CEQA Findings of Fact

1 Introduction

These findings, as well as the accompanying Statement of Overriding Considerations, have been prepared in accordance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (14 CCR Section 15000 et seq.), and the local procedures adopted by the City of Hesperia (City). The City is the lead agency for the environmental review of the Phelan 20 Project (Project or proposed Project) and has the principal responsibility for its approval.

Pursuant to Section 21081 of the Public Resources Code (PRC), a public agency may only approve or carry out a project for which an EIR has been completed that identifies any significant environmental effects if the agency makes one or more of the following written finding(s) for each of those significant effects accompanied by a brief explanation of the rationale for each finding:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency.
3. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.

As indicated above, Section 21002 requires an agency to "avoid or substantially lessen" significant adverse environmental impacts. Thus, mitigation measures that "substantially lessen" significant environmental impacts, even if not completely avoided, satisfy Section 21002's mandate (*Laurel Hills Homeowners Assn. v. City Council* [1978] 83 Cal.App.3d 515, 521 ["CEQA does not mandate the choice of the environmentally best feasible project if through the imposition of feasible mitigation measures alone the appropriate public agency has reduced environmental damage from a project to an acceptable level"]; *Las Virgenes Homeowners Fed., Inc. v. County of Los Angeles* (1986) 177 Cal. App. 3d 300, 309 ["[t]here is no requirement that adverse impacts of a project be avoided completely or reduced to a level of insignificance … if such would render the project unfeasible"]).

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2 Statement of Findings

The findings and determinations contained herein are based on the competent and substantial evidence, both verbal and written, contained in the entire record relating to the Project and the Environmental Impact Report (EIR). The findings and determinations constitute the independent findings and determinations by the City decisionmakers in all respects and are fully and completely supported by substantial evidence in the record as a whole.

Although the findings below identify specific pages within the Draft EIR (DEIR) in support of various conclusions reached below, the City hereby incorporates by reference and adopts as its own, the reasoning set forth in both environmental documents, and thus relies on that reasoning, even where not specifically mentioned or cited herein, in reaching the conclusions set forth below, except where additional evidence is specifically mentioned. This is especially true with respect to the Planning Commission's approval of mitigation measures recommended in the EIR, and the reasoning set forth in responses to comments in the Final EIR. The Planning Commission further intends that if these findings fail to cross-reference or incorporate by reference any other part of these findings, any finding required or permitted to be made by this Planning Commission with respect to any particular subject matter of the Project must be deemed made if it appears in any portion of these findings or findings elsewhere in the record.

The City prepared an Initial Study/Notice of Preparation for the Project and circulated it for public review and comment from February 26, 2024, to March 27, 2024. State CEQA Guidelines Section 15091 does not require findings for environmental effects that an EIR identifies as having "no impact" or a "less than significant" impact. The Initial Study prepared for the Project (see DEIR Appendix A) determined that certain environmental thresholds within issue areas would result in no impact or less-than-significant impacts, and those effects were not further evaluated in the EIR.

In addition, the EIR analyzed certain environmental issue areas and concluded that some impacts would result in no impact or a less-than-significant impact without the implementation of mitigation measures. Based upon substantial evidence in the record, including the EIR, the City finds that the environmental effects provided below in Section V, Findings Regarding Environmental Impacts Not Requiring Mitigation, would result in no impact or less-than-significant impacts and therefore do not require mitigation, pursuant to PRC Section 21081 and CEQA Guidelines Section 15091.

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3 Findings Required Under CEQA

PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The same statute states that the procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." Section 21002 goes on to state that "in the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects thereof."

The mandate and principles set forth in PRC Section 21002 are implemented, in part, through the requirement that agencies must adopt findings before approving projects for which EIRs are required (see PRC, Section 21081, subd. [a]; CEQA Guidelines, Section 15091, subd. [a]). For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions. The first such finding is that "[c]hanges or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR" (CEQA Guidelines, Section 15091, subd. [a][1]).

The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency" (CEQA Guidelines, Section 15091, subd. [a][2]).

The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR" (CEQA Guidelines, Section 15091, subd. [a][3]). PRC Section 21061.1 defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors."

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. PRC Section 21081, on which CEQA Guidelines Section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects" (PRC, Section 21002).

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less-than-significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measure or measures to substantially reduce the severity of a significant effect, but not to reduce that effect to a less-than-significant level.

Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these findings, for purposes of clarity, will specify whether the effect

in question has been reduced to a less-than-significant level, or has been substantially lessened but remains significant. Moreover, although Section 15091, read literally, does not require findings to address environmental effects that an EIR identifies as merely "potentially significant," these findings will nevertheless fully account for all such effects identified in the Final EIR.

CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required; however, where such changes are infeasible or where the responsibility for modifying the project lies with some other agency (CEQA Guidelines, Section 15091, subd. [a]). With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects" (CEQA Guidelines, Sections 15093, 15043, subd. [b]; see also PRC, Section 21081, subd. [b]).

These findings constitute the City's best efforts to set forth the evidentiary and policy bases for its decision to approve the Project in a manner consistent with the requirements of CEQA. To the extent that these findings conclude that various proposed mitigation measures outlined in the EIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to require implementation of these measures. These findings, in other words, are not merely informational, but rather constitute a binding set of obligations that will come into effect when the City adopts a resolution approving the Project.

4 Mitigation Monitoring and Reporting Program

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project and is being approved by the City Planning Commission by the same resolution that adopts these findings. The City will use the MMRP to track compliance with adopted mitigation measures. The MMRP will remain available for public review during the compliance period. The MMRP is a separate document from the EIR.

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5 Findings Regarding Environmental Impacts Not Requiring Mitigation

The City hereby finds that the following potential environmental impacts of the Project are less than significant or no impact and therefore do not require the imposition of mitigation measures.

5.1 Aesthetics

1. Scenic Vista

Threshold: ***Would the Project have a substantial adverse effect on a scenic vista?***

Finding: Less than Significant (DEIR, p. 4.1-11)

Explanation: The Project site and the surrounding area contain some areas with undisturbed natural desert landscape and existing development (including commercial uses, trucking-related uses [i.e., truck stops], lodging accommodations, big-box retail developments, and major interstate highways), which precludes the area from being an area with significant scenic value that could comprise a scenic vista. Physical improvements proposed as part of the Project would be limited to the Project site and the immediate vicinity. Given that existing scenic resources are outside of the Project's disturbance footprint and are located between 5 and 20 miles away from the Project site, the Project would not result in any physical modifications to scenic resources that comprise a scenic vista.

A project could also have a potential indirect impact on a scenic vista if it results in a significant loss of viewing opportunities from publicly available viewpoints. Due to the relatively flat topography of the Project area, views of the San Gabriel and San Bernardino Mountains are available to viewer groups in the vicinity of the Project site, including motorists traveling on nearby highways and roads, as well as employees and visitors of the nearby commercial and light industrial areas. These viewers are provided intermittent background views of mountain ridgelines under optimal atmospheric conditions and when not obstructed by existing development in the area. Development of the Project's proposed buildings would result in some obstruction of these views where they are currently available from publicly accessible areas when viewed across the Project site. However, the presence of existing development, major roadways, and other human-made elements already reduces the unobstructed views of the mountains in the Project vicinity. The Project building is designed in such a manner that building colors and project design as a whole conform with the development standards of the Hesperia Municipal Code and the Specific Plan in order to promote the visual character and quality of the surrounding area. The Project's landscaping would also have a similar effect by providing natural elements throughout the Project site. Therefore, impacts associated with scenic vistas would be less than significant.

2. Substantially Damage Scenic Resources

Threshold: ***Would the Project substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?***

Finding: No Impact (DEIR, p. 4.1-12)

Explanation: There are no officially designated scenic roads or highways within City boundaries. The nearest designated scenic highway, Route 38, is located approximately 35 miles south of the Project site. The nearest eligible scenic highway, Route 138, is located 6.75 miles to the southeast of the Project site. Due to distance and intervening terrain, vegetation, and development, none of these officially designated or eligible scenic highways are visible from the Project site, nor is the Project site visible from the highways. Therefore, no impacts associated with scenic resources within a State Scenic Highway would occur.

3. Visual Character/Public Views

Threshold: ***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 points). If the Project is in an urbanized area, would the Project conflict with applicable zoning and other regulations governing scenic quality?***

Finding: Less than Significant (DEIR, pp. 4.1-12 – 4.1-14; as revised per FEIR pp. 2-2 – 2-6).

Explanation: California PRC Section 21071 defines an "urbanized area" as "an incorporated city that meets either of the following criteria: (1) Has a population of at least 100,000 persons, or (2) Has a population of less than 100,000 persons if the population of that city and not more than two contiguous incorporated cities combined equals at least 100,000 persons." According to the U.S. Census Bureau, the City's population as of April 1, 2020, was approximately 99,818 people. However, the City is bordered by the City of Victorville to the north, Town of Apple Valley to the east, unincorporated San Bernardino County (County) land to the south, and the unincorporated community of Oak Hills to the west. The combined population of the City of Hesperia and any one of these adjacent cities is over 100,000 persons. Thus, the Project site is considered to be within an urbanized area, and the following analysis considers whether the Project would conflict with applicable zoning or other regulations governing scenic quality.

In an attempt to ensure that current and future development within the City is designed and constructed to conform to the existing visual character and quality, the City of Hesperia Development Code (Title 16 of the City's Municipal Code) includes design standards related to building size, height, floor area ratio, and setbacks, as well as landscaping, signage, and other visual considerations. These design standards help adjacent land uses to be visually consistent with one another and their surroundings and reduce the potential for conflicting visual elements. More specific to the Project site, the Specific Plan sets forth development standards for the CIBP Zone and industrial development. The design specifications for the Project will be reviewed by the City for compliance with all applicable provisions set forth by the City's Development Code and the Specific Plan. As part of the City's development review process, the Project's architectural plans are reviewed by City staff and the Planning Commission to determine whether Project design conforms to the Development Code and Specific Plan and promotes the visual character and quality

of the surrounding area. The table below (DEIR Table 4.1-2) provides a consistency analysis with the development standards for the CIBP Zone (Chapter 9 of the Specific Plan).

DEIR Table 4.1-2. Project Consistency with Development Standards for CIBP Zone

Hesperia Main Street and Freeway Corridor Specific Plan Development Standards for CIBP Zone	Project Design
Minimum Lot Size: 10 acres **Minimum Width:** 500 feet **Minimum Depth:** 500 feet	***Consistent.*** The proposed Project lot size is consistent with these standards, as detailed below: ▪ Lot Size: 19.2 acres ▪ Width: Approximately 1,323 feet ▪ Depth: Approximately 699.7 feet
Maximum Gross Floor Area Ratio: 0.50	***Consistent.*** The proposed building would have a gross floor area ratio of .477. The development of a 419,840-square-foot warehouse is the most efficient use of the property. However, because the building would be greater than 200,000 square feet, a Conditional Use Permit would be required for the Project and would include Conditions of Approval that would ensure project development would be consistent with the intent of the Specific Plan Standards.
Maximum Building Height: 65 feet (45 feet within the portion of the lot that falls within 100 feet of an adjacent residential zone)	***Consistent.*** The maximum building height for the building would be 50 feet, measured from the finished floor to the top of the building parapets. Adjacent residential zones are located to the south and partially to the west of the Project site. The property to the west contains a nonconforming fleet repair facility, and the property to the south is currently vacant. The building height would be limited to 45 feet within 100 feet of the adjacent residential zones. Minor architectural projections up to 48 feet are limited to façade articulation and rooftop equipment screening and do not materially increase the overall building mass or visual profile.
Street Yard Setbacks: 25 feet **Front Yard Setback:** 25 feet **Street Side Yard Setback:** 15 feet **Rear Yard Setback:** None (except where the rear yard abuts a residential zone or residential development as a part of a Regional Commercial zone: 50 feet) Interior Side Yard Setback: None (except where the interior property line abuts a residential zone, or residential development as a part of a Regional Commercial zone: 20 feet)	***Consistent.*** Proposed setbacks of front and side yards would be a minimum of 25 feet.
Parking and Loading: In addition to the off-street parking requirements and standards set forth in Chapter 16.20, Article IV (Parking and Loading Standards) of the HMC, the following shall apply: (1)	***Consistent.*** Parking areas would be provided on-site consistent with Chapter 16.20, Article IV (Parking and Loading Standards) of the HMC.

DEIR Table 4.1-2. Project Consistency with Development Standards for CIBP Zone

Hesperia Main Street and Freeway Corridor Specific Plan Development Standards for CIBP Zone	Project Design
To alleviate the unsightly appearance of loading facilities for industrial uses, these areas should not be located at the front of buildings where it is difficult to adequately screen them from view. Such facilities are more appropriately located at the rear of the site where special screening may not be required. (2) When it is not possible to locate loading facilities at the rear of the building, loading docks and doors should not dominate the frontage and must be screened from the street. Loading facilities should be offset from driveway openings. (3) Backing from the public street onto the site for loading into front end docks causes unsafe truck maneuvering and should not be utilized except at the ends of industrial cul-de-sacs where each circumstance will be studied individually at the time of design review.	Single loaded truck bays would be located entirely on the eastern side of the proposed building when viewed from southbound Phelan Street. The facades of the building sides when viewed from these locations feature walls with varying paint colors, rooflines, off-set walls, and windows. Each side of the facades are complemented with a variety of building materials, windows with high quality glazing. and accent panels. The Project would also include an 8-foot steel tube fence for screening from the street. In addition, the Project's landscape plan incorporates vegetative screening to soften views of the Project site and to enhance visual quality.
Landscaping: (1) Drought-tolerant and water conserving landscaping and water efficient irrigation systems and techniques shall be utilized whenever possible. (2) In addition, the design standards and guidelines included in Chapter 11 (Industrial Design Standards and Guidelines) of this Plan shall apply. The provisions of Chapter 16.20, Article XII (Landscape Regulations) and Chapter 16.24 (Protected Plants) of the HMC shall apply with the following exceptions/additions: (3) Industrial development in this zone shall provide a minimum of ten percent on-site landscaping, including that required in setback areas. Refer to section 16.20 Article XII of the HMC for minimum landscape requirements.	***Consistent.*** Project landscaping would consist of water efficient landscaping that would incorporate natural desert vegetation and would feature a variety of trees, shrubs, accents, and groundcovers. The sites for proposed building would provide approximately 10.6% landscape coverage.
Walls and Fences: (1) An industrial development adjacent to any residential zone shall have a minimum 6 foot high wall, not to exceed 8 feet, along property lines adjacent to such districts. (2) Both sides of all perimeter walls should be architecturally treated. Appropriate materials include decorative masonry, concrete, stone and brick.	***Consistent.*** The Project site is adjacent to a Rural Estate Residential Zone on the southwestern boundary. The Project will include an 8-foot steel tube fence and the Project's landscape plan incorporates vegetative screening to soften views of the Project site and to enhance visual quality.

DEIR Table 4.1-2. Project Consistency with Development Standards for CIBP Zone

Hesperia Main Street and Freeway Corridor Specific Plan Development Standards for CIBP Zone	Project Design
Outdoor Displays, Storage, Equipment, and Work Areas: (1) No retail sales, merchandise displays or work areas shall occur outside building(s). (2) Outside storage and equipment shall be confined to the rear half of the property or the rear of the principal structure on site, whichever is more restrictive, and screened from public view from any adjoining properties and public rights-of-way by appropriate walls, fencing and landscaping. (3) Outdoor hoists are subject to the conditions and standards listen in Chapter 9(C)(4.18).	***Consistent.*** While the Project does not involve retail sales or merchandise displays and work areas would primarily be located within the warehouse building, outdoor equipment such as yard trucks and pallets may be stored within the truck court. These areas would be confined to the rear of the buildings and enclosed with fencing and vegetative screening.

As of February 2026, a Specific Plan Amendment has been adopted modifying the building height standard within the CIBP Zone. The revised development standard states, "The maximum building height shall be 65 feet, with the following exception: (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." As provided in DEIR Table 4.1-2, adjacent residential zones are located to the south and partially to the west of the Project site. The property to the west contains a nonconforming fleet repair facility, and the property to the south is currently vacant. The proposed Project complies with the amended development standard by limiting the building height to 45 feet within 100 feet of the adjacent residential zones. Minor architectural projections up to 48 feet are limited to façade articulation and rooftop equipment screening and do not materially increase the overall building mass or visual profile.

Additionally, due to the size and scale of industrial buildings, it is especially important to consider design to ensure compatibility with other parts of the community. Chapter 11 of the Specific Plan provides additional details regarding design standards and guidelines for industrial development. In accordance with the Specific Plan design guidelines, all setback areas would be landscaped, and building orientation, siting, and entrances would be designed to minimize conflicts with the surrounding visual environment. For instance, landscaping and vegetation is incorporated into the site plan to provide visual screening, and building facades would feature a complementary neutral color palette and a variety of building materials.

The building colors would be reviewed to assure conformance with the development standards of the Hesperia Municipal Code and the Specific Plan. Buildings would include materials such as concrete, metal, aluminum entry framing, and glass, and building elevations would include vertical and horizontal elements that would break up the overall massing of the buildings and provide visual interest.

The visual setting surrounding the Project site currently consists of a mix of developed and undeveloped areas. Development in the area includes commercial uses, trucking-related uses (i.e., truck stops), lodging accommodations, big-box retail developments, public roadways and landscaping, and major interstate highways. Undeveloped areas consist of flat desert terrain with sparse vegetation. As a result, the Project site and surrounding area can be characterized as low-density industrial and commercial development within a desert landscape setting. The Project would result in the development of vacant, undeveloped land

with an industrial building that would feature contemporary architecture, landscaping, and streetscape improvements that would assist in completing the cohesive "gateway" corridor envisioned in the Specific Plan. The Project would also eliminate the illegal uses currently occurring on site (trespassing and illegal dumping).

In summary, the Project would be consistent with the visual character of the surrounding area. Although the Project is inconsistent with the height standards for the CIBP zoning district, the 3-foot height exceedance would not impact public views and would therefore not conflict with applicable zoning or other regulations governing scenic quality. Therefore, compliance with the City's Development Code and General Plan guidelines and the implementation of site-specific landscaping would ensure that the Project would not conflict with applicable zoning or other regulations governing scenic quality, and impacts related to visual character and quality would be less than significant.

4. Light or Glare

***Threshold:** Would the Project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?*

Finding: Less than Significant (DEIR, pp. 4.1-15 – 4.1-16)

Explanation: The Project site is currently undeveloped and does not support any existing sources of light or glare, and development of the Project would introduce new sources of light and glare to the Project site. However, developed portions of the City contain numerous sources of light and glare typical of urban and semi-rural environments. Existing sources of light or glare include streetlights, freestanding lights, building-mounted lights, illuminated signage, reflective building materials, and vehicular headlights. The undeveloped portions of the City, such as the Project site, contain few, if any, sources of light and glare. New sources of nighttime lighting resulting from the implementation of the Project include parking lot and loading area lighting, as well as building-mounted lights. The Project would include a variety of exterior building light fixtures and parking lot lighting fixtures, including building-mounted and pole-mounted light fixtures. As depicted in Figure 3-14, building materials would primarily include concrete, metal, aluminum, and glass windows. These features could result in light trespass, light pollution, and glare.

The majority of construction activities associated with the Project would occur during daytime hours, consistent with standard industry practices. In the event that work is required outside the standard construction hours (to reduce traffic or other impacts), lighting would be focused directly on work activity areas and would be temporary. As such, nighttime construction lighting impacts would be less than significant.

Upon Project implementation, the Project could potentially result in significant adverse light and glare impacts on nighttime views due to the addition of building and parking lot lighting. However, the Project would be required to minimize light and glare impacts to sensitive land uses through the incorporation of setbacks, site planning, and other design techniques (consistent with General Plan Policy LU-3.5). Section 16.20.135 of the City's Municipal Code contains general performance standards related to light and glare such that any industrial activity shall not cause light trespass above 0.5 footcandles when measured in a residential district or lot. The Project's lighting would be designed such that lighting is directed on site and away from neighboring parcels. Lighting associated with streetlights would be designed consistent with City standards for safety and proper roadway illumination, consistent with other streetlights

throughout the City. In addition, as part of the final engineering and site plan check phase, a photometric plan will be prepared by City planning staff prior to finalization of site plans. During this process, City staff would ensure that Project lighting would not result in glare on adjacent properties.

Further, all light fixtures would be required to be consistent with the CALGreen Code for illumination. The CALGreen Code sets forth minimum requirements based on Lighting Zones, as defined in Chapter 10 of the California Administrative Code. The requirements are designed to minimize light pollution in an effort to maintain dark skies and ensure new development reduces backlight, uplight, and glare (BUG) from exterior light sources. The Project would be required to comply with the CALGreen BUG rating for Lighting Zone 3. Further, all lights would be shielded and directed downward, and the proposed lighting plan does not include blinking, flashing, or oscillating light sources.

The warehouse building would incorporate a variety of building materials. Building materials would primarily include concrete, metal, aluminum, and glass windows. Shade trellises would be included above the main building entrance, and aluminum entrance fronts would include glass and metal attachments. Blue reflective glazing and high-gloss paint is proposed near the entrance fronts and canopies. Glass windows would consist of tempered vision insulated glass with a Solarban 60 rating, which has a low exterior reflectance percentage to maximize daylighting opportunities to interior building spaces. Although metallic materials and glass have been incorporated into Project design, Project setbacks and proposed landscaping would provide screening to screen such Project elements from view, and all paint finishes would be flat (with the exception of the high gloss proposed for entrance fronts and canopies). As such, building materials would not create a new source of substantial light or glare that would adversely affect day or nighttime views in the area. Therefore, impacts associated with light and glare would be less than significant

5. Cumulative

Threshold: Would the Project result in cumulatively considerable impacts related to aesthetics?

Finding: Less than Significant (DEIR, p. 4.1-16 - 4.1-17)

Explanation: The Project is located within the Specific Plan Area, and thus, would be designed and constructed according to the design guidelines and standards outlined in the Specific Plan for the CIBP Zone and industrial development. These guidelines and standards aim to protect the Specific Plan Area's high desert setting and panoramic mountain views. All related projects located within the Specific Plan Area would be subject to these design guidelines and standards, which include recommendations for the architectural character of new buildings to maximize views of the landscape while taking inspiration from surrounding natural elements.

The development and design standards provide the framework for the desired aesthetic and visual environment. Other development projects in the area will incorporate development standards, design guidelines, and other strategies outlined in the Specific Plan. In addition, the Project's proposed building colors shall be reviewed to assure conformance with the development standards of the Hesperia Municipal Code and the Specific Plan in order to promote the visual character and quality of the surrounding area. Thus, cumulative impacts related to the visual quality and character of the Project area would not be cumulatively considerable, assuming that related projects would implement the same mandatory design standards set forth in the Specific Plan to which the Project must adhere.

