to eighteen (18) feet in height if it is located within one-half mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. Furthermore, a detached accessory dwelling unit may be up to two additional feet in height to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit. A detached accessory dwelling unit created on a lot with an existing or proposed multi-family dwelling that has more than one story above grade may not exceed eighteen (18) feet in height. An accessory dwelling unit that is attached to the primary dwelling may not exceed twenty-five (25) feet in height or exceed two stories.

9. No setback shall be required for an existing garage that is converted to an accessory dwelling unit, and a setback of no more than four feet from the side and rear lot lines shall be required for an accessory dwelling unit that is constructed above a garage.

10. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, those off-street parking spaces do not need to be replaced.

11. The accessory dwelling unit shall be architecturally compatible with the design of the primary unit and shall match with the same colors and materials of the primary unit.

12. The construction of an accessory dwelling unit shall not be considered when calculating minimum distance requirements for animal uses on the subject lot or on adjacent lots.

F. Junior Accessory Dwelling Units.

1. Purpose - This section provides standards for the establishment of junior accessory dwelling units, an alternative to the standard accessory dwelling unit. Junior accessory dwelling units will typically be smaller than an accessory dwelling unit, will be constructed within the walls of an existing single family residence, and requires owner occupancy of the single family residence where the unit is located. For the purposes of this section, enclosed uses within the residence, such as attached garages, are considered a part of the proposed or existing single-family residence.

2. Development Standards - Junior accessory dwelling units shall comply with the following standards:

a) Lots with an existing or proposed single family residence may be permitted one junior accessory dwelling unit.

b) For the purposes of providing service for water, sewer or power, including a connection fee, a junior accessory dwelling unit shall not be considered a separate or new dwelling unit. Lots that are not connected to sewer facilities shall meet the Lahontan Regional Water Quality Control Board regulations pertaining to minimum septic tank capacity.

c) A junior accessory dwelling unit shall not exceed five hundred (500) square feet in size and shall be contained entirely within a single family residence.

d) The junior accessory dwelling unit shall include a separate entrance from the main entrance to the proposed or existing single-family residence.

e) The junior accessory dwelling unit must include an efficiency kitchen that includes a cooking facility with appliances, a food preparation counter, and storage cabinets that are of reasonable size in relation to the size of the junior accessory dwelling unit.

f) The junior accessory dwelling unit may have a bathroom or share with the proposed or existing single family residence. If a permitted junior accessory dwelling unit does not include a separate bathroom, then an interior entry to the main living area shall be provided.

g) A junior accessory dwelling unit shall not convert the required parking for the primary residential structure located within an attached garage without the concurrent replacement of the existing required parking within an enclosed garage elsewhere on the property in accordance with the size, placement, and design standards of the Development Code.

h) A deed restriction, in a form to be approved and provided by the city, must be recorded and filed with the city, and must include the following stipulations: i)

prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single family residence; ii) restriction on the size and attributes of the junior accessory dwelling unit; iii) if the unit is rented, the unit shall not be rented for a period of less than thirty (30) consecutive calendar days; and iv) owner occupancy of one of the units on-site is required, unless the owner is a governmental agency, land trust, or housing organization. These restrictions shall run with the land.

(Ord. 2003-05 § 4 (part), 2003; Ord. 299 § 4 (Exh. A § 3 (part)), 2000; Ord. 250 (part), 1997; Ord. 192 Exh. A (§ 83.10.020), 1994)

(Ord. No. 2009-08, § 3(Exh. A), 10-20-09; Ord. No. 2012-14, § 3(Exh. A), 8-7-12; Ord. No. 2017-12, § 3(Exh. A), 6-20-17; Ord. No. 2020-04, § 3(Exh. A), 5-19-20; Ord. No. 2021-01, 3(Exh. A), 6-1-21; Ord. No. 2022-13, § 3(Exh. A), 9-6-2022; Ord. No. 2024-13, § 3(Exh. A), 12-3-24; Ord. No. 2025-01, § 3(Exh. A), 5-20-25)

DATE: September 11, 2025

TO: Planning Commission

FROM: Nathan R. Freeman, Director of Development Services

BY: Ryan Leonard, Principal Planner
Leilani Henry, Associate Planner

SUBJECT: Specific Plan Amendment SPLA25-00004; Applicant: City of Hesperia; Area affected: City-wide

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RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution No. PC-2025-11 recommending that the City Council introduce and place on first reading an ordinance approving Specific Plan Amendment SPLA25-00004.

BACKGROUND

Proposal: The proposed Specific Plan Amendment will remove the existing exception to the maximum allowable building height within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan (MSFCSP). Specifically, this exception allows building height increase at the rate of 1 foot in height for every additional 3-foot increase in the front yard setback, up to a maximum building height of 150 feet for properties located west of Interstate 15.

In addition, the amendment will increase the standard maximum building height from 60 feet to 65 feet for all properties located within the CIBP zone of the MSFCSP.

The purpose of this amendment is to ensure building height regulations are consistent with City goals, adjacent land uses, and community character, while maintaining adequate functionality for modern industrial operations.

ISSUES/ANALYSIS

Current Maximum Building Height Standards:

The MSFCSP currently allows the following for CIBP: The maximum building height shall be 60 feet, with the following exceptions:

(1) The building height shall be limited to 45 feet within the portion of the lot that falls within 100 feet of an adjacent residential zone.

(2) For properties that are located west of the Interstate 15, building height is limited to 60 feet at the front setback line, thereafter, height may be increased at the rate of 1 foot in height for every additional 3-foot increase in the front yard setback, up to a maximum building height of 150 feet".

In comparison, maximum building height in other zones within the MSFCSP, Hesperia Municipal Codes, and unincorporated San Bernardino County are as listed in the following charts.

Main Street and Freeway Corridor Specific Plan Maximum Allowed Building Height	
Regional Commercial	65 (45 feet within 100 feet from Residential)
Neighborhood, Office and Auto Sales Commercial	45
Office Park	75 (45 feet within 100 feet from Residential)
Very low, Low, Medium and High Density Residential	35 (10-foot increase with an additional 10-foot setback in HDR)

Maximum Building Height Per the Hesperia Municipal Code	
Residentisal and Agricultural Zones	30 – 35
Commercial zones (1, 2, & 3)	35
Industrial	50

San Bernardino County	
Rural Living and Single Residential	35

Justification:

Over the past several years, the City has experienced an increase in industrial development applications within the CIBP zone, located on the west side of Interstate 15. Staff reviewed these projects and found that the maximum building height proposed in recent years was 51 feet, with an overall average of approximately 47 feet. The proposed Specific Plan amendment is intended to maintain consistency within the CIBP zone and prevent the potential development of a building significantly taller than existing and anticipated future developments.

Environmental:

Approval of the Development Code Amendment and Specific Plan Amendment is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), as it can be seen with certainty that there is no significant effect on the environment. The proposed Development Code Amendment and Specific Plan Amendment are also exempt under Section 16.12.415(B)(10) of the City's CEQA Guidelines, as they do not propose to increase the density or intensity allowed by the General Plan.

Conclusion:

The proposed Specific Plan Amendment will establish clear and consistent building height standards within the CIBP zone of the Main Street and Freeway Corridor Specific Plan. By eliminating the current height exception and setting a reasonable maximum of 65 feet, the amendment ensures compatibility with surrounding land uses, preserves the intended character of the area, and prevents future developments from significantly exceeding the scale of existing and anticipated projects. The amendment aligns with the City's goals for balanced growth while maintaining the flexibility necessary to support industrial operations.

CITY GOAL SUPPORTED BY THIS ITEM

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

FISCAL IMPACT

None.

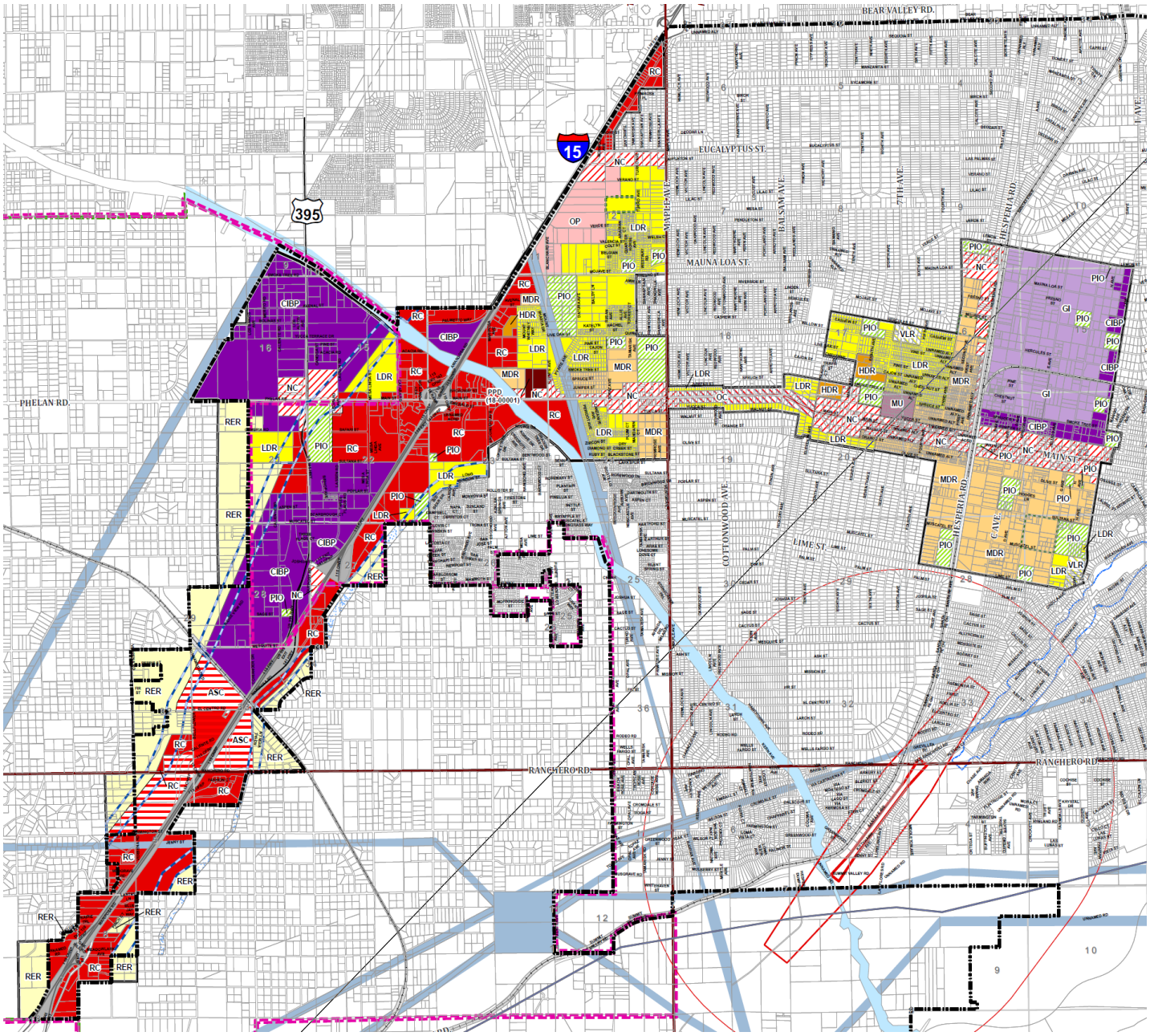
ALTERNATIVE(S)

1. Provide alternative direction to staff.

ATTACHMENT(S)

1. Main Street and Freeway Corridor Specific Plan Land Uses Map
2. Resolution No. PC-2025-11
3. Exhibit "A"

ATTACHMENT 1
MSECSP LAND USE MAP



APPLICANT(S): CITY OF HESPERIA	**FILE NO(S):** SPLA25-00004
LOCATION: CITY-WIDE	**APN(S):** CITY-WIDE

PROPOSAL:
CONSIDERATION OF A SPECIFIC PLAN AMENDMENT TO REMOVE EXISTING PROVISION ALLOWING BUILDING HEIGHT TO INCREASE UP TO 150 FEET BASED ON ADDITIONAL FRONT YARD SETBACK FOR PROPERTIES LOCATED WEST OF INTERSTATE 15; AND INCREASING THE MAXIMUM BUILDING HEIGHT FROM 60 FEET TO 65 FEET.WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE OF THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN.

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ATTACHMENT 2

RESOLUTION NO. PC-2025-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA RECOMMENDING THAT THE CITY COUNCIL INTRODUCE AND PLACE ON FIRST READING AN ORDINANCE APPROVING SPECIFIC PLAN AMENDMENT SPLA25-00004 TO AMEND THE MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN REGARDING MAXIMUM BUILDING HEIGHT STANDARDS WITHIN THE COMMERCIAL INDUSTRIAL BUSINESS PARK ZONE (SPLA25-00004)

WHEREAS, on January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, On September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, the applicant, the City of Hesperia, proposes Specific Plan Amendment SPLA25-00004 to revise building height regulations within the Commercial Industrial Business Park (CIBP) zone by (1) eliminating the existing height exception that allows building heights up to 150 feet west of Interstate 15 based on additional front yard setback, and (2) increasing the standard maximum building height from 60 feet to 65 feet; and

WHEREAS, the purpose of this amendment is to establish consistent building height regulations, ensure compatibility with surrounding land uses, maintain community character, and allow adequate functionality for industrial operations; and

WHEREAS, the proposed Specific Plan Amendment is exempt from the California Environmental Quality Act (CEQA) per Section 15061(b)(3), where it can be seen with certainty that there is no significant effect on the environment. The proposed Specific Plan Amendment does not include any new development. As future development is proposed on parcels that are larger than 5 acres, they will be reviewed independently for CEQA compliance. In addition, the proposed Specific Plan Amendment would not introduce any new significant environmental impacts that were not previously analyzed in the General Plan Environmental Impact Report; and

WHEREAS, on September 11, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed amendment and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all of the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to the Commission, including written and oral staff reports, the Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends adoption of Specific Plan Amendment SPLA25-00004, to amend the development standards within the Commercial Industrial Business Park (CIBP) zone of the Main Street and Freeway Corridor Specific Plan by removing the existing provision allowing building height to increase up to 150 feet based on additional front yard setback for properties located west of Interstate 15; and increasing the maximum building height within the CIBP zone from 60 feet to 65 feet.as shown on Exhibit "A."

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 11th day of September 2025.

_____
Roger Abreo, Chair, Planning Commission

ATTEST:

_____
Maricruz Montes, Secretary, Planning Commission

Green Sheet Item # 6 Information Updated After Posting the Agenda

"EXHIBIT "A"

SPLA25-00004

The following are modifications to Chapters 9 section G Commercial Induustrial Business Park Zone of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

4. Development Standards

4.3 Maximum Building Height

The maximum building height shall be ~~60~~ 65 feet, with the following exceptions:

(1) The building height shall be limited to 45 feet within the portion of the lot that falls within 100 feet of an adjacent residential zone.

~~(2) For properties that are located west of the Interstate 15, building height is limited to 60 feet at the front setback line, thereafter, height may be increased at the rate of 1 foot in height for every additional 3-foot increase in the front yard setback, up to a maximum building height of 150 feet.~~

“EXHIBIT “A”
DCA25-00002 and SPLA25-00002

The following are modifications to Chapters 9 section G Commercial Industrial Business Park Zone of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

4. Development Standards

4.3 Maximum Building Height

The maximum building height shall be 65 feet, with the following exceptions:

(1) The building height shall be limited to 45 feet within the portion of the lot that falls within 100 feet of an adjacent residential zone.

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Green Sheet Item # 7 Information Updated After Posting the Agenda.

ITEM NO. 7 – DRAFT OBJECTIVE DESIGN STANDARDS FOR MULTIFAMILY AND MIXED-USE DEVELOPMENT

CORRECTION: RESOLUTION NO. 2025-13 (ATTACHMENT 1 TO THE STAFF REPORT) HAS BEEN REVISED TO REFLECT THE CORRECT PLANNING COMMISSION HEARING DATE OF SEPTEMBER 11, 2025

City of Hesperia
STAFF REPORT

DATE: September 11, 2025

TO: Planning Commission Members

FROM: Nathan R. Freeman, Director of Development Services

BY: Ryan Leonard, Principal Planner

SUBJECT: Draft Objective Design Standards for Multifamily and Mixed-Use Development

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RECOMMENDED ACTION

It is recommended that the Planning Commission adopt Resolution Nos. PC-2025-13 recommending that the City Council: 1) Adopt Objective Design Standards (ODS) for multifamily and mixed-use residential projects; and 2) Approve a Development Code Amendment (DCA25-00002) and Specific Plan Amendment (SPLA25-00002) incorporating the ODS into the Hesperia Municipal Code and the Main Street and Freeway Corridor Specific Plan (MSFCSP).

BACKGROUND

Historically, the City has regulated the design of multifamily development through a discretionary process. Multifamily projects have been subject to a Site Plan Review application, reviewed by the Development Review Committee (DRC) and acted upon at a publicly noticed DRC hearing. Similarly, mixed-use projects have required a Conditional Use Permit, reviewed by the DRC and acted upon by the Planning Commission at a noticed hearing.

Over the past several years, the State of California has enacted numerous housing bills aimed at increasing housing supply and reducing barriers to production. These laws require that certain eligible residential projects be reviewed ministerially (i.e. administratively), without discretionary review or a public hearing. Generally, these provisions apply to multifamily developments with three or more units and mixed-use projects where at least two-thirds of the floor area is residential.

State law allows cities to impose objective development and design standards on eligible housing projects. Objective standards are measurable, verifiable, and free from subjective interpretation. The City's existing development standards, such as building setbacks to property lines and height limits, do not involve discretion or subjective judgment and are considered objective. However, the City's Design Guidelines, currently contained in the Municipal Code and Main Street Freeway Corridor Specific Plan (MSFCSP) use terms such as "should" or "encourage," which are discretionary in nature and therefore cannot be applied to ministerial projects.

In response to recent state housing law(s), the City contracted with PlaceWorks, Inc. to prepare Objective Design Standards (ODS) that support the City's updated Housing Element, and 2025 General Plan Update. The ODS are intended to streamline the approval of multifamily and mixed-use development projects while providing a framework for clear, enforceable and predictable design requirements.

To prepare the ODS, City staff, in coordination with PlaceWorks, conducted two workshops with the Planning Commission on May 23, 2024, and August 14, 2025. During these workshops, the Commission reviewed the draft ODS, discussed its provisions, and provided direction and feedback to staff.

ISSUES/ANALYSIS

The ODS have been created as a stand-alone document, incorporated by reference into the City's Development Code and MSFCSP (Attachment 2). The ODS provide the development community, design professionals, general public, and City personnel with objective criteria for eligible new multifamily and mixed-use residential development in the City. These criteria include, for example, objective standards related to site planning, building form, landscaping, and architectural design, based on clear and measurable requirements rather than subjective interpretation. Importantly, the ODS were drawn heavily from the City's existing Design Guidelines, ensuring continuity with established community character while also complying with state law.

With this document applicants, developers, and City staff have a clear and concise reference for the City's minimum design expectations. These standards are written as minimum standards for site and structure design but also offer various recommendations and guidelines for quality and character. However, this document does not replace the City's existing development standards. Proposed projects must also comply with all applicable building permit requirements, zoning code requirements, and other development standards found in the Development Code.

Applicability: The standards apply to new construction for multifamily and mixed-use developments. The standards do not apply to the new construction of single-family dwellings, or renovations and routine maintenance of residential developments.

Opt-Out Provision: Applicants may request to opt out of ODS compliance in favor of review under the City's existing Design Guidelines. However, by opting out, projects forfeit the protections of the Housing Accountability Act and are subject to discretionary review, a public hearing, and potential denial.

Structure of the ODS: The ODS is divided into the following chapters:

Chapter 1-Purpose and Administration

This Chapter of the ODS establishes the purpose of ODS, applicability, administration, and provisions for deviations. Generally, the ODS will apply to new construction for multifamily and mixed-use Developments. The standards do not apply to the new construction of single-family dwellings, or renovations and routine maintenance of residential developments.

This chapter also describes how the ODS interface with Specific Plans, clarifying that Specific Plan standards take precedence in cases of conflict. Procedures for requesting deviations and provisions for opting out of the ODS in favor of discretionary review under the City's existing Design Guidelines are also included.

Chapter 2-Site Planning

This chapter establishes standards for the overall layout of a development. It addresses building orientation toward public streets, clustering of buildings to create neighborhood-scale

environments, pedestrian and vehicular circulation, driveway placement, and parking location. The standards emphasize safe and attractive pedestrian connections, integration of buildings with public rights-of-way, careful siting of parking areas to reduce visual impact and compatibility with surrounding development.

Chapter 3-Open Space

This chapter expands upon the City's existing Municipal Code requirements for private and common open space by providing greater clarity and refinement. While the Development Code currently requires that multifamily projects provide a minimum amount of open space per unit, the ODS further expands upon those requirements by distinguishing between major amenities (such as pools, clubhouses, rooftop terraces, or community gardens) and minor amenities (such as barbeque areas, dog runs, or playgrounds).

The standards require that new projects not only meet minimum square footage thresholds but also provide a specific number and mix of amenities based on the total number of dwelling units proposed. For example, larger developments must incorporate at least one major amenity in addition to multiple minor amenities. The purpose of these standards is to ensure that open spaces are functional, appropriately sized, and meaningfully designed for recreation and social interaction.

Chapter 4- Mass and Scale

This chapter regulates building form and proportions to prevent monotonous design and improve neighborhood compatibility. Standards require façade modulation, variation in rooflines, articulation of long building elevations, and transitional massing adjacent to single-family neighborhoods. Corner buildings must include enhanced design features, such as distinctive roof forms or additional glazing, to create focal points and reinforce neighborhood character.

Chapter 5- Materials and Details

This chapter governs the quality and application of building materials, colors, and finishes. Standards require the use of durable materials applied uniformly on all visible building elevations, with clear transitions between material types. Entrances, windows, and architectural details must be designed to create a cohesive and human-scaled appearance.

Chapter 6 Utilities, Services, Lighting, and Fences

This chapter addresses functional but often overlooked components of site design. Standards require trash enclosures, loading areas, and mechanical equipment to be fully screened and integrated into the overall site plan. Exterior lighting must provide safety while minimizing glare and spillover onto adjacent properties. Perimeter walls and fences must be designed for compatibility with building architecture and surrounding neighborhoods.

Chapter 7- Mixed-Use Standards

This chapter provides specialized standards for both vertical and horizontal mixed-use projects. It emphasizes the integration of residential and commercial uses by requiring active ground-floor design, transparent storefronts, pedestrian-oriented entries, and clear separation of residential

and commercial parking areas. The standards ensure that mixed-use projects function effectively, activate the street environment, and contribute positively to the City's economic and social vitality.

Chapter 8 Definitions

This chapter provides clear definitions of terms and phrases used throughout the ODS. By clarifying key terminology, the definitions help avoid ambiguity and ensure that both applicants and staff interpret the standards consistently.

Objective Design Standards Checklist

Provides a user-friendly compliance checklist to be submitted with project applications. Applicants must certify that their projects meet each applicable objective standard, and staff will use the checklist to verify consistency during the review process.