Related development in the Specific Plan Area and surrounding areas would introduce new sources of light in a setting that includes large areas of undeveloped land. However, Project lighting would comply with existing requirements (i.e., lighting would be directed downward, shielded, and focused on the Project site) to ensure lighting has a minimal effect on the overall night sky and reduce the potential for glare. Other projects located throughout the Specific Plan Area would similarly be required to comply with these regulations. Therefore, compliance with these regulations would ensure that lighting and glare impacts would be less than significant, and no mitigation would be required.

5.2 Air Quality

1. Sensitive Receptors (Local Carbon Monoxide Concentrations (Construction), Construction Health Risk, and Valley Fever)

Threshold: Would the Project expose sensitive receptors to substantial pollutant concentrations

Finding: Less-than-Significant Impact (DEIR, pp. 4.2-39 – 4.2-41).

Explanation:

Local Carbon Monoxide Concentrations (Construction)

Mobile source impacts occur on two scales of motion. Regionally, Project-related travel would add to regional trip generation and increase VMT within the local airshed and the MDAB. Locally, Project-generated traffic would be added to the roadway system near the Project site. If such traffic occurs during periods of poor atmospheric ventilation, is composed of a large number of vehicles "cold-started" and operating at pollution-inefficient speeds, and operates on roadways already crowded with non-Project traffic, there is a potential for the formation of microscale CO hotspots in the area immediately around points of congested traffic. However, because of continued improvement in vehicular emissions at a rate faster than the rate of vehicle growth and/or congestion, the potential for CO hotspots in the MDAB is steadily decreasing. To verify that the Project would not cause or contribute to a violation of the CO standard, a screening evaluation was conducted comparing the highest hourly traffic volumes at any studied intersection in proximity to the Project site to the 100,000 vehicles per day criterion from the SCAQMD Air Quality Management Plan. The highest average daily trips with Project vehicles would be less than 30,000 daily trips (north of Phelan Road/Main Street and Highway 395 intersection), which would be substantially less than the 100,000 vehicles per day screening criterion applied. Therefore, impacts associated with CO hotspots would be less than significant (DEIR p. 4.2-39).

Toxic Air Contaminant Exposure Construction Health Risk)

A construction HRA was performed to estimate the Maximum Individual Cancer Risk and the Chronic Hazard Index for residential receptors as a result of Project construction. Project construction activities would result in a Maximum Individual Cancer Risk of 3.51 in 1 million at the nearest residence, which is below the significance threshold of 10 in 1 million. Project construction would result in a Chronic Hazard Index of 0.0039, which is below the 1.0 significance threshold. The Project construction TAC health risk impacts would be less than significant without mitigation (DEIR, p. 4.2-39 – 4.2-40).

Valley Fever

Valley fever is not highly endemic to San Bernardino County, with an incident rate of 11.4 cases per 100,000 people. In contrast, in 2021 the statewide annual incident rate was 20.1 per 100,000 people. The California counties considered highly endemic for valley fever include Kern (306.2 per 100,000), Kings (108.3 per 100,000), Tulare (65.8 per 100,000), San Luis Obispo (61.0 per 100,000), Fresno (39.8 per 100,000), Merced (28.3 per 100,000), and Monterey (27.0 per 100,000), which accounted for 52.1% of the reported cases in 2021.

Even if present at the site, construction activities may not result in increased incidence of valley fever. Propagation of valley fever is dependent on climatic conditions, with the potential for growth and surface exposure highest following early seasonal rains and long dry spells. Valley fever spores can be released when filaments are disturbed by earth-moving activities, although receptors must be exposed to and inhale the spores to be at increased risk of developing valley fever. Moreover, exposure to valley fever does not guarantee that an individual will become ill—approximately 60% of people exposed to the fungal spores are asymptomatic and show no signs of an infection.

In order to reduce fugitive dust from the Project and minimize adverse air quality impacts, the Project would employ PDFs that address dust in accordance with the MDAQMD Rules 401 and 403.2 and PDF-AQ-3, which limit the amount of fugitive dust generated during construction. These requirements are consistent with California Department of Public Health recommendations for the implementation of dust control measures, including regular application of water during soil-disturbing activities, to reduce exposure to valley fever by minimizing the potential that the fungal spores become airborne. Further, regulations designed to minimize exposure to valley fever hazards are included in Title 8 of the California Code of Regulations and would be complied with during the Project's construction phase.

In summary, the Project would not result in a significant impact attributable to valley fever exposure based on its geographic location and compliance with applicable regulatory standards and dust mitigation measures, which will serve to minimize the release of and exposure to fungal spores. Therefore, impacts associated with valley fever exposure for sensitive receptors would be less than significant (DEIR, p. 4.2-41).

2. Odors

Threshold: Would the Project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?

Finding: Less than Significant (DEIR, pp. 4.2-41 – 4.2-42)

Explanation: Land uses most commonly associated with odor complaints generally include agricultural uses (livestock and farming), wastewater treatment plants, food-processing plants, chemical plants, composting operations, refineries, landfills, dairies, and fiberglass molding facilities. The Project does not include uses that would be substantive sources of objectionable odors. Potential temporary and intermittent odors may result from construction equipment exhaust, the application of asphalt, and architectural coatings. Temporary and intermittent construction-source emissions are controlled through existing requirements and industry best management practices addressing proper storage of and application of construction materials. The potential for the Project to create objectionable odors affecting a substantial number of people would be less than significant.

5.3 Biological Resources

1. Conflict with a Habitat Conservation Plan or Natural Communities Conservation Plan

***Threshold**: 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?*

Finding: Less than Significant (DEIR, p. 4.3-40)

Explanation: The Project site is within the California Desert Conservation Area Plan area. The Project is also within the Draft West Mojave Plan area and the Desert Renewable Energy Conservation Plan area. The West Mojave Plan and Desert Renewable Energy Conservation Plan are amendments to the California Desert Conservation Area Plan. The U.S. Bureau of Land Management issued a Record of Decision for the West Mojave Plan in 2006, although the West Mojave Plan has not been formally adopted. The Project would not conflict with the conservation criteria associated with the California Desert Conservation Area Plan or Desert Renewable Energy Conservation Plan. Therefore, the Project would not conflict with the conservation criteria associated with the California Desert Conservation Area Plan or Desert Renewable Energy Conservation Plan. Therefore, the Project would not be in conflict with any habitat conservation plans.

5.4 Energy

1. Wasteful Use of Energy Resources

***Threshold**: Would the Project result in potentially significant environmental impacts due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?*

Finding: Less than Significant (DEIR, pp. 4.5-8 – 4.5-11)

Explanation: The Project consumption of energy resources during construction and operation would be less than significant.

Electricity

Construction Electricity Usage

Temporary electric power for as-necessary lighting and electronic equipment, such as computers inside temporary construction trailers, would be provided by SCE. The electricity used for such activities would be temporary and substantially less than that required for Project operation and would therefore have a negligible contribution to the Project's overall energy consumption.

Operational Electricity Usage

The operational phase would require electricity for multiple purposes, including building heating and cooling, lighting, electronics, and electric pumps. CalEEMod was used to estimate Project emissions from electricity uses (see Appendix B-1 of the DEIR). Default electricity generation rates in CalEEMod were used based on the proposed land use and climate zone. The Project is anticipated to consume approximately 1,938,470 of electricity per year. The Project proposes conventional industrial uses reflecting

contemporary energy-efficient/energy-conserving designs and operational programs. Uses proposed by the Project are not inherently energy intensive. Finally, the Project would be required to comply with the Title 24 standards applicable at that time, which would further ensure that the Project energy demands would not be inefficient, wasteful, or otherwise unnecessary, and impacts would be less than significant.

Natural Gas

Construction Natural Gas Usage

Natural gas is not anticipated to be required during construction of the Project. Fuels used for construction would primarily consist of diesel and gasoline, which are discussed under the subsection "Petroleum," below. Any minor amounts of natural gas that may be consumed as a result of Project construction would be temporary and negligible and would not have an adverse effect; therefore, impacts would be less than significant.

Operational Natural Gas Usage

Natural gas consumption during operation would be required for various purposes, including, but not limited to, building heating and cooling. Default natural gas generation rates in CalEEMod for the proposed land use and climate zone were used.

The Project is estimated to have a total natural gas demand of 7,978,782 kBTU per year. The Project proposes conventional industrial uses reflecting contemporary energy-efficient/energy-conserving designs and operational programs. Uses proposed by the Project are not inherently energy intensive. Additionally, the Project is subject to statewide mandatory energy requirements as outlined in Title 24, Part 6, of the California Code of Regulations. Prior to Project approval, the applicant would ensure that the Project would meet Title 24 requirements applicable at that time, as required by state regulations through their plan review process. Thus, the natural gas consumption of the Project would not be considered inefficient or wasteful, and impacts would be less than significant.

Petroleum

Construction Petroleum Usage

Petroleum would be consumed throughout construction of the Project. Fuel consumed by construction equipment would be the primary energy resource expended over the course of construction, and VMT associated with the transportation of construction materials and construction worker commutes would also result in petroleum consumption. Heavy-duty construction equipment associated with construction activities and on-road trucks are assumed to use diesel fuel. Construction workers would travel to and from the Project site throughout the duration of construction. It is assumed that construction workers would travel to and from the Project site in gasoline-powered vehicles.

Heavy-duty construction equipment of various types would be used during Project construction. CalEEMod was used to estimate construction equipment usage; results are included in Appendix B-1 of the DEIR.

In summary, construction of the Project is conservatively anticipated to consume 20,000 gallons of gasoline and 46,671 gallons of diesel, for a total of 66,671 gallons of petroleum. Notably, the Project would be

subject to CARB's In-Use Off-Road Diesel Vehicle Regulation that applies to certain off-road diesel engines, vehicles, or equipment greater than 25 horsepower. The regulation (1) imposes limits on idling, requires a written idling policy, and requires a disclosure when selling vehicles; (2) requires all vehicles to be reported to CARB (using the Diesel Off-Road Online Reporting System) and labeled; (3) restricts the adding of older vehicles into fleets starting on January 1, 2014; and (4) requires fleets to reduce their emissions by retiring, replacing, or repowering older engines or installing Verified Diesel Emission Control Strategies (i.e., exhaust retrofits). The fleet must either show that its fleet average index was less than or equal to the calculated fleet average target rate, or that the fleet has met the Best Achievable Control Technology requirements. Project construction would represent a "single-event" petroleum demand and would not require ongoing or permanent commitment of petroleum resources for this purpose. Overall, the Project would not involve characteristics that require equipment that would be less energy efficient than at comparable construction sites in the region or state. Therefore, impacts would be less than significant.

Operational Petroleum Usage

During operations, fuel consumption resulting from the Project would involve the use of motor vehicles traveling to and from the Project site, as well as diesel-fueled off-road equipment.

The unmitigated Project would result in an estimated annual fuel demand of approximately 1,227,797 gallons of fuel. Fuel would be provided by current and future commercial vendors. The Project would not involve uses or operations that would inherently result in excessive and wasteful activities or associated excess and wasteful vehicle energy consumption. Finally, enhanced fuel economies realized pursuant to federal and state regulatory actions and the related transition of vehicles to alternative energy sources (e.g., electricity, natural gas, biofuels, hydrogen cells) would likely decrease future gasoline fuel demands per VMT. Location of the Project proximate to regional and local roadway systems tends to reduce VMT within the region, acting to reduce regional vehicle energy demands. As supported by the preceding discussions, Project transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary, and impacts would be less than significant.

Renewable Energy Potential

As part of the Project's design process, the Project Applicant considered how the Project could potentially increase its reliance on renewable energy sources to meet the Project's energy demand. Renewable energy sources that were considered for their potential to be used to power the Project, consistent with the California Energy Commission's definition of eligible renewables, include biomass, geothermal, solar, wind, and small hydroelectric facilities.

Given the Project's location and the nature of the Project, there are considerable site constraints, including incompatibility with surrounding land uses for large-scale power generation facilities, unknown interconnection feasibility, compatibility with utility provider systems, and no known water or geothermal resources to harness, that would eliminate the potential for biomass, geothermal, wind, and hydroelectric renewable energy to be installed on site.

The Project would comply with all applicable Title 24 code provisions, such as the solar-ready-building mandatory requirements. The Project does not preclude installation of battery storage in the future if determined to be a feasible and compatible land use of the site. In summary, the Project includes the on-

site renewable energy source (i.e., solar) that was determined to be feasible for the site and does not include the on-site renewable energy sources that were determined to be infeasible.

Summary

Based on the preceding considerations, the Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during Project construction or operation; impacts would be less than significant.

2. Conflict with Adopted Plans

Threshold: Would the Project conflict with or obstruct a state or local plan for renewable energy or energy efficiency?

Finding: Less than Significant (DEIR, p. 4.5-12)

Explanation: The Project would be subject to and would comply with, at a minimum, the California Building Energy Efficiency Standards (24 CCR Part 6). Part 6 of Title 24 establishes energy efficiency standards for nonresidential buildings constructed in California in order to reduce energy demand and consumption. As such, the Project would comply with the California code requirements for energy efficiency. Part 11 of Title 24 sets forth voluntary and mandatory energy measures that are applicable to the Project under CALGreen. CALGreen institutes mandatory minimum environmental performance standards for all ground-up, new construction of commercial, low-rise residential, high-rise residential, state-owned buildings, schools, and hospitals, as well as certain residential and nonresidential additions and alterations.

Regarding local plans, the City's CAP presents strategies to reduce energy demand that align with the Conservation Element of the City's General Plan. The Project would be consistent with the the City's strategies and policies that pertain to energy demand. On this basis, the Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This impact would be less than significant.

3. Cumulative

Threshold: Would the Project result in cumulatively considerable impacts related to energy?

Finding: Less than Significant (DEIR, p. 4.5-12)

Explanation: The geographic area considered for the analysis of cumulative energy impacts is the City of Hesperia and surrounding areas served by SCE and Southwest Gas. Potential cumulative impacts on energy would result if the Project, in combination with past, present, and future projects, would result in the wasteful or inefficient use of energy. Significant energy impacts could result from development that would not incorporate sufficient building energy-efficiency features or achieve building energy-efficiency standards, or if projects result in the unnecessary use of energy during construction or operation. The Project would not result in wasteful, inefficient, or unnecessary use of energy during construction or operations, nor would it conflict with an applicable plan.

For the reasons above, the Project, together with the cumulative projects, would not result in wasteful, inefficient, or unnecessary use of energy or conflicts with applicable plans. Therefore, the Project would have a less-than-significant impact with regard to cumulative energy impacts

5.5 Hazards and Wildfire

1. Hazard due to Wildland Fires

Threshold: Would the Project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?

Finding: Less than Significant (DEIR, pp. 4.7-20 – 4.7-21)

Explanation: Construction of the Project would introduce potential ignition sources to the Project site, including the use of heavy machinery and the potential for sparks during welding activities or other hot work. However, the Project would be required to comply with City and state requirements for fire safety practices to reduce the possibility of fires during construction activities. The Project would comply with California Fire Code (CFC) Section 3304 for precautions against fire during construction activities. Access for firefighting would be maintained throughout construction per CFC Section 3310.1. Any motorized equipment within the site would comply with fire protection regulations outlined in CFC Section 3316. Further, vegetation would be removed from the site prior to the start of construction. Adherence to City and state regulatory standards during Project construction would reduce the risk of wildfire ignition and spread during construction activities. Additionally, no hot work would not be conducted during Red Flag warnings, and spark arrestors would be used to minimize the potential for a fire to ignite. In the case of accidental ignition, the site is required to have no less than one portable extinguisher at each level where combustible materials have accumulated, in every storage or construction shed, and where any additional hazards exist (CFC Section 3315). Therefore, short-term construction impacts associated with exposing people or structures to a significant risk of loss, injury, or death involving wildland fires would be less than significant.

During operation, the Project would adhere to the City's Municipal Code and the CFC. Additionally, the proposed structures have a low ignitability, and the Project would implement fire-resistant, irrigated landscaping. Further, during its operation, the Project would be required to have and maintain fire protection and life safety systems (CFC Chapter 9) and automatic fire sprinklers (City of Hesperia Municipal Code Chapter 15, Section 15.04.030). As demonstrated by its non-Very High Fire Hazard Severity Zone designation and lack of fire history, the Project site and surrounding areas are not conducive to wildfire spread. Although the Project would introduce new potential sources of ignition, such as the movement of trucks and vehicles in and out of the Project site, increased human activity, and additional risks, depending on the long-term use, measures would be put in place to ensure that Project activities would not start a fire. This includes not conducting any hot work during Red Flag warnings and ensuring firefighting water availability before any hot work happens. Additionally, as shown in the Project's site plan and landscape plan, the Project's design would help ensure that any fire or embers on the Project site would not spread outside of the Project site. This includes the large amount of paved areas surrounding the warehouse, extending from 53 feet on the southern side of the warehouse to 130 feet on the eastern side of the warehouse, not including the paved area for the trailer stalls. The Project's landscaping would be fire resistant and irrigated. There is also a steel fence surrounding the Project site and a 3-hour rated wall on the southern portion of the warehouse to help prevent fire spread. Given the Project Design Features and

the lack of fire history, the Project would not be expected to increase the Fire Hazard Severity Zone (FHSZ) rating and would not exacerbate fire spread.

The Project would not facilitate wildfire spread or exacerbate wildfire risk or expose people or structures, indirectly or directly, to significant wildfire risk.

Given that surrounding off-site fuels consist of moderately spaced vegetation and wildfires in the immediate surrounding area are not common, it is unlikely that Project occupants would be exposed to the uncontrolled spread of a wildfire or prolonged pollutant concentrations in the event of a wildfire. It is not anticipated that the Project, due to slope, prevailing winds, or other factors, would exacerbate wildfire risks or expose Project occupants to pollutant concentrations from a wildfire, the uncontrolled spread of a wildfire, or significant risks associated with wildfires. Therefore, long-term operational impacts associated with exposing people or structures to a significant risk of loss, injury, or death involving wildland fires would be less than significant.

2. Impairment of an Adopted Emergency Response Plan or Emergency Evacuation Plan

Threshold: 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?

Finding: Less than Significant (DEIR, pp. 4.7-21 - 4.7-22)

Explanation: The Project site is not located in state responsibility areas (SRAs) lands or lands classified as Very High FHSZs. However, SRA lands classified as High FHSZs are located immediately west of the Project site. Access to the Project would be provided by three driveways designed to meet applicable emergency access requirements:

- **Driveway No. 1:** Phelan Road North Driveway – 30-foot-wide, right-in right-out (passenger cars only) driveway with stop sign
- **Driveway No. 2:** New Caliente Street East Driveway – 45-foot-wide, full-access (passenger cars and trucks) driveway with stop sign
- **Driveway No. 3:** New Caliente Street Southeast Driveway – 30-foot-wide, full-access (passenger cars and trucks) driveway with stop sign

As required by the City's 's Hazard Mitigation Plan, the Project would be designed and constructed in accordance with the most recent CBC and CFC (and local amendments), and regular fire safety inspections would ensure that the Project is in compliance with fire inspection standards and provides adequate fire protection and weed abatement to reduce the potential for vegetation fires. The Project would comply with all City and state requirements related to fire safety, and the Project would comply with all requirements outlined in the Hazard Mitigation Plan.

In the event of a wildfire, the City, in cooperation with the San Bernardino County Fire Department (SBCFD), would use the City's public notification systems and provide evacuation instructions. There are two potential evacuation routes nearest to the Project site: Interstate (I) 15, U.S. Highway 395, and Phelan Road/Main Street. The Project would not impede access to I-15, U.S. Highway 395, and Phelan Road/Main Street or otherwise impact the functionality of the road to operate as a potential evacuation route, and it includes driveways that would improve operations on surrounding roads. By complying with City and SBCFD

requirements, the Project would not conflict with or impair implementation of the Hazard Mitigation Plan, nor would the Project impair use of potential evacuation routes in the City, and impacts would be less than significant.

3. Pollutants from Wildfire Risks

Threshold: 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?

Finding: Less than Significant (DEIR, p. 4.7-24)

Explanation: With adherence to the City's Municipal Code, the low ignitability of the proposed structures, and implementation of fire-resistant, irrigated landscaping, the Project would not facilitate wildfire spread or exacerbate wildfire risk or expose people or structures, indirectly or directly, to significant wildfire risk. Further, given that surrounding off-site fuels consist of moderately spaced vegetation and wildfires in the immediately surrounding area are not common, it is unlikely that Project occupants would be exposed to the uncontrolled spread of a wildfire or prolonged pollutant concentrations in the event of a wildfire. It is not anticipated that the Project, due to slope, prevailing winds, and other factors, would exacerbate wildfire risks or expose Project occupants to pollutant concentrations from a wildfire, the uncontrolled spread of a wildfire, or significant risks associated with wildfires, and impacts would be less than significant.

4. Downslope or Downstream Flooding or Landslides

Threshold: 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?

Finding: Less than Significant (DEIR, p. 4.7-25)

Explanation: The Project site is located within the Mojave River Watershed. The Mojave River is the primary geologic or hydrologic feature in the watershed and is primarily fed by precipitation and snowmelt in the San Bernardino Mountains. The Mojave River is located approximately 9.3 miles east of the Project site. The Project site is not within areas mapped as susceptible to subsidence, landslides, or liquefaction according to the City's General Plan. As further discussed in DEIR Section 4.8, the Project site is located in Zone X, an area of minimal flood hazard. This area is higher in elevation than the 0.2% annual chance of flood (i.e., 500-year flood). Further, the Project site and surrounding area consist of relatively flat land that is not typically susceptible to landslides or downslope or downstream flooding. Although internal drainage patterns would be somewhat altered as a result of Project development, the Project would maintain adequate stormwater conveyance and would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site. Further, according to available wildfire history, wildfires have not burned onto or adjacent to the Project site, precluding the risk of post-fire slope instability. Therefore, due to the proposed grading of the site, the relatively flat surrounding lands, and the fact that the site would be developed and paved, the likelihood for downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes would be minimal, and impacts would be less than significant.

6. Cumulative Impacts

Threshold: Would the Project result in cumulatively considerable impacts with regard to hazards, hazardous materials, or wildfire?

Finding: Less than Significant (DEIR, pp. 4.7-25 – 4.7-26)

Explanation:

Hazards and Hazardous Materials

The geographic scope of the cumulative hazards and hazardous material analysis is the immediate Project area, including surrounding land uses and other nearby properties. Adverse effects of hazards and hazardous materials tend to be localized; therefore, impacts from nearby projects would be limited, if any, and the Project site would be primarily affected by Project activities.

During construction, hazardous materials such as fuels and lubricants would be transported to and used on site in construction vehicles and equipment. These contaminants, if improperly handled, could expose the public environment to pollutants. However, water quality enhancement components of the Project, including the implementation of a SWPPP and stormwater BMPs, would minimize the potential release of construction-related pollutants on and off site.

Post-development, routine operation of the Project would include the use of various hazardous materials, including chemical reagents, solvents, fuels, paints, and cleaners. These materials would be used for day-to-day operations as well as building and landscaping maintenance. However, compliance with applicable regulations involving hazardous materials during operation would ensure that such materials are transported, used, stored, and disposed of in a manner that minimizes the potential for upset and accident conditions resulting in the release of hazardous materials into the environment. In addition, the owner/operator must complete and submit an HMBP to the California Environmental Reporting System. This would ensure that an emergency spill response and containment plan is in place in the event of hazardous spills. As such, it is not expected that the Project would create a significant hazard to the public or the environment through routine operations or reasonably foreseeable upset and accident conditions or result in the release or exposure of hazardous materials into the environment. Therefore, cumulative hazards and hazardous materials impacts would be less than significant.

Wildland Fire

The cumulative context considered for wildfire impacts is San Bernardino County, and more specifically, the Mojave River Watershed, which encompasses 4,500 square miles. As discussed in Section 4.7.1, CAL FIRE has mapped areas of fire hazards in the state based on fuels, terrain, weather, and other relevant factors. As described above, the Project site is located in a non-VHFHSZ but is adjacent to SRA land designated as High FHSZ. The Project, combined with other projects in the region, would increase the population and/or activities and potential ignition sources in the area, which may increase the potential of a wildfire and increase the number of people and structures exposed to the risk of loss, injury, or death from wildfires. Individual projects located within the County would be required to comply with applicable fire and building codes, which have been increasingly strengthened as a result of severe wildfires that have occurred in the last two decades. The fire and building codes include fire prevention and protection features

that reduce the likelihood of a fire igniting in a specific project and spreading to off-site vegetated areas. Further, any related projects located in fire hazard areas would be required to comply with vegetation clearance requirements, as outlined in the applicable fire and building codes. These codes also protect projects from wildfires that may occur in the area through the implementation of brush management and fuel management zones, ensuring adequate water supply, preparation of fire protection plans, and other measures.

The Project area is relatively flat, and it is not anticipated that related projects would combine to result in significant wildfire impacts related to slope, prevailing winds, downstream flooding or landslide, slope instability, or drainage changes. Further, all related projects would be required to avoid conflict with the City's Emergency Preparedness Plan and potential emergency evacuation routes in the area. The applicable CFC and CBC, along with Project-specific needs assessments and fire prevention plan requirements, ensure that every project approved for construction includes adequate emergency access. Roads for all proposed projects are required to meet minimum widths, have all-weather surfaces, and be capable of supporting the imposed loads of responding emergency apparatus. The Project and all other future development projects in the service area would be subject to review by the SBCFD and would be required to comply with the County Fire Code and other relevant County Code requirements and other applicable local codes (e.g., City of Hesperia Municipal Code) and regulations related to fire safety, building construction, access, fire flow, and fuel modification. Therefore, for the reasons noted above, cumulative impacts related to increased wildfire hazards and emergency response and access would be less than significant.

5.6 Hydrology and Water Quality

1. Violate Water Quality Standards

***Threshold**: Would the Project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?*

Finding: Less than Significant (DEIR, pp. 4.8-14 – 4.8-17)

Explanation: Construction activities associated with the Project site would involve ground-disturbing activities and the use of various hazardous construction materials (e.g., fuels, oils, paint, and solvents) that are commonly used in building construction or for the purpose of heavy equipment maintenance. Earthwork activities can expose soils to the effects of wind and water erosion, resulting in off-site transport of sediments that could potentially adversely affect the water quality of receiving waters. Inadvertent release of hazardous materials or wastes could also adversely affect water quality if not handled appropriately.

Construction of the Project would disturb more than 1 acre and therefore would be subject to NPDES permit requirements. The City of Hesperia is a co-permittee under the San Bernardino County Municipal NPDES MS4 Permit. The NPDES MS4 Permit requires the City to implement a construction site stormwater runoff control program in accordance with the regional SWMP for the Mojave River Watershed. The SWMP requires permittees to implement and enforce measures to reduce pollutants from construction activities that result in a land disturbance of greater than or equal to 1 acre. To comply with the regulatory requirements of the SWMP, the City requires the implementation of an ESCP for projects within the City that include soil disturbance during construction. Implementation of an ESCP would ensure that construction-related BMPs are enacted to prevent, to the maximum extent practicable, construction site pollutants from leaving the

site during all phases of construction. In addition to an ESCP, implementation of a WQMP in accordance with the Mojave River Watershed Technical Guidance Document for Water Quality Management Plans would ensure that stormwater treatment and conveyance would be sufficient prior to Project buildout (Appendix G of the DEIR). Submittal, review, and approval of both the WQMP and ESCP by the City are necessary prior to the issuance of grading permits for Project development.

The NPDES MS4 Permit would require the development of a site-specific SWPPP for construction activities. The SWPPP is required to identify BMPs that protect stormwater runoff and ensure avoidance of substantial degradation of water quality. Incorporation of required BMPs for materials and waste storage and handling and for equipment and vehicle maintenance and fueling would reduce the potential discharge of polluted runoff from construction sites, consistent with the state NPDES General Construction Permit, the Hesperia Municipal Code, and CALGreen requirements. Compliance with existing regulations would prevent violation of water quality standards and minimize the potential for contributing sources of polluted runoff. Compliance with existing regulations would ensure that the Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface quality due to construction activities. Therefore, short-term construction impacts associated with water quality standards and waste discharge requirements would be less than significant.

The Project site currently consists of undeveloped land. Implementation of the Project would result in the construction of an industrial/warehouse building (totaling 419,840 square feet) and associated improvements. Construction of the Project would introduce new impervious surfaces that could contribute pollutants to stormwater runoff in the long term from vehicle use in uncovered parking areas (through small fuel and/or fluid leaks), uncovered refuse storage/management areas, landscape/open space areas (if pesticides/herbicides and fertilizers are improperly applied), and general litter/debris (e.g., generated during facility loading/unloading activities). During storm events, the first few hours of moderate to heavy rainfall could wash a majority of pollutants from the paved areas where, without proper stormwater controls and BMPs, those pollutants could enter the municipal storm drain system before eventually being discharged into the Oro Grande Wash and eventually the Mojave River. Between periods of rainfall, surface pollutants tend to accumulate, and runoff from the first significant storm of the year (“first flush”) would likely have the largest concentration of pollutants.

The NPDES MS4 Permit requires the City to implement a post-construction SWMP in accordance with the regional SWMP. This program sets limits of pollutants being discharged into waterways and requires all new development to incorporate structural and nonstructural BMPs to improve water quality. To meet the requirements of the SWMP, the City requires the incorporation of LID features into new development and redevelopment projects as specified in the Mojave River WQMP Guidance. In accordance with the NPDES permit, the City is responsible for monitoring WQMPs, which address stormwater pollution from new private development. Site-specific WQMPs for individual projects must incorporate the SWRCB required minimum runoff capture BMPs. In addition, the WQMP specifies the minimum required LID features, as well as the BMPs that must be used for a designated project.

Project design, construction, and operation would be completed in accordance with the NPDES MS4 Permit and the Mojave River WQMP Guidance, with the goal of reducing the number of pollutants in stormwater and urban runoff. A Project-specific preliminary WQMP for the proposed Project (Appendix G) determined that the infiltration/detention basins would be sufficient to address on-site stormwater water-quality-related issues consistent with permit requirements.

All off-site stormwater runoff entering the Project site would be captured by one of two u-channels that border the western and southern property line of the site. All on-site stormwater runoff would be collected by catch basins and conveyed to the underground infiltration/detention chamber on the east side of the Project site for treatment. The captured stormwater volumes would infiltrate on site through the bottom of the proposed underground basin. Higher volumes that exceed storage capacity would discharge through a proposed 24-inch-diameter outlet pipe, which would diverge into three 4-foot-diameter parkway drains.

In accordance with the MS4 Permit, the implemented site design measures would include an underground infiltration system, full-trash capture filter inserts in the catch basins, and a water quality treatment unit at each inflow location to the underground system. The treatment units would serve as pre-treatment devices, and the catch basin filters would add redundancy to the pre-treatment to improve the water quality and maximize the efficiency and life span of the underground system.

In accordance with the San Bernardino County Hydrology Manual, the detention/infiltration basin system would be designed to treat water quality for a 2-year, 24-hour storm event and sized to accommodate the volumes and flow rates of a 100-year, 24-hour storm event. The stormwater drainage system basins would be sized and designed to prevent flooding from a 100-year storm while also accommodating the required retention volume for water quality purposes.

Nonstructural BMPs would include the regular sweeping and cleaning of existing trash enclosures, docking areas, and paved areas throughout the Project site, the training of all maintenance contractors in stormwater BMP implementation, and the monthly inspection of all catch basins during the rainy season (October through May) as well as before and after each storm to ensure efficient operation. The on-site catch basin inspections would be done by a qualified landscape contractor, who would inspect and clean out any accumulation of trash, litter, and sediment from the basins and would check for evidence of illegal dumping of waste materials into on-site drains (Appendix G).

Implementation of these LID features and BMPs would, to the maximum extent practicable, reduce the discharge of pollutants into receiving waters, including inadvertent release of pollutants (e.g., hydraulic fluids and petroleum), improper management of hazardous materials, accumulation of trash and debris, and improper management of portable restroom facilities (e.g., regular service), in accordance with all relevant local and state development standards.

With respect to groundwater quality, stormwater to be collected and treated in the underground detention/infiltration chamber would be able to meet retention time requirements for water quality purposes in accordance with County requirements. All pervious areas that would remain at the Project site would be below adjacent impervious areas to maximize natural infiltration and allow for infiltration with the proposed underground chamber. Therefore, with adherence to the NPDES MS4 Permit and San Bernardino County Hydrology Manual standards, long-term operational impacts associated with water quality standards and waste discharge requirements would be less than significant.

2. Decrease Groundwater or Impede Groundwater Management

Threshold: 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?

Finding: Less than Significant (DEIR, pp. 4.8-17 – 4.8-18)

Explanation: The Project site is underlain by the Upper Mojave River Valley Groundwater Basin. Currently, the Project site is undeveloped and pervious, which allows for groundwater recharge. The development of the Project site would result in a substantial increase in impermeable surfaces, which could impede groundwater recharge. However, the Project would incorporate LID features, including infiltration/retention systems designed to retain the required design capture volume. Detained stormwater would infiltrate through the bottom of the infiltration chamber and into the underlying soils. Because the Project would meet and exceed infiltration requirements, stormwater would continue to be able to infiltrate soils and recharge the underlying Upper Mojave River Valley Groundwater Basin. Therefore, impacts associated with groundwater recharge would be less than significant.

Hesperia Water District has planned projects to meet future water demands for its service area. For example, to improve water efficiency and conserve vital potable water resources, such as groundwater, Hesperia Water District, in cooperation with Victor Valley Water Reclamation Agency, plans to expand the local water recycling facility's treatment capacity and to build an additional water recycling facility. The City of Hesperia also plans to construct multiple recharge basins in cooperation with Mojave Water Agency to deliver and recharge State Water Project water into underlying groundwater basins within the Hesperia Water District's service area. These activities would act to further ensure continued sustainable management of the basin within Hesperia Water District's service area. These projects, when coupled with regional groundwater management plans and the regulatory bindings of the groundwater basin, would ensure that the service area as a whole attains sustainable groundwater management. As a result, the Project would not substantially decrease groundwater supplies and would not impede sustainable groundwater management of the basin. Therefore, impacts associated with groundwater supplies would be less than significant.

3. Alter Existing Drainage Patterns

Threshold: 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:

Finding: Less than Significant (DEIR, pp. 4.8-18 – 4.8-20)

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

Explanation: The Project site currently consists of undeveloped land. The Project would result in the construction of new paved surfaces, a warehouse building, and landscape areas. Once developed, the Project site would include a building, paved surfaces, and other on-site improvements that would stabilize and help retain on-site soils. The remaining portions of the Project site containing pervious surfaces would primarily consist of landscape areas including a mix of trees, shrubs, plants, and groundcover that would help retain on-site soils while preventing wind and water erosion from occurring. Moreover, the Project's

new engineered stormwater drainage system would feature structural BMPs such as detention/infiltration facilities to treat and manage on-site stormwater flows. The stormwater drainage system basins would be sized and designed to prevent flooding from a 100-year storm while also accommodating the required retention volume for water quality purposes. The underground detention chamber would be designed to capture the entire volume generated from a 100-year storm, meaning no runoff would be discharged off site (DEIR, p.4.8-18).

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

Explanation: Project construction would alter the existing drainage patterns through the introduction of new impervious surfaces. However, as discussed above, the Project would maintain adequate stormwater conveyance through compliance with existing drainage control standards. As previously discussed, the Project site would be designed to convey runoff as sheet flows away from the building and allow on-site infiltration through the remaining landscaped pervious areas as well as the subsurface detention/ infiltration chamber.

The Project-specific Water Quality Management Plan (Appendix G) includes analysis of existing hydraulic conditions during peak storm events and proposed condition hydrologic analysis to determine whether the post-construction runoff would have any impact on receiving waterways (i.e., Oro Grande Wash, Mojave River). The stormwater drainage system would be sized and designed to prevent flooding from a 100-year storm. The basins would be designed to capture the entire volume generated from a 10-year storm, meaning no runoff would be discharged off site (Appendix G). In addition, the proposed drainage system would meet volume retention and flow attenuation rates in the post-developed condition to prevent adverse effects downstream of the Project site. Once the underground chamber capacity is reached, overflows would be directed to an outflow pipe on Phelan Road at the northeastern portion of the site. To comply with hydromodification requirements, the flow rates being discharged would not exceed more than 5% of the pre-development conditions for a 10-year storm, as required in the San Bernardino County Hydrology Manual. In addition, for flood protection purposes, the flow rates for a 100-year storm would exceed no more than the pre-development conditions for a 25-year storm. The results demonstrate that the proposed drainage control features for this Project would comply with the flood protection requirements of the City and County.

Therefore, because the Project improvements would be designed to meet and exceed the stormwater requirements set forth in the San Bernardino County Hydrology Manual, the Project would not substantially increase the rate or amount of surface runoff in a manner that would result in flooding on or off site. Therefore, impacts associated with flooding on or off site would be less than significant (DEIR, pp.418-18–418-19).

(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?

Explanation: The proposed drainage system would be designed to convey runoff in compliance with the City and County WQMP and SWMP requirements. In addition, the Project would incorporate LID features, including an on-site underground detention/infiltration chamber and ongoing maintenance requirements, to ensure continued successful operation. Collectively, these LID features would lower the potential of the incidental releases of contaminants to the environment such as oil, grease, nutrients, heavy metals, and certain pesticides, including legacy pesticides. As a result, the Project would not create or contribute runoff

water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Therefore, impacts associated with stormwater drainage system capacity and polluted runoff sources would be less than significant (DEIR, pp.4-8-19 – 4.8-20).

(iv) Impede or redirect flood flows?

Explanation: The Federal Emergency Management Agency Flood Map Service Center identifies the Project site as located where the Flood Insurance Rate Map has not been printed. However, the Project's Phase I report states that the site is located in Zone X, an area of minimal flooding (Appendix F of the DEIR). In addition, as previously discussed, although internal drainage patterns would be altered as a result of Project development, the Project would maintain adequate stormwater conveyance as to not result in an increase of surface runoff that would result in flooding on or off site associated with the 100-year, 24-hour storm event. Therefore, impacts associated with impeding or redirecting flood flows would be less than significant (DEIR, p. 4.8-20).

4. Conflict with a Water Quality Control Plan or Groundwater Management Plan

***Threshold**: Would the Project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?*

Finding: Less than Significant (DEIR, p. 4.8-20)

Explanation: The Project would comply with applicable water quality regulatory requirements, including implementation of a SWPPP, stormwater BMPs, and LID design, which would minimize potential off-site surface water quality impacts and contribute to a reduction in water quality impacts within the overall Mojave River Watershed. In addition, through compliance with these regulatory requirements, the Project would reduce potential water quality impairment of surface waters such that existing and potential beneficial uses of key surface water drainages throughout the jurisdiction of the Mojave River Basin Plan Amendment of the Lahontan Basin Plan would not be adversely impacted. As a result, the Project would not conflict with or obstruct the Lahontan Basin Plan.

With respect to groundwater management, the SGMA empowers local agencies to form GSAs to manage basins sustainably and requires those GSAs to adopt Groundwater Sustainability Plans for crucial groundwater basins in California. No GSA has been established for the Upper Mojave River Valley Groundwater Basin because it is not considered a medium- or high-priority basin. However, the basin is adjudicated, regulating the amount of groundwater extracted, reducing the potential for over-extraction. Further, the Project would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge and would not conflict with or obstruct a water quality control plan or sustainable groundwater management plan. Therefore, impacts associated with water quality control plans and sustainable groundwater management plans would be less than significant.

5. Cumulative

***Threshold**: Would the Project result in cumulatively considerable impacts related to hydrology and water quality?*

Finding: Less than Significant (DEIR, pp. 4.8-20 – 4.8-22)

Explanation:

Water Quality

The geographic context for the analysis of cumulative impacts associated with water quality is the encompassing Mojave River Watershed. Cumulative development in the watershed could add new sources of stormwater runoff. Construction activities associated with the Project could temporarily increase the number of exposed surfaces that could contribute to sediments in stormwater runoff. Additionally, materials associated with construction activities could be deposited on surfaces and carried to receiving waters in stormwater runoff. However, all cumulative development in the watersheds would be subject to the existing regulatory requirements to protect water quality and minimize increases in stormwater runoff. For example, Part 1, Section I of the Municipal NPDES Permit requires the City of Hesperia to effectively prohibit non-stormwater discharges from within its boundaries, into that portion of the MS4 that it owns or operates. Part 2, Section 1.E of the Municipal NPDES Permit requires the City to control discharges to and from municipal sewer systems, so as to comply with the Municipal NPDES Permit and to specifically prohibit certain discharges identified in the Municipal NPDES Permit.

Every 2 years, the Lahontan RWQCB must reevaluate water quality within its geographic region and identify those water bodies not meeting water quality standards. For those impaired water bodies, a TMDL must be prepared and implemented to reduce pollutant loads to levels that would not contribute to a violation of water quality standards. All developments within the Mojave River Watershed are subject to the water quality standards outlined in the Mojave River Basin Plan and must comply with any established TMDLs. The continuing review process would ensure that cumulative development within the watershed would not substantially degrade water quality.

The County and cities located within San Bernardino County are co-permittees under the San Bernardino County Municipal NPDES stormwater permit. The NPDES permit sets limits on pollutants being discharged into waterways and requires that the project designer and/or contractor of all new development projects that fall under specific project categories develop a WQMP that includes LID design requirements related to water quality. The LID design requirements would address long-term effects on water quality within the County's' watersheds and ensure that BMPs and LID designs minimize potential water quality concerns to the maximum extent practicable. Therefore, impacts associated with water quality standards and polluted runoff in the watersheds would be minimized, and the Project's contribution to cumulative impacts would be less than significant.

Water Supply

The development of the Project would increase water demand compared to existing conditions. The Project would be served by Hesperia Water District, for which the 2020 UWMP estimated an annual water demand in 2025 of 15,250 acre-feet and 16,290 acre-feet by 2030. The UWMP states that Hesperia Water District and other water agencies in Southern California have planned provisions for regional water for the growing

population, including drought scenarios for its service area. This plan includes a new water demand forecast prepared for the major categories of demand, using regional population, demographic projections, the dry climate, and historical water use to develop these forecasts. As such, the Project would not be expected to result in increased water usage causing the need for new entitlements, resources, and/or treatment facilities that are not already being planned to accommodate regional growth forecasts.

In addition, the 2020 UWMP concluded that the total projected water supplies available to Hesperia Water District during normal, single-dry, and multiple-dry water years until 2045 will be sufficient to meet the projected water demands of the projected growth in the service area. These projections consider land use, water development programs and projects, and water conservation. Additionally, the City plans to construct multiple recharge basins in cooperation with the Mojave Water Agency to deliver and recharge State Water Project water into underlying groundwater basins within the Hesperia Water District's service area. Collectively, these additional programs would enable water supply to exceed water demand now and into the future. Therefore, due to water planning efforts and water conservation standards, impacts would be less than significant, and the Project's contribution to cumulative impacts would not be cumulatively considerable.

Stormwater Drainage

The geographic context for the analysis of cumulative impacts related to storm drainage is the Mojave River Watershed, which is moderately urbanized and has impervious surfaces. Cumulative development within the County could potentially increase the number of impervious surfaces, which could cause or contribute to storm drain system capacity exceedance or alter the existing stormwater flow rates, resulting in adverse effects downstream on a water quality or quantity basis. New development within the watershed would be subject to the environmental review process, which would analyze potential impacts associated with stormwater runoff to the storm drain system. New development would be subject to the completion of drainage analyses to ensure that excessive on- or off-site flooding and runoff would not occur, as was done for the proposed Project. The post-development condition of the Project would reduce peak storm flow rates and therefore could not contribute to a significant cumulative effect. Therefore, since all cumulative projects are required to adhere to these same existing regulatory drainage control measures, the potential cumulative impact would be less than significant.

5.7 Noise

Threshold: 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?

Finding: Less than Significant (DEIR, pp. 4.9-11 – 4.9-18)

Explanation:

Short-Term Construction Impacts

Constrained to occur only during daytime hours (7:00 a.m. to 7:00 p.m.) and not on Sundays or federal holidays, noise from Project construction activities associated with the Project would result in less-than-significant impacts.

During construction, the incremental increase in local traffic from the Project would be approximately 1.3%. Based upon the fundamentals of acoustics, a doubling (a 100% increase) would be needed to result in a 3 dB increase in noise levels, which is the level corresponding to an audible change to the typical human listener. The resultant traffic noise increase would be much less than 1 dB and thus would not result in an audible change on an hourly or daily basis. Therefore, noise related to Project-related construction vehicles on local roadways would result in less-than-significant impacts.