Development Code Amendment (DCA25-00002) and Specific Plan Amendment (SPLA25-00002)

In addition to adopting the ODS, staff is proposing a series of modifications to the City's Development Code and the MSFCSP. These amendments are necessary to incorporate the ODS as a stand-alone regulatory document by reference, to align the City's zoning regulations with the recently adopted 2025 General Plan Update, and to ensure consistency with State housing law requirements. The proposed amendments are summarized below. A redline strikeout version of the changes is provided in Attachment 3.

- Updates to 16.12.460 to clarify that multifamily developments consisting of three or more units may be approved through an Administrative Review without public notice. This process applies when land use decisions are based upon objective standards or policies previously adopted by the City. Under this procedure, the Development Review Committee serves as the reviewing authority and may render a decision without providing notice to surrounding property owners or other interested parties.
- Updates to Section 16.16.320 of the Development Code to reflect that 15-30 dwelling units per acre are allowed in the Multiple Family (R3) zone consistent with the 2025 General Plan Update.
- Updates to Section 16.16.320 of the Development Code to reflect that multifamily development or mixed-use development up to 30 dwelling units per acre is an allowed use in the General Commercial (C2) zone consistent with the 2025 General Plan Update. In addition, pursuant to State law, group homes for six or fewer persons are permitted.
- Revised Section 16.16.120 to increase the maximum building height in the R3 zone from 35 feet to 45 feet to accommodate higher density developments.
- Revised Chapter 7 of the Main Street and Freeway Corridor Specific Plan to increase the maximum density from 25 to 30 units per acre that allow an increased Revised language in the Multiple Family (R3) zone to increase the maximum density of residential development from 15 dwelling units per acre to 30 dwelling units per acre. The zone is also amended to allow 100 percent residential development and to permit group homes for six or fewer persons. The development of residential uses is allowed by right east of the 15 freeway; and conditionally permitted as either a standalone or as a mixed-use development west of the 15 freeway, south of El Centro Road.
- Various sections were updated to remove typos, outdated references, and clarify language where necessary.

CITY GOAL SUPPORTED BY THIS ITEM

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

ENVIRONMENTAL

Pursuant to the California Environmental Quality Act (CEQA), Guidelines, the adoption of the Objective Design Standards and associated Development Code Amendment DCA25-00002, and Specific Plan Amendment SPLA25-00002 which will supplement development standards as it relates to design, and do not affect permitted uses or density/intensity, are exempt per Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. In addition, the proposed Objective Design Standards and associated Development Code Amendment and Specific Plan Amendment do not require additional review under CEQA pursuant to Section 15168(c)(2) as they are consistent with the Addendum to the 2010 General Plan EIR prepared for the 2025 General Plan Update certified on June 12, 2025 and would not result in new impacts. The adoption of the Objective Design Standards implements the adopted General Plan Housing Element (Program 14); as the creation of Objective Design Standards and no further environmental analysis is required.

CONCLUSION

Adoption of the ODS, together with the related Development Code and Specific Plan amendments, is a key step to implementing the 2025 General Plan Update and fulfilling required programs in the Housing Element. These actions establish clear, measurable, and legally defensible criteria for multifamily and mixed-use residential development, ensuring compliance with state housing law while reinforcing the City's longstanding commitment to high-quality design. The ODS replace subjective guidelines with objective standards that provide predictability for applicants, efficiency in project review, and assurance that new development will enhance community character and livability in Hesperia.

ALTERNATIVE

1. Provide alternative direction to staff.

ATTACHMENT(S)

1) Resolution No. PC-2025-13
2) Exhibit A- Objective Design Standards for Multifamily and Mixed-Use Development and ODS Checklist
3) Exhibit B- Development Code Amendment DCA25-00002 and Specific Plan Amendment SPLA25-00002

ATTACHMENT 1

RESOLUTION NO. PC-2025-13

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HESPERIA, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE MULTIFAMILY AND MIXED-USE OBJECTIVE DESIGN STANDARDS AND AN ASSOCIATED DEVELOPMENT CODE AMENDMENT (DCA25-00002) AND SPECIFIC PLAN AMENDMENT (SPLA25-00002) TO INCORPORATE THE OBJECTIVE DEISGN STANDARDS BY REFERENCE AND TO MAKE OTHER MODIFICATIONS TO THE DEVELOPMENT STANDARDS TO ENSURE CONSISTENCY.

WHEREAS, on July 15, 2025 the City Council of the City of Hesperia adopted Resolution No. 2025-29 thereby adopting the 2025 General Plan Update to the City's Land Use and Health and Safety Elements, currently applicable to development in the City

WHEREAS, on January 5, 1998, the City Council of the City of Hesperia adopted Ordinance No. 250, thereby adopting the Hesperia Municipal Code; and

WHEREAS, on September 2, 2008, the City Council of the City of Hesperia adopted Ordinance No. 2008-12, thereby adopting the Main Street and Freeway Corridor Specific Plan; and

WHEREAS, on May 2, 2023 the City Council adopted the 2021-2029 Housing Element (6th Cycle Housing Element Update) which includes several program actions that require the City to amend the Development Code and update the General Plan to allow for up to 30 dwelling units per acre (du/ac) in the Multi-Family (R3) zone; to allow for 100-percent residential development ranging from 20 to 30 du/ac in the General Commercial (C-2) zone; and to allow for up to 30 du/ac in the Regional Commercial (RC) zone within the Main Street and Freeway Corridor Specific Plan**.**

WHEREAS, the State of California has adopted numerous bills, including, but not limited to, Senate Bill 167 ("SB 167"), Senate Bill 35 ("SB 35"), Senate Bill 330 ("SB 330") and Assembly Bill 2162 ("AB 2162"), which limit or restrict discretionary review of certain qualifying residential projects; and

WHEREAS, State Housing Law continues to evolve, and multi-family affordable housing projects meeting certain criteria are required to be ministerially approved; and

WHEREAS, cities are permitted to apply only "objective design standards," which are intended to provide clear, quantifiable, objective standards for those qualifying projects; and

WHEREAS, the City's adopted 2021-2029 Housing Element contains housing programs aimed at facilitating additional housing, including developing objective design standards to comply with SB 330 (Program 14); and

WHEREAS in an effort to comply with housing streamlining laws and Program 14 of the Housing Element, an amendment to the City's Zoning Ordinance and Chapters 7,8 and 9 of the Main Street and Freeway Corridor Specific Plan to incorporate the Objective Design Standards by reference is proposed and attached hereto as Exhibit "B" of this Resolution and the Multifamily and Mixed-Use Objective Design Standards are attached hereto as "Exhibit A"; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA), Guidelines, the adoption of the Objective Design Standards and associated Development Code Amendment DCA25-00002, and Specific Plan Amendment SPLA25-00002 which will supplement development standards as it relates to design, and do not affect permitted uses or density/intensity, are exempt per Section

15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. In addition, the proposed Objective Design Standards and associated Development Code Amendment and Specific Plan Amendment do not require additional review under CEQA pursuant to Section 15168(c)(2) as they are consistent with the Addendum to the 2010 General Plan EIR prepared for the 2025 General Plan Update certified on June 12, 2025 and would not result in new impacts. The adoption of the Objective Design Standards implements the adopted General Plan Housing Element (Program 14); as the creation of Objective Design Standards and no further environmental analysis is required; and

WHEREAS, the Planning Commission held two workshops on May 23, 2024, and August 14, 2025, to review and discuss critical components of the Objective Design Standards; and

WHEREAS, on September 1, 2025, the Planning Commission of the City of Hesperia conducted a duly noticed public hearing pertaining to the proposed Objective Design standards and related Development Code Amendment and Specific Plan Amendment and concluded said hearing on that date; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, BE IT RESOLVED BY THE CITY OF HESPERIA PLANNING COMMISSION AS FOLLOWS:

Section 1. The Planning Commission hereby specifically finds that all the facts set forth in this Resolution are true and correct.

Section 2. Based upon substantial evidence presented to this Planning Commission during the above-referenced September 11, 2025, hearing, including public testimony and written and oral staff reports, this Planning Commission specifically finds as follows:

(a) Pursuant to the California Environmental Quality Act (CEQA), Guidelines, the adoption of the Objective Design Standards and associated Development Code Amendment DCA25-00002, and Specific Plan Amendment SPLA25-00002 which will supplement development standards as it relates to design, and do not affect permitted uses or density/intensity, are exempt per Section 15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

(b) Based upon substantial evidence presented to the Planning Commission, including written and oral staff reports, the Planning Commission specifically finds that the proposed Ordinance is consistent with the goals and objectives of the adopted General Plan as it updates key development standards as required in Program 14 of the City's Housing Element to provide Objective Design Standards for multifamily and mixed-use housing developments.

(c) The proposed Development Code Amendment DCA25-00002, and Specific Plan Amendment SPLA25-00002 are necessary because the City's existing Design Guidelines currently contained in the Development Code and Main Street and Freeway Corridor Specific Plan are not objective and quantifiable, as required by State law. The Development Code Amendment and Specific Plan Amendment will provide objective design standards for multifamily and

mixed-use housing developments. These standards address adverse visual impacts and aim to provide for high-quality architecture and site planning principles to future residential developments in the City.

Section 3. Based on the findings and conclusions set forth in this Resolution, this Commission hereby recommends that the City Council approve Development Code Amendment DCA25-00002 and Specific Plan Amendment SPLA25-00002 as shown in Exhibit "B" and the Objective Design Standards for Multifamily and Mixed-Use Developments as shown in Exhibit "A".

Section 4. That the Secretary shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED on this 11th day of September 2025.

_____
Roger Abreo, Chair, Planning Commission

ATTEST:

_____
Maricruz Montes, Secretary, Planning Commission

MULTIFAMILY & MIXED-USE

OBJECTIVE DESIGN STANDARDS

CITY OF HESPERIA | CA

DRAFT - AUGUST 27, 2025

ACKNOWLEDGMENTS

Prepared for:

Prepared by: PLACEWORKS

Adopted: **Ordinance: Month Day, Year**

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Cameron Gregg, Mayor Pro Tem

Brigit Bennington, Council Member

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1.0 PURPOSE

1.1 Introduction
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1.5 Document Organization
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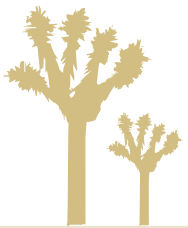
1.7 Deviations
1.8 Development Scale Definitions



1.1 INTRODUCTION

Development and design standards regulate development intensity, style, size, and orientation. Objective design standards (ODS) are measurable, verifiable, and quantifiable, supporting consistent housing design in the community. Ultimately, the standards contained in this document will provide for a predictable and equitable path for new multifamily and mixed-use developments in the City of Hesperia.

1.2 PURPOSE

The State of California continues to experience a housing crisis and the availability and affordability of housing remains a key issue. This document provides the required, objective standards for housing development, streamlining design review and increasing transparency. Additionally, this document complies with Senate Bill (SB) 35 and SB 330, which requires jurisdictions to review new multifamily and mixed-use residential housing projects ministerially or streamlined, guided by objective design and development standards. These new laws prevent cities from denying approvals for certain multifamily housing projects based on discretionary design guidelines.

This document provides clear and useful guidelines and standards for the design, construction, review, and approval of multi-family residential and mixed-use development in Hesperia. With this document applicants, developers, and City staff have a clear and concise reference for the City's minimum design expectations. These standards are written as minimum standards for site and structure design but also offer various recommendations and guidelines for quality and character. However, this document does not replace the City's existing development standards. Proposed projects must also comply with all applicable building permit requirements, zoning code requirements, and other development standards found in the City of Hesperia's Development Code.

SB 35

- A streamlined approval process for housing projects with a specified amount of affordable housing.
- Applies to jurisdictions that haven't made enough progress in meeting their Regional Housing Needs Allocation (RHNA).
- Applications must be for infill sites and comply with existing General Plan or Zoning provisions.
- Can only apply objective zoning, subdivision, or design review standards to determine consistency.
- https://www.hcd.ca.gov/policy-research/docs/sb-35-guidelines-update-final.pdf

Fundamentally, this document serves to provide baseline design standards for the City of Hesperia. These standards may be expanded or revised by the City in the future. Additional design standards may be included on top of these standards to account for the distinct character of specific neighborhoods and communities throughout Hesperia.

1.3 WHO IS THIS DOCUMENT FOR?

Developers

This document will provide clear guidance for both renovation and new construction projects. The required checklist will act as a tool for property owners, developers/designers, and staff throughout the review process, ensuring that key aspects of quality design are addressed.

Property Owners

This document will provide property owners with a clear understanding of the design elements required for development projects in Hesperia. It will complement the General Plan and the Hesperia Municipal Code, establishing a set of expectations and responsibilities for property owners.

City Staff

City staff will utilize these standards to assist applicants and their representatives in the project review and approval process. The document and checklist will serve as a foundation for evaluating design quality in submitted proposals.

Review Bodies and Decision Makers

This document will provide a framework for the City of Hesperia Planning Commission, City Council, Development Review Committee, Development Services Director, and other review bodies to assess the quality of design in development applications.

1.4 WHERE DO THESE STANDARDS APPLY?

These standards apply to new construction for multi-family and mixed-use developments. For developments spanning multiple lots, these standards apply to all lots proposed for multi-family housing, mixed-use developments, and any associated amenities, open space, or utilities that would serve multi- family or mixed-use units.

These standards do not apply to the new construction of single-family dwellings, or to single-family dwellings within a development containing more than one housing type.

These standards do not apply to renovations and routine maintenance of residential (single-family, multi-family, and mixed-use) developments.

If an applicant so chooses, they may request in writing to opt out of the objective design standards in lieu of their project being reviewed against the city's architectural and site design guidelines for multifamily developments.

These standards are in addition to the standards of the underlying base zone. In the event of conflicting standards between these standards and the base zone, the more restrictive standard shall apply. For projects located in a Specific Plan or Planned Community, and there is a conflict between these standards and the Specific Plan's or Planned Community's, standards, the Specific Plan or Planned Community standards shall prevail.

Proposed projects must also comply with all other applicable local and state ordinances and codes.

1.5 DOCUMENT ORGANIZATION

These Objective Design Standards serve as a stand-alone illustrated document, empowered by appropriate reference within Hesperia's City Code. These standards have been designed in a modular fashion, with differing sets of standards applying to projects at a different scale. For instance, a small development would be subject to less complex standards, while a larger project would be subject to more intensive standards.

This document is organized in a site-focused manner. Key site development standards are discussed at the beginning of the document. These include site access, building orientation, pedestrian and vehicular circulation, mixing of uses, and parking. Open space standards for both common and private open space follow.

This way, the design of the buildings subject to objective design standards follow the site planning standards. With regard to buildings, these objective design standards focus on height modulation, horizontal modulation, transitional massing, as well as a building's materials and details. Finally, this document provides standards for both vertical and horizontal mixed-use development.

1.6 ADMINISTRATION

The Planning Division shall be responsible for the administration of these objective design standards. If ambiguity arises concerning the meaning or appropriate application of provisions of these objective design standards, the Development Services Director, or his/her designee shall make the appropriate determination.

1.7 DEVIATIONS

Applicability. The Objective Design Standards apply to residential projects that, under State law, are subject to City review solely for compliance with objective standards. This includes "housing development projects" as defined in Government Code § 65589.5(h)(2).

Deviations. Deviations from the Objective Design Standards are allowed in two ways:

1. State Density Bonus Law: Projects may request waivers, concessions, or incentives pursuant to Government Code § 65915. Projects utilizing State Density Bonus Law are subject to a public hearing.
2. Limited Dimensional Deviations: Projects may deviate from up to three dimensional standards (e.g., height, length, width, depth) by no more than 10% for each standard. Projects utilizing these deviations are not subject to a public hearing.

   Example:

   Standard 2.4.3.a.i states:

   Auto courts shall not exceed 150 feet in length.

   A project may increase this maximum by 10%, up to 165 feet, by utilizing the allowable deviation.

   All deviations are subject to review and approval or denial by the Director of Development Services or their designee.

Compliance is Optional (Multifamily only). Applicants of multifamily residential projects may choose not to apply the Objective Design Standards to their project, even if the project otherwise qualifies under State law for objective review. In such cases, the applicant must submit a written request to opt out. The written request shall include findings for how the project meets the purpose and intent for each topic in the Objective Design Standards Checklist. The project will then be reviewed against the City's architectural and site design guidelines for multifamily developments. Mixed-use projects are required to utilize these Objective Design Standards.

Note: By opting out, the multifamily project will not be subject to the protections or provisions of the Housing Accountability Act that apply to projects reviewed only against objective standards. In addition, the project may be subject to review by the Planning Commission.

1.8 DEVELOPMENT SCALE DEFINITIONS

Development occurs at various scales and intensities and therefore requires variations to ensure that standards are both appropriate and do not create unnecessary constraints or unachievable development. This section defines the different scales of development and how to use this document accordingly for each.

Small developments are those multifamily or mixed-use developments that are less than 1 acre in size, propose 10 or less units, and are up to 3 stories in height. Large developments are those multifamily or mixed-use developments that are either 1 acre in size or larger, or propose 11 or more units.

Table 1.1: Development Scales

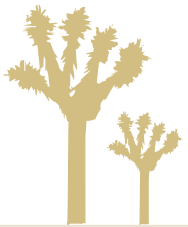
	Small	Large
Site Size	Under 1 acre and	1 acre or larger or
Unit Count	3 - 10 units and	11+ units
Height	Up to 3 stories	n/a

Table 1.2: Applicability Chart

Standard		Small	Large
Site Planning	Site Layout	X	X
	Building Orientation	X	X
	Pedestrian Circulation	X	X
	Vehicular Circulation	X	X
	Parking	X	X
Open Space	General	X	X
	Amenities	X	X
	Private Open Space	X	X
Mass and Scale	Modulation	X	X
	Height and Roof Lines	X	X
	Transitional Massing		X
	Corner Elements		X
Materials and Details	Materials	X	X
	Facade Details	X	X
	Color and Texture	X	X
	Unit Entrances	X	X
	Doors and Windows	X	X
Utilities, Services, Lighting, and Fences	Fences, Walls, and Gates	X	X
	Exterior Lighting	X	X
	Utility and Mechanical Storage	X	X
	Refuse and Storage Areas	X	X
Mixed-use	Vertical Mixed-use	X	X
	Horizontal Mixed-use	X	X
	Structured Parking		X

2.0
SITE PLANNING

2.1 Site Layout
2.2 Building Orientation
2.3 Pedestrian Circulation
2.4 Vehicular Circulation
2.5 Parking



2.1 SITE LAYOUT

a. Buildings adjacent to a public street shall have a strong street presence with public entrances oriented towards the street. Building entries shall face the primary public street with pedestrian access provided from sidewalks to all building entries, parking areas, and common open space areas. For larger sites with multiple buildings, building entries may also be oriented to face internal open spaces, paseos, and recreation amenities.

b. A minimum of 60 percent of the street frontage shall be devoted to buildings located behind the minimum setback line. The remaining 40 percent may be devoted to parking, landscaping, and driveways.

c. If the development contains multiple buildings, the minimum distance between buildings shall be 10 feet. However, for multiple story buildings, the distance between buildings shall be increased to 15 feet if the sides of the building that face each other include openings such as windows and doors with a direct line of sight into adjacent units.

d. On sites with four or more residential buildings, buildings shall be clustered into groups of at least two or more buildings. Clustering can be achieved through:

    i. Siting the longest façade of each clustered building up to 30 feet of another building.

    ii. Siting secondary façades of each clustered building within 20 feet of another building.

    iii. Siting corners of a building within 20 feet of the corner of another building.

e. The design and location of the access drive(s) shall be subject to the review and approval of the City Engineer or his/her designee.

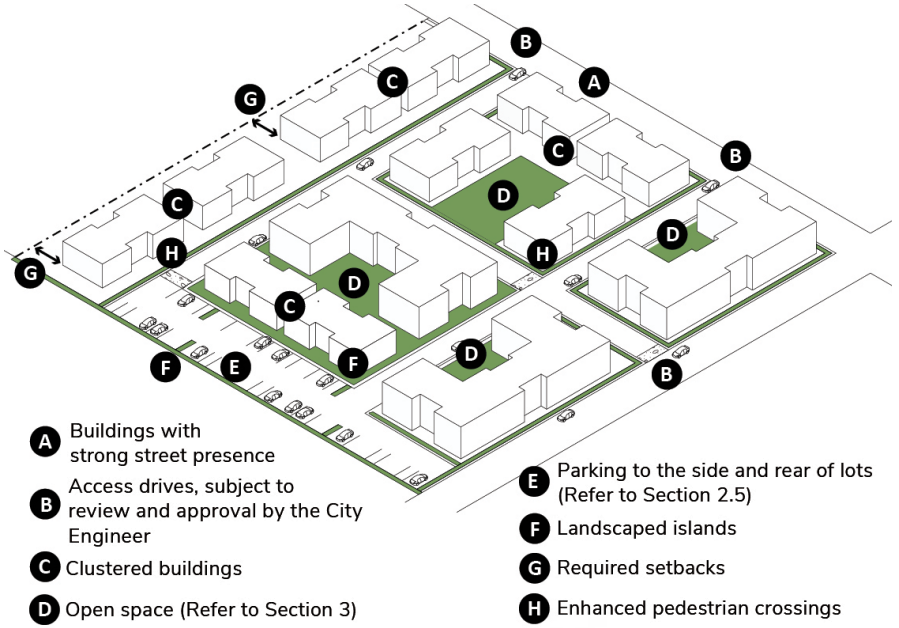


Figure 2.1. Site Layout

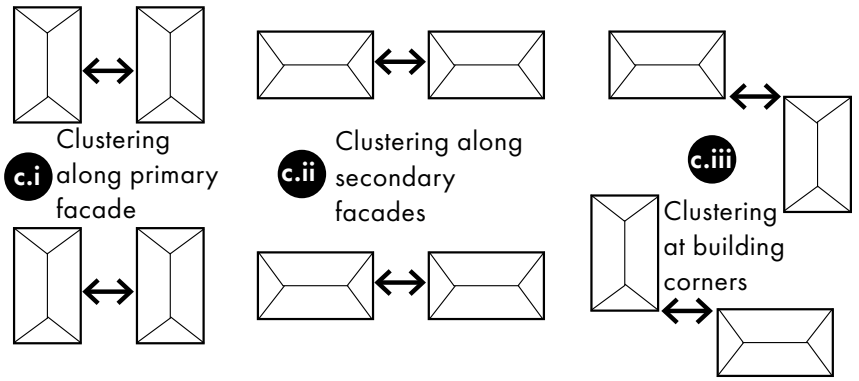


Figure 2.2. Building Clustering

f. The street-side setback area shall feature planting landscape screens over at least 50 percent of its total area to protect the privacy of the ground floor units.

g. If adjacent to an existing commercial or industrial use, a residential project shall locate its required parking along edges common with commercial or industrial uses. A landscaped buffer at least 5 feet in width with 6 inch curbing shall be utilized to separate the parking spaces from the property line.