Long-Term Operational Impacts

Traffic Noise

The Project would generate 745 daily trips. During the AM peak hour, implementation of the Project would result in a total of 108 passenger vehicles and 42 trucks. During the PM peak hour, implementation of the Project would result in a total of 100 passenger vehicles and 40 trucks. The results of noise modeling using these traffic assumptions and the comparisons for the off-site noise-sensitive land uses show that the Project would increase the traffic noise levels along the nearby arterial roadways by 0 to 1 dB (when rounded to whole numbers). A change (either an increase or a decrease) of 1 dB or less is not a readily audible change in the context of community noise (i.e., outside of a controlled test environment). The Project would not cause noise levels to exceed applicable City noise standards. The Project is not anticipated to result in significant traffic noise increases or cause an exceedance of applicable traffic noise standards. Therefore, impacts associated with off-site traffic noise would be less than significant.

On-Site Operational Noise

The implementation of the Project would result in changes to existing noise levels on the Project site by developing new stationary sources of noise, including introduction of outdoor HVAC equipment, and vehicle parking lot and truck loading dock activities. These sources may affect noise-sensitive vicinity land uses off the Project site.

The resulting noise levels for mechanical equipment and truck loading dock/truck yard activity noise, would not exceed the applicable noise standards for daytime or nighttime noise. Additionally, the estimated noise levels from the Project would be well below the existing measured daytime ambient noise levels in the Project vicinity, which ranged from approximately 39 to 74 dBA Leq. Therefore, impacts associated with mechanical equipment and truck loading dock / truck yard activity noise would be less than significant.

Parking Lot Activity

A comprehensive study of noise levels associated with surface parking lots was published in the Journal of Environmental Engineering and Landscape Management. The study found that average noise level during the peak period of use of the parking lot (generally in the morning with arrival of commuters, and in the evening with the departure of commuters), was 47 dBA Leq at 1 meter (3.28 feet) from the outside boundary of the parking lot. During off-peak time periods, especially during nighttime hours (10:00 p.m. to 7:00 a.m.), noise levels from parking lot activities would be substantially lower. The parking lots would function as an area source for noise, which means that noise would attenuate at a rate of 3 dBA with each doubling of distance. The nearest employee parking lot to existing or planned noise-sensitive receivers (receiver ST1, an existing residence to the west) is situated on the west side of the warehouse building, approximately 200 feet or more away. At a distance of 200 feet, parking lot noise levels would be

approximately 29 dBA, which would be well below the daytime (7:00 a.m. to 10:00 p.m.) exterior residential noise standard of 60 dBA Leq and the nighttime (10:00 p.m. to 7:00 a.m.) noise standard of 55 dBA Leq. Therefore, impacts associated with parking lot activity noise would be less than significant.

To summarize, impacts associated with on-site operational noise would be less than significant.

Threshold: Would the Project result in generation of excessive groundborne vibration or groundborne noise levels?

Finding: Less than Significant (DEIR, p. 4.9-19)

Explanation: During operation, no major sources of groundborne vibration are anticipated. Construction activities that might expose persons to excessive groundborne vibration or groundborne noise could cause a potentially significant impact. Groundborne vibration information related to construction activities (including demolition) has been collected byInformation from Caltrans indicates that continuous vibrations with a PPV of approximately 0.1 ips begin to annoy people. The heavier pieces of construction equipment, such as bulldozers, would have PPVs of approximately 0.089 ips or less at a distance of 25 feet. Groundborne vibration is typically attenuated over short distances. At the distance from the nearest vibration-sensitive receivers (a residential land use located to the west) to where construction activity would be occurring on the Project site (approximately 175 feet), and with the anticipated construction equipment, the PPV vibration level would be approximately 0.005 ips. At the closest sensitive receptors, vibration levels would be well below the vibration threshold of potential annoyance of 0.1 ips; therefore, impacts associated with vibration-generated annoyance would be less than significant.

The major concern with regards to construction vibration is related to building damage, which typically occurs at vibration levels of 0.5 ips or greater for buildings of reinforced-concrete, steel, or timber construction. As discussed above, the highest anticipated vibration levels at vibration-sensitive uses from with on-site Project construction would be approximately 0.005 ips, which would be well below the threshold of 0.5 ips for building damage. Therefore, impacts associated with vibration-produced damage would be less than significant.

Threshold: Would the Project be 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?

Finding: No Impact (DEIR, p. 4.9-19)

Explanation: The Project site is not located within the vicinity of a private airstrip. Additionally, the closest public airport to the Project site is the Hesperia Airport, which is located approximately 5.9 miles southeast of the Project site. According to the San Bernardino County Airport Land Use Commission, the Project is not located within the airport land use plan for this or other nearby airports.Therefore, no impacts associated with airport and aircraft noise would occur.

Threshold: Would the Project result in cumulatively considerable noise impacts?

Finding: Less than Significant (DEIR, pp. 4.9-19 – 4.9-20)

Explanation: The cumulative context for traffic noise is the traffic volume increases on roadways within Hesperia as a result of buildout of the City's 2010 General Plan and the anticipated increase in traffic volumes along these roadways. The Project transportation analysis considered the addition of traffic trips from cumulative projects as identified by the City.

Non-transportation noise sources (e.g., Project operation) and construction noise impacts are typically project specific and highly localized (i.e., these do not generally affect the community noise level at distances beyond several hundred feet). Construction activities associated with proposed or future development within the area would contribute to cumulative noise levels, but in a geographically limited and temporary manner. As other development occurs in the area, noise from different types of uses (e.g., traffic, aircraft, and fixed noise sources) would continue to combine, albeit on a localized basis, to cause increases in overall background noise conditions within the area. As a result, such sources do not significantly contribute to cumulative noise impacts at distant locations and are not evaluated on a cumulative level.

The maximum noise level increase for the Year 2040 versus Year 2040 plus Project scenario would be 1 dB or less at every studied road segment. A change (either an increase or a decrease) of 1 dB or less is not a readily audible change in the context of community noise (i.e., outside of a controlled test environment). Furthermore, the Project would not cause noise levels to exceed applicable City noise standards. Because the existing and planned future land uses along this roadway are commercial and industrial and thus not noise-sensitive, noise impacts would be less than significant. Traffic noise would not be cumulatively considerable.

5.8 Transportation

1. Conflict with a Program, Plan or Policy Addressing the Circulation System

***Threshold**: Would the Project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?*

Finding: Less than Significant (DEIR, p. 4.10-11)

Explanation:

The Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, as discussed below. Impacts would be less than significant.

Regional Transportation Plan/Sustainable Communities Strategy

The Project would be consistent with the 2020–2045 RTP/SCS, as noted in the Project's Initial Study (DEIR Appendix A).

City of Hesperia General Plan Circulation Element and Main Street and Freeway Corridor Specific Plan

The Project would be consistent with the applicable goals and policies of the General Plan Circulation Element and the Specific Plan. The Project would not hinder the City's ability to develop a safe, efficient, convenient, and attractive transportation system throughout the community. The Project would include on- and off-site roadway improvements to serve internal circulation needs and off-site access. The Project would also participate in the City's development impact fee program. The Project is also located in an area that would not encourage traffic to use local residential streets for access or parking needs. Consistent with the Main Street/I-15 and U.S. Hwy 395/I-15 Districts, the Project location takes advantage of the location along the I-15 corridor with its connection to U.S. Hwy 395, and its linkage to the Southern California Logistics Airport, a major logistics hub, located approximately 13 miles north of the Project site via U.S. Hwy 395 in the City of Victorville.

Transit, Bicycle, and Pedestrian Facilities

The Project would not conflict with any plans or policies regarding existing or proposed bicycle and pedestrian facilities in the study area and would be consistent with the City of Hesperia General Plan Non-Motorized Transportation Plan (Figure 4.10-3). The Project would include improvements along Phelan Road, including frontage landscaping and pedestrian improvements. Due to the limited development in the area and lack of sidewalks, there is no pedestrian activity in the vicinity of the Project site.

VVTA Routes 21P/W, 25, 64, and 68 are the closest transit service routes to the Project and the closest bus stop is approximately one mile east of the Project site at Cataba Road and Main Street. The VVTA Routes could potentially serve the Project in the future. Transit service is reviewed and updated by VVTA periodically to address ridership, budget, and community demand needs. Changes in land use can affect these periodic adjustments, which may lead to either enhanced or reduced service where appropriate. As such, it is recommended that the Project Applicant work in conjunction with VVTA to potentially provide bus service to the site.

Based on analysis provided above, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities, and its impact to transportation plans and programs would be less than significant.

2. Increase Hazards or Create Incompatible Uses

Threshold: 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)?

Finding: Less than Significant (DEIR, pp. 4.10-14 – 4.10-15)

Explanation: All roadway improvements required as part of the Project, whether located on or off site, would be designed and constructed in accordance with all applicable local, state, and federal roadway standards and practices. Vehicular and truck traffic access will be provided via the following driveways:

- **Driveway No. 1:** Phelan Road North Driveway – 30-foot-wide, right-in right-out (passenger cars only) driveway with stop sign

- **Driveway No. 2:** New Caliente Street East Driveway – 45-foot-wide, full-access (passenger cars and trucks) driveway with stop sign
- **Driveway No. 3:** New Caliente Street Southeast Driveway – 30-foot-wide, full-access (passenger cars and trucks) driveway with stop sign

Phelan Road would be widened along the Project frontage to the ultimate street section of 60 feet half street right-of-way and 46 feet centerline to curb face. New Caliente Road would be extended from Phelan Road to approximately 1,100 feet to the south. This would include sidewalk, streetlights, dry utilities, and landscaping along the Project frontage. New curb returns and ADA ramps at the southwest and southeast corner of the intersection would also be included.

These improvements would be overseen by the applicable lead agency and their qualified traffic engineers. This approach would ensure compliance with all applicable roadway design requirements. As such, no hazardous design features would be part of the Project's roadway improvements or site access. Impacts would be less than significant.

3. Inadequate Emergency Access

Threshold: Would the Project result in inadequate emergency access?

Finding: Less than Significant (DEIR, p. 4.13-15)

Explanation: The Project has three access driveways, and in the event of an emergency all the driveways would enable vehicles to enter/exit the Project site. All street improvements will be designed with adequate width, turning radius, and grade to facilitate access by City's firefighting apparatus, and to provide alternative emergency ingress and egress. The site plan would be subject to plan review by the City's Fire Department to ensure proper access for fire and emergency response is provided and required fire suppression features are included. Therefore, the Project's impact due to inadequate emergency access would be less than significant.

5.9 Utilities and Service Systems

1. New Infrastructure

Threshold: 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?

Finding: Less than Significant (DEIR, pp. 4.11-15 – 4.11-16)

Explanation: As discussed in further detail below, the Project would result in less-than-significant impacts with regard to 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.

Water Facilities

The Project would involve the construction of water distribution infrastructure (i.e., pipes, valves, meters, etc.) to provide domestic water, firewater, and irrigation to the Project site. There are existing water lines within Phelan Road; however, the proposed Project would require a new water line into one of these existing water mains.

The construction of the proposed water improvements would have the potential to cause environmental effects associated with buildout of the Project as a whole. The aforementioned water pipeline improvements have been considered as part of the Project, however, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for. There are no unique impacts associated with the installation of water infrastructure to serve the Project that have not been discussed and accounted for in this document. Therefore, impacts associated with water facilities would be less than significant.

Water Treatment Facilities

While the Project would result in an incremental increase in demand for water treatment capacity, the Project's water demand would not result in or require new or expanded water treatment facilities beyond those facilities that are already planned as part of Hesperia Water District's 2020 UWMP. As such, implementation of the Project would not result in the need to expand water treatment facilities. Therefore, impacts associated with water treatment facilities would be less than significant.

Wastewater Conveyance Facilities

The relocation and construction of the proposed sewer improvements have the potential to cause environmental effects associated with buildout of the Project as a whole. However, the proposed sewer improvements have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within the DEIR. There are no unique impacts associated with the installation of sewer infrastructure to serve the Project that have not been discussed and accounted for in this document. Therefore, impacts associated with wastewater conveyance facilities would be less than significant.

Wastewater Treatment Facilities

Upon buildout of the Project, the Project's wastewater would be conveyed to the Hesperia Subregional Water Recycling Facility and to the VVWRA RWWTP, which has a treatment capacity of 18.0 mgd and currently produces an average flow of 12.5 mgd, or approximately 70% of its total capacity. According to the wastewater generation rates used in the Project's air quality, greenhouse gas emissions, and energy analyses, the Project would generate approximately 0.213 mgd of wastewater.Projected wastewater from the Project would represent approximately 1.7% of the remaining capacity of the treatment facility. Given the remaining capacity of the VVWRA RWWTP, the VVWRA RWWTP would be able to adequately accommodate the Project's contribution of wastewater. As such, no improvements to any of the City's or VVWRA's facilities would be required to ensure sewer service to the Project site. Therefore, impacts associated with new wastewater treatment facilities would be less than significant.

Stormwater Drainage Facilities

The proposed drainage control features would be consistent with San Bernardino County Hydrology Manual to ensure that hydrologic conditions related to post-construction runoff would have a less-than-significant impact on the receiving storm drain system. The underground infiltration chamber would be designed to capture the entire volume generated from a 10-year storm, meaning no runoff would be discharged off site (DEIR Appendix G). In addition, for the 100-year peak runoff flow rates, the pre-development condition has a rate of 41.5 cubic feet per second and in the post-development condition that rate would be reduced to 22.7 cubic feet per second (Appendix G).

The construction of the proposed storm drain improvements described above has the potential to cause environmental effects associated with buildout of the Project as a whole. However, the storm drain improvements have been considered as part of the Project, and their disturbance footprints and construction techniques, as well as their associated impacts, have been accounted for within the DEIR. There are no unique impacts associated with the installation of storm drain improvements to serve the Project that have not been discussed and accounted for in this document. Therefore, impacts associated with stormwater drainage facilities would be less than significant.

Electric Power, Natural Gas, and Telecommunications

Electricity would be provided to the Project site by SCE. SCE conducts ongoing monitoring and electrical project development to ensure that it can provide adequate electrical service to the Project area. SoCalGas's Projections out to 2035 continue to show available capacity that is well above the existing and future anticipated natural gas demand in the area serviced by SoCalGas. There are a number of private telecommunications service providers that provide connections to their communication systems on an as-needed basis and maintain existing infrastructure in the vicinity of the Project site. Project demand for electricity, natural gas and telecommunications would be adequately served by existing infrastructure and capacity. Therefore, impacts associated with electric, natural gas, and telecommunication lateral connections would be less than significant.

2. Water Supplies

Threshold: Would the Project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?

Finding: Less than Significant (DEIR, pp. 4.11-16 – 4.11-17)

Explanation: Implementation of the Project would result in the construction of an industrial/warehouse building and associated improvements areas on an approximately 19.1-acre site. Based on estimates that were used to calculate energy usage for the operation of the Project, the total water demand for the Project was estimated at 79.1 million gallons per year or 216,801 gallons per day, which is the equivalent of 243 acre-feet per year (AFY). As there is currently no existing water demand for the Project site, the net increase in water demand would be equivalent to the Project's proposed water demand of 243 AFY.

The 2021 Hesperia Water District UWMP has planned for growth within its service area over the next 20 years. Hesperia Water District has made an allowance for future demand estimates. The net water demand

of the proposed Project development would be accounted for within this growth, as the Project is consistent with the underlying City land use designations for the Project site.

As long-term water supply is a significant concern in California, Hesperia Water District, in cooperation with VVWRA, plans to increase water supply reliability throughout its service region by expanding the Hesperia Subregional Water Recycling Facility's water treatment capacity from 1.0 mgd to 2.0 mgd by 2030 as well as build a second water recycling facility within the City that would be able to treat 2.6 mgd of wastewater by 2040. The City additionally plans to construct multiple recharge basins in cooperation with Mojave Water Agency to deliver and recharge State Water Project water into underlying groundwater basins within the Hesperia Water District's service area. Collectively, these additional measures would enable water supply to meet or exceed water demand for Hesperia Water District for now and into the future. The UWMP identifies a sufficient and reliable water supply for Hesperia Water District's service area, including sufficient water supply for the Project, in normal, single-dry-year, and multiple-dry-year scenarios. Therefore, impacts associated with water supply would be less than significant.

3. Wastewater Treatment Capacity

Threshold: 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?

Finding: Less than Significant (DEIR, p. 4.11-17)

Explanation: Upon buildout of the Project, the Project's wastewater would be conveyed to the Hesperia Subregional Water Recycling Facility and to the VVWRA RWWTP, which has a treatment capacity of 18.0 mgd and currently produces an average flow of 12.5 mgd, or approximately 70% of its total capacity. The Project would generate approximately 0.213 mgd of wastewater, which would represent approximately 1.7% of the remaining capacity of the treatment facility. Given the remaining capacity of the VVWRA RWWTP, the VVWRA RWWTP would be able to adequately accommodate the Project's contribution of wastewater. Furthermore, as previously discussed, to accommodate an increase in population growth throughout the region, the Hesperia Water District, in cooperation with the VVWRA, plans to expand the water recycling facility to treat 2.0 mgd of wastewater by 2030 as well as build a second water recycling facility within the City that would be able to treat 2.6 mgd of wastewater by 2040.

In addition, districts are empowered by the California Health and Safety Code to charge a fee for the privilege of connecting (directly or indirectly) to the districts' sewage systems for increasing the strength or quantity of wastewater discharged from connected facilities. This connection fee is a capital facilities fee that is imposed in an amount sufficient to construct an incremental expansion of the wastewater treatment system to accommodate the Project. Therefore, impacts associated with wastewater treatment capacity would be less than significant.

4. Increase in Solid Waste

Threshold: 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?

Finding: Less than Significant (DEIR, pp. 4.11-17 – 4.11-19)

Explanation: Construction and operation of the Project would result in less-than-significant impacts with regard to the generation of 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. Construction of the Project would result in the generation of solid waste such as scrap lumber, concrete, residual wastes, packing materials, plastics, and soils. Per the CALGreen Code, at least 65% of construction and demolition waste must be diverted from landfills. The City also has construction and demolition debris diversion requirements; however, the CALGreen standards require an equivalent level of diversion (65% diversion). Any hazardous wastes that are generated during construction activities would be managed and disposed of in compliance with all applicable federal, state, and local laws. The remaining 35% of construction material that is not required to be recycled would either be disposed of or voluntarily recycled at a solid waste facility with available capacity. As previously described, there are two existing landfills within San Bernardino County that accept inert waste, the Victorville Sanitary Landfill and the Chino Valley Rock Landfill. However, as waste from the City is already transported to the Victorville Sanitary Landfill, it would continue to be transported there. As of 2020, this landfill had an expected remaining capacity of 93,400,000 cubic yards and will remain open for another 27 years.

The City has a franchise agreement with Advance Disposal, which designates them as the City's exclusive waste hauler. Therefore, it is not an option to self-haul or use other companies to transport construction debris. However, the City currently recycles 75% or more of all solid waste produced in the City, exceeding the minimum requirement of 65% per CALGreen requirements. As such, any construction requiring disposal at an inert waste landfill would be sufficiently accommodated by existing landfills.

For the reasons stated above, Project construction would not 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.g., CALGreen standards). Therefore, short-term construction impacts associated with solid waste disposal would be less than significant.

Once operational, the Project would produce solid waste on a regular basis, in association with operation and maintenance activities. Anticipated solid waste generation attributable to the Project is based on the modeling conducted for the air quality and greenhouse gas emissions analysis for this document. The solid waste generation rates assume compliance with the California Code of Regulations Title 24, Part 11 and modeled to be 98.6 tons per year.

The City has a franchise agreement with Advance Disposal, which designates them as the City's exclusive waste hauler. Advance Disposal owns and operates the Advance Disposal Company & Recycling Center, which recycles 75% or more of the municipal's waste prior to being transferred to the Victorville Sanitary Landfill. This landfill has a maximum daily permitted throughput of 3,000 tons per day. Assuming solid waste is collected weekly, the net solid waste that is anticipated to be produced by the Project would equate to approximately 0.00047% of the available capacity of the Victorville Landfill through its estimated closure date.

Prior to Victorville Sanitary Landfill reaching capacity, additional landfills and strategies would be identified so that disposal needs continue to be met. Landfills within San Bernardino County that exceed the expected lifespan of the Victorville Landfill include the Barstow Sanitary Landfill, which is expected to remain open another 51 years, and the Landers Landfill, which is expected to remain to open another 52 years. Additional strategies to accommodate solid waste generated by the Project during its lifespan include the expansion of existing landfills, the construction of new landfills, and the selection of landfills outside of the County. As such, in the event of closure of the Victorville Sanitary Landfill, other landfills in the region would

be able to accommodate solid waste from the Project, and regional planning efforts would ensure continued landfill capacity into the foreseeable future.

For the reasons described above, Project operations would not 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.

Therefore, long-term operational impacts associated with solid waste disposal would be less than significant.

5. Consistent with Solid Waste Regulations

Threshold: Would the Project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?

Finding: Less than Significant (DEIR, p. 4.11-19)

Explanation: Solid waste from commercial uses in the City is brought to the Advance Disposal Co & Recycling Center, where waste is sorted for recyclable materials. From there, the remainder of the waste is taken to the Victorville Sanitary Landfill. This facility is regulated under federal, state, and local laws. Additionally, the City is required to comply with the solid waste reduction and diversion requirements set forth in AB 939, AB 341, AB 132, and AB 1826.

In addition, waste diversion and reduction during Project construction and operations would be completed in accordance with CALGreen standards and City diversion standards. As a result, the Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste. Therefore, impacts associated with solid waste statutes and regulations would be less than significant.

6. Cumulative

Threshold: Would the Project result in cumulatively considerable impacts related to utilities and service systems?

Finding: Less than Significant (DEIR, pp. 4.11-19 – 4.11-21)

Explanation: The Project would not result in cumulatively considerable impacts related to utilities and service systems, as discussed below.

Water Supply

The development of the Project would increase land use intensities in the area, resulting in increased water usage. The Project would be served by Hesperia Water District. As such, the development of the Project would increase the amount of water used in the Hesperia Water District's service area. Hesperia Water District 2021 UWMP estimates the annual water demand for 2025 is projected to be 15,250 acre-feet. This equates to approximately 4.97 billion gallons a year of water or 13.6 mgd. Hesperia Water District UWMP states that Hesperia Water District and other water agencies in Southern California have planned provisions for regional water for the growing population, including drought scenarios for its service area. This plan includes a new water demand forecast prepared for the major categories of demand and uses regional population, demographic projections, the dry climate, and historical water use to develop these forecasts. As such, the Project would not be expected to result in increased water usage causing the need

for new entitlements, resources, and/or treatment facilities that are not already being planned to accommodate regional growth forecasts.