2.2 BUILDING ORIENTATION

a. Primary ground-floor common entries or individual unit entries shall be oriented towards the primary street unless the primary street is an arterial (of any type).

b. Front doors shall orient towards and be visible from the street.

c. Building front elevations shall feature at least one entry, porch, stoop, patio, or other living areas.

d. Buildings located along an arterial street shall provide at least two of the following:

   i. Pedestrian level articulation with ground floor-specific colors and materials (Refer to Section 5.1).

   ii. Ground floor activation adjacent to the sidewalk through leasing office, common space, gym/ recreation room etc.

   iii. Enhanced landscaping with at least 4 foot tall shrubs and evergreen trees in the front setback..

e. All buildings within 15 linear feet of an adjacent building within and outside of the project shall orient all windows, balconies, or similar openings so as not to have a direct line-of-sight into adjacent units or onto private patios or backyards. This can be accomplished through:

   i. Offset windows at least 1 foot from any windows in adjacent buildings on site within 15 feet; or

   ii. Use of clerestory windows, glass block, or opaque glass.

f. New multi-family development shall be designed to shield residents from the heat of the sun. This shall be accomplished through at least one of the following methods:

   i. Use of 3 foot roof overhangs on the southeast, south, southwest, and west facing façades to shade units below.

   ii. Planting 24 gallon trees in front of windows facing southeast, south, southwest, and west, up to 20 feet from the building façade.

   iii. Covered patios and porches for all units on the ground floor.

2.3 PEDESTRIAN CIRCULATION

a. General.
    i. Multi-family projects shall include pedestrian walkways. Pedestrian walkways shall link dwelling units with common open space and recreation areas, parking areas, and the street.
    ii. Multi-family projects shall plan for and incorporate pedestrian connections to adjoining commercial projects in the project's design.

b. Safety and Design.
    i. Pedestrian entrances and walkways shall be adequately separated from vehicular traffic and clearly identified by landscaping and lights and easily accessible to minimize pedestrian/vehicle conflict.
    ii. Walkways shall be constructed of firm and slip-resistant materials, such as poured-in-place concrete (including stamped concrete), permeable paving, or concrete pavers. The use of asphalt for pedestrian walkways is prohibited.
    iii. Decorative paving shall be used to delineate pedestrian crossings in parking areas.

c. Width.
    i. Pedestrian walkways shall be a minimum of 4 feet in width.
    ii. If combined with a bicycle path, as a part of a dedicated public path/paseo, the minimum total walkway width shall be 14 feet.

2.4 VEHICULAR CIRCULATION

2.4.1 ACCESS

a. Vehicular entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.

b. Principal vehicular access into multi-family developments shall be through an entry drive rather than a parking aisle.

c. The number of site access points or driveway aprons shall be minimized for aesthetic purposes, to achieve efficient and productive use of paved accessways, and to eliminate traffic hazards.

d. Textured paving or stamped concrete shall be used to cover the full length of each driveway entrance for the project not to include the public right of way.

e. Alley improvements shall coincide with site planning to minimize alleyway deterioration and address problems such as debris, safety, and any nuisance odors or hazards.

2.4.2 CIRCULATION

a. Continuous circulation shall be provided throughout the site to the greatest extent possible.

b. Adequate areas for maneuvering, stacking, and emergency vehicle access shall be provided.

2.4.3 AUTO COURTS AND COMMON COURTS

a. Auto Courts provide vehicular access to multiple residences via a common driveway fronted with garages. Front doors to residences are not permitted on auto courts.
    i. Auto courts shall not exceed 150 feet in length and shall have a minimum width of 26 feet.
    ii. Auto courts shall not serve more than 12 individual residences. Separate pedestrian access may be provided to other auto courts.
    iii. Primary pedestrian entrances are not permitted on auto courts.
    iv. Auto courts shall have no through street access.

b. Common courts provide both vehicular and pedestrian access to multiple residences. Front doors to residences and garages open to common courts.
    i. Common courts shall not exceed 150 feet in length, unless provided with a connecting pedestrian access way, and shall have a minimum width of 26 feet.
    ii. Common courts shall not serve more than 8 individual residences. Separate pedestrian access may be provided to other common courts.
    iii. Common courts shall feature enhanced paving, such as patterned and/or colored pavers, brick, decorative colored concrete, stamped concrete, or permeable materials.
    iv. A minimum of 5 percent of the common court shall be landscaped.

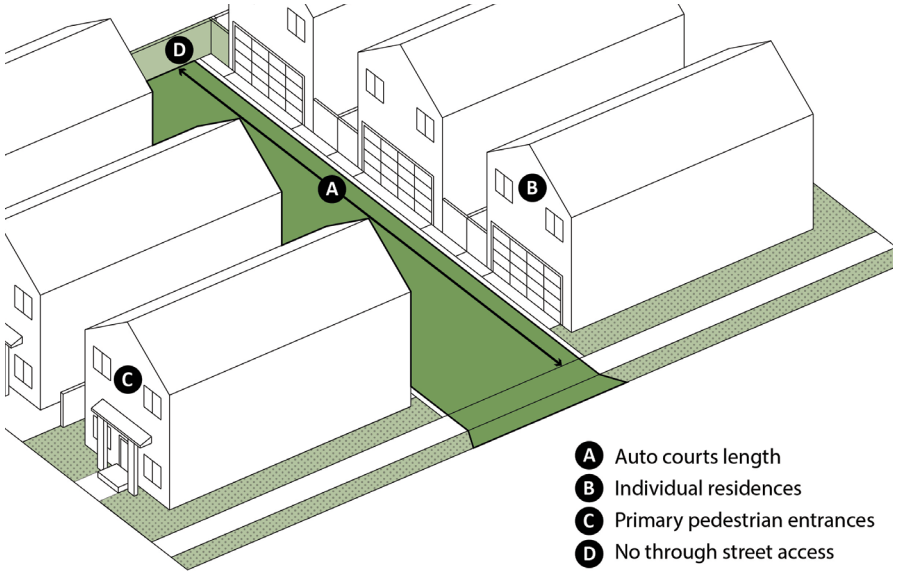


Figure 2.3. Auto Courts

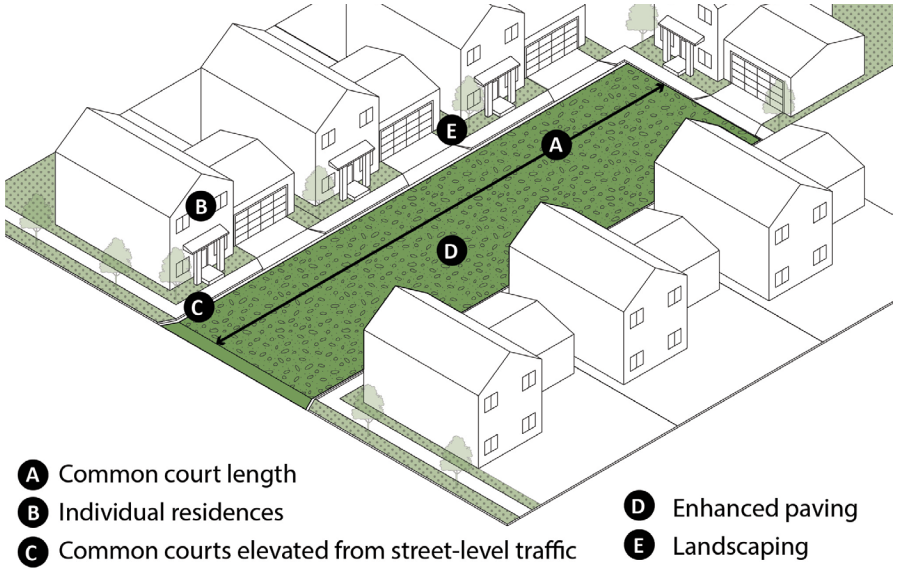


Figure 2.4. Common Courts

2.5 PARKING

a. Parking for multi-family developments shall be provided on site in on-grade or underground structures, parking courts, carports, or attached garages. These standards are in addition to the parking and loading standards found in Chapter 16.20, Article 4 of the Hesperia Development Code.

b. Parking lots shall be connected to all building entrances by means of internal pedestrian walkways.

c. Parking shall not occupy more than 40 percent of any linear street frontage.

d. Parking areas, driveways and pedestrian areas shall contain automatically controlled lighting.

Figure 2.5. Example Carport

2.5.1 PARKING COURTS

a. Parking courts shall be separated from buildings by a walkway a minimum of 4 feet wide and landscape strip a minimum 7 feet wide. Continuous 6-inch concrete curbs shall be provided as wheel stops where parking adjoins landscaping.

2.5.2 CARPORTS

a. Carport structures shall utilize the same colors, architectural finishes, and roofing materials as the main building(s) in the project.

b. Flat aluminum carport structures are prohibited.

c. Carports shall meet setback and building separation requirements.

2.5.3 TUCK-UNDER PARKING

a. If tuck-under parking is provided, the first floor of the residential units shall not be more than 4 feet above the finished street/sidewalk grade level.

b. Tuck-under parking shall not be visible from the street.

2.5.4 GARAGES, INDIVIDUAL

a. Garage doors may occupy no more than 40 percent of a building's street frontage and shall be recessed a minimum of 18 inches from a street-facing wall plane.

b. Street-facing garage doors serving individual units that are attached to the structure must incorporate two or more of the following so that the garage doors are visually subservient and complementary to other building elements:

   i. Enhanced materials, such as faux wood or opaque glass.

   ii. Decorative features on garage doors composed of steel or aluminum.

   iii. Garage door windows or architectural detailing consistent with the main dwelling.

   iv. Arbor or other similar projecting feature above the garage doors.

Figure 2.6. Private Garages

Figure 2.7. Private Garages

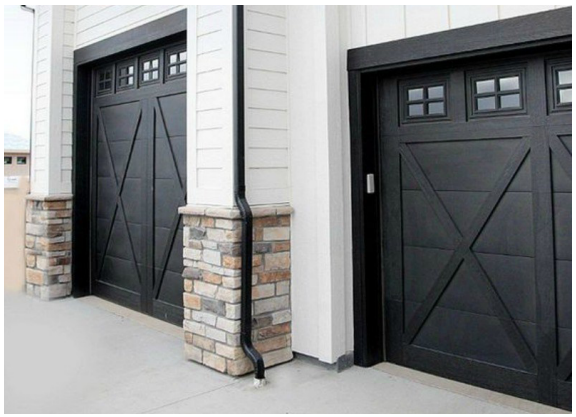
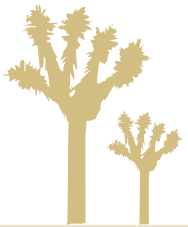


Figure 2.8. Private Garages

3.0
OPEN SPACE

3.1 General
3.2 Amenities
3.3 Private Open Space



3.1 GENERAL

Residents of multi-family developments shall have safe and efficient access to usable open space for recreation and social activities. Open space areas shall be provided in large, meaningful and usable areas, pursuant to the requirements of Article VII of the Hesperia Development Code. The standards contained in this chapter are intended to implement the above goal.

a. At least 200 square feet of common usable open space shall be provided per dwelling unit.

b. Outdoor areas counting toward common open space shall be a minimum of 1,000 square feet and have no dimension less than 25 feet, unless specified as one of the listed amenities in Section 3.2.

c. Common usable open space may be divided into more than one area.

d. All recreation areas or facilities required by this chapter shall be maintained by private homeowners' associations, property owners, or private assessment districts.

e. Open space areas shall be separated from arterial streets, service areas, commercial or industrial zones by at least 10 feet to ensure that they are sheltered from the noise and traffic of streets and incompatible uses. This 10-foot separation shall feature dense landscaping as well as tubular fencing with masonry pillars. This 10-foot separation shall not be utilizing in calculating open space.

f. At least one common open space within a project shall include seating.

g. Site furniture shall use graffiti-resistant materials and/or coatings and skateboard deterrents.

h. Pedestrian walkways shall connect the common open space to a public right-of-way or building entrance.

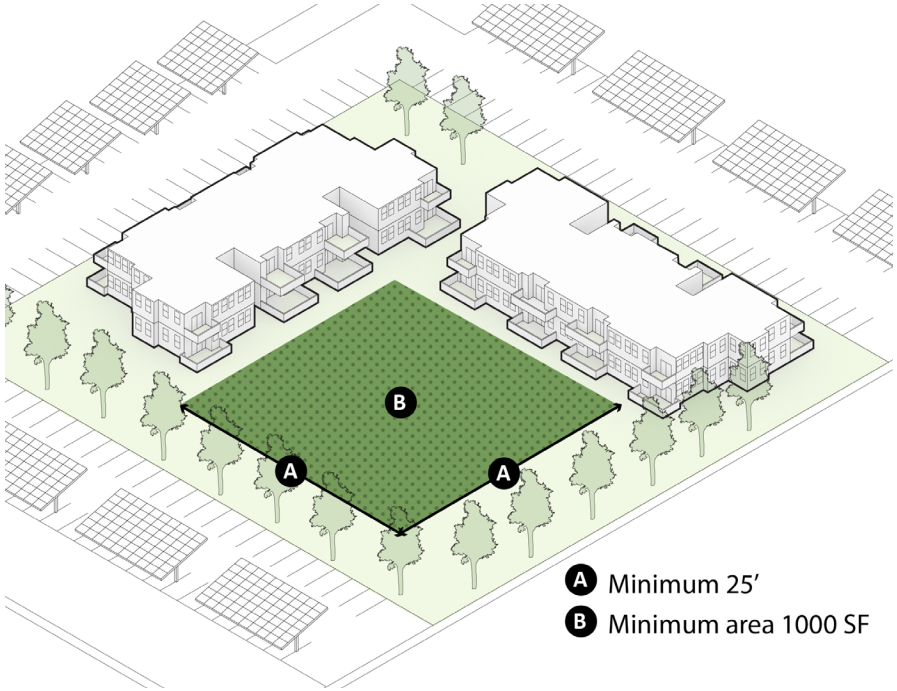


Figure 3.1. Common Open Space Size

3.2 AMENITIES

a. Common amenities shared by individual units on the same lot or within the same development, which may be located on roofs, parking podiums, or at grade.

b. The following listed major and minor amenities satisfy the common open space requirements. For projects with less than 60 units, repeating the same amenity twice will not satisfy the requirement; however, additional amenities are encouraged. Projects with more than 60 units may use the same amenity twice. Projects with more than 120 units may use the same amenity three times.

Table 3.1: Required Common Amenities			
Number of Units	Option 1	Option 2	Option 3
3 – 10	1 major or minor amenity	--	--
11 – 30	1 major amenity	2 minor amenities	--
31 – 60	2 major amenities	1 major and 2 minor amenities	--
61 – 90	3 major amenities	2 major and 3 minor amenities	1 major and 4 minor amenities
91 – 120	4 major amenities	3 major and 4 minor amenities	2 major and 5 minor amenities
121 – 150	5 major amenities	4 major and 5 minor amenities	3 major and 6 minor amenities
151 or more	6 major amenities	5 major and 6 minor amenities	4 major and 7 minor amenities

c. Major Amenities:

i. Private park (minimum of 50 percent of the area shall be landscaped) with a minimum area of 2,500 square feet, exlusive of other amenities. Other amenities or features that can be part of a park may include, but are not limited to, recreational courts, pools, barbeque areas, commercial playground equipment, community gardens, and gazebos. However, each individual amenity's minimum size must be met.

ii. Clubhouse with at least 750 square feet accessible and usable for residents. Features may include, but are not limited to, event spaces, community kitchens, conference rooms, business centers, or game rooms. A clubhouse may be combined with other amenities, provided that each amenity's minimum size is met. Clubhouses may also serve adjacent pools.

iii. Rooftop terrace with a minimum area of 1,000 square feet. Similar features found in a park may also be utilized on a rooftop terrace.

iv. Swimming pool with a minimum dimension of 15 feet by 30 feet or equal surface area (450 square feet).

v. Spa/hot tub installed in the ground with a minimum of 8 person seating.

vi. Gymnasium with a minimum area of 625 square feet.

vii. Other recreational amenities deemed adequate by the Director.

d. Minor Amenities:

i. Barbeque area with a minimum of 2 permanent grills, a shade structure, and 2 picnic tables.

ii. Tennis, pickleball, basketball (half court and/or full court), or volleyball courts.

iii. Tot lot with commercial playground equipment with a minimum area of 625 square feet with a minimum dimension of 25 feet in each direction. Children's play areas shall be protected from any adjacent streets or parking lots with a fence or other barrier at least 4 feet in height.

iv. Gazebo or covered seating area with a minimum of 8 permanent seats

v. Community garden with a minimum of 250 square feet of decorative raised beds a minimum of 4 feet by 4 feet each with irrigation.

vi. Courtyard with a minimum area of 1,000 square feet.

vii. Dog run surrounded by non-chain-link fencing with a minimum dimension of 15 by 60 feet (900 square feet). Dogs runs shall include a dog-waste station with bags and a waste receptacle. Dog runs may be directly adjacent to service areas, commercial or industrial zones

viii. Community room with a minimum area of 500 square feet.

ix. Other recreational amenities deemed adequate by the Director.

Figure 3.2. Example Major Amenity (Park) featuring a Minor Amenity (Playground)

Figure 3.3. Example Major Amenity - Pool

Figure 3.4. Example Minor Amenity - Fire Pit

3.3 PRIVATE OPEN SPACE STANDARDS

a. Private open spaces may include, but are not limited to, balconies, terraces, roof decks, patios, and may overlook the street, side yards and internal courtyards.

b. Private open spaces shall be accessible directly from the living unit and screened to a minimum height of 42 inches by use of walls and/or fences. All private open space shall be outdoors.

c. Private open space that is provided on a balcony or roof deck that fronts a public street shall have opaque balcony/railing enclosures to screen items being stored on the balcony or patio.

d. The required amount of private open space is as follows:

   i. Each dwelling unit shall have a minimum private usable open space of 100 square feet with no dimension less than 8 feet. Private open space on the ground floor shall have no more than 50 percent of the ground level space covered by an overhang balcony or patio roof

   ii. Each unit shall also be provided with a minimum of one hundred (100) cubic feet of lockable, private storage space. This space may be provided at the dwelling unit, accessible from the outside on a private patio or balcony for the unit. Storage area is not required if each unit is served by an enclosed garage in lieu of a carport.

3.3.1 BALCONIES

a. All balconies shall be recessed into the building facade. The maximum projection shall be 50 percent of the balcony's full depth or 6 feet, whichever is less.

b. The underside of projecting balconies shall be finished with building material that matches or is otherwise compatible with the building.

c. No balconies shall overhang into the public right-of-way or sidewalk, and shall not encroach more than 3 feet into the building setback.

d. Balconies and patios shall be enclosed by a decorative solid wall or fence designed as an integral part of the architecture of the project, to screen items being stored outdoors.

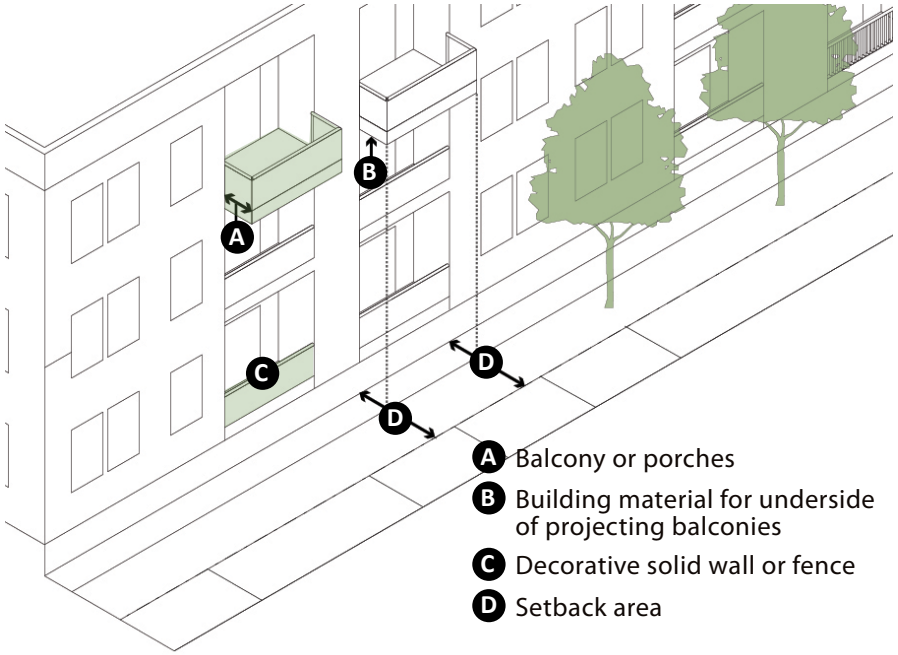
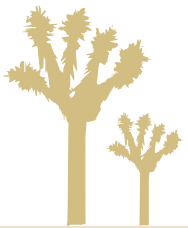


Figure 3.5. Balconies

4.0
MASS AND SCALE

4.1 Modulation
4.2 Height and Roof Lines
4.3 Corner Elements
4.4 Transitional Massing



4.1 MODULATION

a. Building design shall avoid large monotonous façades, long straight line building fronts, plain box shapes, and barren exterior treatment through the methods listed below.

b. Vertical Façade Modulation. All buildings two or more stories in height shall achieve vertical modulation through at least two of the following:

   i. A change in façade materials, textures, and colors between the ground floor and the second floor,

   ii. For buildings with three or more stories, a change in façade materials, textures, and colors between the uppermost floor and the floor below.

   iii. Use of functional and/or decorative horizontal façade projections or recesses at transition lines above the ground floor or below the uppermost floor.

   iv. Changes in floor-to-floor heights at the second floor or above.

c. Horizontal Façade Modulation. All design proposals shall comply with the following horizontal modulation standards:

   i. For every 60 feet of façade, a minor modulation of 10 feet in width and that is a minimum of 3 feet in depth from the primary façade plane shall be provided. Façade area used to meet this standard may be recessed behind, or project out from, the primary façade plane and may be in one continuous section or a combination of sections across the façade.

   ii. For every 120 feet of street-facing façade, a major modulation that is a minimum of 6 feet in depth and 20 feet in length shall be provided. The major modulation shall extend from grade to the highest story.

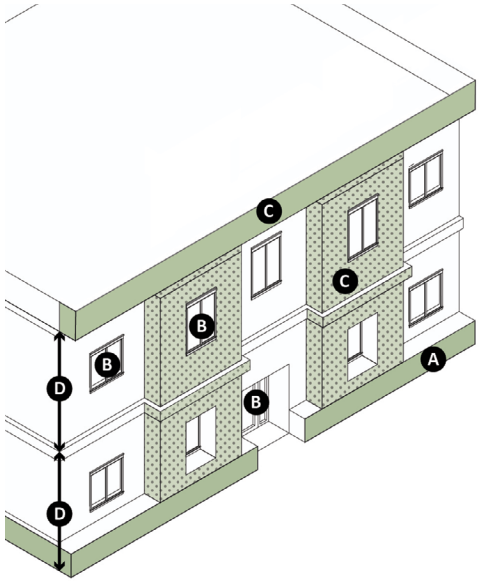


Figure 4.1. Example of a modulated façade

- **A** Changes in facade materials, textures, and colors
- **B** Changes in type, size, number, and arrangement of façade doors and windows
- **C** Functional and/or decorative horizontal façade projections or recesses at transition lines.
- **D** Changes in floor-to-floor heights at the second floor or above.