In addition, the 2021 UWMP concluded that water demand and supply projections for Hesperia Water District, including the Project, demonstrate that projected supplies exceed demand through the year 2045. These projections consider land use, water development programs and projects, and water conservation. For example, Hesperia Water District, in coordination with the VVWRA, plans to expand the Hesperia Subregional Water Recycling Facility water treatment capacity from 1.0 mgd to 2.0 mgd by 2030 as well as building a second water recycling facility within the City that would be able to treat 2.6 mgd of wastewater by 2040. The City additionally plans to construct multiple recharge basins in cooperation with Mojave Water Agency to deliver and recharge State Water Project water into underlying groundwater basins within the Hesperia Water District's service area. Collectively, these additional programs would enable water supply to exceed water demand for the Hesperia Water District now and into the future.

Lastly, compliance with the CALGreen Code would be required for new development. In addition, CALGreen Code standards require a mandatory reduction in outdoor water use, in accordance with the DWR Model Water Efficient Landscape Ordinance. This would ensure that the Project does not result in wasteful or inefficient use of limited water resources and may, in fact, result in an overall decrease in water use per person.

Due to water planning efforts and water conservation standards, impacts would not be cumulatively considerable.

Wastewater

The Project would increase the amount of wastewater that is being generated in the area. However, as previously described, with the upsizing and installation of the sewer improvements, the wastewater treatment facilities in the Project would have the capacity to convey and treat municipal flows. Additionally, Hesperia Water District addresses its long-term planning efforts through the development of a long-term capital plan, which serves as a fundamental roadmap of required water, recycled water, and water reclamation facilities needed to support the buildout of existing jurisdictional general plans throughout its service area. Hesperia Water District's Capital Plan relies on its Wastewater Master Plan and Recycled Water Master Plan, which identifies the wastewater and recycled water infrastructure projects that will be necessary to accommodate future buildout in its service area. As cumulative increases in wastewater treatment demand within the service area require facility upgrades, Hesperia Water District would charge service connection fees. Such fees would ensure that capital improvements are completed sufficiently to accommodate increased wastewater inflows associated with the Project area. As such, due to Hesperia Water District's long-term planning efforts, Hesperia Water District would have adequate capacity to serve the Project and cumulative projects' projected demand in addition to the provider's existing commitments using existing entitlements and infrastructure, and impacts would not be cumulatively considerable.

Solid Waste

Development of the Project would increase land use intensities in the area, resulting in increased solid waste generation in the service area for the Victorville Sanitary Landfill. However, per CALGreen, 65% of construction and debris waste must be diverted from landfills. Once operational, AB 939 mandates that cities divert from landfills, at a minimum, 50% of the total solid waste generated to recycling facilities. According to Advance Disposal, the exclusive waste hauler of the City of Hesperia, the City currently recycles

75% or more of debris generated within the municipality. In addition, to reduce on-site solid waste generation, the Project would be required to implement waste reduction, diversion, and recycling during both construction and operation. Therefore, through compliance with state and local solid waste diversion requirements, Project impacts would not be cumulatively considerable.

Electric Power, Natural Gas, and Telecommunication

Development of the Project would add to demands for energy and would increase requirements for telecommunication technology infrastructure. The CAISO plans and coordinates grid enhancements to ensure that electrical power is provided to California consumers. To this end, transmission owners (investor-owned utilities such as SCE) file annual transmission expansion/modification plans to accommodate the state's growing electrical needs. The CAISO reviews and either approves or denies the proposed additions. In addition, and perhaps most importantly, the CAISO works with other areas in the western United States electrical grid to ensure that adequate power supplies are available to the state. In this manner, continuing reliable and affordable electrical power is assured to existing and new consumers throughout the state. Typically, upgrades to utility networks fall under the jurisdiction of the California Public Utilities Commission and would be subject to environmental review as electrical projects are proposed. As a result of this process, which involves ongoing monitoring and electrical project development, SCE ensures that it can provide adequate electrical service to the Project area.

As part of the Project, natural gas and telecommunication lines would be extended onto the Project site from their existing locations within the vicinity of the Project site, resulting in localized less-than-significant impacts. Given the nature of telecommunication and gas lines (which are not typically subject to the constraints of existing facilities), once telecommunication lines are extended to the Project site, no additional telecommunication or gas line construction is anticipated to be required. Additionally, cumulative development would be subject to review on a case-by-case basis. Should the applicable service provider determine that upgrades or extensions of infrastructure be required, any such upgrades would be included within each project's environmental review. As a result, impacts associated with upgrades of electric, natural gas, and telecommunication facilities would not be cumulatively considerable.

6 Findings Regarding Environmental Effects and Mitigation Measures

The DEIR identified a number of significant and potentially significant environmental effects (or impacts) that the Project may cause. Some of these significant impacts can be reduced to a level of less than significant through the adoption of feasible mitigation measures. Others cannot be reduced to a less-than-significant level and will be significant and unavoidable. For the reasons set forth in Section IX; however, the City has determined that overriding economic, social, or other considerations outweigh the significant, unavoidable effects of implementation of the Project (see Statement of Overriding Considerations).

The City hereby finds that mitigation measures have been identified in the EIR and these findings that will avoid or substantially lessen the following potentially significant environmental impacts to a less-than-significant level. The potentially significant impacts, and the mitigation measures that will reduce them to a less-than-significant level, are as follows:

6.1 Air Quality

1. Conflict with Air Quality Plan

Threshold: Would the Project conflict with or obstruct implementation of the applicable air quality plan?

Finding: Less than Significant with Mitigation (DEIR, p. 4.2-29)

Explanation: The Federal Particulate Matter Attainment Plan and Ozone Attainment Plan for the Mojave Desert set forth a comprehensive set of programs that will lead the MDAB into compliance with federal and state air quality standards. The control measures and related emission reduction estimates within the Federal Particulate Matter Attainment Plan and Ozone Attainment Plan are based upon emissions projections for a future development scenario derived from land use, population, and employment characteristics defined in consultation with local governments. A project is nonconforming with an air quality plan if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable MDAQMD rules and regulations, complies with all proposed control measures that are not yet adopted from the applicable plan(s), and is consistent with the growth forecasts in the applicable plan(s) (or is directly included in the applicable plan). Zoning changes, specific plans, General Plan amendments and similar land use plan changes that do not increase dwelling unit density, do not increase vehicle trips, and do not increase VMT are also deemed to comply with the applicable air quality plan.

The Project would be required to comply with all applicable MDAQMD rules and regulations, including, but not limited to Rules 401 (Visible Emissions), 402 (Nuisance), and 403 (Fugitive Dust). The Project site is located within the Main Street and Freeway Corridor Specific Plan, and the site is designated for Commercial/Industrial Business Park uses. The Commercial/Industrial Business Park designation is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses. Therefore, the Project would be consistent with the current land use designation and General Plan.

As discussed below, the Project's construction emissions would not exceed applicable MDAQMD regional thresholds. In addition, Project operational emissions would not exceed applicable MDAQMD regional thresholds after implementation of **Mitigation Measure (MM)-AQ-1,** which requires the Project to implement specific measures in in order to reduce operational off-road equipment and on-road vehicle air pollutant emissions to the extent feasible As such, the Project would not have the potential to increase the frequency or severity of a violation in the federal or state ambient air quality for ongoing Project operations. Impacts associated with conflicting with the MDAQMD air quality plans would be less than significant after mitigation. The health effects of criteria air pollutants are discussed further under the next impact criterion.

Based on the preceding considerations, impacts associated with conflicting with the MDAQMD air quality plans would be less than significant after mitigation.

MM-AQ-1 The Project shall implement the following measures in order to reduce operational off-road equipment and on-road vehicle air pollutant emissions to the extent feasible:

- All cargo handling equipment (including yard trucks, hostlers, yard goats, pallet jacks, forklifts) and landscaping equipment shall be zero-emission equipment. Each building shall include the necessary charging stations or other necessary infrastructure for cargo handling equipment. The building manager or their designee shall be responsible for enforcing these requirements.
- Prior to tenant occupancy, the Project Applicant or successor in interest shall provide documentation to the City of Hesperia demonstrating that occupants/tenants of the Project site have been provided documentation on funding opportunities, such as the Carl Moyer Program, that provide incentives for using cleaner-than-required engines and equipment.
- Prior to certificate of occupancy, install conduit and infrastructure for Level 2 (or faster) electric vehicle charging stations on site for employees for the percentage of employee parking spaces commensurate with Title 24 requirements in effect at the time of building permit issuance plus additional charging stations equal to 5% of the total employee parking spaces in the building permit, whichever is greater. By 2030 install Level 2 (or faster) electric vehicle charging stations for 25% of the employee parking spaces required.
- Conduit shall be installed to tractor trailer parking areas in logical locations determined by the Project Applicant during construction document plan check, for the purpose of accommodating the future installation of electric truck charging stations at such time this technology becomes commercially available.
- In anticipation of a transition to zero emissions truck fleets during the lifetime of the Project, install at least four heavy-duty truck vehicle charging stations on site by 2030.
- Cold storage operations shall be prohibited unless additional environmental review, including a Health Risk Assessment, is conducted and certified pursuant to the California Environmental Quality Act.

- Include contractual language in tenant lease agreements requiring that any facility operator shall:
  - For occupants with more than 250 employees, require the establishment of a transportation demand management program to reduce employee commute vehicle emissions;
  - Place legible, durable, weather-proof signs at truck access gates, loading docks, and truck parking areas that identify applicable CARB anti-idling regulations. At a minimum, each sign shall include: (1) instructions for truck drivers to shut off engines when not in use; (2) instructions for drivers of diesel trucks to restrict idling to no more than 5 minutes once the vehicle is stopped, the transmission is set to "neutral" or "park," and the parking brake is engaged; and (3) telephone numbers of the building facilities manager and CARB to report violations. Prior to the issuance of an occupancy permit, the City of Hesperia shall conduct a site inspection to ensure that the signs are in place;
  - Ensure that site enforcement staff in charge of keeping the daily log and monitoring for excess idling will be trained/certified in diesel health effects and technologies, for example, by requiring attendance at CARB-approved courses (such as the free, one-day Course No. 512);
  - Be required to train managers and employees on efficient scheduling and load management to eliminate unnecessary queuing and idling of trucks. The building manager or their designee shall be responsible for enforcing these requirements;
  - Be in, and monitor compliance with, all current air quality regulations for on-road trucks including CARB's Heavy-Duty (Tractor-Trailer) Greenhouse Gas Regulation, Periodic Smoke Inspection Program (PSIP), and the Statewide Truck and Bus Regulation.

2. Cumulatively Considerable Net Increase of Any Criteria Pollutant

Threshold: 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?

Finding: Less than Significant with Mitigation (DEIR, pp. 4.2-29 – 4.2-39)

Explanation: Construction and operation of the Project would result in emissions of criteria air pollutants from mobile, and area sources, which may cause exceedances of federal and state AAQS or contribute to existing nonattainment of AAQS.

Air pollution is largely a cumulative impact. The nonattainment status of regional pollutants is a result of past and present development, and the MDAQMD develops and implements plans for future attainment of AAQS. Although the area of the MDAB where the Project is located is currently designated a nonattainment area for federal and state O_3 standards and federal and state PM_{10} standards, the MDAB has experienced a substantial reduction in maximum 8-hour concentrations of O_3 over the past 30 years, as well as reductions in PM_{10} over time, as described in the respective MDAQMD O_3 and PM_{10} attainment plans. CEQA thresholds are established at levels that the air basin can accommodate without affecting the attainment date for the AAQS. Based on these considerations, Project-level thresholds of significance for criteria

pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality.

Short-Term Construction Impacts

Construction of the Project would result in the temporary addition of pollutants to the local airshed caused by on-site sources (i.e., off-road construction equipment and soil disturbance) and off-site sources (i.e., on-road haul trucks, vendor trucks, and worker vehicle trips). Construction emissions can vary substantially from day to day, depending on the level of activity, the specific type of operation, and for dust, the prevailing weather conditions. Therefore, such emission levels can only be approximately estimated with a corresponding uncertainty in precise ambient air quality impacts.

Implementation of the Project would generate criteria air pollutant emissions from entrained dust, off-road equipment, vehicle emissions, architectural coatings, and asphalt pavement application. Entrained dust results from the exposure of earth surfaces to wind from the direct disturbance and movement of soil, resulting in PM_{10} and $PM_{2.5}$ emissions. Internal combustion engines used by construction equipment, haul trucks, vendor trucks (i.e., delivery trucks), and worker vehicles would result in emissions of VOCs, NOx, CO, PM_{10}, and $PM_{2.5}$. The application of architectural coatings, such as exterior application/interior paint and other finishes, and application of asphalt pavement would also produce VOC emissions.

CalEEMod calculates maximum daily emissions for summer and winter periods. As such, the estimated maximum daily construction emissions without mitigation both summer and winter periods are summarized in Table 4.2-10 of the DEIR. Detailed construction model outputs are presented in DEIR Appendix B-1.

Short-term construction criteria pollutant emissions generated by the Project would not exceed the respective MDAQMD thresholds and would result in a less-than-significant impact without mitigation.

Long-Term Operational Impacts

Operation of the Project would generate criteria pollutant emissions from area sources (consumer products, architectural coatings, landscaping equipment), energy sources (natural gas combustion for space and water heating), mobile sources (vehicular traffic), and off-road equipment (diesel-fueled forklifts and yard trucks). DEIR Table 4.2-11 summarizes the unmitigated maximum daily operational emissions associated with the Project. Detailed operational model outputs are presented in DEIR Appendix B-1.

As shown in DEIR Table 4.2-11, the Project would exceed the numerical thresholds of significance established by the MDAQMD for emissions of NOx. This impact would be potentially significant without mitigation. Mitigation measures are required to minimize operational-related air quality impacts (**MM-AQ-1**). Most criteria air pollutants associated with the Project are generated by diesel-fueled off-road cargo handling equipment and on-road vehicles. **MM-AQ-1** includes the requirement for all off-road cargo handling equipment to be zero-emission, which would reduce the long-term criteria air pollutant emissions substantially. DEIR Table 4.2-12 summarizes the mitigated maximum daily operational emissions associated with the Project. Detailed operational model outputs are presented in DEIR Appendix B-1. After implementation of **MM-AQ-1**, regional operational emissions would not exceed the applicable MDAQMD thresholds of significance for any criteria pollutant. Therefore, long-term impacts associated with a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment would be less than significant with mitigation.

Mobile Source Emissions

The Project's truck emissions have the potential to occur in neighboring air districts. DEIR Table 4.2-8, Truck Activity by Air District, provided the estimated truck activity by air district. The activity percentage was applied to the truck mobile source emissions to estimate potential air impacts within those air districts. DEIR Table 4.2-13 provides an estimate of the mobile source emissions within the neighboring air districts and compares those emissions to the respective district thresholds to determine the Project's air quality impact.

Net Increase of Any Criteria Pollutant Emissions

The California Supreme Court's Sierra Club v. County of Fresno (2018) 6 Cal. 5th 502 decision (referred to herein as the Friant Ranch decision) (issued on December 24, 2018) addresses the need to correlate mass emission values for air pollutants to specific health consequences and contains the following direction from the California Supreme Court: "The Environmental Impact Report (EIR) must provide an adequate analysis to inform the public how its bare numbers translate to create potential adverse impacts or it must explain what the agency does know and why, given existing scientific constraints, it cannot translate potential health impacts further." The following discussion summarizes the detailed information within DEIR Appendix B-3, Health Effects of Criteria Air Pollutants.

There are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days. Currently, CARB and EPA have not approved a quantitative method to reliably, meaningfully, and consistently translate the mass emission estimates for the criteria air pollutants resulting from the project to specific health effects. Within the state, currently, only the Sacramento Metropolitan Air Quality Management District (SMAQMD) has established quantitative guidance; however, application of the SMAQMD screening analysis is not appropriate for the Project because the Project and associated emissions occur outside of the 5-Air-District Region evaluated in the SMAQMD screening analysis.

In connection with the judicial proceedings culminating in issuance of the Friant Ranch decision, the SCAQMD and the SJVAPCD filed amicus briefs attesting to the extreme difficulty of correlating an individual project's criteria air pollutant emissions to specific health impacts. Both SJVAPCD and SCAQMD have among the most sophisticated air quality modeling and health impact evaluation capabilities of the air districts in California. The key, relevant points from the SCAQMD and SJVAPCD briefs are summarized herein.

In requiring a health impact type of analysis for criteria air pollutants, it is important to understand how O_3 and PM are formed, dispersed, and regulated. The formation of O_3 and PM in the atmosphere, as secondary pollutants, involves complex chemical and physical interactions of multiple pollutants from natural and anthropogenic sources. The O_3 reaction is self-perpetuating (or catalytic) in the presence of sunlight because NO_2 is photochemically reformed from nitric oxide. In this way, O_3 is controlled by both NO_x and VOC emissions. The complexity of these interacting cycles of pollutants means that incremental decreases in one emission may not result in proportional decreases in O_3. Although these reactions and interactions are well understood, variability in emission source operations and meteorology creates uncertainty in the modeled O_3 concentrations to which downwind populations may be exposed. Once formed, O_3 can be transported long distances by wind and due to atmospheric transport; contributions of precursors from the surrounding region can also be important. Because of the complexity of O_3 formation, a specific tonnage

amount of VOCs or NO_x emitted in a particular area does not equate to a particular concentration of O_3 in that area. PM can be divided into two categories: directly emitted PM and secondary PM. Secondary PM, like O_3, is formed via complex chemical reactions in the atmosphere between precursor chemicals such as SO_x and NO_x. Because of the complexity of secondary PM formation, including the potential to be transported long distances by wind, the tonnage of PM-forming precursor emissions in an area does not necessarily result in an equivalent concentration of secondary PM in that area. This is especially true for individual projects, like the project, where project-generated criteria air pollutant emissions are not derived from a single "point source," but from construction equipment and mobile sources (passenger cars and trucks) driving to, from, and around the project sites.

Another important technical nuance is that health effects from air pollutants are related to the concentration of the air pollutant that an individual is exposed to, not necessarily the individual mass quantity of emissions associated with an individual project. For example, health effects from O_3 are correlated with increases in the ambient level of O_3 in the air a person breathes. However, it takes a large amount of additional precursor emissions to cause a modeled increase in ambient O_3 levels over an entire region. The lack of link between the tonnage of precursor pollutants and the concentration of O_3 and $PM_{2.5}$ formed is important because it is not necessarily the tonnage of precursor pollutants that causes human health effects; rather, it is the concentration of resulting O_3 that causes these effects. Indeed, the ambient air quality standards, which are statutorily required to be set by EPA at levels that are requisite to protect public health, are established as concentrations of O_3 and $PM_{2.5}$ and not as tonnages of their precursor pollutants. Because the ambient air quality standards are focused on achieving a particular concentration regionwide, the tools and plans for attaining the ambient air quality standards are regional in nature. For CEQA analyses, project-generated emissions are typically estimated in pounds per day or tons per year and compared to mass daily or annual emission thresholds. While CEQA thresholds are established at levels that the air basin can accommodate without affecting the attainment date for the ambient air quality standards, even if a project exceeds established CEQA significance thresholds, this does not mean that one can easily determine the concentration of O_3 or PM that will be created at or near a project site on a particular day or month of the year, or what specific health impacts will occur.

In regard to regional concentrations and air basin attainment, SJVAPCD emphasized that attempting to identify a change in background pollutant concentrations that can be attributed to a single project, even one as large as the entire Friant Ranch Specific Plan, is a theoretical exercise. The SJVAPCD brief noted that it "would be extremely difficult to model the impact on NAAQS attainment that the emissions from the Friant Ranch project may have." The situation is further complicated by the fact that background concentrations of regional pollutants are not uniform either temporally or geographically throughout an air basin but are constantly fluctuating based upon meteorology and other environmental factors. SJVAPCD noted that the currently available modeling tools are equipped to model the impact of all emission sources in the San Joaquin Valley Air Basin on attainment. The SJVAPCD brief then indicated that "[r]unning the photochemical grid model used for predicting O3 attainment with the emissions solely from the Friant Ranch project (which equate to less than one-tenth of one percent of the total NO_x and VOC in the Valley) is not likely to yield valid information given the relative scale involved".

SCAQMD and SJVAPCD have indicated that it is not feasible to quantify project-level health impacts based on existing modeling. Even if a metric could be calculated, it would not be reliable because the models are equipped to model the impact of all emission sources in an air basin on attainment and would likely not

yield valid information or a measurable increase in O_3 concentrations sufficient to accurately quantify O_3-related health impacts for an individual project.

Nonetheless, following the Supreme Court's Friant Ranch decision, some EIRs where estimated criteria air pollutant emissions exceeded applicable air district thresholds have included a quantitative analysis of potential project-generated health effects using a combination of a regional photochemical grid model and the EPA Benefits Mapping and Analysis Program (BenMAP or BenMAP–Community Edition [CE]). The publicly available health impact assessments (HIAs) typically present results in terms of an increase in health incidences and/or the increase in background health incidence for various health outcomes resulting from the Project's estimated increase in concentrations of O_3 and $PM_{2.5}$. To date, the six publicly available HIAs reviewed herein have concluded that the evaluated Project's health effects associated with the estimated Project-generated increase in concentrations of O_3 and $PM_{2.5}$ represent a small increase in incidences and a very small percent of the number of background incidences, indicating that these health impacts are negligible and potentially within the models' margin of error. It is also important to note that while the results of the six available HIAs conclude that the Project emissions do not result in a substantial increase in health incidences, the estimated emissions and assumed toxicity is also conservatively inputted into the HIA and thus, overestimate health incidences, particularly for $PM_{2.5}$.

The SMAQMD's Guidance to Address the Friant Ranch Ruling for CEQA projects in the Sac Metro Air District (2020) included an approach for analyzing individual projects in addition to the screening tools for minor projects and strategic area projects. The analysis of individual projects guidance states that "In order to estimate the health effects of the increases of criteria pollutants for a proposed Project, practitioners should apply a PGM to estimate the increases in concentrations of ozone and PM2.5 in the region as a result of the emissions of criteria and precursor pollutants from a Project. Next apply the U.S. EPA-authored program, the Benefits Mapping and Analysis Program (BenMAP2), to estimate the resulting health effects from the increases in concentration." The SMAQMD guidance outlines the same or similar approach taken in the six available HIAs noted above, which as explained herein, has not produced meaningful information for the public.

The BAAQMD released qualitative health effects assessment for criteria air pollutants guidance to address the Friant Ranch case as part of their 2022 CEQA Guidelines.

As explained in the SJVAPCD brief and noted previously, running the photochemical grid model used for predicting O_3 attainment with the emissions solely from an individual project like the Friant Ranch Project or the Project is not likely to yield valid information given the relative scale involved. The six examples reviewed support the SJVAPCD brief's contention that consistent, reliable, and meaningful results may not be provided by methods applied at this time and BAAQMD's caution to provide meaningful information to the public. Accordingly, additional work in the industry and more importantly, air district participation, is needed to develop a more meaningful analysis to correlate project-level mass criteria air pollutant emissions and health effects for decision makers and the public. Furthermore, at the time of writing, no HIA has concluded that health effects estimated using the photochemical grid model and BenMAP approach are substantial provided that the estimated project-generated incidences represent a very small percent of the number of background incidences, potentially within the models' margin of error. In addition, the mitigated Project would result in substantially fewer daily emissions than any of the projects with HIA analyses, and would, therefore, likely result in even fewer potential health effects than the minimal increase in health incidences of these other projects.

Health effects associated with O_3 include respiratory symptoms, worsening of lung disease leading to premature death, and damage to lung tissue. VOCs and NO_x are precursors to O_3 and the contribution of VOCs and NO_x to regional ambient O_3 concentrations is the result of complex photochemistry. The Project would not exceed the MDAQMD thresholds of VOC or NO_x during construction, and with mitigation, would not exceed MDAQMD thresholds during operations. Therefore, implementation of the Project would contribute minimally to regional O_3 concentrations and the associated health effects.

Health effects associated with NO_x and NO_2 (which is a constituent of NO_x) include lung irritation and enhanced allergic responses. Because the Project would not exceed the MDAQMD NO_x thresholds after mitigation, the Project would not contribute to significant health effects associated with NO_x and NO_2.

Health effects associated with CO include chest pain in patients with heart disease, headache, light-headedness, and reduced mental alertness. CO tends to be a localized impact associated with congested intersections. The potential for CO hotspots is discussed under Threshold C below and determined to be less than significant. Thus, the Project's CO emissions would not contribute to significant health effects associated with CO.

Health effects associated with PM_{10} and $PM_{2.5}$ include premature death and hospitalization, primarily for worsening of respiratory disease. Construction and operation of the Project would not exceed the MDAQMD threshold for PM_{10}. As such, the Project would not contribute to exceedances of the NAAQS and CAAQS for particulate matter and obstruct the MDAB from coming into attainment for these pollutants or result in associated health effects.

While the above scientific and technological constraints present considerable doubt that quantifying health effects for individual CEQA projects may not accurately and meaningfully inform the public of how Project-generated bare numbers (i.e., estimated criteria air pollutant emissions) translate to create potential adverse health effects, additional analysis is presented below.

The EPA CO–Benefits Risk Assessment (COBRA) screening model was used to estimate the potential health effects of the Project based on the emissions of air pollutants. Annual emissions are input into COBRA, and the mitigated Project increase in operational emissions would be 2.53 tons per year of VOC, 9.15 tons per year of NO_x, 0.09 tons per year of SO_x, and 1.24 tons per year of $PM_{2.5}$. O_3 and $PM_{2.5}$ related health outcomes attributed to Project-related increases in ambient air concentrations included asthma-related emergency room visits (0.000 incidences per year), lung cancer incidence (0.000 incidences per year), all cardiovascular-related emergency room visits (0.002 incidences per year), all respiratory-related hospital admissions (0.001 incidences per year), nonfatal heart attacks (less than 0.004 incidences per year), and total mortality (up to 0.014 incidences). Notably, COBRA's incidence values refer to the number of new cases of a health outcome over a specified time period. For context, between 2020-2022, the California Department of Public Health reported that San Bernardino County had an annual average of 19,113.7 mortalities from all causes and an age-adjusted death rate of 889.5 mortalities per 100,000 population.

In summary, there are numerous scientific and technological complexities associated with correlating criteria air pollutant emissions from an individual project to specific health effects or potential additional nonattainment days, and methods available to quantitatively evaluate health effects may not be appropriate to apply to emissions concentrations associated with the Project, which cannot be estimated with a high-level of accuracy. Nonetheless, additional information is provided to support impact conclusions and to explain what is known and what is not given constraints. Overall, as the Project would not result in

exceedances of the MDAQMD significance thresholds after mitigation, and because the MDAQMD thresholds are based on levels that the MDAB can accommodate without affecting the attainment date for the AAQS and the AAQS are established to protect public health and welfare, the Project is not anticipated to result in health effects associated with NO_x, VOCs, CO, SO_x, PM_{10}, or $PM_{2.5}$. The potential health effects associated with criteria air pollutants are considered less than significant with mitigation. See also DEIR Appendix B-3 for a detailed discussion of health effects of Project-generated criteria air pollutant emissions.

3. Sensitive Receptors

Threshold: Would the Project expose sensitive receptors to substantial pollutant concentrations

Finding: Less than Significant with Mitigation (DEIR, p. 4.2-40).

Explanation:

Local Carbon Monoxide Concentrations (Operation)

Operation of the Project would generate criteria pollutant emissions from area sources (consumer products, architectural coatings, landscaping equipment), energy sources (natural gas combustion for space and water heating), mobile sources (vehicular traffic), and off-road equipment (diesel-fueled forklifts and yard trucks). As shown in DEIR Table 4.2-11, the Project would exceed the numerical thresholds of significance established by the MDAQMD for emissions of NO_x. This impact would be potentially significant without mitigation.

Mitigation measures are required to minimize operational-related air quality impacts (**MM-AQ-1**). Most criteria air pollutants associated with the Project are generated by diesel-fueled off-road cargo handling equipment and on-road vehicles. **MM-AQ-1** includes the requirement for all off-road cargo handling equipment to be zero-emission, which would reduce the long-term criteria air pollutant emissions substantially.

After implementation of **MM-AQ-1**, regional operational emissions would not exceed the applicable MDAQMD thresholds of significance for any criteria pollutant. Therefore, long-term impacts associated with a cumulatively considerable net increase of any criteria pollutant for which the Project region is nonattainment would be less than significant with mitigation.

4. Cumulative

Threshold: Would the Project result in cumulatively considerable impacts related to air quality?

Finding: Less than Significant with Mitigation (DEIR, p. 4.2-42)

Explanation: By its nature, air pollution is largely a cumulative impact. The geographic context is the MDAB. Assuming all mobile source emissions are included in the Project's criteria air pollutant emissions inventory prior to comparing emissions to the MDAQMD thresholds represents a conservative assumption because many of the heavy-duty trucks that CEQA forces the agency to assume are "caused" by the Project are in fact already operating within the region due to existing goods movement patterns. Thus, in reality, speculative warehouse projects, such as the Project, are not really causing the creation of all new truck trips but instead are diverting them to different points of distribution origin. Nevertheless, this EIR conservatively assumes that all truck trips assigned to the Project are in fact "new" trips when in fact this is likely not the case.

The nonattainment status of regional pollutants is a result of past and present development, and the MDAQMD develops and implements plans for future attainment of ambient air quality standards. Based on these considerations, project-level thresholds of significance for criteria pollutants are relevant in the determination of whether a project's individual emissions would have a cumulatively significant impact on air quality. Individual projects that do not generate operational or construction emissions that exceed the MDAQMD's recommended daily thresholds for project-specific impacts would also not cause a cumulatively considerable increase in emissions for those pollutants for which the MDAB is in nonattainment and would therefore not be considered to have a significant adverse air quality impact.

The area of the MDAB in which the Project is located is a nonattainment area for O_3 and PM_{10} under the NAAQS and/or CAAQS. The poor air quality in the MDAB is the result of cumulative emissions from motor vehicles, off-road equipment, commercial and industrial facilities, and other emission sources. Projects that emit these pollutants or their precursors (i.e., VOC and NO_x for O_3) potentially contribute to poor air quality. Daily construction emissions associated with the Project would not exceed the MDAQMD significance thresholds without mitigation and Project operational-source air pollutant emissions would result emissions that would not exceed the MDAQMD significance thresholds after implementation of **MM-AQ-1**. Based on the preceding, the Project would not result in cumulatively considerable criteria air pollutant emissions after mitigation.

6.2 Biological Resources

1. Impacts to Sensitive Species

Threshold: 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?

Finding: Less than Significant with Mitigation (DEIR, pp. 4.3-24 – 4.3-34)

Explanation: One candidate for state listing under CESA—western Joshua tree—was observed and would be directly impacted by the Project. The Project could result in significant direct impacts to one listed (state candidate for listing) species (burrowing owl) and one special-status wildlife species that have a moderate to high potential to occur within BSA (LeConte's thrasher), and one special-status wildlife species that was observed in the BSA (loggerhead shrike).

The Project could result in potentially significant impacts to species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS, including native desert plants protected under the CNDPA and City of Hesperia Municipal Code, including western Joshua trees, burrowing owl, LeConte's thrasher, and loggerhead shrike. Implementation of **MM-BIO-1** through **MM-BIO-15** is required to reduce impacts to a less-than-significant level (DEIR, pp. 4.3-41 – 4.3-45).

MM-BIO-1 Western Joshua Tree Fee Payment. Mitigation for direct impacts to 848 western Joshua tree individuals and indirect impacts to 73 western Joshua tree individuals shall be fulfilled through payment of the elected fees as described in Section 1927.3 of the Western Joshua Tree Conservation Act. In conformance with the fee schedule, mitigation shall consist of payment of $2,500 for each western Joshua tree 5 meters or greater in height, $500 for each tree 1 meter or greater but less than 5 meters in height, and $340 for each western

Joshua tree less than 1 meter in height. The California Department of Fish and Wildlife (CDFW) shall determine the final fee, and may charge fees for indirect impacts to western Joshua trees. Alternatively, mitigation shall occur through off-site conservation or through a CDFW-approved mitigation bank, or as required by a Section 2081 Incidental Take Permit, if received.

Other local regulations (i.e., Hesperia Municipal Code Chapter 16.24 and San Bernardino County Development Code Chapter 88.01) also require permitting or notification prior to removal of western Joshua trees. Therefore, the Project must submit an application to the City of Hesperia prior to the removal or relocation of western Joshua trees in accordance with Hesperia Municipal Code Chapter 16.24, Protected Plant Policy. Additionally, the Project Applicant shall submit an application for a Tree or Plant Removal Permit for all western Joshua trees to be removed in compliance with San Bernardino County Development Code Chapter 88.01.050 prior to the issuance of grading permits.

MM-BIO-2 Removal Permit for Desert Native Plants. Prior to the issuance of grading permits, the Project Applicant shall submit an application and applicable fee paid to the City of Hesperia for removal of protected native desert plants under Hesperia Municipal Code Chapter 16.24, and shall schedule a pre-construction site inspection with the Planning Division and the Building Division. The application shall include certification from a qualified western Joshua tree and native desert plant expert to show that proposed removal or relocation of protected native desert plants are appropriate, supportive of a healthy environment, and in compliance with the Hesperia Municipal Code. Protected plants subject to Hesperia Municipal Code Chapter 16.24 may be relocated on site and incorporated into the on-site landscaping or within a designated storage area for plants to be adopted later.

Per direction from the City of Hesperia, compliance with state policy (i.e., the Western Joshua Tree Conservation Act) and procurement of a native plant removal permit from the City of Hesperia would meet the requirements of Hesperia Municipal Code Chapter 16.24 to protect, preserve, and mitigate impacts to desert native plants, including western Joshua trees.

MM-BIO-3 Designated Biologist Authority. The designated biologist shall have authority to immediately stop any activity that does not comply with the biological resources mitigation measures and/or to order any reasonable measure to avoid the unauthorized take of an individual western Joshua tree.

MM-BIO-4 Compliance Monitoring. The designated biologist shall be on site daily when impacts occur. The designated biologist shall conduct compliance inspections to minimize incidental take of western Joshua trees and impacts to other sensitive biological resources; prevent unlawful take of western Joshua trees; and ensure that signs, stakes, and fencing are intact and that impacts are only occurring within the permitted impact footprint. Weekly written observation and inspection records that summarize oversight activities, compliance inspections, and monitoring activities required by the Incidental Take Permit shall be prepared.

MM-BIO-5 Education Program. An education program (Worker Environmental Awareness Program [WEAP]) for all persons employed or otherwise working in the Project area shall be administered before performing impacts. The WEAP shall consist of a presentation from

the designated biologist that includes a discussion of the biology and status of western Joshua trees, burrowing owls, loggerhead shrikes, and other biological resources mitigation measures described in the California Environmental Quality Act document. Interpretation for non-English-speaking workers shall be provided, and the same instruction shall be provided to all new workers before they are authorized to perform work in the Project area. Upon completion of the WEAP, employees shall sign a form stating they attended the program and understand all protection measures. This training shall be repeated at least once annually for long-term and/or permanent employees who will be conducting work in the Project area.

MM-BIO-6 Construction Monitoring Notebook. The designated biologist shall maintain a construction monitoring notebook on site throughout the construction period that shall include a copy of the biological resources mitigation measures with attachments and a list of signatures of all personnel who have successfully completed the education program. The permittee shall ensure that a copy of the construction monitoring notebook is available for review at the Project site upon request by the California Department of Fish and Wildlife.

MM-BIO-7 Delineation of Property Boundaries. Before beginning activities that would cause impacts, the contractor shall, in consultation with the designated biologist, clearly delineate the boundaries with fencing, stakes, or flags, consistent with the grading plan, within which Project impacts will take place. All impacts outside the fenced, staked, or flagged areas shall be avoided, and all fencing, stakes, and flags shall be maintained until the completion of impacts in that area.

MM-BIO-8 Hazardous Waste. The Project Applicant shall immediately stop work and, pursuant to pertinent state and federal statutes and regulations, arrange for repair and clean up by qualified individuals of any fuel or hazardous waste leaks or spills at the time of occurrence, or as soon as it is safe to do so.

MM-BIO-9 Herbicides. The Project Applicant shall limit herbicide use for invasive plant species and shall use herbicides only if it has been determined that hand or mechanical efforts are infeasible. To prevent drift, the permittee shall apply herbicides only when wind speeds are less than 7 miles per hour. All herbicide application shall be performed by a licensed applicator and in accordance with all applicable federal, state, and local laws and regulations.

MM-BIO-10 Pre-Construction Surveys for Burrowing Owl and Avoidance. One pre-construction burrowing owl survey shall be completed no more than 14 days before initiation of site preparation or grading activities and a second survey shall be completed within 24 hours of the start of site preparation or grading activities. If ground-disturbing activities are delayed or suspended for more than 30 days after the pre-construction surveys, the project site shall be resurveyed. Surveys for burrowing owl shall be conducted in accordance with protocols established in the Staff Report on Burrowing Owl Mitigation (prepared by the California Department of Fish and Game [now California Department of Fish and Wildlife; CDFW]) in 2012 or current version.

If burrowing owls are detected, and if impacts to burrowing owl cannot be feasibly avoided, the project applicant will consult with California Department of Fish and Wildlife (CDFW)

and obtain appropriate take authorization from the CDFW through the California Endangered Species Act (CESA) Incidental Take Permit process.

In the event an Incidental Take Permit is needed, mitigation for direct impacts to burrowing owl shall be fulfilled through compensatory mitigation at a minimum 1:1 habitat replacement of equal or better functions and values to those impacted by the project, or as otherwise determined through the Incidental Take Permit process. Mitigation shall be accomplished either through off-site conservation or through a CDFW-approved mitigation bank. If mitigation is not purchased through a mitigation bank, and lands are conserved separately, a cost estimate shall be prepared to estimate the initial start-up costs and ongoing annual costs of management activities for the management of the conservation easement area(s) in perpetuity. The funding source shall be in the form of an endowment to help the qualified natural lands management entity that is ultimately selected to hold the conservation easement(s). The endowment amount shall be established following the completion of a project-specific Property Analysis Record to calculate the costs of in-perpetuity land management. The Property Analysis Record shall take into account all management activities required in the Incidental Take Permit to fulfill the requirements of the conservation easement(s), which are currently in review and development

MM-BIO-11 Restoration of Temporary Impacts. Site construction areas subjected to temporary ground disturbance from the off-site improvement areas shall be recontoured to natural grade (if the grade was modified during the temporary disturbance activity). The Project does not include revegetation or restoration of temporary impacts after Project completion. However, natural vegetation will be allowed to regenerate in temporary disturbed areas. Furthermore, if topsoil is removed during construction, the segregated topsoil will be replaced, and the native seed will be allowed to regenerate naturally. This measure does not apply to areas that are urban/developed that are temporarily impacted and will be returned to an urban/developed land use.

MM-BIO-11 Restoration of Temporary Impacts. Site construction areas subjected to temporary ground disturbance from the off-site improvement areas shall be recontoured to natural grade (if the grade was modified during the temporary disturbance activity). The Project does not include revegetation or restoration of temporary impacts after Project completion. However, natural vegetation will be allowed to regenerate in temporary disturbed areas. Furthermore, if topsoil is removed during construction, the segregated topsoil will be replaced, and the native seed will be allowed to regenerate naturally. This measure does not apply to areas that are urban/developed that are temporarily impacted and will be returned to an urban/developed land use.

MM-BIO-12 Pre-Construction Nesting Bird Surveys and Avoidance. Construction activities shall avoid the migratory bird nesting season (typically February 1 through August 31) to reduce any potential significant impact to birds that may be nesting in the biological survey area. If construction activities must occur during the migratory bird nesting season, an avian nesting survey of the Project site and within 500 feet of all impact areas must be conducted to determine the presence/absence of protected migratory birds and active nests. The avian nesting survey shall be performed by a qualified wildlife biologist within 72 hours

prior to the start of construction in accordance with the Migratory Bird Treaty Act and California Fish and Game Code Sections 3503, 3503.5, and 3513. If an active bird nest is found, the nest shall be flagged and mapped on the construction plans, along with an appropriate buffer established around the nest, which shall be determined by the biologist based on the species' sensitivity to disturbance (typically 300 feet for passerines and 500 feet for raptors and special-status species). The nest area shall be avoided until the nest is vacated and the juveniles have fledged. The nest area shall be demarcated in the field with flagging and stakes or construction fencing. On-site construction monitoring shall be conducted when construction occurs in close proximately to an active nest buffer. No Project activities shall encroach into established buffers without the consent of a monitoring biologist. The buffer shall remain in place until is determined that the nestlings have fledged and the nest is no longer active.

MM-BIO-13 Trash and Debris. The following avoidance and minimization measures shall be implemented during Project construction:

- Fully covered trash receptacles that are animal-proof shall be installed and used by the operator to contain all food, food scraps, food wrappers, beverage containers, and other miscellaneous trash. Trash contained within the receptacles shall be removed at least once a week from the Project site.
- Construction work areas shall be kept clean of debris, such as cable, trash, and construction materials. All construction/contractor personnel shall collect all litter, vehicle fluids, and food waste from the Project site on a daily basis.

MM-BIO-14 Lighting. Lighting for construction activities and operations within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife shall be directed away from natural areas

MM-BIO-15 Invasive Plant Management. To reduce the spread of invasive plant species, landscape plants within 200 feet of native vegetation communities shall not be on the most recent version of the California Invasive Plant Council's Inventory of Invasive Plants (http://www.cal-ipc.org/ip/inventory/index.php). Post-construction, the Project Applicant shall continually remove invasive plant species on site by hand or mechanical methods, as feasible.

2. Impacts to Riparian Habitat

Threshold: 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 Game or U.S. Fish and Wildlife Service?

Finding: Less than Significant with Mitigation (DEIR, pp. 4.3-38 – 4.3-41)

Explanation: The Project could result in potentially significant impacts to Joshua tree woodland, a CDFW sensitive natural community. Implementation of **MM-BIO-1** and **MM-BIO-3** through **MM-BIO-9** is required to reduce impacts to a less-than-significant level (DEIR, p. 4.3-45).

3. Impacts to Wetlands

Threshold: 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?

Finding: Less than Significant with Mitigation (DEIR, pp. 4.3-37 – 4.3-38)

Explanation: No state or federal wetlands or waters are present in the BSA. Therefore, no direct impacts to jurisdictional wetlands or waters would occur. Potential short-term indirect impacts relating to construction activities, accidental chemical spills, construction pollutants, and stormwater erosion and sedimentation would be significant absent mitigation. Potential long-term indirection impacts relating to operations and maintenance activities may include changes in water quality and accidental chemical spills. Standard BMPs and implementation of **MM-BIO-3** through **MM-BIO-9** would reduce impacts to a less-than-significant level (DEIR, p. 4.3-45).

4. Interfere with Movement of Native Species

Threshold: Would the Project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Finding: Less than Significant (DEIR, p. 4.3-38 – 4.3-39)

Explanation: Construction-related short-term noise and work in the vicinity would be temporary and would not be expected to significantly disrupt wildlife movement due to ambient noise conditions or to disrupt the ability of wildlife to continue to move around the construction area and upland portions of the BSA during and after construction. Temporary disturbance to local species may occur but would not substantially degrade the quality or use of the vegetation communities in the vicinity. Work activities are not currently proposed during nighttime hours. Therefore, implementation of the Project would not result in significant short-term indirect impacts to wildlife corridors or migratory routes.

Potential long-term (post-construction) indirect impacts from operations and maintenance activities could disrupt wildlife movement around the Project site due to increased lighting from buildings. **MM-BIO-14** (Lighting) would ensure that all lighting during operations and occurring within 50 feet of the outside edge of the impact footprint containing habitat for special-status wildlife be directed away from natural areas. Implementation of **MM-BIO-14** would reduce potential impacts to wildlife movement or wildlife nursery sites to less-than-significant impacts.

5. Conflict with Policies or Ordinances

Threshold: Would the Project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Finding: Less than Significant with Mitigation (DEIR, pp. 4.3-39 – 4.3-40)

Explanation:

California Desert Native Plants and Western Joshua Tree

The City of Hesperia Municipal Code Chapter 16.24 regulates and protects California desert native plants, including Joshua trees. The Project would result in significant impacts to native desert plants and western Joshua trees protected by state and local plant and tree preservation regulations, absent mitigation. Implementation of **MM-BIO-1** (Conservation of Western Joshua Tree Lands) and **MM-BIO-2** (Removal Permit for Desert Native Plants) would reduce potential impacts California desert native plants and western Joshua tree to less than significant.

6. Cumulative

Threshold: Would the Project result in cumulatively considerable impacts to biological resources?

Finding: Less than Significant with Mitigation (DEIR, pp. 4.3-40 - 4.3-41)

Explanation: The Project could contribute to a cumulative considerable impact related to native desert plants protected under the CNDPA and western Joshua trees, along with special-status wildlife species (burrowing owl, loggerheaded shrike, LeConte's thrasher, and nesting migratory birds and raptors). Potential cumulative impacts to jurisdictional resources could also occur, and mitigation would be required. Incorporation of **MM-BIO-1** through **MM-BIO-15** is required to reduce impacts to less than significant (DEIR, p. 4.3-46).

6.3 Cultural, Tribal Cultural, and Paleontological Resources

1. Impacts to Historical Resources

Threshold: Would the Project cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines Section 15064.5?