4.2 HEIGHT AND ROOF LINES

a. Roofline Variation. Variation in roof height of at least 3 feet for every 50 linear feet. Rooflines shall be vertically articulated at least every 50 feet along the street frontage, though the use of architectural elements such as parapets, varying cornices, reveals, clearstory windows, and varying roof height and/or form.

b. Height Modulation. Buildings over three stories tall shall have major massing breaks at least every 100 feet along any street frontage, through the use of varying setbacks, and/or building entries. Major breaks shall be a minimum of 30 inches deep and four feet wide and extend the full height of the building.

c. Roofline Articulation. Rooflines greater than 50 linear feet shall be articulated with at least one of the following techniques:

   i. Change in the height of the roof ridge and/or parapet;

   ii. Change in the shape of the roof form;

   iii. Change in the angle of the roof slope,

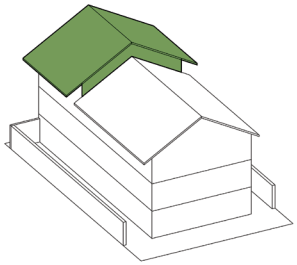


Figure 4.2. Ridgeline Change

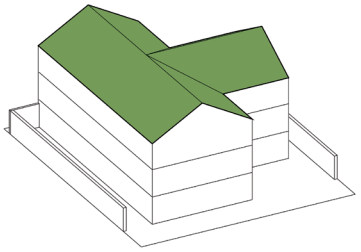


Figure 4.3. Cross Ridgeline

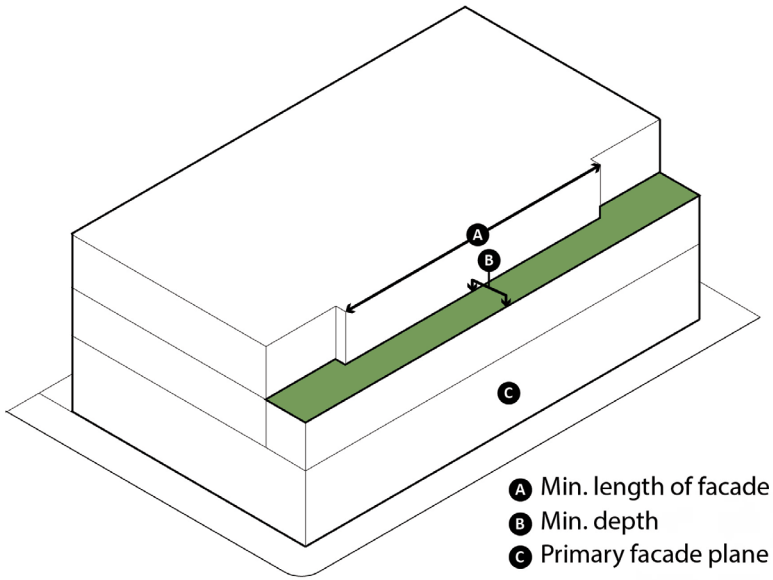


Figure 4.4. Massing Breaks Along Uppermost Floor

4.3 TRANSITIONAL MASSING

a. If adjacent to a single-family residential zone, buildings shall be designed so as not to have a direct line-of-sight into adjacent units or onto private patios or backyards adjoining the property line. This shall be accomplished through a solid wall at least 6 feet in height and at least two of the following:

   i. Increased Setback. An increased interior setback adjacent to the single-family zone of 5 feet.

   ii. Stepback. Minimum depth of 10 feet for entire adjacent façade for the third floor and above.

   iii. Windows. Offset all windows facing a single-family zone by at least 1 foot from any windows in adjacent low-rise residential buildings within 20 linear feet to avoid direct line-of-sight.

   iv. Transitional Height. All buildings within 100 feet of an adjacent single-family zone do not exceed the height limit of the adjacent zone or exceed more than one story above surrounding developments

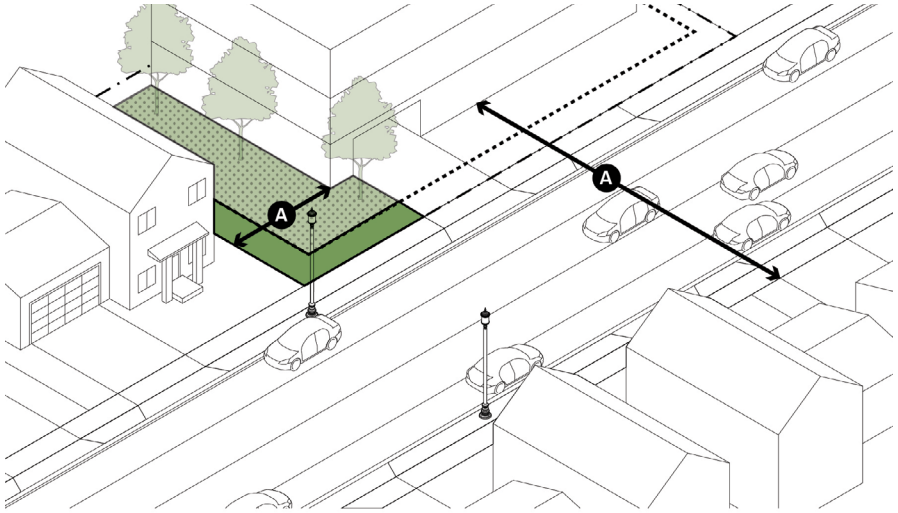


Figure 4.5. Transitional Massing

4.4 CORNER ELEMENTS

Corners of intersections feature some of the most prominent interactions between the private and public realms. Thus, the City of Hesperia features additional design standards pursuant to corner elements for those buildings located at the intersections of Arterials and/or Collector streets for those developments categorized as 'large' in Section 1.8 of these Objective Design Standards.

a. All multifamily residential sites located on a corner shall incorporate at least one of the following corner elements:
    i. Decorative features such as monument signage or public art;
    ii. Pedestrian entrance into site.

b. A structure located on a corner lot shall incorporate at least two of the following corner elements:
    i. Corner feature, such as a spire, tower, or dome, with a greater height than adjacent building facades by a minimum of 10 feet for a horizontal area of minimum of 20 feet by 20 feet;
    ii. Corner feature with a minimum of 5 feet recess or projection from the primary façade for a minimum of 20 feet by 20 feet and extend from grade to the building height;
    iii. A corner entry oriented diagonal to the intersection;
    iv. Unique corner features, wraparound balconies, or terraces above the ground floor;
    v. Diagonal or curved walls at the intersection;
    vi. Color and material variation from the primary façade with an area at least of 20 feet by 20 feet.

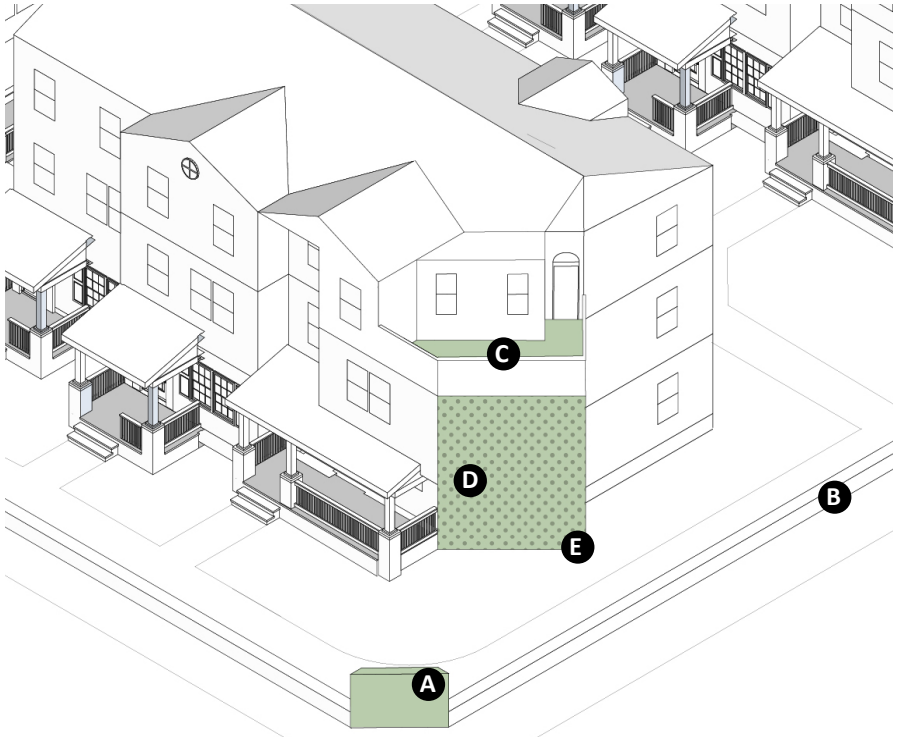
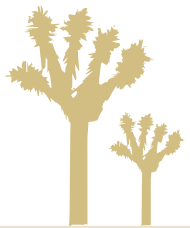


Figure 4.6. Corner Elements

A Monument signage
B Pedestrian entrances into site
C Wraparound balcony/terrace
D Diagonal walls
E Material and color variation

5.0
MATERIALS AND DETAILS

5.1 Materials and Finishes
5.2 Facade Details
5.3 Color and Texture
5.4 Unit Entrances
5.5 Doors, Windows and Walls



5.1 MATERIALS AND FINISHES

a. The same material and finishes must be uniformly applied on the building exterior elevations to create 4-sided architecture.

b. All building facades shall be constructed with durable materials rated for residential construction, such as stucco, natural stone, brick, siding, and precast concrete. Exterior siding/cladding may include manufactured, composite, or veneer stone/brick. Trim and accent materials permitted include metal, tiles (ceramic, porcelain, stones) or similar materials that can withstand significant deterioration, decay, or discoloring due to wear or weathering.

c. Materials such as brick or stone shall be left in their natural colors.

d. A minimum of 2 building materials, excluding glass, shall be used on any façade facing a public right-of-way.

e. Changes in material or color shall occur at inside corners of intersecting walls or at architectural features that break up the wall plane, such as columns.

f. For buildings with three or more stories, material, texture, and color variations shall distinguish a building's base, and/or middle, and/or top.

    i. If a distinct building base is provided (as delineated in Table 5.1), the building's middle and top may feature the same materials and textures.

    ii. No more than 60 percent of a multistory building's facades may feature materials, colors and textures which extend uninterrupted from the ground to the roof line.

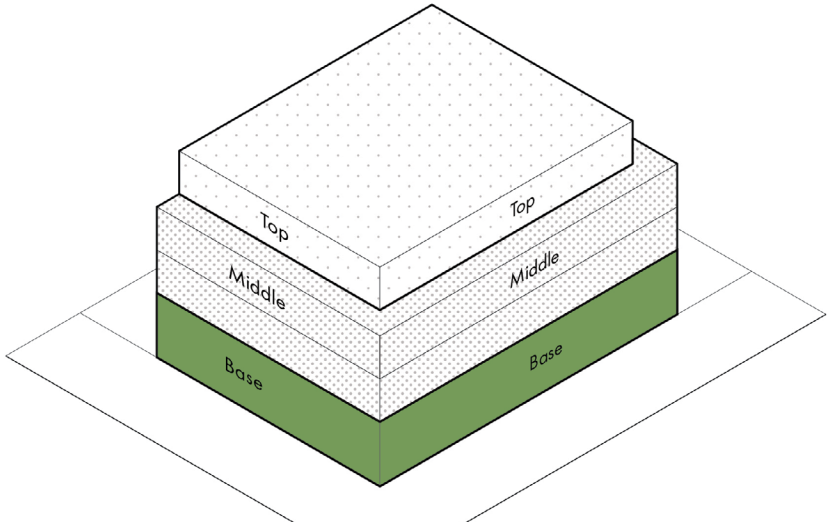


Figure 5.1. Building Materials

Table 5.1: Material Variation	
Number of Stories	Distinct base height, extending up from grade
3	3 feet
4	10 feet
5+	12 feet

5.2 FAÇADE DETAILS

a. All building façades facing a street or public open space shall be articulated for at least 80 percent of each façade length. All other building façades shall be articulated for at least 60 percent of each façade length. Façade articulation shall be achieved through at least four of the following architectural elements:
    i. Minimum of 2 fenestration type and/or size variation; or
    ii. Window details such as moldings, decorative trim, and wood frames; or
    iii. Balconies and/or porches; or
    iv. Decorative veneer; or
    v. Decorative light fixtures; or
    vi. Decorative attic/gable vent; or
    vii. Decorative moldings and/or cornices; or
    viii. Trellis and/or arbor structures.

b. Accessory and service buildings/structures, such as carports, detached garages, recreational buildings, laundry facilities, and storage buildings/structures, shall feature the same materials, colors, and details as to the primary buildings.

c. Expansion Joints. If employed on stucco façades, expansion joints shall reinforce the grid pattern created by fenestration openings by aligning with:
    i. Window and/or door jambs, sills, and/or headers; or
    ii. The centerlines of windows and/or doors; or
    iii. Wall breaks such as recesses and/or soffits created by balcony openings.

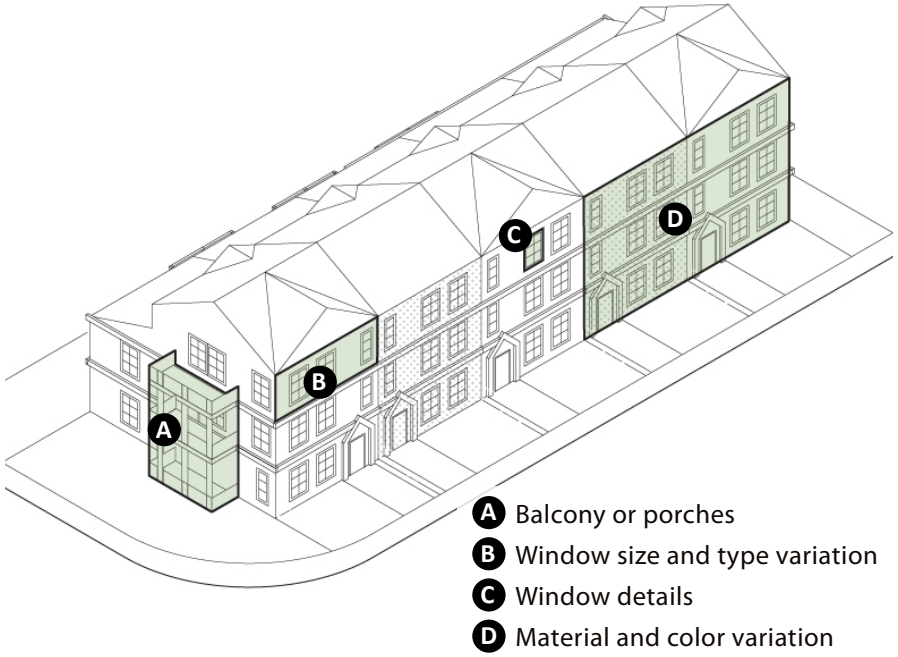


Figure 5.2. Façade Details

Figure 5.3. Example Expansion Joint Alignment

d. Blank Façades. A blank façade is a portion of a façade without a window, balcony, ground floor windows, and/or doorways more than 30 feet in any direction. Where a blank façade is unavoidable, architectural treatments (such as trellises, screens, or changes in materials) shall cover at least 50 percent of the blank façade surface.

e. Exterior Details.

   i. Exterior stairways shall be designed as an integral part of the architecture of a project and shall incorporate solid wall portions, columns, and/or a decorative balustrade. They shall be of the same materials, color and detail of the building. Thin-looking, open metal, prefabricated stairs shall not be used.

   ii. Exterior columns for trellises, porches or colonnades shall utilize the same materials and colors of the adjacent building.

   iii. Gutters and downspouts shall be concealed, unless designed as a decorative architectural feature.

   iv. Balconies and patios shall be enclosed by a decorative solid wall or fence designed as an integral part of the architecture of the project, to screen items being stored outdoors.

Figure 5.4. Blank Façade Treatment

5.3 COLOR AND TEXTURE

a. Colors
    i. Primary colors shall be utilized on a building's façades.
    ii. Primary colors shall be earth-toned.
    iii. Accent colors shall be reserved for window and door frames, recesses and projections, expansion joints, plane brakes, material breaks, as well as other decorative trim and exterior architectural features.
    iv. Accent colors may be a different color to accentuate and contrast with the building's façades.

b. Color Schemes – Single Structure
    i. Structures shall have at least one primary color and one accent color, in addition to roof color.
    ii. Structures shall have a maximum of 3 primary colors and 4 accent colors, in addition to roof color.

c. Color Schemes – Multiple Buildings
    i. Residential developments between 3 and 24 habitable buildings shall provide a minimum of two distinct color schemes. A single color scheme shall be dedicated to no less than 30 percent of all residential buildings.
    ii. Residential developments with 25 or more habitable buildings shall provide a minimum of three distinct color schemes. A single color scheme shall be dedicated to no less than 30 percent of all residential buildings.
    iii. Clubhouses and other buildings may utilize a separate complimentary color scheme from the residential buildings.

EARTH TONES

- An earth tone color draws from a color palette of browns, tans, warm grays, greens, oranges, whites, and some reds, and some blues.
- The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. Many earth tones originate from clay earth pigments, such as umber, ochre, and sienna.
- In case of doubt, the following definition shall be applied to determine whether a color is an earth tone: *"Earth tone means a color with a lightness (light reflective) value of 25 to 60 that is composed of a mixture of any shade of brown and any shade of any other color or colors."*

5.4 ENTRANCES

a. Where individual unit entrances are provided, transitional spaces in the form of stoops, overhangs and porches shall be provided, subject to the dimensions below:
    i. Front porches shall have a minimum depth of 5 feet and a minimum width of 8 feet.
    ii. Stoops shall have a minimum depth of 3 feet and a minimum width of 5 feet.
    iii. Overhangs shall have a minimum depth of 3 feet and a minimum width of 5 feet.

b. In buildings with common/shared unit entrances, building entries shall incorporate at least 3 of the following architectural treatments consistent with the primary dwelling unit.
    i. Façade projection or recess with a minimum depth of 5 feet;
    ii. Projecting element above the entrance with a minimum depth of 2 feet; or
    iii. Window detailing;
    iv. Decorative veneer or siding;
    v. Porch with a minimum depth of 6 feet and a minimum width of 12 feet.
    vi. Material and/or color variation.

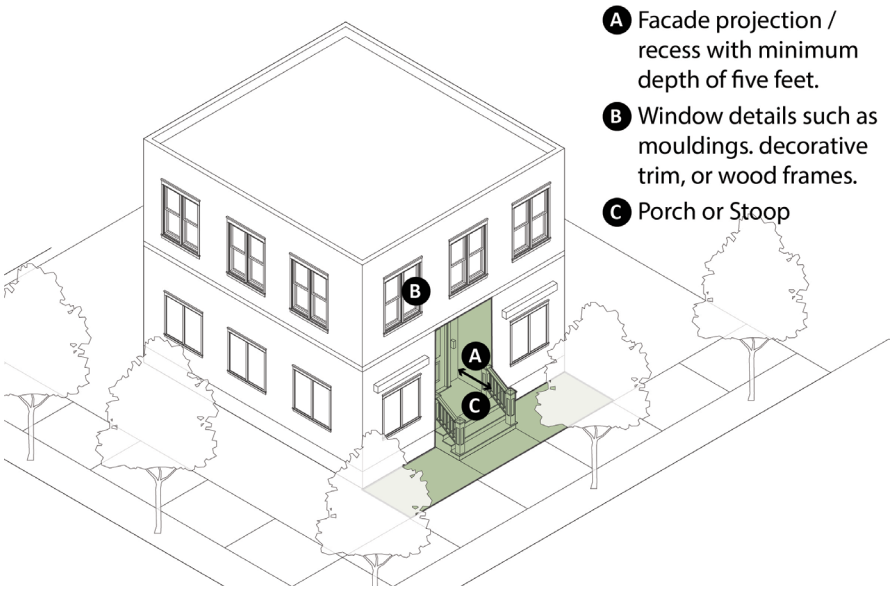


Figure 5.5. Unit entrance requirement

5.5 DOORS, WINDOWS, AND WALLS

a. All windows shall be offset at least 1 foot from any windows in adjacent buildings within 15 linear feet to avoid direct line-of-sight.

b. All doors and window frames should be composed of consistent material. All windows shall either be recessed at least 3 inches from the plane of the surrounding exterior wall or shall have a trim or windowsill at least 1 inch in depth.

    i. When trim is used, a minimum of 1 inch by 4 inch wide trim is required.

    ii. With stucco walls, a minimum of 1 inch deep, raised relief around the window is required.

    iii. With brick, a minimum 2 inch wide brickmold is required around windows.

c. All windows facing a public street shall feature at least two of the following treatments:

    i. Variation in window types and/or sizes; or

    ii. Moldings; or

    iii. Mullions: or

    iv. Wood frames; or

    v. Decorative trim; or

    vi. Shutters.

d. Additional window standards include:

    i. For new multi-family developments, double glazing shall be used consistent with energy code requirements.

    ii. Openable windows shall feature screens.

    iii. Raw or clear anodized aluminum window frames are prohibited.

e. Additional door standards include:

    i. Doorbells shall be provided on doors or within main entrance

    ii. Entry doors for individual multi-family units shall include viewers.

f. Units within a project shall be insulated to protect residents from noise intrusion from adjoining units. In addition to insulation between common walls, vertical insulation on exterior walls and from floor-to-floor shall be provided.

6.0 UTILITIES, SERVICES, LIGHTING, AND FENCES

6.1 Fences, Walls, and Gates
6.2 Exterior Lighting
6.3 Utility and Mechanical Storage
6.4 Refuse and Storage Areas

6.1 FENCES, WALLS, AND GATES

a. The design of walls, as well as the materials and colors used, shall be consistent with the overall development's design.

b. Walls and fences shall be constructed with durable materials that can withstand significant deterioration, decay, or discoloring due to wear or weathering. Acceptable materials are as follows:

   i. Ornamental metal

   ii. Grillwork

   iii. Wrought iron

   iv. Tubular steel

   v. Vinyl fencing

   vi. Decorative masonry

   vii. Stone and brick

c. Both sides of all perimeter walls shall be architecturally treated.

d. The wall or fence height shall not exceed 6 feet. View-obscuring walls or fences shall not exceed 3 feet in height when located within front and street side yard setbacks. These areas may incorporate a non-view-obscuring estate-type fence as follows:

   i. Solid masonry pillars with ornamental metal fencing between.

   ii. Masonry pillars shall not be more than 30 inches in width.

   iii. Masonry pillars shall not be placed less than 8 feet apart.

e. Wall/fence sections greater than 50 feet in length fronting a street shall incorporate at least 2 of the following design features, in proportion to the length of the wall:

   i. A minimum 2-foot change in horizontal plane for at least 10 feet.

   ii. A minimum 18-inch change in height for at least 10 feet.

   iii. A minimum 18-inch-high raised planter for at least half the length of the wall.

   iv. Use of pilasters at 25-foot maximum intervals and at changes in wall planes.

f. Required fencing around a basin shall consist of a combination wall with 2 feet of split face block and 4 feet of tubular steel.

g. Internal fencing, not viewable from public right of way, to separate private rear yards may be vinyl.

h. Gates shall be provided in perimeter walls or fences to allow emergency access and facilitate convenient pedestrian access to activity areas and adjacent uses.

i. Walls shall be curved or angled at corner locations along street frontages and at vehicular entrances to allow sight line views around the corner. In no event shall any fence, wall obscure any clear sight triangle.