Finding: Less than Significant with Mitigation (DEIR, pp. 4.4-33 – 4.4-34)

Explanation: A search of the California Historical Resources Information System (CHRIS) conducted at the South Central Coastal Information Center identified 46 previously recorded cultural resources within a 1-mile radius of the Project site. These resources consist primarily of historic-period refuse scatters, dirt roads, and built environment resources such as roads and transmission lines. Only one previously recorded resource—P-36-004268/CA-SBR-004268H, a historic-period unpaved road—was mapped as intersecting the northern portion of the Project site.

Historical map and aerial photograph review indicate that the Project site has remained largely undeveloped over time, characterized primarily by open desert landscape with unimproved dirt roads and trails. A pedestrian survey conducted by Dudek archaeologists on July 19, 2023, provided 100% coverage of the Project site. The survey documented an open field with dense vegetation, informal dirt roads, and evidence of minor disturbance associated with off-road vehicle use and geotechnical investigations. No historical resources were identified during the survey.

The surveyors revisited the mapped location of P-36-004268/CA-SBR-004268H; however, no physical evidence of the historic-period road was observed within the Project site due to vegetation overgrowth and

possible erosion or natural processes. As such, the resource could not be confirmed within the Project site. Additionally, historic cans and bottle fragments observed on site were not located within discrete deposits or primary depositional contexts and therefore were not recorded as cultural resources.

Because no historical resources were identified within the Project site, implementation of the Project would not directly impact known historical resources. However, because ground-disturbing activities could potentially encounter previously unidentified cultural deposits within native soils, there remains a possibility that unknown historical resources could be encountered during construction.

Thus, mitigation is required to address impacts related to the inadvertent discovery of yet unknown historical resources, as outlined in **MM-CUL-1, MM-CUL-2, and MM-CUL-3**. **MM-CUL-1** requires that all Project construction personnel participate in a Workers Environmental Awareness Program training for the proper identification and treatment of inadvertent discoveries. **MM-CUL-2** requires the retention of an on-call qualified archaeologist to address inadvertent discoveries. **MM-CUL-3** requires construction work occurring within 100 feet of a cultural resource discovery be immediately halted until the qualified archaeologist, meeting the Secretary of Interior's Professional Qualification Standards for Archaeology, can assess and evaluate the discovery pursuant to CEQA. Additionally, **MM-CUL-3** requires the inadvertent discovery clause be included on all construction plans. Implementation of **MM-CUL-1**, **MM-CUL-2**, and **MM-CUL-3** would ensure that any previously unidentified historical resources are appropriately evaluated and protected in accordance with CEQA. With implementation of these measures, potential impacts to unknown historical resources would be reduced to a less-than-significant level with mitigation incorporated.

MM-CUL-1 Workers Environmental Awareness Program (WEAP) Training. All construction personnel and monitors who are not trained archaeologists should be briefed regarding unanticipated discoveries prior to the start of construction activities. A basic presentation should be prepared and presented by a qualified archaeologist to inform all personnel working on the Project about the archaeological sensitivity of the area. The purpose of the WEAP training is to provide specific details on the kinds of archaeological materials that may be identified during construction of the Project and explain the importance of and legal basis for the protection of significant archaeological resources. Each worker should also learn the proper procedures to follow in the event that cultural resources or human remains are uncovered during ground-disturbing activities. These procedures include work curtailment or redirection, and the immediate contact of the on-call archaeologist and if appropriate, Tribal representative. Necessity of training attendance should be stated on all construction plans.

MM-CUL-2 On-Call Archaeological Construction Monitoring. A qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, should be retained to provide conditional monitoring as well as on call response in the case of an inadvertent discovery of archaeological resources. The qualified archaeologist should oversee and adjust monitoring efforts as needed (increase, decrease, or discontinue monitoring frequency) based on the observed potential for construction activities to encounter cultural deposits. The monitoring archaeologist should be responsible for maintaining monitoring logs as appropriate. Following the completion of construction, the qualified archaeologist should provide an archaeological monitoring report to the lead agency and the SCCIC with the results of the cultural monitoring program.

MM-CUL-3 Inadvertent Discovery of Archaeological Resources. In the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the Project, all construction work occurring within 100 feet of the find should immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending upon the significance of the find under the California Environmental Quality Act (14 CCR 15064.5[f]; California PRC Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery, may be warranted. If the discovery is Native American in nature, consultation with and/or monitoring by a Tribal representative may be necessary.

2. Impacts to Archaeological Resources

Threshold: Would the Project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?

Finding: Less than Significant with Mitigation (DEIR, pp. 4.4-34 – 4.4-35)

Explanation: The CHRIS records search identified 46 cultural resources within a 1-mile radius of the Project site, consisting primarily of historic-period archaeological resources and a small number of prehistoric isolates. The nearest prehistoric resource is located approximately 720 meters (1,125 feet) east of the Project site. Only one historic-period resource, P-36-004268/CA-SBR-004268H, was mapped within the Project site.

A pedestrian survey of the Project site conducted in July 2023 did not identify any prehistoric or historic archaeological resources that would qualify as historical resources or unique archaeological resources under CEQA. Although isolated historic artifacts were observed, they were not found within discrete contexts and therefore were not recorded as archaeological sites.

Review of the geotechnical investigation indicates that the Project site is underlain by younger Holocene alluvium extending from the surface to depths of approximately 3 to 12 feet below ground surface, underlain by older Pleistocene alluvium. Archaeological deposits, if present, are most likely to occur within the upper native soil horizons within the Holocene alluvial deposits.

Although no archaeological resources were identified during the records search or field survey, subsurface cultural deposits could exist within native soils and could be encountered during ground-disturbing activities such as grading or trenching. If such resources were encountered during construction, the Project could potentially result in a substantial adverse change in the significance of an archaeological resource.

For this reason, the Project site should be treated as potentially sensitive for archaeological resources, and **MM-CUL-1** through **MM-CUL-3** are required to reduce potential impacts to unanticipated archaeological resources. **MM-CUL-1** requires that all Project construction personnel participate in a Workers Environmental Awareness Program training for the proper identification and treatment of inadvertent discoveries. **MM-CUL-2** requires the retention of an on-call qualified archaeologist to conduct spot monitoring to respond to any inadvertent archaeological discoveries. **MM-CUL-3** requires construction work occurring within 100 feet of a cultural resource discovery be immediately halted until the qualified

archaeologist, meeting the Secretary of Interior's Professional Qualification Standards for Archaeology, can assess and evaluate the discovery pursuant to CEQA. Additionally, **MM-CUL-3** requires the inadvertent discovery clause be included on all construction plans. With implementation of **MM-CUL-1, MM-CUL-2,** and **MM-CUL-3**, potentially significant impacts to unknown archaeological resources would be reduced to less than significant with mitigation incorporated.

3. Human Remains

***Threshold**: Would the Project disturb any human remains, including those interred outside of formal cemeteries?*

Finding: Less than Significant with Mitigation (DEIR, p. 4.4-35)

Explanation: A cultural resources records search, review of literature and archival resources (historic maps, aerial photographs, topographic maps), and a field survey were conducted for the Project site. The CHRIS records search results and archival document review did not identify any location within or near the Project where human burials/remains exist, including those interred outside of formal cemeteries. Neither did the pedestrian survey identify any evidence of human remains or archaeological resources that may suggest the potential presence of human burials/remains, including those interred outside of formal cemeteries. Therefore, the likelihood of encountering human remains within the subsurface of the Project site is low. However, in the unlikely event that human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98, pursuant to **MM-CUL-4**. The County Coroner must be notified of the inadvertent discovery immediately. If the remains are determined to be Native American, the County Coroner will notify the NAHC, which will determine and notify an MLD. With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery. Within 48 hours of being granted access to the site, the MLD will have the opportunity to offer recommendations for the treatment or disposition of the human remains. With adherence to state law and with the incorporation of **MM-CUL-4**, impacts associated with human remains would be less than significant with mitigation incorporated.

MM-CUL-4 Inadvertent Discovery of Human Remains. In accordance with Section 7050.5 of the California Health and Safety Code, if human remains are found, the county coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the county coroner has determined the appropriate treatment and disposition of the human remains. If the county coroner determines that the remains are, or are believed to be, Native American, he or she shall follow all required protocols according to California Public Resources Code, Section 5097.98.

4. Impacts to Tribal Cultural Resources

Threshold: 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 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)?

AND

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

Finding: Less than Significant with Mitigation (DEIR, p. 4.4-20)

Explanation: The Project is subject to compliance with AB 52 (PRC Section 21074), which requires consideration of impacts to TCRs as a part of the CEQA process, and requires the City of Hesperia, as the CEQA lead agency, to notify any groups who have requested notification of proposed projects that are subject to AB 52 compliance and are under the jurisdiction of the agency. On November 9, 2023, the City sent out AB 52 notification letters to tribal representatives of the Cabazon Band of Mission Indians, Torres Martinez Desert Cahuilla Indians, and San Manuel Band of Mission Indians, now known as the Yuhaaviatam of San Manuel Nation (YSMN), inviting each tribe to engage in tribal consultation, if desired. AB 52 consultation has not resulted in the identification of a TCR within or near the Project site.

The YSMN responded to the AB 52 notification letter via email to the City on November 9, 2023. The YSMN requested a mitigation measure to address inadvertent discovery of cultural resources (archaeological and tribal) be considered. The YSMN also stated that they consider any further obligation of the City in accordance with AB-52 is complete with the exception that the YSMN be contacted if the Project is approved and implemented and if an inadvertent discovery occurs. As a result of the YSMN request, **MM-CUL-5** has been included as a condition of the Project.

No previously recorded archaeological resources of Native American origin or Tribal Cultural Resources listed in the CRHR or a local register were identified within the Project site as a result of the SCCIC records search nor as a result of information provided from consulting tribes. Therefore, the Project would not adversely affect TCRs that are listed or eligible for listing in the state or local register. In addition, the NAHC Sacred Lands File search results were negative, and the pedestrian survey did not result in the identification of resources within the Project site.

The Project site has been thoroughly researched, surveyed, and analyzed to identify the level of potential for TCRs. TCRs have not been identified through tribal consultation under AB 52, and the lead agency has not identified any TCRs within the Project site that would warrant discretionary designation of a resource as a TCR. The discovery of TCRs during construction poses a potentially significant impact to TCRs. However,

implementation of **MM-CUL-3** and **MM-CUL-4** would help ensure the proper treatment of TCRs and human remains that may be inadvertently encountered during ground-disturbing activities. With incorporation of **MM-CUL-3, MM-CUL-4,** and **MM-CUL-5** impacts associated with TCRs would be less than significant.

MM-CUL-5 Treatment of Tribal Cultural Resources During Project Implementation. If a pre-contact tribal cultural resource is discovered during Project implementation, ground-disturbing activities shall be suspended 60 feet around the resource(s), and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed.

The Principal Investigator/Archeologist shall develop a research design that shall include a plan to evaluate the resource for significance under CEQA criteria. Representatives from the Consulting Tribe, the Principal Investigator/Archaeologist, and the Lead Agency shall confer regarding the research design, as well as any testing efforts needed to delineate the resource boundary. Following the completion of evaluation efforts, all parties shall confer regarding the resource's archaeological significance, its potential as a Tribal Cultural Resource (TCR), and avoidance (or other appropriate treatment) of the discovered resource.

NOTE: It is the preference of the Consulting Tribe YSMN that removed cultural material be reburied as close to the original find location as possible. However, should reburial within/near the original find location during Project implementation not be feasible, then a reburial location for future reburial shall be decided upon by the Consulting Tribe, the landowner, and the Lead Agency, and all finds shall be reburied within this location. Additionally, in this case, reburial shall not occur until all ground-disturbing activities associated with the Project have been completed, all monitoring has ceased, all cataloging and basic recordation of cultural resources have been completed, and a final monitoring report has been issued to Lead Agency, CHRIS, and the Consulting Tribe. All reburials are subject to a reburial agreement that shall be developed between the landowner and Consulting Tribe outlining the determined reburial process/location and shall include measures and provisions to protect the reburial area from any future impacts.

Should it occur that avoidance, preservation in place, and on-site reburial are not an option for treatment, the landowner shall relinquish all ownership and rights to the TCR material(s) and confer with Consulting Tribe to identify an American Association of Museums (AAM)-accredited facility within the County that can accession the materials into their permanent collections and provide for the proper care of these objects in accordance with the 1993 California Curation Guidelines. A curation agreement with an appropriate qualified repository shall be developed between the landowner and museum that legally and physically transfers the collections and associated records to the facility. This agreement shall stipulate the payment of fees necessary for permanent curation of the collections and associated records and the obligation of the Project Developer/Applicant to pay for those fees.

All draft records/reports containing the significance and treatment findings and data recovery results shall be prepared by the Principal Investigator/Archaeologist and submitted to the Lead Agency and Consulting Tribe for their review and comment. After approval from all parties, the final reports and site/isolate records are to be submitted to the local CHRIS Information Center, the Lead Agency, and Consulting Tribe.

5. Impacts to Paleontological Resources

***Threshold**: Would the Project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

Finding: Less than Significant with Mitigation (DEIR, p. 4.4-37)

Explanation: No paleontological resources were identified within the Project area as a result of the institutional records search or desktop geological and paleontological review. In addition, the Project area is not anticipated to be underlain by unique geologic features. Areas of the Project area underlain by Holocene alluvial deposits (within the Oro Grande Wash) have low paleontological sensitivity. However, Pleistocene age deposits, such as the Shoemaker Gravel, are mapped across the majority of the Project area and may be encountered at depth. The Shoemaker Gravel has a high paleontological sensitivity. If intact paleontological resources are located on site, ground-disturbing activities associated with construction of the proposed Project, such as grading during site preparation and trenching for utilities, have the potential to destroy a unique paleontological resource or site. As such, the Project area is considered to be potentially sensitive for paleontological resources, and without mitigation, the potential damage to paleontological resources during construction associated with the Project is considered a potentially significant impact. Given the proximity of past fossil discoveries in the surrounding area within the Pleistocene Shoemaker Gravel, the Project area is highly sensitive for supporting paleontological resources below the depth of fill and weathered, Pleistocene alluvial deposits. However, upon implementation of **MM-CUL-6**, impacts would be reduced to below a level of significance. Impacts of the proposed Project are considered less than significant with mitigation incorporated during construction.

MM-CUL-6 Prior to commencement of any grading activity on site, the Project Applicant shall retain a qualified paleontologist per the Society of Vertebrate Paleontology (SVP) (2010) guidelines. The paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the Project. The PRIMP shall be consistent with the SVP (2010) guidelines and should outline requirements for preconstruction meeting attendance and worker environmental awareness training, where monitoring is required within the proposed Project area based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods (including sediment sampling for microvertebrate fossils), reporting, and collections management. The qualified paleontologist shall attend the preconstruction meeting and a qualified paleontological monitor shall be on site during all rough grading and other significant ground-disturbing activities (including augering) in previously undisturbed, fine-grained Pleistocene alluvial deposits. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will remove the rope and allow grading to recommence in the area of the find.

6. Cumulative

Threshold: Would the Project result in cumulatively considerable impacts related to cultural, tribal cultural, or paleontological resources?

Finding: Less than Significant with Mitigation (DEIR, p. 4.4-37)

Explanation: The geographic scope of the cumulative cultural resources analysis is the region surrounding the Project site. Ongoing development and growth in the broader Project area may result in a cumulatively significant impact to cultural resources due to the continuing disturbance areas, which could potentially contain significant, buried archaeological resources, paleontological resources, or TCRs. However, as discussed above, the individual, Project-level impacts associated with cultural, tribal cultural, and paleontological resources were found to be less than significant with the incorporation of mitigation measures (**MM-CUL-1** through **MM-CUL-6**). The Project would be required by law to comply with all applicable federal, state, and local requirements related to historical, archaeological, paleontological, and Tribal Cultural Resources. Other related cumulative projects would similarly be required to comply with all such requirements and regulations, to be consistent with the provisions set forth by CEQA and the CEQA Guidelines, and to implement all feasible mitigation measures should a significant Project-related and/or cumulative impact be identified. As such, cumulative impacts would be less than significant with mitigation incorporated.

6.4 Greenhouse Gas Emissions

1. Conflict with Plans to Reduce Greenhouse Gas Emissions

Threshold: Would the Project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

Finding: Less than Significant with Mitigation (DEIR, pp. 4.6-24 – 4.6-33)

Explanation:

Project Potential to Conflict with State Reduction Targets and CARB's Scoping Plan

The California State Legislature passed AB 32 to provide initial direction to limit California's GHG emissions to 1990 levels by 2020 and initiate the state's long-range climate objectives. Since the passage of AB 32, the state has adopted GHG emissions reduction targets for future years beyond the initial 2020 horizon year. CARB is required to develop the Scoping Plan, which provides the framework for actions to achieve the state's GHG emission targets. While the Scoping Plan is not directly applicable to specific projects, nor is it intended to be used as the sole basis for project-level evaluations, it is the official framework for the measures and regulations that will be implemented to reduce California's GHG emissions in alignment with the adopted targets. Therefore, a project would be found to not conflict with the statutes if it would meet the Scoping Plan policies and would not impede attainment of the goals therein.

For the Project, the relevant GHG emissions reduction targets include those established by SB 32 and AB 1279, which require GHG emissions be reduced to 40% below 1990 levels by 2030, and 85% below 1990 levels by 2045, respectively. In addition, AB 1279 requires the state achieve net zero GHG emissions by no

later than 2045 and achieve and maintain net negative GHG emissions thereafter. CARB's 2017 Scoping Plan update was the first to address the state's strategy for achieving the 2030 GHG reduction target set forth in SB 32, and the most recent CARB 2022 Scoping Plan update outlines the state's plan to reduce emissions and achieve carbon neutrality by 2045 in alignment with AB 1279 and assesses progress toward the 2030 SB 32 target. As such, given that SB 32 and AB 1279 are the relevant GHG emission targets, the 2017 and 2022 Scoping Plan updates that outline the strategy to achieve those targets, are the most applicable to the Project.

The 2017 Scoping Plan included measures to promote renewable energy and energy efficiency (including the mandates of SB 350), increase stringency of the LCFS, measures identified in the Mobile Source and Freight Strategies, measures identified in the proposed Short-Lived Climate Pollutant Plan, and increase stringency of SB 375 targets. The 2022 Scoping Plan builds upon and accelerates programs currently in place, including moving to zero-emission transportation; phasing out use of fossil gas use for heating homes and buildings; reducing chemical and refrigerants with high GWP; providing communities with sustainable options for walking, biking, and public transit; and displacement of fossil-fuel fired electrical generation through use of renewable energy alternatives (e.g., solar arrays and wind turbines). Many of the measures and programs included in the Scoping Plan would result in the reduction of Project-related GHG emissions with no action required at the project level, including GHG emission reductions through increased energy efficiency and renewable energy production (SB 350), reduction in carbon intensity of transportation fuels (LCFS), and the accelerated efficiency and electrification of the statewide vehicle fleet (Mobile Source Strategy).

The 2045 carbon neutrality goal required CARB to expand proposed actions in the 2022 Scoping Plan to include those that capture and store carbon in addition to those that reduce only anthropogenic sources of GHG emissions. However, the 2022 Scoping Plan emphasizes that reliance on carbon sequestration in the state's natural and working lands will not be sufficient to address residual GHG emissions, and achieving carbon neutrality will require research, development, and deployment of additional methods to capture atmospheric GHG emissions (e.g., mechanical direct air capture). Given that the specific path to neutrality will require development of technologies and programs that are not currently known or available, the Project's role in supporting the statewide goal would be speculative and cannot be wholly identified at this time.

Overall, the Project would comply will all regulations adopted in furtherance of the Scoping Plan to the extent applicable and required by law. Based on the analysis in DEIR Table 4.6-7 and Table 4.6-8, the Project would be consistent with the applicable strategies and measures in the 2017 Scoping Plan and 2022 Scoping Plan, respectively. As such, the Project would not conflict with CARB's 2017 or 2022 Scoping Plan updates and with the state's ability to achieve the 2030 and 2045 GHG reduction and carbon neutrality goals.

Potential to Conflict with the City Climate Action Plan

The CAP presents a number of strategies that will make it possible for the City to meet the recommended GHG emissions targets that were consistent with the reduction targets of the state at the time of the CAP's adoption (i.e., 2020 target per AB 32). The Project's consistency with applicable CAP strategies are presented in DEIR Table 4.6-9. Without accounting for applicable regulatory requirements or mitigation, the Project would result in approximately 14,712 MT CO_2e per year. With regulatory requirements alone, the unmitigated Project emissions would be reduced to about 13,767 MT CO_2e per year, which equates to about a 6% reduction and does not meet the City's CAP target of a 12% reduction. However, with regulatory

requirements and mitigation, the Project GHG emissions would be reduced to 10,114 MT CO_2e per year. This yields a reduction of approximately 31%, which meets the City's CAP target of a 12% reduction. As such, the Project would be consistent with the City's CAP after mitigation.

Potential to Conflict with the SCAG 2024–2050 RTP/SCS

On April 4, 2024, SCAG adopted the 2024–2050 RTP/SCS, also referred to as Connect SoCal 2024. Connect SoCal 2024 builds on the prior RTP/SCS and identifies the following strategy areas to support its environmental goals: Sustainable Development, Air Quality, Clean Transportation, Natural and Agricultural Lands Preservation, and Climate Resilience. The primary objective of the RTP/SCS is to provide guidance for future regional growth (i.e., the location of new residential and nonresidential land uses) and transportation patterns throughout the region, as stipulated under SB 375. The Project's potential to conflict with the 2024–2050 RTP/SCS strategies is presented below.

Sustainable Development. The 2024–2050 RTP/SCS identifies sustainable development, including water and energy-efficient building practices and green infrastructure, as a strategy to reduce GHG emissions. The Project would support this strategy by including rooftop solar, energy-efficient lighting, and energy star appliances into the Project design as a part of **MM-GHG-1**, as well as water conservation measures in **MM-GHG-3**.

Air Quality. The 2024–2050 RTP/SCS identifies air quality as an environmental strategy because the transportation sector is the predominant source of criteria air pollutant emissions in the region. The 2024–2050 RTP/SCS states that a comprehensive and coordinated regional solution with integrated land use and transportation planning from all levels of governments will be required to achieve the needed emission reductions. According to the SCAG Comprehensive Regional Goods Movement Plan and Implementation Strategy, the region will run out of suitably zoned vacant land designated for warehouse facilities in or around 2028. Thus, the Project would meet the growing demand for warehousing space and would do so in an area that is proximate to regional highways (I-15 and U.S. Highway 395), thereby reducing the need for longer distance trips, which could result in additional air pollutant and GHG emissions. Additionally, the Project would employ approximately 351 workers, helping the City better meet its jobs/housing balance, which should shorten commute distances of City residents who choose to work on the Project site, which would have a direct positive effect on tailpipe GHG and air contaminant emissions.