Figure 6.1. Example Fencing

6.2 EXTERIOR LIGHTING

a. Every multifamily project shall have adequate lighting to provide security and visibility.

b. Site lighting throughout the development shall be a minimum of 0.1 foot- candles but shall not exceed 0.5 foot-candle at residential property lines and the right-of-way.

c. The design of all exterior light fixtures shall be compatible with the building's architecture. All lighting fixtures must be shielded to confine light spread on-site and to prevent nighttime light pollution.

d. Pedestrian-scale lighting shall be located along all walkways within the development.

e. Lighting of pedestrian walkways shall illuminate changes in grade, path intersections, seating areas and any other uses along the movement path that, if left unlighted, would create an unsafe situation.

f. The maximum height of walkway lighting shall be 15 feet.

g. Open spaces shall be adequately lit with durable low maintenance fixtures.

h. Night lighting of buildings shall be used to highlight special building features, such as building entrances and addresses, emphasize repeated or decorative features, and articulate the building façades.

Figure 6.2. Example Pedestrian Lighting

Figure 6.3. Example Outdoor Lighting

6.3 UTILITY AND MECHANICAL STORAGE

a. All utility equipment shall be screened from view on all sides
b. All screening devices shall be compatible with the architecture and color of the building.
c. Ground mounted screening shall be accomplished with one or more of the following:
    i. Landscaping
    ii. Solid masonry walls
    iii. Permanent buildings/enclosures
d. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof.
e. Roof-mounted screening shall be accomplished with the following:
    i. Roof mounted equipment shall be screened through the use of parapets, screening walls, mechanical room enclosures and similar design features. Screening devices other than parapet walls shall be designed as an integral element of the building massing.
    ii. The top of screens shall be at least as high as the top of the equipment being screened.
    iii. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof.
f. Electric and other metering equipment and panels shall be painted to match adjacent building and wall surfaces.

Figure 6.5. Example Utility Screening

6.4 REFUSE AND STORAGE AREAS

a. All trash enclosures shall meet the solid waste management standards found in Chapter 8.04 of the City of Hesperia Health and Safety Code.

b. All trash enclosures shall be per the City of Hesperia Trash Enclosure Detail.

c. The collection area(s) shall be enclosed on three sides by a minimum six-foot tall masonry wall consisting of split-faced or treated with finish material that matches the architectural style and color of the development they serve. The fourth side of the enclosure shall be enclosed with an opaque, self-latching metal gate. Enclosures shall feature decorative trellis and screened gates.

Figure 6.6. Example Refuse Storage

Figure 6.7. Example Refuse Storage

7.0 MIXED-USE

7.1 Vertical Mixed-Use
7.2 Horizontal Mixed-Use
7.3 Structured Parking

7.1 VERTICAL MIXED-USE

7.1.1 BUILDING SITING, ORIENTATION AND SETBACKS

a. The placement and design of buildings shall facilitate and encourage pedestrian activity and convey a visual link to the street and sidewalks. The building(s) and main entrance(s) shall be oriented toward the primary street frontage.

b. Retail uses in mixed-use developments shall front onto the street at the ground-floor level, with parking generally located in the rear or side of buildings.

c. Buildings shall avoid visible blank walls along interior side property lines.

7.1.2 VEHICLE CIRCULATION, ACCESS, AND PARKING

a. Common driveways for the different portions of mixed-use developments shall be provided. Driveway entry locations shall be coordinated with existing or planned median openings and driveways on the opposite side of the roadway.

b. Separate parking facilities shall be provided for residential uses and commercial uses.

c. Site access and internal circulation shall promote safety, efficiency, and convenience. Vehicular traffic shall be adequately separated from pedestrian circulation. Vehicular entrances shall be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.

d. Non-residential uses in a mixed-use project may utilize 75 percent of the required parking listed in Table 16.20.080(B) of Chapter 16.20, Article IV, Parking and Loading Standards, of the Hesperia Municipal Code.

Figure 7.1. Vertical Mixed-Use Vehicular Circulation

7.1.3 PEDESTRIAN CIRCULATION

a. Mixed-use developments shall be oriented and designed to enhance pedestrian movement within the development and to adjacent uses.

b. Well-marked pedestrian links between parking areas and buildings shall be provided. Pedestrian connections shall be clearly identified and easily accessible to minimize pedestrian/ vehicle conflict.

c. Pedestrian walkways shall be a minimum of 4 feet wide and shall link dwelling units with commercial uses in the mixed-use development, as well as with common open space, plazas and courtyards, and public sidewalks. Pedestrian connections shall also be provided between buildings and adjoining residential and commercial sites.

d. Pedestrian connections shall include design cues to help demarcate the transition between public and private spaces, such as decorative pavers or stamped concrete. Design cues may also include a change in colors, materials, landscaping, or the dimensions of the walkway.

7.1.4 BUILDING ORGANIZATION

a. Vertically mixed-use buildings shall be designed with commercial storefronts or offices on the ground floor and residential units above.

b. A ground floor retail or office use shall have a minimum floor-to-ceiling height of 12 feet.

7.1.5 ARCHITECTURAL STYLE

a. The architectural style and use of materials shall be consistent throughout the entire mixed-use development. Differences in use of architectural details may occur where the intent is to differentiate between the residential and commercial scale and character of the structure(s).

b. The buildings shall present an “active” building elevation including entrances and windows to the street, not blank walls or parking.

c. All building façades shall be designed with the same level of architectural detailing, material variation, and coloration.

7.1.6 MODULATION, ARTICULATION AND DETAILING

a. Use building form to emphasize individual units within a building, larger units and/or anchor stores within retail projects, and foyers, lobbies, and reception areas within non-retail commercial projects. Use building form and articulation to emphasize public entrances and de-emphasize service areas, and to define and shelter (i.e. give a sense of invitation and enclosure) pedestrian walks and exterior spaces.

b. Building façades shall be designed so as to give individual identity to each vertical module of residential units, using techniques such as providing a deep notch between the modules; varying architectural elements between units (e.g., window color, roof shape, window shape, stoop detail, railing type); providing porches and balconies; varying color or materials of each individual module within a palette of colors and materials, etc.

c. Buildings shall incorporate architectural details and elements visible from the public right-of-way, such as awnings, canopies, arbors, trellises, etc.

7.1.7 SITE AND BUILDING ENTRANCES

a. Separate building entrances shall be provided for residential and commercial uses.

b. Main entries to ground-floor retail uses shall be clearly demarcated, visible and accessible from the street and/or pedestrian walkways. Secondary entries may be from parking areas.

c. Entrances to residential, office, or other upper story uses shall be clearly distinguishable in form and location from retail entrances.

d. Building entries shall be integrated with the overall building form. Variation in building height, wall plane, roof treatment, window placement, architectural detailing, etc. shall define and emphasize public entries. Variation in material, texture, and/or color is also recommended as a means of identifying building entries.

e. Entries shall be highly visible and shall not be recessed more than 3 feet from the main façade.

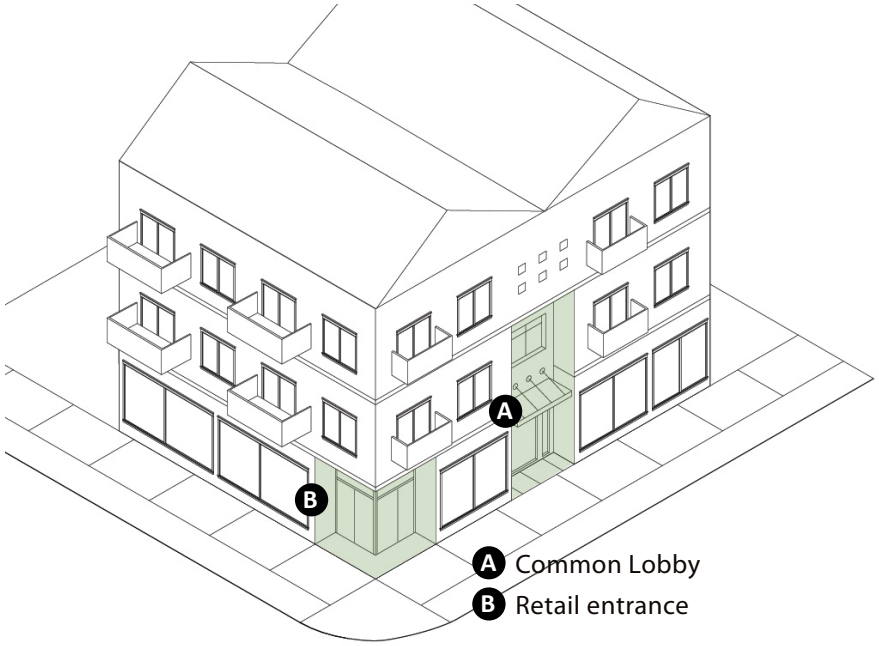


Figure 7.2. Common lobby, separated from retail uses.

7.1.8 PRIVACY FOR RESIDENTIAL UNITS

a. Buildings shall be oriented to promote privacy to the greatest extent possible. In mixed-use developments, residential windows shall face away from loading areas and docks.

b. Windows, balconies, or similar openings shall be oriented so as not to have a direct line of-sight into adjacent units within the development. In addition, units above the first story shall be designed so that they do not look directly onto private patios or backyards of adjoining residential property or units.

7.2 HORIZONTAL MIXED-USE

7.2.1 BUILDING SITING, ORIENTATION AND SETBACKS

a. Ensure that commercial buildings face public streets or internal paseos or plazas that engage the public realm to create an active and enjoyable pedestrian environment.

b. Locate residential uses at the rear or side of the site.

c. Locate parking for on-site commercial uses at the center of the site, allowing the parking to provide a buffer from on-site residential uses.

d. Dedicated private residential parking areas shall be located in a private area away from public commercial parking.

7.2.2 CIRCULATION, ACCESS, AND PARKING

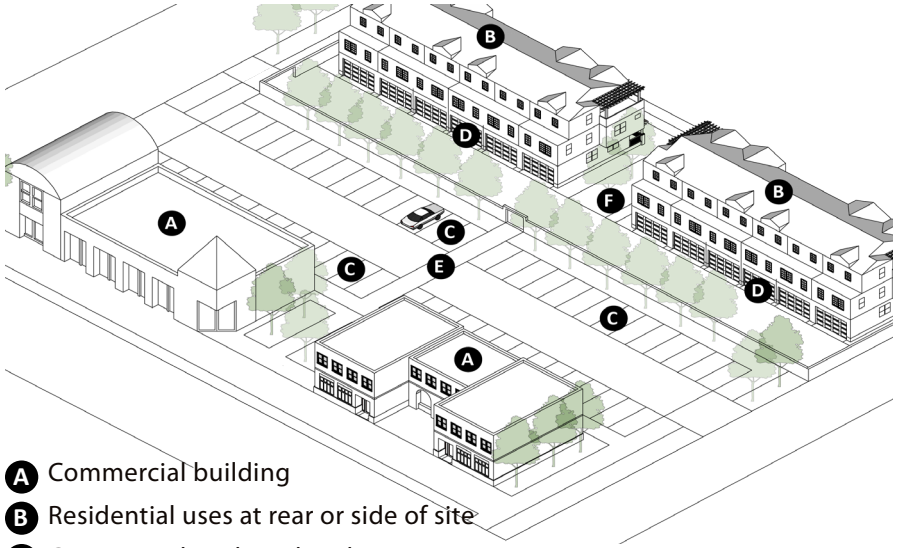
a. All commercial, residential, and open space areas shall be linked by internal pathways.

b. Screen surface parking from residential uses to reduce the visual impact of large parking areas.

c. Non-residential uses in a mixed-use project may utilize 75 percent of the required parking listed in Table 16.20.080(B) of Chapter 16.20, Article IV, Parking and Loading Standards, of the Hesperia Municipal Code.

7.2.3 OPEN SPACE

a. Common residential open space as part of a horizontal mixed-use project shall not be publicly-accessible.



A Commercial building
B Residential uses at rear or side of site
C Commercial or shared parking
D Private residential parking
E Internal pathways
F Residential common open space

Figure 7.3. Horizonal Mixed-use Example

7.2.4 BUILDING ORGANIZATION

a. Service entries, loading areas, and trash areas associated with commercial uses shall not be within 50 feet of residential uses.

b. The windows, doors, and other access points of commercial uses shall be oriented so as not to have a direct line-of-sight into residential uses.

7.3 STRUCTURED PARKING

a. Ramps within a parking garage must be screened by spandrels or architectural treatments that create a level appearance from the exterior.

b. Pedestrian and vehicular entrances must be distinctly marked with signage and differentiated by color or material treatment that contrasts with the primary façade.

c. The parking garage must provide design details to reduce a monolithic appearance for all street-facing façades. This must include, at minimum, two of the following methods:

   i. Façades incorporating alternating projections and recesses, at least 2 feet in depth and 2 feet in length, applied every 80 feet horizontally, or for every level above the ground level.

   ii. Vehicular and pedestrian entrances utilizing the architectural elements of the adjacent buildings served by the parking structure.

   iii. Elevators and covered stairwells which project at least 5 feet from the edge of the ground level of the parking garage.

   iv. Active uses on the ground floor, such as commercial or office uses.

   v. Setting back upper floors of the parking garage, if active uses are provided on the ground level, by a minimum of 5 feet.

Figure 7.4. Example Parking Structure

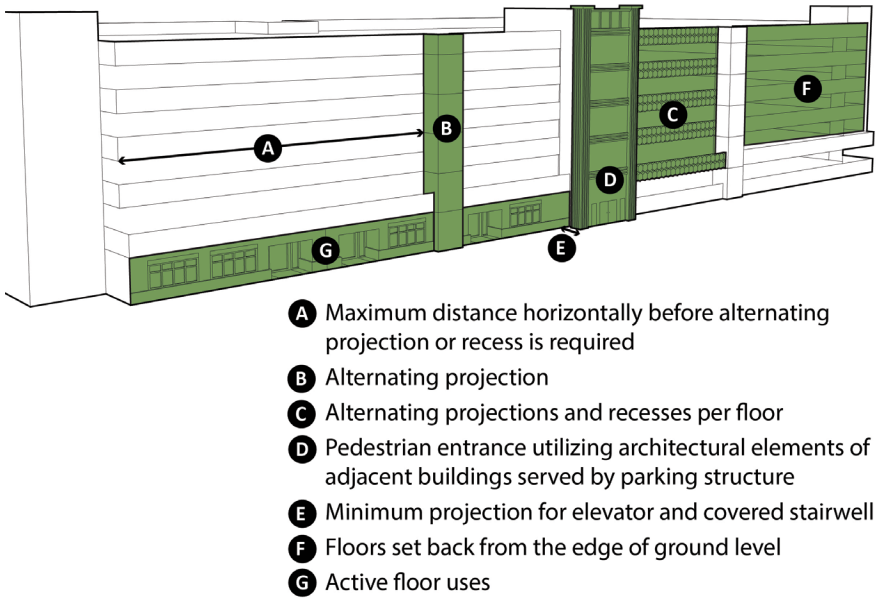


Figure 7.5. Parking Structure Features

8.0
DEFINITIONS

8.1 DEFINITIONS

Alley. A public or private roadway, generally not more than thirty feet wide that provides vehicle access to the rear or side of parcels having other public street frontage, that is not intended for general traffic circulation

Articulation. The process of stepping and recessing external walls of a building in plan and in section. This process essentially creates more corners and edges to a building, which reduces the potential for the presentation of large expanses of blank walls.

Awning. An architectural fabric or metal projection that provides weather protection, building identity, or decoration, and is wholly supported by the building to which it is attached. An awning consists of a lightweight frame structure over which a cover is attached.

Block. All property fronting upon one side of a street between intersecting and intercepting streets, or between a street and a waterway, dead end street, park, or city boundary. An intercepting street shall determine only the boundary of the block on the side of a street which it intercepts.

Building Mass (Massing). Mass refers to the general shape and form as well as size of a building.

Carport. An attached or detached accessory structure enclosed on no more than two sides.

Clerestory Windows. Vertical windows placed high on a wall, often above eye level.

Commercial Use. A non-residential use such as retail, service, automotive, medical, food service, hospitality, and office uses.

Cornice. A horizontal moulding projecting along the top of a wall, building, etc.

Corner Element. A distinct architectural treatment, expressed through a change in form, mass, decoration, or any combination thereof, located on the corner of a building or site.

Courtyard. An extent of open ground partially or completely enclosed by walls or buildings.

Detail. An element of a building such as trim, moldings, other ornamentation, or decorative features.

Dormer. A structure projecting from a sloping roof, usually housing a vertical window in a small gable or a ventilating louver.

Driveway. A paved area of a lot located between the public right-of-way and the garage, carport, or required parking space designed and intended as an access way between a private or public road and the garage, carport, or required parking space.

Driveway, Primary. A driveway providing both ingress and egress from a property.

Driveway, Secondary. A driveway providing either ingress or egress from a property.

Dwelling. A room or group of internally connected rooms that have sleeping, cooking, eating and sanitation facilities, but not more than one kitchen, which constitute an independent housekeeping unit, occupied by or intended for one household on a long-term basis.

Earth Tone. A color with a lightness (light reflective) value of 25 to 60 that is composed of a mixture of any shade of brown and any shade of any other color or colors.

Easement. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

Elevation. An orthographic view of the vertical features of a building (front, rear, side, interior elevation).

Exterior Architectural Feature. The architectural elements embodying style, design, general arrangement, and components of all of the outer surfaces of an improvement, including, but not limited to, the kind, color and texture of the building materials and the type

and style of all windows, doors, lights, signs, and other fixtures appurtenant to such improvement.

Façade. The entire exterior side of a building; especially the architectural front, sometimes distinguished from the other sides by elaboration of architectural or ornamental details.

Fenestration. The stylistic arrangement of windows in a building.

Frontage or Fronting. the portion of a parcel which abuts a street right-of-way.

Gable Roof. A roof having a gable at one or both ends; a roof sloping downward in two opposite directions from a central ridge, forming a gable at each end.

Garage. An attached or detached accessory structure with a door, enclosed on at least three sides.

Glass Blocks. Thick blocks of glass, typically hollow, used as a building material.

Glass, Opaque. Glass that blocks the passage of light.

Hardscape. The non-living, structural elements of a landscape, such as patios, walkways, direways, and decks.

High-Quality Materials. Treated wood, stone, brick, stucco, fiber cement or other cementitious material, or composite wood or stone, with no unfinished edges.

Hipped Roof. A roof that slopes upward from all four sides of a building, requiring a hip rafter at each corner.

Lot. A recorded lot or parcel of real property under single ownership, lawfully created as required by the Subdivision Map Act and city ordinances, including this title. Types of lots include the following.

Lot Line. Any recorded boundary of a lot.

Maintenance. The work of keeping something in proper condition; upkeep.

Mixed-Use. A project allowing for a combination of residential and nonresidential uses in a single Building Site.

Mixed-Use, Horizontal. A project allowing for a combination of residential and nonresidential uses on separate portions of a single Building Site.

Mixed-Use, Vertical. A project allowing for a combination of residential and nonresidential uses in the same building, typically with Commercial Uses on the ground floor, and residential dwellings above.

Modulation, Major. An articulation which extends from the ground level to roofline of a building.

Modulation, Minor. An articulation which does not extend from the ground level to the roofline.

Multi-family dwelling(s). A building or a portion of a building used and/or designed as residences for three or more families living independently of each other. Includes: triplexes, fourplexes (buildings under one ownership with three or four dwelling units, respectively, in the same structure) and apartments (five or more units under one ownership in a single building); townhouse developments (three or more attached single-family dwellings where no unit is located over another unit) and senior citizen multi-family housing.

Parapet. A retaining wall at the edge of a roof, porch, or terrace.

Parcel. See Lot.

Parking. To put or leave (a vehicle) for a time in a certain location.

Parking Court. A parking area open to the sky.

Pedestrian Paseos. Landscaped passageways that serve as midblock crossings and may additionally provide access to interior courtyards.

Rooflines. Various forms to a roof, such as pitch, ridge, hip, etc., often at different angles.

Setback. The distance a building is recessed from the property line, curb of the street, or the edge of the sidewalk.

Shade Trees. A twenty-four (24) inch box tree or larger.

Shutter. Each of a pair of hinged panels, often louvered, fixed inside or outside a window that can be closed for security or privacy or to keep out light.

Sidewalk. A paved walkway along the side of a street.

Sill. The horizontal exterior member at the bottom of a window or door opening, usually sloped away from the bottom of the window or door for drainage of water and overhanging the wall below.

Site. A parcel or adjoining parcels under single ownership or single control, considered a unit for the purposes of development or other use.

Softscape. The living elements of a landscape, primarily plants, such as trees, shrubs, flowers, grass, groundcover, and mulch.

Spire. A tall, pointed structure on top of a building.

Stepback. The recessing of the upper part of the façade due to the smaller area of the upper floors.

Street. A public thoroughfare accepted by the city, which affords principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road and any other thoroughfare except an alley

Structure. Anything constructed or erected, the use of which requires attachment to the ground or attachment to something located on the ground.

Yard. An area between a lot line and a setback, unobstructed and unoccupied from the ground upward, except for projections.

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CITY OF HESPERIA OBJECTIVE DESIGN STANDARDS CHECKLIST AND USER GUIDE

This User Guide complements the City of Hesperia Objective Design Standards. This guide forms a checklist for applicants and City staff to analyze if a proposed project complies with the minimum design standards. A brief description of each standard is listed in the two columns to the left of the table. The full standards are contained in the City's adopted Objective Design Standards. It is an applicant's responsibility to check their project against the City's standards, and to provide a response to each standard on how a proposed project meets or exceeds the standards. It is also the applicant's responsibility to provide the page numbers of the project plans wherein City staff can check if the standard has been met. Once the completed checklist is submitted, the Planning Division will review the responses and determine whether the project does or does not conform to each applicable standard.

Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
2.0 Site Planning						
2.1Site Layout						
2.1. a and b	Buildings have public entrances facing the street, with access drives appropriately located; at least 60 percent of frontage is devoted to buildings; up to 40 percent of frontage is devoted to parking, landscaping, and driveways					
2.1. c	Minimum distance of 10 feet for single story buildings, 15 feet for multi- story buildings					
2.1. d	On sites with four or more residential buildings, buildings are clustered					
2.1. f	Setbacks are utilized for landscaping					
2.1. g	If adjacent to commercial or industrial uses, parking is located adjacent to these uses and features a landscaped buffer					
2.2 Building Orientation						
2.2. a, b, and c	Entrances are oriented towards non-arterial streets, front doors are oriented toward the street, and elevations emphasize entries, porches, and other living areas					

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Standard		Conforms? (City) Yes	No	N/A	Response (Applicant)	Page # (Applicant)
2.2. d	Buildings along an arterial provide at least 2 of the following:					
	• Pedestrian level articulation					
	• Ground floor activation					
	• Enhanced landscaping					
2.2. e	Buildings within 15 feet of an adjacent building avoid direct line-of-sight into other units by:					
	• Offset windows					
	• Clerestory windows					
	• Opaque glass					
	• Glass block					
2.2. f	New development protects residents from the sun by at least 1 of the following:					
	• Use of overhangs					
	• Planting trees in front of windows					
	• Covered porches/patios					
2.3 Pedestrian Circulation						
2.3. a	Pedestrian walkways connect throughout the site					
2.3. b	Walkways are separated from vehicular traffic and utilize appropriate materials					
2.3. c	Pedestrian walkways meet width requirement of 4 feet					
2.4 Vehicular Circulation						
2.4.1. a, b, c, and d	Vehicular entrances are marked, lead into an entry drive, are limited in number, and utilize appropriate materials					

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Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
2.4.1. e	On lots with more than 150 feet of frontage, landscaped islands are provided					
2.4.1. f	Alley improvements coincide with site planning					
2.4. 2	Vehicular circulation standards are met					
2.4.3	Minimum auto court/common court standards are met:					
	• Length					
	• Unit Count & Unit Entrances					
	• Paving/Elevation					
	• Landscaping					
2.5 Parking						
General	Surface parking requirements are met, and these standards are in addition to the parking and loading standards found in Chapter 16.20, Article 4 of the Hesperia Development Code					
2.5.1	If provided, parking courts meet design standards					
2.5.2	If provided, carports meet design standards					

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Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
2.5.3	If provided, tuck-under parking meets design standards					
2.5.4	Individual garages do not occupy more than 40 percent of a building's street frontage and are appropriately recessed					
	In addition, garage doors feature at least 2 of the following:					
	• Enhanced materials					
	• Decorative features					
	• Garage door windows or architectural detailing					
	• Arbors or other projecting features					
3.0 Open Space						
3.1 General						
3.1. a, b and c	Open space areas shall be provided in large, meaningful and usable areas, pursuant to the requirements of Article VII of the Hesperia Development Code and meets locational and dimensional requirements					
3.1. d	All recreation areas or facilities required by this section shall be maintained by private homeowners' associations, property owners, or private assessment districts subject to the reviewing authority's approval					
3.1. e	Open space areas are properly separated and buffered from arterial streets, service areas and commercial or industrial zones					
3.1. f	A minimum of one common open space includes seating					
3.1. g	Site furniture uses graffiti-resistant materials and/or coatings and skateboard deterrents					

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	Standard	Conforms? (City)			Response (Applicant)	Page # (Applicant)
3.1. h	Pedestrian walkways connect common open space to public right of way and building entrances					
3.2 Common Amenities						
3.2. c	The following major amenities are provided at ratios based on a project's size (See Table 3.1):					
	• Park					
	• Clubhouse					
	• Rooftop Terrace					
	• Swimming Pool					
	• Spa/hot tub					
	• Gymnasium					
	• An alternative amenity as deemed adequate by the Director					
3.2. d	The following minor amenities are provided at ratios based on a project's size (See Table 3.1):					
	• Barbecue area					
	• Sports court					
	• Tot lot with commercial playground equipment					
	• Gazebo or covered seating					
	• Community garden					
	• Courtyard					
	• Dog run					
	• Spa/hot tub					
	• Community room					
	• Other amenities as deemed adequate by the Director					
3.3 Private Open Space						
3.3. a, b, and c	Private open space is contiguous to unit it serves and features opaque fencing of at least 42 inches					
3.3. d	Units feature at least 100 square feet of usable open space with dimensions no less than 8 feet and provides 100 cubic feet of lockable, private storage space if a garage is not provided for the unit					

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Standard		Conforms? (City)			Response (Applicant)	Page # (Applicant)
		Yes	No	N/A		
3.3.1	Balconies meet locational, dimensional, and material requirements					
4.0 Mass and Scale						
4.1 Modulation						
4.1. b	Vertical façade modulation is provided for buildings 2 or more stories in height with at least 2 of the following:					
	• Change in materials, textures, and colors above ground floor					
	• Functional/decorative projections and recesses					
	• Changes in floor height					
	• Change in materials, textures, and colors below the uppermost floor (3+ stories only)					
4.1. c	Horizontal façade modulation is provided for buildings as follows:					
	• Minor modulation provided every 60 feet of street-facing façade					
	• Major modulation provided every 120 feet of street-facing façade					
4.2 Height and Rooflines						
4.2. a	Rooflines are vertically articulated at a minimum of 3 feet every 50 feet					
4.2. b	Buildings 3+ stories feature massing breaks at least every 100 feet					

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		Yes	No	N/A		
4.2. c	Rooflines greater than 50 linear feet shall be articulated with at least one of the following:					
	• Change in height of roof ridge/parapet					
	• Change in roof form					
	• Change in angle of roof slope					
4.3 Transitional Massing						
4.3	If adjacent to a single-family zone, a 6-foot wall and at least 2 of the following are provided:					
	• Increased setback					
	• Stepbacks					
	• Offset windows					
	• Transitional height					
4.4 Corner Elements						
4.4. a	All multifamily residential sites located on a corner shall incorporate at least one of the following corner elements:					
	• Decorative features such as monument signage or public art					
	• Pedestrian entrance into site					
4.4. b	A structure located on a corner lot shall incorporate at least two of the following corner elements:					
	• Corner feature with a minimum 10 feet height increase					
	• Corner feature with a minimum of 5 feet recess or projection					
	• A corner entry oriented diagonal to the intersection					
	• Unique corner features, wraparound balconies, or terraces above the ground floor;					
	• Diagonal or curved walls at the intersection					
	• Color and material variation from the primary façade					

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		Yes	No	N/A		
5.0 Materials and Details						
5.1 Materials and Finishes						
5.1	All buildings feature at least 2 materials on façades fronting a public right-of-way, and all buildings are constructed with durable materials, and all material variation standards are met to produce four-sided architecture					
5.2 Façade Details						
5.2. a	Façade articulation must be provided through at least 4 of the following:					
	• At least 2 window or door types					
	• Window details					
	• Balconies and/or porches					
	• Decorative light fixtures					
	• Decorative attic/gable vent					
	• Decorative moldings and/or cornices					
	• Trellis and/or arbor structures					
	• Decorative veneer					
5.2. b	Accessory structures and buildings feature the same materials and colors as the primary building					
5.2. c, d, and e	Standards for expansion joints, architectural treatments to blank façades exterior stairways, columns, gutters, and other exterior architectural details are followed					
5.3 Color and Texture						
5.3. a, b, and c	Structures meet primary, accent, and roof color requirements; developments with multiple buildings feature a variety of color schemes					

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5.4 Unit Entrances						
5.4. a	Transitional spaces in the form of stoops, overhangs and porches are provided					
5.4. b	Primary entrances shall incorporate at least 3 of the following:					
	• Façade projection or recess					
	• Projecting element above entrance					
	• Window detailing					
	• Decorative veneer or siding					
	• Porches or stoops					
	• Material/color variation					
5.5 Doors and Windows						
5.5. a	Windows are offset at least 1 foot from any windows in adjacent buildings within 15 linear feet					
5.5. b	Windows and doors are recessed or include trim or a windowsill as applicable					
5.5. c	Windows feature at least 2 of the following:					
	• Variation in window types and/or sizes					
	• Mullion patterning					
	• Moldings					
	• Wood frames					
	• Decorative trim					
	• Shutters					

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		Yes	No	N/A		
5.5. d	Windows are double glazed and include screens					
5.5. e	Doors include doorbells and viewers					
6.0 Utilities, Services, Lighting, and Fences						
6.1 Fence, Walls, and Gates						
6.1. a, b, and c	Walls are treated on both sides with materials that are durable and consistent with development design					
6.1. d	Walls and fences are of appropriate height with pillars spaced appropriately where applicable					
6.1. e	Wall/fence sections greater than 50 feet in length fronting a street shall incorporate at least 2 of the following design features:					
	• A minimum 2-foot change in horizontal plane for at least 10 feet					
	• A minimum 18-inch change in height for at least 10 feet					
	• A minimum 18-inch-high raised planter for at least half the length of the wall					
	• Pilasters at 25-foot maximum intervals and at changes in wall planes					
6.1. f, g, and h	Basin, internal fencing, and access gates are appropriate					

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		Yes	No	N/A		
6.1. i	Walls are curved or angled at corner and vehicle entry locations					
6.2 Exterior Lighting						
6.2. a and b	Lighting is adequate and a minimum of 0.1 foot- candles but shall not exceed 0.5 foot-candle at residential property lines and the right-of-way					
6.2. c	Fixtures are hooded and compatible with the building architecture					
6.2.d, e, and f	Pedestrian scale lighting is provided along walkways and a maximum of 15 feet					
6.2. g and h	Adequate lighting of open space and buildings throughout the development					
6.3 Utility and Mechanical Storage						
6.3	All utility equipment is appropriately screened as outlined					
6.4 Refuse Areas						
6.4. a	Enclosures meet waste management standards HMC Ch. 8.04					

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6.4. b	Enclosure is per City detail					
6.4. c	Enclosure includes the following:					
	• 3 sides of split faced masonry or treated finish					
	• Self-latching opaque metal gate					
	• Decorative trellis/screen gates on top					
7.0 Mixed-Use						
7.1 Vertical Mix of Uses						
7.1.1	Building siting, orientation, and setback standards are met					
7.1.2	Vehicle circulation, access, and parking standards are met					
7.1.3	Pedestrian circulation standards are met					
7.1.4	Building organization standards are met					

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		Yes	No	N/A		
7.1.5	Architectural style standards are met					
7.1.6	Modulation, articulation, and detailing standards are met					
7.1.7	Site and building entrance standards are met					
7.1.8	Privacy for residential units is provided					
7.2 Horizontal Mix of Uses						
7.2.1	Building siting, orientation, and setback standards are met					
7.2.2	Circulation, access, and parking standards are met					
7.2.3	Open space standards are met					

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		Yes	No	N/A		
7.2.4	Building organization standards are met					
7.3 Structured Parking						
7.3. a	Ramps are screened by spandrels					
7.3. b	Pedestrian and vehicular entrances are distinctly marked					
7.3. c	Design details for exposed parking structures (must select at least 2):					
	• Alternating façades					
	• Vertical landscaping treatments					
	• Projected elevator shafts and stairwells					
	• Ground floor active uses					
	• Setting back primary mass of structure, if ground floor is activated					

Attachment 3-Exhibit B

"EXHIBIT "A"
DCA25-00002 and SPLA25-00002

HESPERIA MUNICIPAL CODE:

The following are modifications to Chapters 16.12.460, 16.16.085, 16.16.120, 16.16.130, 16.16.155, 16.16.160, 16.16.165, 16.16.310, 16.16.320, 16.16.350 and the addition of Article VIII of the City of Hesperia Municipal Code (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

16.12.460 Review authority for required permits.

No person shall undertake, conduct or use, or cause to be undertaken, conducted or used, any development projects which require an approved land use application, without having first complied with the provisions of this article.

The following table summarizes the type of uses and their approval requirements

Ministerial Approval	Administrative Review without Notice	Administrative Review with Notice	Planning Commission Hearing	City Council Hearing
Interior Remodels	Extension of Time	Appeals of Ministerial Approvals	Appeals of DRC Approvals	Appeals of Planning Commission Approvals
Alterations to building exteriors not resulting in significant changes of use, drainage patterns, parking, traffic, easements, or greater impacts on infrastructure and public services, as determined by the reviewing authority with concurrence from the city agencies		Site Plan Review consisting of additions to ~~existing multiple residential~~, commercial or industrial structures which will result in an increase in total floor area of 25 percent or greater or expansion of 1,500 square feet or greater (site plan review)	Conditional Use Permit.	Development Code Amendments
Repair and maintenance of structures or parking areas, unless constrained by existing waste disposal systems and existing drainage patterns and/or easements		Revisions to previously approved site plans comprising of more than 25 percent expansion to the building area or developed area of the site	Public Facility Reviews	Specific Plan Amendments

Replacement and or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair is consistent with the design, use and intensity of the original structure and with the zoning and general plan		Intensification of land use and/or establishment of new or different pattern of land uses as determined by the reviewing authority.	Recommendation on Development Code Amendments	General Plan Amendments
Expansions to multiple residential, commercial or industrial buildings or structures less than 25 percent in total floor area or less than 1,500 square feet whichever is greater		Projects that have been recommended for administrative review	Specific Plan Amendments	Development Agreements/Amendments
Revisions to previously approved land use comprising less that 25 percent expansion to the building or developed area of the site		Tentative Parcel Maps	Development Agreements	Density Bonus Agreements
Single-family residential development 1—4 dwelling units or fewer			Density Bonus Agreements	Planned Developments
	Multi~~ple~~-family ~~dwelling~~ development and/or additions to, with ~~two~~ three or more units compliant to Objective Design Standards~~(including a duplex)~~	Multi-family development and/or additions to, with three or more units non-compliant to Objective Design Standards		

Lot line adjustments			Any project requiring an EIR	
Lot mergers			Tentative Tracts	
Certificate of Corrections		Minor Exception	Variance	
Certificate of Compliance		CUP's for Restaurants serving alcohol	CUP's for Off-sale alcohol licenses (type 20 and 21) greater than 12,000 SF in floor area.	CUP's for Off-sale alcohol licenses (type 20 and 21) below 12,000 SF in floor area.
Minor modifications of the conditions of approval, provided that the modifications do not have a significant impact on the property or surrounding properties.				

16.16.085 Residential and ancillary uses.

Residential and Ancillary Uses	R1	R3[1]	RR	A1	A2	See Section(s)
A. Single-family dwelling	P	P	P	P	P	
B. Multiple-family dwellings	NP	S	NP	NP	NP	
C. Accessory dwelling unit	A	A	A	A	A	16.12.360
D. Guest house[2]	A	NP	A	A	A	
E. Home Occupation	A	A	A	A	A	Chapter 5.44 (Municipal Code)
F. Board and room, not to exceed two persons, without kitchen privileges	A	A	A	A	A	
G. Accessory buildings and structures[3]	A	A[4]	A	A	A	16.20.385—16.20.425
H. Buildings or structures to store agricultural vehicles, food, and equipment (i.e. barn or outbuilding)	A	NP	A	A	A	16.20.385—16.20.425
I. Buildings or structures to keep animals (i.e. stable, corral, pen or coop)	A	NP	A	A	A	16.16.115 and 16.20.385—16.20.425
J. Small, community, or handicapped residential care facilities, senior housing, intermediate care of six or less and licensed by the state	P	P	P	P	P	
K. Large or community residential care facilities, senior housing, intermediate care of seven or more and licensed by the state and Single Room Occupancy Development (SRO)[7]	C	C	C	C	C	

L. Group homes ~~not~~ licensed by the state with ~~six~~ seven or more residents	C	C	C	C	C	
M. Supportive housing and transitional housing	S	S	S	S	S	16.08.332 and 16.08.333
N. Parking of commercial vehicles, as defined in the California Vehicle Code	A	NP	A	A	A	16.20.090(H)
O. Mobile home parks	S	S[5]	S	S	S	16.28.010—16.28.070
P. Hotels and Motels	NP	S[6]	NP	NP	NP	
Q. Small family day care to 12 or fewer children	A	A	A	A	A	
R. Large family day care to 13 or more children	S	S	S	S	S	
S. Other similar uses, as interpreted by the Development Services Director or his/her designee	P	P	P	P	P	

16.16.120 Development standards.

The development standards in this table shall be required within each land use designation:

Type of Standard		Land Use Designation					
		R3	R1 (SLS[1])	R1	RR	A1	A2
A.	Height[2]	~~35~~ 45	30'[3]	35' (max. 2.5 stories)			
B.	Minimum lot area (for new lots)	5 acres[4]	The minimum lot area is identified on the General Plan Land Use Map[5]				
C.	Minimum lot width dimension (for new lots)	300'[4]	50'[6]	60' (at setback)		100'	300'
D.	Minimum lot depth dimension (for new lots)	500'[4]	75'[6]	100'		none	
E.	Minimum lot dimension - Width for Corner Lots (for new lots)	300'[4]	60'[6]	70' (at setback)		100' (at setback)	300'
F.	Front Yard Setback[7,8]	25'	10'; or 20' if garages open parallel to the street	25'[12]			
G.	Front Yard Setback - Corner Lot[7,8]						
H.	Side Yard Street Setback[7,8]	25'	10'				

I.	Interior Setback[8]	8'	The sum of the side yards shall not be less than 10'[10]	5' and 10'	10% of lot width, but not more than 15' or less than 6'
J.	Lot Created before Jan. 9, 1969			10% of lot width, but not less than 3' and more than 5'	
K.	Rear Setback[8,9]	15'			
L.	Lot Coverage	60%	50%[11]	40%	40%
M.	Signs	Section 16.16.095			
N.	Parking	Sections 16.20.080 through 16.20.120			

16.16.130 Additional development standards for the multiple-family residence (R3) designation.

A. Multiple-family Residence (R3) Designation. The multiple-family residence designation is established to provide areas for multi-family housing in a garden setting such as courtyard apartments, condominiums and walk-up townhomes.

B. Development Standards. All property in the R3 designation shall be developed according to the following standards:

1. Residential Density. The gross residential density permitted in this zone is ~~eight~~ 15-30 units/acre.

2. Minimum Living Area. The minimum living area for residential units shall be as follows:

Minimum Floor Area Requirements for Multiple-family Units					
	Studio	1 BDR	2 BDR~~/1 bathroom*~~	3 BDR	4 BDR+
Market rate units:	675	875	1,075	1,275	1,475

~~*Units with two bathrooms shall be nine hundred fifty (950) square feet.~~

3. If the development contains multiple buildings, the minimum distance between buildings shall be as follows:

Distance Between Single-Story Buildings		Distance Between Multiple-Story Building and Any Other Building	
No Openings[1]	With Openings	No Direct Line of Sight	Direct Line of Sight
10'	10'[2]	10'[2]	15'

Notes:

1. The sides of buildings that face each other shall not include openings. Openings in this case shall mean windows and doors.
2. Windows, doors, as well as patios/balconies or similar features shall be oriented so as not to have a direct line-of-sight into adjacent units.
3. No minimum distance shall be required for accessory structures, such as carports.

4. ~~Private~~ Usable Open Space. The required amount of private and common open space is as follows:

    a. Private Usable Open Space: Each dwelling unit shall have a minimum private usable open space of one hundred (100) square feet, accessible directly from the living area of the unit. A rectangle inscribed within each private usable open space shall have no dimension less than eight feet. Private usable open space for ground floor units shall be in the form of a fenced yard or patio, or an uncovered deck, with no more than fifty (50) percent of ground level space covered by an overhang balcony or patio roof. Private usable open space for above ground level units shall have at least one exterior side open above the level of railing or fencing. All balconies and patios that front a public street shall have opaque balcony/railing enclosures to screen items being stored on the balcony or patio.

    b. Common Usable Open Space: At least two hundred (200) square feet of common usable open space shall be provided per dwelling unit. Common usable open space may be divided into more than one area, however, each area shall be a minimum of one thousand (1,000) square feet and a rectangle inscribed within each shall have no dimension less than twenty-five (25) feet. All required common open space shall be suitably improved for its intended purposes and all lawn and landscaped areas shall be provided with a permanent irrigation system to maintain such areas. Each multi-family development shall include, but not be limited to, two of the following recreational amenities, or equivalent, as approved by the reviewing authority:

        i. Tot lot with multiple play equipment.

        ii. Pool and spa.

        iii. Barbecue facility equipped with grill, picnic benches, etc.

        iv. Exercise room.

        v. Court facilities (e.g., tennis, volleyball, basketball, etc.).

        vi. Clubhouse.

        vii. Common gardening area.

        viii. Other recreational amenities not listed above, may be considered in lieu of those listed subject to reviewing authority review and approval.

    c. All recreation areas or facilities required by this section shall be maintained by private homeowners' associations, property owners, or private assessment districts subject to the reviewing authority's approval.

C. Parking. In addition to the off-street parking requirements and standards set forth in Chapter 16.20, Article IV (Parking and Loading Standards), the following apply:

1. Except for required landscaped areas, parking and loading is permitted in the interior side yard and rear yard setbacks.

2. Driveways, drive aisles and interior streets shall not be used for any purpose that would prevent vehicle access to parking spaces, inhibit vehicular circulation, or emergency response.

3. Parking areas should be designed in a way to allow room for turnarounds and prevent backing onto public streets.

D. Trash Collection Areas.

1. Centralized trash/recyclable materials collection areas shall be provided for all multi-family residential development projects. All such required areas shall be enclosed and screened pursuant to the requirements of this section and in accordance with city standards.

2. All trash/recyclable materials collection enclosure areas shall be easily accessible to residents and tenants, including easy pedestrian access for the disposal of materials and collection by refuse vehicles.

3. The collection area(s) shall be enclosed on three sides by a minimum six-foot tall decorative masonry wall. The wall materials used shall be complementary in color and style to architectural components of the development they serve. The fourth side of the enclosure shall be enclosed with an opaque, self-latching gate.

E. Miscellaneous.

1. All new construction shall be subject to the general and specific standards contained in Chapter 16.20, Article V (General Performance Standards).

2. Connection to sewer is required.

3. Decorative walls and fences shall be subject to Section 16.16.125(G).

4. Refer to Article VII of this chapter for site and architectural design standards and guidelines for residential uses.

16.16.155 General provisions and administration.

All new multiple-family or multi-family developments constructed in the R3 designation shall provide and maintain design standards and guidelines in compliance with the provisions of this article. It is the duty of the development services department to enforce all permitting and entitlement provisions of this article. The director or his/her designee may impose such conditions deemed necessary to achieve the purpose of this article.

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards is incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

1. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
2. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

If an applicant so chooses, they may request in writing to opt out of the City's Multi-family and Mixed-Use Objective Design Standards in lieu of their project being reviewed against the design standards and guidelines listed below.

16.16.160 Architectural design standards and guidelines.

While there is no specific architectural style required for buildings in the multiple-family residence (R3) designation, high quality, innovative architecture is strongly encouraged. The primary focus is to develop a high quality residential environment. The architectural style and design of building elements should be consistent within the development and complementary with the neighborhood in terms of scale, materials, and color, but it does not need to copy or duplicate existing buildings. Variation of building styles produces healthy design diversity and is encouraged. New projects should meet or exceed the standards of quality that have been set by

surrounding development and contribute to the improvement of the area. Refer to the Citywide Objective Design Standards for specific multiple-family residential design standards.

A. Building Articulation and Detailing.

1. Individual units should be articulated to diminish the massing of large buildings and be compatible with the scale of surrounding development. Building design shall avoid large monotonous facades, long straight line building fronts, plain box shapes, and barren exterior treatment.

2. Avoid designing buildings that are longer than one hundred twenty-five (125) feet. Facades of multi-family buildings should be divided into shorter modules a maximum of thirty (30) feet in width to give the appearance of an assemblage of smaller buildings, with each of the units individually recognizable. This can be accomplished through the use of porches, balconies and architectural projections; varied unit setbacks within the same building; staggered or jogged building planes; and a mix of different unit types within the same unit cluster. Units can be further articulated by the rhythm and pattern of windows and doors. The use of mansard roofs or segments of pitched roof applied at building's edge is not an acceptable method to provide articulation.

3. When located adjacent to lower-density residential zones, the bulk of multi-family developments can be imposing on adjacent residential uses. This necessitates that the scale of projects be considered within the context of their surroundings. Buildings of greater height may require additional setbacks so as not to dominate the character of the neighborhood. Buildings of greater mass should be separated into smaller, units that better resemble single-family homes.

4. For projects that front arterial streets, the street floor building level should be raised between two and four feet to protect the privacy of ground floor units.

5. Distinctive architectural elements, materials and colors should be used to denote primary building entries or individual unit entries.

6. Awnings, moldings, pilasters and comparable architectural embellishments are encouraged.

7. The incorporation of balconies, porches and patios within multi-family buildings is encouraged to break up large wall masses, provide offsets between floors on multi-level buildings, and add human scale to buildings.

8. Exterior stairways should be designed as an integral part of the architecture of a project and should incorporate solid wall portions, columns, and/or a decorative balustrade. They should be of the same materials, color and detail of the building. Thin-looking, open metal, prefabricated stairs shall not be used. Design of railings and steps should be varied from unit to unit if possible, but must maintain continuity.

B. Height and Roof Lines.

1. Roof lines should be segmented and varied within an overall horizontal context. Varying heights are encouraged. Combinations of one, one and a half, and two-story units create variation and visual interest, and are encouraged. Flat roof design should be avoided.

2. In some cases, it may be desirable to "step back" the upper stories of new multi-family buildings to "scale down" facades that face the street, common space, and adjacent residential buildings.

3. Hipped or gabled roofs covering the entire building are preferable to mansard roofs and segments of pitched roofs applied at the building's edge.

4. The roof pitch for a porch may be slightly lower than that of the main building.

5. Carport roofs visible from buildings or streets should incorporate roof slope and materials to match adjacent buildings. Flat carport roofs are discouraged.

C. Doors and Windows.

1. The placement and relationship of doors and windows is important in creating a unified building composition. Wherever possible, window sizes should be coordinated vertically and horizontally and window design should be consistent in terms of style and general arrangement on all building sides.

2. All doors and windows should be related with the chosen architectural style. Windows with widely varying styles are strongly discouraged. All doors and window frames should be composed of consistent material.

3. For new multi-family developments, double glazing should be used consistent with energy code requirements.

4. Knockers or door bells should be provided on doors. Entrance doors should provide viewers for safety and security.

5. Shutters, trim and moldings on windows are encouraged. Proposed window mullion widths, window trim or surrounds, material, and type should complement all existing windows. Mullion widths should be in scale with the windows and the building. Wider trim sizes, such as 1 × 4's and 1 × 6's, is preferred to narrower trim sizes, such as 1 × 2's.

6. Raw or clear anodized aluminum window frames are strongly discouraged.

7. Operable windows should have screens so they can be used for ventilation.

D. Materials and Finishes.

1. The building and its elements should be unified by textures, colors and materials. Materials should be consistently applied and should be chosen to work harmoniously with adjacent materials. Piecemeal embellishment and frequent changes in materials should be avoided.

2. Building should be treated as a whole and finished appropriately on all sides to provide continuity. Materials tend to appear substantial and integral to the building when material changes occur at changes in plane. Material changes not accompanied by changes in plane appear "tacked-on" and are strongly discouraged.

3. Exterior columns for trellises, porches or colonnades should utilize materials and colors that are compatible with the adjacent building.

4. Exposed gutters and downspouts should be colored to match fascia or wall materials, unless designed as an outstanding architectural feature of the overall theme.

5. Accessory and service buildings/structures, such as carports, detached garages, recreational buildings, laundry facilities, and storage buildings/structures, should be designed as an integral part of the project architecture and should be similar in material, color, and detail to the primary buildings.

6. Building materials should be high quality, durable, and require low maintenance.

7. Materials that are responsive to climate, i.e. those suitable to the High Desert environment, adjacent context and site orientation are encouraged. Natural materials are encouraged. Materials such as brick, stone, copper, etc. should be left in their natural colors. Synthetic materials made to simulate natural wood and masonry are discouraged. Other suitable materials

include textured concrete, trowel-finish concrete, metal cladding, and glass curtain or glass block walls.

8. Stucco and plaster finishes should be consistent with the architectural style of the building. A smooth trowel or fine sand float finish is desirable while the use of rough, "knock-down" stucco finishes is discouraged.

9. The use of sustainable building materials is strongly encouraged. This includes using quality materials with a long lifespan, selecting materials that are not energy-intensive to manufacture, using building products made from recycled materials, and repairing and maintaining well-built existing buildings/structures to the fullest extent possible.

E. Color and Texture.

1. For most architectural styles, the number of colors on the exterior should be limited to a maximum of three, with an additional contrasting color for accent. In general, the lighter colors should be used for the main body, with darker shades for trim and accent. The larger and simpler the building design, the more subtle the color should be to reduce the massiveness of large wall planes.

2. Earth tones are best suited and are appropriate for most of the architectural designs found in the city. The use of strong or bright, unnatural colors, including the bright "white-on-white" color schemes for exterior stucco, wood siding, trim doors and shutters, should be avoided. However, the use of strongly contrasting, natural colors can be appropriate for accent use, such as for shutters and doors.

3. Color and finishes on exterior of all elevations of a building should be coordinated to provide a total continuity of design. Unusual patterns and color schemes should be avoided. Garish, non-harmonious, or out-of-character colors should not be used.

4. The blending of compatible colors in a single facade or composition is a good way to add character and variety, while reducing, or breaking up the mass of a building. Lower wall wainscots and built-up or recessed reveals may be employed to add interest and break up vertical monotony.

5. Details such as trim, shutters, posts, etc. should be articulated by the use of color, texture or both.

F. Roofing Materials.

1. Roofing materials should be compatible with the architectural style and design of the building. Permanent roof materials, such as concrete and clay tile, are encouraged because of their low maintenance and consistent appearance over time. Asphalt shingle roof is not allowed.

2. Natural barrel clay tile roofs should be replaced with the same material. For repairs, remodels, and additions, care should be taken in the selection of material and installation to match as closely as possible the color of the "aged" tiles, so that the finished roof does not have a patched look.

3. The colors of natural roofing materials, such as barrel tile and slate should be left natural and not be altered by staining or painting. Colors of synthetic roofing materials should simulate natural materials and should be consistent with the architectural style of the project.

4. Roofing materials with glossy surfaces appear unnatural and are strongly discouraged.

G. Noise Impacts.

1. Units within the project should be adequately insulated to protect residents from noise intrusion from adjoining units. In addition to insulation between common walls, vertical insulation on exterior walls and from floor-to-floor should be provided.
2. Loading docks, service entries, mechanical equipment and recreational play areas should be sited as far away from adjoining single-family properties as reasonably possible.
3. Projects adjacent to major arterials or railroad tracks should incorporate additional noise mitigation measures to protect residents. Mitigation measures include, but are not limited to, double-glazed windows, sound walls, and earth berms.

16.16.165 Site design standards and guidelines.

Multiple-family or multi-family developments are characterized by higher density residential buildings comprised of attached units and common facilities such as parking, open space and recreation areas. If not properly designed, multi-family development can result in projects surrounded by high walls, projects with monotonous blank facades, or projects dominated by large parking areas with minimal landscaping and open space areas. The primary goal of these guidelines is to help mitigate the effects of these situations and to provide a pleasant residential environment within multi-family developments. New projects should meet or exceed the standards of quality set by surrounding development and contribute to improvement of the area. Refer to the Citywide Objective Design standards for specific multi-family site design standards.

A. Setbacks.

1. While respecting the minimum front and side yard setbacks as established in Article V (Residential Development Standards) of this development code, the front and side yard setbacks of a new multi-family residential development should generally approximate that of adjacent development, with some variation in setbacks to provide visual interest and varying shadow patterns.
2. The setback area should be used for planting landscape screens to protect the privacy of the ground floor units.

B. Building Orientation, Siting and Entrances.

1. Multi-family developments should have a strong street presence with public entrances oriented towards the street. The majority of unit entrances must be accessed from the street or from the main open space. Where there is a common building entrance for all units, it should be accessed from the street or main open space.
2. Multi-family units in large projects should be clustered, or broken up into groups of buildings. The use of long access balconies and corridors should be avoided. Access points to individual units in large projects should be clustered in groups of four or less.
3. The use of distinctive architectural elements and materials to denote entrances is encouraged. Weather protection, such as a porch covering or canopy, should be provided for individual entry doors.
4. New projects shall have transitional spaces in the form of stoops, overhangs and porches between public areas and entrances to the units. Front porches are encouraged on all street front units.
5. Multi-family developments should be distinguished by entry and edge design features such as ornamental landscaping, open space areas, natural features, architectural monumentation and enhanced paving.

6. Multi-family residential uses should be buffered from incompatible development. Intensified landscaping, increased setbacks and appropriate building orientation should be utilized as a means of providing adequate separation between such land uses. In addition, where possible, residential projects should utilize parking areas, in addition to landscaping, as a buffer along edges common with commercial or industrial uses.

C. Buildings Fronting Arterial Streets.

1. Some multi-family developments within the city will be located on shallow lots along major arterial streets. These streets will need to be taken into account in the project design. The perceived front yard will be created by parkways and street trees, together with landscaped setbacks, and should be considered in providing appropriate buffer for the street facing units from traffic.

2. Raising the ground floor level by up to three feet can provide additional privacy and noise buffer for street-facing ground floor units. Another means is to provide transitional spaces in the form of raised stoops and entry porches.

3. Additional landscaping with taller shrubs and groundcover in the front setbacks will also contribute to the privacy and sound-buffering objective for these units.

D. Scale and Mass.

1. The scale and mass of a new multi-family residential development should be consistent with neighboring developments and not overwhelm them with disproportionate size or a design that is out of character.

2. Larger multi-family projects should avoid massive apartment-type buildings. Windows shall be provided facing the street for all units adjacent to the street to break up massing and to contribute to "eyes on the street" which helps neighborhood security.

3. Heights of individual buildings should be varied to reduce building mass by using a combination of single-level and two-story units, as well as varying the roof pitch within a project.

4. As the vertical height of a building increase, it should increasingly step back from the street (i.e. when possible, the second story of a building should be set back further than the first floor).

5. Buildings located on properties directly adjacent to a residential and agricultural designated properties shall be designed to provide a transition between the two designations; i.e. the units directly adjacent to the street should be of a single story design if the adjacent residential neighborhood is developed primarily with single-story homes.

E. Environmental Considerations.

1. To the extent possible, site grading should relate to the natural surroundings and be designed to minimize grading by following the natural ground contours and recognizing existing drainage patterns. Graded slopes should be rounded to blend with existing terrain.

2. Multi-family developments should be designed to be sensitive to their natural surroundings and should be sited to maximize views of the High Desert and surrounding mountains, particularly from common and private open space areas.

3. Significant existing trees, vegetation and any other natural site attributes should be preserved to the greatest extent possible in the project's design and development. Site design that requires altering land forms and removing trees is strongly discouraged.

4. A new multi-family development should be designed to make best use of available sun, light and shade. This can be accomplished in the following ways:

a. Use windows for natural light as much as possible. Design windows for through airflow to promote natural cooling.

b. Use trees or roofs with large overhangs to shade the units, particularly over south facing windows.

c. Use patios and porches to buffer the units from heat gain.

d. Locate private and common open space in a manner to maximize use of sun and shade patterns, natural drainage and existing trees and vegetation.

5. Maximize vegetative ground cover on the lot to absorb rainwater, provide drainage to large trees on the site, and reduce runoff. Extensive paving is strongly discouraged. Consideration should be given to the reduction of landscape maintenance and water consumption when selecting landscape materials.

F. Privacy Between Buildings.

1. Buildings should be oriented to promote privacy to the greatest extent possible.

2. Windows, balconies or similar openings above the first story should be oriented so as not to have a direct line-of-sight into adjacent units within the development. In addition, units above the first story should be designed so that they do not look directly onto private patios or backyards of adjoining residential property or units.

3. Landscaping should be used to aid in privacy screening.

4. Outdoor lighting should be positioned so that no direct light extends onto neighboring properties.

G. Vehicle Circulation and Access.

1. Site access and internal circulation in multi-family developments should promote safety, efficiency, and convenience. Vehicular traffic should be adequately separated from pedestrian circulation. Vehicular entrances should be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.

2. Principal vehicular access into multi-family developments should be through an entry drive rather than a parking aisle.

3. The number of site access points or driveway aprons shall be minimized for aesthetic purposes, to achieve efficient and productive use of paved accessways, and to eliminate traffic hazards. They should be located as far as possible from street intersections (a minimum distance of one hundred (100) feet is recommended) and should be coordinated with existing or planned median openings and driveways on the opposite side of the roadway. Common driveways that provide vehicular access to more than one site are encouraged.

4. When possible, and especially for properties containing more than one hundred fifty (150) feet of street frontage, landscaped islands shall be incorporated into the driveway entry area to separate driveway lanes for ingress and egress. Continuous driveways, uninterrupted by landscaping are not permitted.

5. Continuous circulation should be provided throughout the site to the greatest extent possible. Dead-end driveways should be minimized. Adequate areas for maneuvering, stacking, and emergency vehicle access should be provided.

6. Project entries and driveway areas should contain design features, including landscaping and textured paving, to break up the expanse of paving in a project. Paving materials should complement the architectural design. The use of stamped concrete, stone, brick, pavers, exposed

aggregate or color concrete is encouraged. Long, uninterrupted broom finished concrete should be avoided. The use of asphalt for driveways and walkways is prohibited.

7. Alley improvements should coincide with site planning to minimize alleyway deterioration and address problems such as debris, safety, and any nuisance odors or hazards.

H. Pedestrian Circulation.

1. Multiple-family developments shall include pedestrian walkways. Pedestrian circulation should be adequately separated from vehicular traffic. Pedestrian entrances and walkways should be clearly identified and easily accessible to minimize pedestrian/vehicle conflict.
2. Pedestrian walkways should link dwelling units with common open space and recreation areas, parking areas, and the street at the project entries. Where possible, multi-family developments should incorporate pedestrian connections to adjoining residential and commercial projects, and other compatible land use facilities.
3. Pedestrian walkways should be safe, visually attractive, and well defined by landscaping and lights. Use of varied surfaces and decorative pavement is encouraged. At a minimum, decorative paving should be used to delineate crossings at circulation drives and parking aisles.
4. Curvilinear and off-set paths provide a more inviting and interesting experience and are generally preferred over long, straight alignments. Paths that traverse open space areas are encouraged.
5. Pedestrian walkways should be a minimum of four feet in width. If combined with a bicycle path, as a part of a dedicated public path/paseo, the minimum total walkway width shall be fourteen (14) feet.
6. Pedestrian access to the first floor units should be via traditional residential front doors. Entry walks from the sidewalk to the front door should reflect the residential character of the project. The width of entry walks should not exceed five feet.
7. Transit shelters should be provided near major concentrations of residents. As far as feasible, where a transit stop is planned adjacent to a project of at least five acres in size, the developer should coordinate with the transit district to determine a suitable location for a transit shelter onsite. Freestanding shelters should be integrated architecturally with the project with respect to color, materials and architectural style to the extent allowed by the transit provider.

I. Parking.

1. Parking for multi-family developments shall be provided on site in on-grade or underground structures, parking courts, carports, or attached garages. Adverse visual impacts from parking areas, carports, structures, and garage doors on the residential character of the street or project site should be minimized through proper siting and design.
2. Parking shall be located within close proximity to the building and located to the rear of the parcel wherever possible. Parking shall be designed to avoid awkward turning maneuvers and the backing of vehicles into public streets.
3. Pedestrian walkways should be safe, visually attractive, and well defined by landscaping and lights. Use of varied surfaces and decorative pavement is encouraged. At a minimum, decorative paving should be used to delineate crossings at circulation drives and parking aisles.
4. Curvilinear and off-set paths provide a more inviting and interesting experience and are generally preferred over long, straight alignments. Paths that traverse open space areas are encouraged.

5. Parking should not occupy more than thirty (30) percent of any linear street frontage and parking in the front setback areas is discouraged.

6. Except for townhome projects with attached garages, all multi-family parking should be in efficient, multiple stall configurations. Large multi-family parking areas should be divided into a series of connected smaller parking courts. Long runs of parking spaces are discouraged.

7. Parking courts should be treated as important spaces whose character is clearly defined by landscaping, lighting, building massing, and pedestrian/vehicular circulation areas. Parking courts should be separated from buildings by a walkway (minimum four feet wide) and landscape strip (minimum seven feet wide).

8. Carport structures should be architecturally compatible with the design of the main building in the project. Pitched roofs for carports are strongly encouraged. Flat aluminum carport structures are prohibited, particularly in long interrupted runs. Carports shall meet setback and building separation requirements.

9. If tuck-under parking is provided, the first floor of the residential units shall not occur more than four feet above the finished street/sidewalk grade level. Parking may need to be below grade or occur behind the living spaces. These parking areas shall not be visible from the street.

10. The visual impact of parking courts, carports, and parking structures shall be mitigated with landscaping. Landscaping materials should have adequate room to grow and be protected from abuse by cars. Continuous six-inch concrete curbs shall be provided as wheel stops where parking adjoins landscaping.

11. Parking areas, driveways and pedestrian areas shall contain automatically controlled lighting.

12. Bicycle parking shall be provided for multi-family developments.

J. Open Space.

1. Residents of multi-family developments should have safe and efficient access to usable open space for recreation and social activities. The design and orientation of these areas should take advantage of available sunlight and should be sheltered from the noise and traffic of adjacent streets or other incompatible uses.

2. Open space areas should be provided in large meaningful and usable areas, pursuant to the requirements of Article V of this development code.

3. Common open space areas should be convenient to the majority of dwellings and should be secure and visible from dwellings to ensure safe use. Common open space areas should contain amenities appropriate to the project's size; i.e. pools, spas, recreation buildings are encouraged for large projects, while barbecue areas and gazebos, may be more appropriate for smaller projects. Children's play areas shall be sited to be visible from residential units.

4. Private open space should be contiguous to the unit they serve and should be screened from public view for privacy. All balconies and patios that front a public street should be substantially enclosed to screen items being stored on the balcony or patio.

K. Fences, Walls, Gates and Hedges.

1. Walls and fences should be planned and designed as an integral part of multi-family development, and should be consistent with the landscaping and building design.

2. If street fencing is required for security reasons, decorative types of view fencing, such as wrought iron, are encouraged. Solid fencing, such as stucco or masonry, is strongly discouraged when they will block the view of the buildings or provide hiding places.

3. Perimeter walls or fencing that do not front a public street should be of decorative masonry (split-face block, plaster/stucco finish), decorative metal (wrought iron), wood, hedges, or a combination of materials. They should be designed in a style, material and color to complement the development. Both sides of walls should be architecturally treated.

4. Tiered planting should be provided adjacent to project perimeter walls along street frontages to soften their appearance.

5. Walls should be eliminated or sited to provide additional setback areas at project entries to accommodate landscaping, ornamental gateways, signage and street furniture.

6. Wall sections greater than fifty (50) feet in length fronting a street shall incorporate at least two of the following design features, in proportion to the length of the wall:

   a. A minimum two-foot change in horizontal plane for at least ten feet.

   b. A minimum eighteen-inch change in height for at least ten feet.

   c. A minimum eighteen-inch high raised planter for at least half the length of the wall.

   d. Use of pilasters at twenty-five-foot maximum intervals and at changes in wall planes.

7. Gates or comparable design solutions should be provided in perimeter walls or fences to allow emergency access and facilitate convenient pedestrian access to activity areas and adjacent uses.

8. Walls should be curved or angled at corner locations along street frontages to allow sight line views around the corner.

9. Barbed wire and chain link fencing are prohibited.

L. Exterior Lighting.

1. Every multi-family project shall have adequate lighting to provide for security and visibility. Site lighting should not be pervasive or impact surrounding or neighboring properties. The type and location of site and building lighting should preclude direct glare onto adjoining property, public rights-of-way, or skyward. All lighting fixtures must be shielded to confine light spread on-site and to prevent nighttime light pollution.

2. The design of all exterior light fixtures shall be compatible with the building's architecture.

3. Pedestrian scale/decorative lighting along walkways and driveways is strongly encouraged. "High mast" poles are discouraged. The maximum height of walkway lighting shall be fifteen (15) feet.

4. Main entrances to parking areas or buildings should have strong architectural lighting, particularly for project name or addresses.

5. Open spaces should be adequately lighted with durable low maintenance fixtures.

6. The location of light fixtures should correspond to anticipated use. Lighting of pedestrian movement paths should illuminate changes in grade, path intersections, seating areas and any other uses along the movement path that, if left unlighted, would create an unsafe situation.

7. Night lighting of buildings is encouraged, but should be accomplished in a selective manner, avoiding overall building illumination that produces an undesirable look. Night lighting of buildings may be used to highlight special building features, emphasize repeated or decorative features, and use the juxtaposition of light and shadow to articulate the building facade.

M. Utility and Mechanical Equipment Screening.

1. All exterior mechanical equipment, except solar collectors, whether on a roof, side of a building, or on the ground, shall be appropriately screened from public view. The method of screening shall be architecturally integrated with the primary building in terms of materials, color, shape and size. Where individual equipment is provided, a continuous screen is desirable.

2. Roof mounted equipment should be avoided or appropriately concealed. For rooftop equipment, the screening materials shall be at least as high as the equipment being screened. Equipment requiring screening includes, but is not limited to, heating, air conditioning, refrigeration equipment, plumbing lines, ductwork, and transformers. Mechanical equipment shall not be permitted on any exposed portion of a pitched roof, except as may be approved through the site plan review process.

3. Equipment should be placed in locations that are not exposed to view from the street or they should be suitably screened. Ground-mounted utility equipment such as, but not limited to, transformers, backflow devices, cable television boxes, electric power transformers and distribution facilities, water pumps, and telecommunications facilities (not including pole-mounted equipment) shall be screened from view on all sides with solid masonry walls or similar permanent buildings. Such masonry wall or building shall be of a neutral color. Screening with wood, chain-link, or similar fencing materials shall not be permitted. Electric and other metering equipment and panels shall be painted to match adjacent building and wall surfaces.

4. All screening devices should be compatible with the architecture and color of the main building(s) and should not look like a "tacked on" addition.

5. All antennas should be placed in building attics or interiors. All new units should be prewired to accommodate cable reception. Satellite dishes shall be located away from public view and should be considered early in the design process in terms of location and screening from view from the street and from common recreation areas.

N. Refuse and Storage Areas.

1. Decorative treatment of trash and storage enclosures shall be used to minimize the adverse visual impact of these areas. Trash disposal areas, including dumpsters, shall be screened from view by a six-foot high enclosure with gates. Trash and storage enclosures shall be architecturally compatible with the project design, and landscaping shall be incorporated into their design to screen them and deter graffiti. Screening materials shall consist of fences, landscaping, and/or berming, and the use of natural terrain where possible.

2 Trash enclosures should be located for the convenience of the residents and should be easily accessible for trash and recyclables collection, but should not impede circulation during loading operations. They should be designed to avoid areas that are dark or hidden from view of residents or neighbors.

Article VIII. – MIXED- USE DESIGN GUIDELINES

16.16.170 – General Provisions and Administration

Vertical and horizontal mixed-use projects are permitted in the General Commercial C2 zone.

Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

16.16.175- Design Guidelines for Mixed-Use Projects

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards is incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance. All new mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article.

16.16.180- Development Standards for Mixed-Use Projects

Vertical mixed-use development (e.g. commercial and residential uses in a single structure) shall follow the development standards found in Section 16.16.350.

Horizontal mixed-use development (e.g. separate commercial and residential buildings on the same site) shall follow the commercial development standards found in Section 16.16.350 for commercial buildings, and the residential development standards in Section 16.16.120 for residential buildings, and consistent with R3 regulations.

In addition, the following development standards shall apply to vertical and horizontal mixed-use buildings in the General Commercial (C2) zone:

1. The minimum living area for residential units in a mixed-use project shall be 600 square feet for a studio unit, with 200 square feet for each additional bedroom.
2. A maximum of 30% of the residential units may be one bedroom or smaller.
3. The entrances to residential uses shall be separate and distinct from commercial uses. These entrances shall be secured.
4. Residential parking shall be secured and separated from public parking.
5. Residential units shall have adequate sound insulation to protect occupants.
6. Mixed-use developments shall be designed so that odors emanating from businesses on the ground floor do not impact the uses above.
7. Refuse facilities shall be located and screened to minimize impacts from related odor and noise.
8. Commercial loading facilities shall be located to minimize noise impacts and maintain access to residential areas.

Design standards and guidelines for vertically and horizontal mixed-use projects are provided in the The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards

16.16.310 - Commercial and industrial land use designations.

A. Purpose. This article lists the land uses that may be allowed within the commercial and industrial land use designations established by the general plan and determines the permit process required for each use. All commercial and industrial land use designation regulations in this article are intended to be used concurrently with the general plan and other chapters in this development code, including Articles X and XI, or XII in this chapter. The commercial and industrial land use designations are as follows:

   1. Convenience Commercial (C1). The convenience commercial (C1) designation is intended to meet the needs of local neighborhood residents. Businesses within the C1 designation should be smaller in floor area than the other commercial designations and should be less-intense in impacts such as traffic and noise due to the proximity of residentially designated properties. Uses within convenience commercial areas should include convenience-type goods and services intended to provide for the daily (short-term) needs of surrounding residential neighborhoods.
   2. General Commercial (C2). The general commercial (C2) designation is intended for goods and services of a general nature as well as professional offices that will meet both the short and long-

term needs of the city's population. Multi-family residential uses are also allowed in the C2 designation as either a standalone development or as part of a mixed-use project. Housing types may include townhouses, condominiums, duplexes, triplexes, and apartments.

3. Service Commercial (C3). The service commercial (C3) designation is intended for utilization as a buffer between residential or commercial uses and industrial uses. Service commercial uses include business-to-business retail and wholesale sales and services. All business operations shall be conducted within an enclosed building, and no outdoor storage shall be permitted.
4. Limited Industrial (I1). The limited industrial (I1) designation is intended to include lighter industrial uses and supportive service commercial uses. Wholesale or retail sale of industrial supplies, transportation equipment, building equipment and materials, indoor manufacturing uses, and similar uses may be permitted in this designation. In addition, supportive commercial uses such as restaurants or convenience markets that serve consumers within the industrial area may be allowed.
5. General Industrial (I2). The general industrial (I2) designation is intended to permit the establishment of manufacturing and related uses within the city in areas which are protected from encroachment by incompatible residential uses. This designation permits the heaviest types of manufacturing and industrial uses with approval of a site plan or conditional use permit. Manufacturing, warehousing, and fabrication uses are all appropriate for this designation.

16.16.320 Commercial and industrial uses.

	Land Use Designations				
Land Uses	C1	C2	C3	I1	I2
A. Art studio/gallery (including photo)	R	R	R	R	
B. Assemblies of people — Entertainment (e.g., theater — Live performance, auditorium, banquet hall, nightclub, etc.)[1]		R	R	R	R
C. Auction service, exchange or barter			R	R	R
D. Automotive parking	R	R			
E. Bank and financial institution/service	R	R			
F. Bar, saloon, cocktail lounge and tavern		CUP			
G. Business support services and facilities (including graphic reproduction, computer-service, uniform store, etc.)		R	R	R	R
H. Catering establishment		R	R	R	R
I. Cemetery	R	R	R	R	R
J. Club or lodge (non-profit), fraternal or religious association	CUP	R			
K. Composting plant	NP	NP	NP	NP	CUP
L. Contractors and building trades	R	R	R	R	R
M. Equipment sales and rental — Indoors		R	R	R	
N. Grocery store (not including off-sale alcohol[7])	R	R	R	NP	NP
O. Health and fitness club	R	R	R	R	R
P. Heavy equipment sales and rental				R	R
Q. Helicopter landing and take-off pad		CUP		CUP	CUP
R. Historical and monument site	R	R	R	R	R
S. Home improvement sales and service, retail (e.g., hardware, lumber and building materials stores)	R	R	R		
T. Hospital		CUP	CUP	CUP	CUP

U. Hotel/motel		R			
V. Impound/towing[2]	NP	NP	NP	CUP	CUP
W. Industrial uses (includes outdoor storage[3])	NP	NP	NP	P	P
X. Institutional uses	R	R	R	R	R
Y. Kennel — Boarding of domestic animals		CUP	CUP	R	R
Z. Laboratory — Research		CUP		R	R
AA. Machine shop/repair				R	R
BB. Manufactured housing (sales)				R	R
CC. Manufacturing/warehouse (includes outdoor storage[3])				R	R
DD. Medical services (not including hospitals)		R	R	NP	NP
EE. Microwave and radio communication towers and facilities			R	R	R
FF. Self-storage facilities[2]	CUP	CUP	CUP	CUP	CUP
GG. Mortuary, not include crematory		R			
HH. Museum, library and reading room	R	R	R		
II. Off-sale alcohol establishment (ABC type 20 & 21 licenses)[7]	CUP	CUP			
JJ. Office/professional buildings	R	R	R	R[5]	R[5]
KK. Parking/storage of recreational vehicles			R	R	R
LL. Personal services (e.g., spas, salons, tattoo shops and massage facilities)[8]	R	R	R		
MM. Planetarium, aquarium, botanical garden and zoo		R			
NN. Publishing and printing		R	R	R	
OO. Processing (recycling) facility[4]	NP	NP	NP	CUP	CUP
PP. Recreational facility — Commercial		R	R	R	
QQ. Recycling center — Large collection facility[4]	NP	NP	NP	CUP	CUP
RR. Repair shop — Small items	R	R	R	R	R
SS. Restaurant (sit down and takeout), including outdoor dining[2]	R	R	R		
TT. Retail sales (not including off-sale alcohol[7] or single price overstock/discount stores (SPODS)))	R	R	R	R[6]	R[6]
UU. School — Trade, community college, university		R	R	R	R
VV. School — Specialty non-degree (e.g., dance and martial arts)	R	R	R	R	R
WW. Semi-truck repair and storage				CUP	CUP
XX. Shopping center (not including off-sale alcohol[7])	R	R	R		
YY. Single price overstock/discount stores (SPODS)	CUP	CUP	CUP		
ZZ. Outdoor storage of shipping containers and semi-truck trailers as a primary use[2]	NP	NP	NP	CUP	CUP
AAA. Trucking facilities including truck terminals, bus terminals, and truck storage yards[2]				CUP	CUP
BBB. Theater	NP	NP	NP	NP	NP
CCC. Upholstery and furniture repair/refinishing		R	R	R	R
DDD. Vehicle fuel station[2]	CUP	CUP	CUP		
EEE. Vehicle parts and accessories sales		R	R		

FFF. Vehicle repair facility — Major (not including semi-truck repair)		CUP	CUP	R	R
GGG. Vehicle repair facility — Minor		CUP	CUP	R	R
HHH. Vehicle sales/rentals and leasing — new and used[2]		R			
III. Vehicle wash facility[2]		CUP	CUP	CUP	
JJJ. Veterinary services — Clinics and small animals hospitals (short term boarding)	R	R	R		
KKK. Warehousing and wholesale distribution center				R	R
LLL. Wrecking yard[2]	NP	NP	NP	NP	CUP
MMM Pallet Yards Place Holder					
NNN Multi-family residential uses, as permitted in the R3 zone [9]		R			
OOO Horizontal and Vertical Mixed-use[10]		R			
PPP Group Homes for six or fewer persons		R			

Notes:

1. Shall not include a motion picture theater. Establishments serving alcohol shall require a CUP.
2. Shall correspond with standards in Section 16.16.365 (Specific land use standards).
3. Shall be subject to Section 16.16.360(A)(4).
4. Shall be subject to Section 16.16.070 (Recycling facilities).
5. Shall be supportive to a manufacturing/industrial use.
6. May sell products manufactured or distributed on-site pursuant to Section 16.16.360(A)(3).
7. Applications for off-sale alcohol (type 20 and 21 ABC licenses) below 12,000 SF in floor area shall be forwarded to the city council for final action. Such establishments shall be located within five hundred (500) feet of the intersection of two arterial or major arterial streets identified on the City's adopted circulation plan.
8. Massage facilities shall correspond with standards in Chapter 5.20.
9. Permitted residential uses shall consist only of mixed- use development and multi-family development with a density of 20 to 30 units per acre. Single family residential units are not allowed.
10. Shall be subject to Article VIII MIXED- USE DESIGN GUIDELINES.

16.16.350 Commercial and industrial development standards.

A. New and existing developments in commercial and industrial land use designations shall be subject to the development standards in this article, unless otherwise specified.

B. The development standards in this table shall be required within each land use designation:

	C1	C2 [6]	C3	I1	I2
A. Maximum floor area ratio (FAR)	0.5	1.0	0.5	1.0	
B. Height	35'[1]			50'[1]	
C. Minimum lot area (gross)	2½ acres[2]	5 acres[2]	2½ acres[2]	1 acre[2]	2½ acres[2]

D. Minimum lot dimension — Width, includes corner lots	300′	150′	300′
E. Minimum lot dimension — Depth, includes corner lots	300′	200′	300′
F. Front yard setback	25′[3]		
G. Side street yard setback — Corner lot	15′[3]	15′[4]	
H. Side yard setback	0′		
I. Side yard setback, when adjacent to residential	20′[4]	50′[4]	
J. Rear yard setback	0′		
K. Rear yard setback, when adjacent to residential	20′[4]	50′[5]	
L. Landscaping	Chapter 16.20, Article XII		
M. Signs	~~Section 16.16.095~~Chapter 16.36		
N. Parking	Sections 16.20.080 through 16.20.120		

Notes:

1. Proposals for development exceeding this height shall be subject to Chapter 16.16, Article VI (Variances and Minor Exceptions) of this development code.
2. The minimum site size and dimensions for new lots in this designation are as listed here, except in the case when a site plan review, conditional use permit or planned development is submitted, in which case, no minimum is established. This exception is only applicable when the site is being developed as one integrated development and appropriate measures are taken to ensure reciprocal access, parking and maintenance.
3. Minimum landscaping of eight feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (landscaping regulations) of this development code.
4. Minimum landscaping of five feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (landscaping regulations) of this development code.
5. Minimum landscaping of ten feet is required adjacent to the property lines, pursuant to Chapter 16.20, Article XII (landscaping regulations) of this development code.
6. For Multi-family residential projects, R3 development standards shall be used, pursuant to Chapter 16.16 Article V (Residential Development Standards).

MAIN STREET AND FREEWAY CORRIDOR SPECIFIC PLAN:

The following are modifications to Chapters 7, 8, and 9 of the Main Street and Freeway Corridor Specific Plan (additions are in underlined red text and deletions are shown with ~~red and strikethrough~~):

Chapter 7- Residential Zones of the Main Street and Freeway Corridor Specific Plan.

E. MEDIUM DENSITY RESIDENTIAL ZONE

4. Development Standards

All property in the Medium Density Residential zone shall be developed according to the following standards:

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards are incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

a. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
b. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Applicants may submit a written request to opt out of the City's Multi-Family and Mixed-Use Objective Design Standards for standalone multi-family projects. If approved, the project will not be reviewed against the design standards and guidelines listed below.

F. HIGH DENSITY RESIDENTIAL ZONE
4. Development Standards

All property in the High Density Residential zone shall be developed according to the following standards:

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards are incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

a. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
b. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Applicants may submit a written request to opt out of the City's Multi-Family and Mixed-Use Objective Design Standards for standalone multi-family projects. If approved, the project will not be reviewed against the design standards and guidelines listed below.

G. MIXED-USE ZONE
4. Development Standards

All property in the Mixed-Use zone shall be developed according to the following standards:

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards are incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

a. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
b. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Applicants may submit a written request to opt out of the City's Multi-Family and Mixed-Use Objective Design Standards for standalone multi-family projects. If approved, the project will not be reviewed against the design standards and guidelines listed below.

Chapter 8- Residential Design Standards and Guidelines of the Main Street and Freeway Corridor Specific Plan.

A. INTRODUCTION

1. Purpose

This chapter provides standards and guidelines for designing new residential development and for exterior alterations and additions to existing homes and residential structures. The guidelines are intended to identify appropriate and attractive design solutions to improve the appearance and quality of the Specific Plan area's residential neighborhoods and enhance property values. Property owners, developers, architects, building designers, and contractors seeking to construct new residential structures, or alterations and additions to existing structures, should use these standards and guidelines in the early design stages of their projects. These guidelines are not intended to limit creative site planning and architecture that are consistent with the stated goals and within the context of surrounding neighborhood patterns. Innovative design solutions are strongly encouraged. Refer to Chapter 7 (Residential Zones) of this Plan for specific development standards pertaining to residential uses.

2. Applicability

These standards and guidelines apply to all new single family and multi-family residential construction, and exterior alterations or additions to any existing dwelling or residential structure. These guidelines are in addition to the development standards set forth in Chapter 7 (Residential Zones) of this Plan.

For new construction of multi-family residential, the City of Hesperia's Multi-family and Mixed-Use Objective Design Standards shall be utilized. The Objective Design Standards apply to all new construction projects that meet the following criteria:

1) Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
2) Mixed-use projects - A project featuring a combination of multi-family residential and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on

the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Detached single-family residential projects located on a single-ownership parcel are not subject to the Objective Design Standards, but must satisfy existing development standards set forth in the City's Development Code, including but not limited to, the design standards and guidelines listed below.

If an applicant so chooses, they may request in writing to opt out of the City's Multifamily and Mixed-Use Objective Design Standards in lieu of their project being reviewed against the design standards and guidelines contained in this Specific Plan.

I. DESIGN STANDARDS AND GUIDELINES FOR VERTICAL AND HORIZONTAL MIXED-USE DEVELOPMENT

Vertical and horizontal mixed-use projects are permitted in the Regional Commercial zone as described in Chapter 9. ~~when it falls within the Main Street/Interstate 15 District.~~ This section provides standards and guidelines for designing new high quality, ~~vertical~~ mixed-use projects. It provides opportunities to weave residential and public uses into the commercial fabric to create an active street life and enhance the vitality of businesses.

~~Property owners, developers, and architects seeking to develop new mixed-use projects should use these guidelines in the early design stages of their projects. These guidelines are intended to limit creative site planning and architecture that is consistent with the stated goals and within the context of surrounding neighborhood patterns. Innovative project design is strongly encouraged.~~

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards are incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

a. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
b. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Applicants may submit a written request to opt out of the City's Multi-Family and Mixed-Use Objective Design Standards for standalone multi-family projects. If approved, the project will not be reviewed against the design standards and guidelines listed below.

Please refer to the Section B (Regional Commercial Zone) in Chapter 9 (Non-Residential Zones) of this Plan for specific development standards pertaining to mixed-use projects. Detailed design guidelines for stand-alone residential uses are provided in Chapter 8 (Residential Design Standards and Guidelines) and for stand-alone commercial uses are provided in Chapter 10 (Commercial Design Standards and Guidelines) of this Plan.

The following design standards and guidelines apply to vertical mixed use projects.

Chapter 9- Non-Residential Zones of the Main Street and Freeway Corridor Specific Plan.

B. REGIONAL COMMERCIAL ZONE

The Regional Commercial zone is intended for regional-serving commercial and service uses that are designed to serve the region as a whole. The regional commercial uses envisaged in this zone include large-scale "big box" regional shopping centers, hospitality and entertainment uses such as live performance theatres, a casino, hotels, convention spaces, as well as restaurants, specialty and supporting retail. The design and development standards for this zone are designed to provide a high-quality appearance from the Interstate-15 freeway corridor and compatibility with the adjacent commercial, residential and recreational uses.

The Regional Commercial zone falls in four of the land use districts along the Interstate-15 corridor, as described in Chapter 5 (Land Use Districts) of this Plan. These districts provide enhanced regional accessibility and visitor draw. ~~When this zone falls in the Interstate-15/Main Street Interchange District, H~~high density multi-family residential uses, either standalone or as a part of a mixed-use development, are permitted to create an active, vibrant, mixed-use precinct for "live-work-shop-play" with 24-hour activity.

This section describes the permitted, conditionally permitted and prohibited uses, as well as development standards for the Regional Commercial zone.

1. Permitted Uses

The following uses are permitted in the Regional Commercial zone:

a) Artist studio (including photo).
b) Assemblies of people – live entertainment venues - (e.g., theatre - live performance, auditoriums, banquet halls, nightclubs, etc.).
c) Banks and financial institutions/services.
d) Business support services and facilities (including graphic reproduction, computer services, etc.).
e) Catering establishments.
f) Grocery stores.
~~f)~~g) Group homes for six or fewer people.
~~g)~~h) Health and fitness clubs.
~~h)~~i) Home improvement sales and service, retail (e.g., hardware, lumber and building material stores).
~~i)~~j) Hotel.
~~j)~~k) Medical services - clinic, medical/dental offices, laboratory, urgent/express care, and optometrist (not including hospital).
l) Motel.
~~k)~~m) Multi-family residential, either standalone or as a part of a mixed-use development (East of Interstate 15)
~~l)~~n) Offices (administrative, business, executive and professional, but not including medical or dental).
~~m)~~o) Outdoor sales and display, incidental to the primary use.
~~n)~~p) Personal services (e.g., barber shop, beauty salon, spa, tailor, dry cleaner, selfservice laundry, etc.).
~~o)~~q) Repair shop – small items (computers, small appliances, watches, etc), with incidental sales.
~~p)~~r) Restaurants (sit down and take out), including outdoor dining.
~~q)~~s) Retail sales.
~~r)~~t) Schools - specialty non-degree (e.g., dance and martial arts).
~~s)~~u) Shopping center – more than 10 acres in size.
~~t)~~v) Vehicle parts and accessories sales.
~~u)~~w) Accessory structures and uses customarily incidental to any permitted uses when located on the same site with the main building and use.
~~v)~~x) Veterinary services with no outdoor runs.
~~w)~~y) Drive thru lanes incidental to the primary use, pursuant to the HMC.

z) Other similar uses, as interpreted by the Development Services Director or his/her designee.

2. Conditionally Permitted Uses

The following uses are conditionally permitted in the Regional Commercial zone:

a) Alcohol sales – on-site, incidental to the primary use.
b) Alcohol sales – off-site.
c) Assisted living (residential care facilities).
d) Bars, saloons, cocktail lounges and taverns.
e) Bus terminals.
f) Day care facility – child or adult, pursuant to the Hesperia Municipal Code (HMC).
g) Hospital.
h) Multi-family residential, either standalone or as a part of a mixed-use development ~~Multi-family residential, as a part of a mixed use~~ (West of the Interstate 15 and South of El Centro Road). ~~development in the Interstate 15/Main Street Interchange District.~~
i) Recreational facilities – commercial (e.g., billiard parlors and pool halls, bowling alleys, etc.).
j) Schools – college, community college, university (public or private).
k) Schools – vocational and technical.
l) Vehicle fuel stations (i.e., gasoline stations).
m) Vehicle sales and leasing – new and used.
n) Vehicle rental.
o) Vehicle repair facilities – minor.
p) Vehicle wash facilities.

3. Prohibited Uses

The following uses are prohibited in the Regional Commercial zone:

a) Agricultural uses.
b) General industrial uses.
c) Mini-storage.
~~c)~~d) Multi-family residential, either standalone or as a part of a mixed-use development (West of the Interstate 15 and North of El Centro Road)
~~d)~~e) Other uses not specifically authorized or determined by the Development Services Director or his/her designee to be detrimental to the public welfare.

4.Development Standards

All property in the Regional Commercial zone shall be developed according to the following standards:

The City of Hesperia's Multifamily and Mixed-Use Objective Design Standards are incorporated by reference into this chapter. The Multifamily and Mixed-Use Objective Design Standards shall be treated as if contained within the City's Zoning Ordinance.

All new multi-family developments and mixed-use developments shall provide and maintain design standards and guidelines in compliance with the provisions of this article. The Objective Design Standards apply to all new construction projects that meet the following criteria:

a. Multi-family residential projects consisting of three or more dwelling units, including detached and attached condominiums.
b. Mixed-use projects- A project featuring a combination of multi-family units and compatible commercial uses, either arranged vertically within the same building or horizontally in separate buildings on the same site. Mixed-use projects may also consist of separate buildings or structures

on the same parcel, provided that there are clearly defined pedestrian connections that integrate and unify the overall development.

Applicants may submit a written request to opt out of the City's Multi-Family and Mixed-Use Objective Design Standards for standalone multi-family projects. If approved, the project will not be reviewed against the design standards and guidelines listed below.

4.16 Development Standards for Multi-Family Residential Development in the Regional Commercial Zone

~~Within the Main Street/Interstate-15 District only, m~~Multi-family residential development (either standalone or as a part of a mixed-use development) is allowed in the Regional Commercial zone.

Mixed-use development is defined as an integration of residential uses with compatible commercial uses, vertically or horizontally, within the same building or structure. A mixed-use project may also constitute separate buildings or structures on the same property of land, so long as there is a pedestrian connection between buildings that integrates and unifies the project. Development standards provided for the High Density Residential zone in Chapter 7 (Residential Zones) of this Plan apply with the following exceptions:

(1) The permitted gross residential density range is 15 – ~~25~~ 30 units/acre.
(2) The maximum building height for stand-alone residential buildings shall be 45 feet.
(3) The exceptions as noted in Section 16.20.060 of the HMC also apply.
(4) Refer to Sections F-H, Chapter 8 (Residential Design Standards and Guidelines) of this Plan for site and architectural design standards and guidelines, including landscape design standards and guidelines, for multi-family residential uses.

Development standards for vertically mixed use projects are provided in the following section 4.17.

4.17 Development Standards for Vertical Mixed Use Buildings

The following development standards shall apply to vertical and horizontal mixed-use buildings in the Regional Commercial zone ~~when it falls in Main Street/Interstate-15 District~~:

(1) The minimum living area for residential units in a mixed use project shall be 600 square feet for a studio unit, with 200 square feet for each additional bedroom.
(2) A maximum of 30% of the residential units may be one-bedroom or smaller.
(3) The entrances to the residential uses shall be separate and distinct from commercial uses. These entrances shall be secured.
(4) Residential parking shall be secured and separated from public parking.
(5) Residential units shall have adequate sound insulation to protect occupants.
(6) Mixed-use developments shall be designed so that odors emanating from businesses on the ground floor do not impact uses above.
(7) Refuse facilities shall be located and screened to minimize impacts from related odor and noise.
(8) Commercial loading facilities shall be located to minimize noise impacts and maintain access to residential areas.

Design standards and guidelines for vertically mixed use projects are provided in the Section I in Chapter 8 (Residential Design Standards and Guidelines) of this Plan.

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