Clean Transportation. One of the technology innovations identified in the 2024–2050 RTP/SCS that would apply to the Project is the promotion and support of low emission technologies for transportation, such as alternative fueled vehicles to reduce per capita GHG emissions. For this particular Project, **MM-AQ-1** would require that all cargo handling and landscaping equipment to be zero-emission, as well as require the installation of Level 2 (or faster) EV chargers, conduit in tractor-trailer parking areas to support future truck charging stations, and at least four heavy-duty truck charging stations (by 2030).

Natural and Agricultural Lands Preservation. The 2024–2050 RTP/SCS promotes the conservation and restoration of natural and agricultural lands through several policies, such as quantifying the carbon sequestration potential of natural and agricultural lands and prioritizing sensitive habitat and wildlife corridors for permanent protection. The Project would be located on an area zoned for industrial and business uses. The Project site does not support agriculture.

Climate Resilience. The 2024–2050 RTP/SCS promotes regional coordination and solutions for effective emergency response for climate-related hazards. Additionally, in the category of climate resilience, SCAG has established the following policies: prioritize the most vulnerable populations and communities subject to climate hazards, support local and regional climate and hazard planning, support nature-based solutions to increase regional resilience, promote sustainable water use planning, and support an integrated planning approach to help jurisdictions meet housing needs in a drier environment. While the Project does not directly pertain to these regional coordination efforts for climate resilience, the Project would not interfere with this strategy.

Based on the analysis above, the Project would be consistent with the SCAG 2024–2050 RTP/SCS.

Summary

The Project demonstrates consistency with the CARB's Scoping Plan and would not conflict with other regulations regarding reductions to GHG emissions including SB 32 and AB 1279. Additionally, the Project would be consistent with the SCAG 2024–2050 RTP/SCS and the City's CAP with implementation of **MM-AQ-1** and **MM-GHG-1** through **MM-GHG-3**. Impacts would be less than significant with mitigation.

MM-GHG-1 The Project shall implement the following measure in order to reduce operational energy source GHG emissions to the extent feasible:

- Commit to on-site solar generation sufficient to meet at least 75% of the Project's total operational energy requirements from within the building envelope.
- Install Energy Star-rated heating, cooling, lighting, and appliances.
- Provide information on energy efficiency, energy-efficient lighting and lighting control systems, energy management, and existing energy incentive programs to future tenants of the Project.
- Structures shall be equipped with outdoor electric outlets in the front and rear of the structures to facilitate use of electrical lawn and garden equipment.

MM-GHG-2 In order to reduce the amount of waste disposed at landfills, the Project would implement a 75% waste diversion program. Prior to the issuance of building permits for the Project, the Project Applicant shall provide building plans that include the following solid waste reduction measures:

- Provide storage areas for recyclables and green waste in new construction, and food waste storage, if a pick-up service is available.
- Evaluate the potential for on-site composting.

MM-GHG-3 To reduce water demands and associated energy use, subsequent development proposals within the Project site would be required to implement a Water Conservation Strategy and demonstrate a minimum 20% reduction in indoor and outdoor water usage when compared to baseline water demand (total expected water demand without implementation of the Water Conservation Strategy). Prior to the issuance of building permits for the Project, the Project Applicant shall provide building plans that include the following water conservation measures:

- Install low-water use appliances and fixtures.
- Restrict the use of water for cleaning outdoor surfaces and prohibit systems that apply water to non-vegetated surfaces.
- Implement water-sensitive urban design practices in new construction.
- Install rainwater collection systems where feasible.

6.5 Hazards and Hazardous Materials

1. Hazard due to Transport, Use, or Disposal of Hazardous Materials

***Threshold**: Would the Project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?*

Finding: Less than Significant with Mitigation (DEIR, pp. 4.7-17 – 4.7-18)

Explanation: During construction, a variety of hazardous substances and wastes would be stored, used, and generated on the Project site, including fuels for machinery and vehicles, new and used motor oils, cleaning solvents, paints, and storage containers. Accidental spills, leaks, fires, explosions, or pressure releases involving hazardous materials represent a potential threat to human health and the environment if not properly treated. Provisions to properly manage hazardous substances and wastes during construction are typically included in construction specifications and are under the responsibility of the construction contractors. For example, construction contractors would be required to comply with Cal/OSHA regulations concerning the use of hazardous materials, including requirements for safety training, exposure warnings, availability of safety equipment, and preparation of emergency action/prevention plans. Adherence to the construction specifications and applicable regulations regarding hazardous materials and hazardous waste, including disposal, would ensure that Project construction would not create a significant hazard to the public or the environment during the construction phase of the Project.

Based on the observed debris on the Project site, Consolidated Consulting Group recommends the removal and disposal of on-site tires and debris from the Project area in accordance with all applicable local, state, and federal guidelines (Appendix F). **MM-HAZ-1** requires the removal and disposal of on-site tires and debris from the Project area in accordance with all applicable local, state, and federal guidelines. In the event that potential contamination is encountered, the contamination shall be evaluated by a qualified environmental professional using the appropriate collection and sampling techniques as determined by the environmental professional based on the nature of the contamination. The nature and extent of contamination shall be determined and the appropriate handling, disposal, and/or treatment shall be implemented in accordance with applicable regulatory requirements.

Furthermore, adherence to all emergency response plan requirements set forth by the City of Hesperia Fire Protection District would be required throughout the duration of Project construction. Therefore, based on compliance with existing regulations and with incorporation of **MM-HAZ-1**, short-term construction impacts associated with the routine transport, use, or disposal of hazardous materials would be less than significant.

Upon completion of Project construction, the Project would involve the operation and maintenance of the industrial/warehouse facilities. Operation of the Project would likely involve the use of industrial-grade

chemicals and commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available products during the day-to-day operation of the facilities. While these materials could be stored on the Project site, storage would be required to comply with the guidelines established by the manufacturer's recommendations. Consistent with federal, state, and local requirements, the transport, removal, and disposal of hazardous materials from the Project site would be conducted by a permitted and licensed service provider. Any handling, transport, use, or disposal must comply with all applicable federal, state, and local agencies and regulations, including the EPA, Department of Toxic Substances Control, CAL/OSHA, RCRA, and the City of Hesperia Fire Protection District.

Although the future tenants are not known yet, in the event that a future tenant's operations require them to transport, use, or dispose of quantities of hazardous materials identified by the state, pursuant to the Health and Safety Code and in accordance with the SBCFD's CUPA requirements, the owner/operator must complete and submit a HMBP to the California Environmental Reporting System. An HMBP is a document containing detailed information on the inventory of hazardous materials at a facility; emergency response plans and procedures in the event of a reportable release or threatened release of a hazardous material; training for all new employees and annual training, including refresher courses, for all employees in safety procedures in the event of a release or threatened release of a hazardous material; and a site map that contains north orientation, loading areas, internal roads, adjacent streets, storm and sewer drains, access and exit points, emergency shutoffs, evacuation staging areas, hazardous material handling and storage areas, and emergency response equipment. The HMBP provides basic information necessary for use by first responders to prevent or mitigate damage to the public health and safety and the environment from a release or threatened release of hazardous materials, and to satisfy federal and state Community Right-To-Know laws. Therefore, long-term operational impacts associated with the routine transport, use, or disposal of hazardous materials would be less than significant.

In summary, the Project would result in potentially significant impacts with regard to the creation of a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. **MM- HAZ-1** would be implemented, and Project impacts would be less than significant with mitigation incorporated.

MM-HAZ-1 Prior to the issuance of a grading permit, the Project Applicant shall retain a qualified environmental specialist that has documented experience in the identification, characterization, and removal of hazardous materials, such as a California licensed professional engineer, geologist, or hydrogeologist, to remove and dispose of all refuse located on the Project site, including but not limited to, the illegally dumped tires and debris currently found on site. The removal, transport, and disposal of refuse shall be done in accordance with all applicable local, state, and federal guidelines related to hazardous materials handling. Prior to the removal of refuse deposits from the site, the environmental specialist shall inspect each refuse pile for indications that the refuse may contain, or may have once contained, hazardous materials, including, but not limited to, motor oil, solvents, paints, and/or other petroleum products. In addition, the environmental specialist shall inspect the soils surrounding each refuse deposit for evidence of any contamination (staining) or volatilization of contaminants (odors).

If contamination indicators are identified, work shall stop in the immediate proximity of the potential contamination. The Project Applicant and/or their construction contractor shall

be responsible for engaging a qualified environmental specialist to design and perform an investigation to verify the presence and extent of contamination on the Project site. Subsurface investigation shall determine appropriate worker protection and hazardous material and disposal procedures appropriate for the Project site. Contaminated soil or groundwater determined to have contamination above applicable regulatory screening levels (e.g. Environmental Screening Levels) the environmental specialist shall prepare a plan for groundwater extractions, soil excavation, control of contaminant releases to the air, and off-site transport or on-site treatment (Plan). The Plan will be submitted to the permitting agency for review and approval; once approved, the plan will be executed on the project site to address identified contamination.

2. Create Hazards due to Upset and/or Accident Conditions

Threshold: 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?

Finding: Less than Significant with Mitigation (DEIR, pp. 4.7-18 - 4.7-20)

Explanation: During construction, hazardous materials such as fuels and lubricants would be transported to and used on site in construction vehicles and equipment. Construction waste is a potential pollutant source of concern for the Oro Grande Wash and Mojave River, which are located hydrologically down gradient of the Project site. Concrete, paint, and other materials that are also used on construction sites are major contributors to habitat pollution, in the event that such materials exit a construction site. However, the potential for the use of these materials to result in significant hazards to the public or the environment would be low for the reasons described below.

BMPs required as part of the NPDES Construction permit would require spill control and hazardous material handling procedures designed to eliminate the potential for releases. The implementation of applicable construction BMPs and adherence to applicable hazardous materials and waste regulations would minimize the risk and exposure of the release of hazardous materials to the public and environmental to less-than-significant levels.

Based on the Phase I ESA, no on-site historical recognized environmental conditions, controlled recognized environmental conditions, recognized environmental conditions, or BRECs were identified.

Based on observed debris on the Project site, Consolidated Consulting Group recommends the removal and disposal of on-site tires and debris. **MM-HAZ-1** would require the removal and disposal of on-site tires and debris from the Project area in accordance with all applicable local, state, and federal guidelines. If potential contamination is encountered, the contamination shall be evaluated by a qualified environmental professional based on the nature of the contamination. The nature and extent of contamination shall be determined, and the appropriate handling, disposal, and/or treatment shall be implemented in accordance with applicable regulatory requirements. Therefore, based on compliance with applicable regulations and with the incorporation of **MM-HAZ-1**, short-term construction impacts associated with creating a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions would be less than significant with mitigation incorporated.

Upon completion of Project construction, routine operation of Project facilities would likely involve use of industrial-grade chemicals and commercially available cleaning products, landscaping chemicals and fertilizers, and various other commercially available products. These materials would be used for the day-to-day operation of the facilities and may involve the use of hazardous materials.

As previously discussed in Threshold A, the future tenants are not known yet. In the event that a future tenant's operations require them to transport, use, or dispose of quantities of hazardous materials identified by the state, pursuant to the Health and Safety Code and in accordance with the SBCFD's CUPA requirements, the owner/operator must complete and submit an HMBP to the California Environmental Reporting System. Completion of an HMBP would ensure that an emergency spill response and containment plan is in place in the event of hazardous spills.

Furthermore, the use, storage, and transport of hazardous materials and wastes would be subject to applicable federal, state, and local health and safety regulations (e.g., RCRA and the Hazardous Waste Control Act "cradle to grave" requirements). All hazardous materials generated and/or used on the Project site would be managed in accordance with all relevant federal, state, and local laws, including the California Hazardous Waste Control Law (California Health and Safety Code Division 20, Chapter 6.5) and the Hazardous Waste Control Regulations (22 CCR 4.5). Moreover, compliance with CAL/OSHA workplace and work practices requirements would avoid the exposure of persons and the environment to hazardous materials.

In addition to the regulations and practices described above, the following requirements would apply to storage and handling of hazardous wastes at the Project site: (1) hazardous materials are required to be stored in designated areas designed to prevent accidental release in accordance with state law, including the California Hazardous Waste Control Act and the California Health and Safety Code; (2) CAL/OSHA requirements prescribe safe work environments for workers working with materials that present a moderate explosion hazard, high fire, or physical hazard or health hazard; (3) federal and state laws related to the storage of hazardous materials would be complied with to maximize containment and provide for prompt and effective cleanup in case of an accidental release; and (4) hazardous materials inventory and response planning reports would be filed with the City in accordance with Unified Program Permit requirements.

Compliance with applicable regulations involving hazardous materials during operation would ensure that such materials are transported, used, stored, and disposed of in a manner that minimizes the potential for upset and accidental conditions resulting in the release of hazardous materials into the environment. Due to the existing regulations that are required, it is not expected that the Project would create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions would be less than significant.

In summary, the Project would result in potentially significant impacts with regard to the creation of 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. **MM-HAZ-1** would be implemented, and Project impacts would be less than significant with mitigation incorporated.

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7 Impacts That Cannot Be Fully Mitigated to a Less-Than-Significant Level

The City hereby finds that, despite the incorporation of mitigation measures identified in the EIR and in these findings, the following environmental impacts cannot be fully mitigated to a less-than- significant level and a Statement of Overriding Considerations is therefore included herein:

7.1 Greenhouse Gas Emissions

1. Increase in Greenhouse Gas Emissions

Threshold: Would the Project generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Finding: Significant and Unavoidable Impact (DEIR, pp. 4.6-22 – 4.6-24)

Explanation: Construction of the Project would result in GHG emissions, which are primarily associated with use of off-road construction equipment, on-road trucks, and worker vehicles. Total estimated GHG emissions generated during construction of the Project are approximately 662 MT CO_2e. Estimated Project-generated construction emissions amortized over 30 years would be approximately 22 MT CO_2e per year.

Operation of the Project would generate GHG emissions from mobile sources (vehicular traffic), area sources (landscape maintenance equipment operation), energy use (natural gas combustion and utility generation of electricity consumed by the Project), generation of electricity associated with water supply, treatment, and distribution and wastewater treatment, solid waste disposal, and off-road equipment.

The Project would result in approximately 13,767 MT CO_2e per year, which would exceed the SCAQMD GHG threshold of 3,000 MT CO_2e per year. Therefore, the Project would generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment, and this would represent a cumulatively potentially significant impact.

Mitigation measures are required to minimize operational-related GHG impacts. Implementation of **MM-AQ-1** includes the requirement for all off-road cargo handling equipment to be zero-emission, which would reduce the long-term GHG emissions. In addition, implementation of **MM-GHG-1** through **MM-GHG-3** would reduce GHG emissions associated with energy efficiency, solid waste disposal, and water conservation. The Project would still exceed the applied threshold of 3,000 MT CO_2e per year after mitigation. Although mobile vehicles are the main source of GHG emissions associated with Project operations, neither the Project Applicant nor the City can substantively or materially affect reductions in the Project's on-road mobile source emissions beyond what is already required by regulation. No feasible mitigation measures beyond those already identified exist that would reduce these emissions to levels that are less than significant. Therefore, even with the incorporation of mitigation, long-term impacts associated with a cumulatively considerable increase in GHG emissions would be significant and unavoidable.

2. Cumulative Impacts

Threshold: Would the Project result in cumulatively considerable impacts with regard to greenhouse gas emissions?

Finding: Significant and Unavoidable Impact (DEIR, p. 4.6-33)

Explanation: GHG emissions impacts are inherently cumulative in nature. As such, in the Project region and beyond, the Project, in combination with past, present, and reasonably foreseeable future development, would generate GHG emissions that could have a significant cumulative impact on the environment. The Project would result in GHG emissions in exceedance of the SCAQMD significance threshold, even after the implementation of all feasible mitigation. Therefore, Project GHG emissions would be cumulatively considerable and, thus, significant and unavoidable.

7.2 Transportation

1. Conflict with CEQA Guidelines Section 15064.3

Threshold: Would the Project conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b)?

Finding: Significant and Unavoidable Impact (DEIR, p. 4.10-12 - 4.10-14)

Explanation: Per the City's Guidelines, the VMT analysis evaluated the Project-generated VMT (e.g., VMT per service population) and the Project effect on VMT. The Project would have a significant impact on Project-generated VMT and would therefore be inconsistent with Section 15064.3. Project-generated VMT is 49.8 VMT per service population under baseline (Year 2023) conditions, which exceeds the City's threshold of 32.7. The Project would be required to reduce its VMT impact by 39.5% to achieve a less-than-significant finding.

The Project effect on VMT was also evaluated and was found to not exceed the City's impact threshold. Therefore, impacts related to the Project effect on VMT are less than significant.

Although the Project can implement **MM-TRANS-1**, which includes measures that are intended to reduce VMT, to its extent feasible, even with the inclusion of these measures the Project is not expected to reduce its VMT impact below the City's adopted impact threshold. The effectiveness of some of the aforementioned measures is dependent on yet unknown tenant(s) and employee participation. Conservatively, this analysis assumes no reduction in VMT that may result from implementation of the VMT reduction strategies listed above and impacts remain potentially significant. Therefore, impacts would be significant and unavoidable (DEIR, p. 4.10-16).

MM-TRANS-1 The following Transportation Demand Management (TDM) measures have the potential to reduce commute VMT, although no quantified benefit is taken at this time. The following measures shall be implemented to their extent feasible:

- Provide designated carpool/vanpool parking in desirable locations to encourage employees to carpool/vanpool to work that can lead to reduced commute VMT depending on the level of participation by tenants.

- Provide end-of-trip facilities such as bicycle parking, lockers, etc., which could encourage employees to use alternative modes of transportation and thus reduce VMT.
- Provide sidewalks along Project frontage providing connections to existing trails and external pedestrian networks in order to improve pedestrian access. This measure could encourage employees to walk to nearby destinations and thus reduce VMT.

2. Cumulative

Threshold: Would the Project result in cumulatively considerable impacts related to transportation?

Finding: Significant and Unavoidable Impact (DEIR, p. 4.10-15)

Explanation: Under the cumulative (Year 2040) conditions, the Project-generated VMT is 54.0 VMT service population, which exceeds the City's cumulative baseline threshold. Although the Project includes design features that are intended to reduce VMT, even with the inclusion of these VMT reducing features the Project is not expected to reduce its VMT impact below the City's adopted impact threshold and the Project is determined to have a significant impact and unavoidable impact.

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8 Project Alternatives

8.1 Alternatives Analysis

The CEQA Guidelines require that an EIR describe a reasonable range of alternatives to a project that would feasibly attain the basic project objectives but would avoid or substantially lessen one or more of the project's significant effects (CEQA Guidelines Section 15126.6[a]).

Section 15126.6 of the CEQA Guidelines requires the consideration of a reasonable range of potentially feasible alternatives that could reduce or eliminate any significant adverse environmental effects of the proposed project, including alternatives that may, to some degree, impede the project's objectives.

PRC Section 21002 provides that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects[.]" The procedures required by CEQA "are intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects." "[I]n the event [that] specific economic, social, or other conditions make infeasible such project alternatives or such mitigation measures, individual projects may be approved in spite of one or more significant effects."

Among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, General Plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (CEQA Guidelines, Section 15126.6, subd. [f][1]). The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project.

Where a significant impact can be substantially lessened (i.e., mitigated to an acceptable level) solely by the adoption of mitigation measures, the lead agency, in drafting its findings, has no obligation to consider the feasibility of alternatives with respect to that impact, even if the alternative would mitigate the impact to a greater degree than the project (PRC, Section 21002). In short, CEQA requires that the lead agency adopt mitigation measures or alternatives, where feasible, to substantially lessen or avoid significant environmental impacts that would otherwise occur. Project modification or alternatives are not required, however, where such changes are infeasible or where the responsibility of modifying the project lies with some other agency (CEQA Guidelines, Section 15091, subds. [a], [b]).

With respect to a project for which significant impacts are not avoided or substantially lessened, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (CEQA Guidelines, Section 15093, 15043, subd. [b]; see also PRC, Section 21081, subd. [b]).

The range of alternatives required is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. The EIR shall include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed Project. Alternatives are limited to ones that would avoid or substantially lessen any of the significant effects of the Project. Of those

alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the basic objectives of the Project. The primary objectives sought by the Project are as follows:

- **Objective 1:** Develop a jobs-producing and tax-generating land use near transportation corridors within the housing-rich Victor Valley/high desert region that is constructed to high standards of quality and provides diverse economic opportunities for those residing and wishing to invest within the City of Hesperia.
- **Objective 2:** Concentrate nonresidential uses near existing roadways, highways, and freeways in an effort to isolate and reduce any potential environmental impacts related to truck traffic congestion, air emissions, industrial noise, and biological resources to the greatest extent feasible.
- **Objective 3:** Develop a fiscally sound and employment-generating land use that maximizes use of industrial zoned areas.
- **Objective 4:** Create a project that takes advantage of and enhances existing infrastructure, including the proximity to major regional roadways such as Interstate 15 and U.S. Highway 395, railroad service corridors, and other similar infrastructure that will help promote the site and its use as an industrial business park.
- **Objective 5:** Fulfill the existing and growing demand for logistics and warehouse uses in the region.

8.2 Alternatives Considered but Rejected from Further Analysis

Section 15126.6(c) of the CEQA Guidelines specifies that an EIR should (1) identify alternatives that were considered by the lead agency but were eliminated from detailed consideration because they were determined to be infeasible during the scoping process; and (2) briefly explain the reasons underlying the lead agency's determination. Among the factors that may be used to eliminate alternatives from detailed consideration in an EIR are: (i) failure to meet most of the basic project objectives; (ii) infeasibility; and/or (iii) inability to avoid significant environmental impacts.

The following alternatives were considered but rejected as part of the environmental analysis for the Project:

- Alternative Land Uses
- Alternate Sites

Finding: The City rejects the Alternative Land Uses and Alternate Sites alternatives, on the following grounds, each of which individually provides sufficient justification for rejection of this alternative: (1) the alternatives do not avoid any significant and unavoidable impacts, (2) the alternatives would likely not further reduce any of the Project's significant impacts; and (3) the alternatives are technically, financially, and legally infeasible given that they would not reduce significant adverse impacts or considered infeasible to construct or operate. Therefore, these alternatives are eliminated from further consideration.

8.3 Evaluation of Alternatives Selected for Analysis

The DEIR discussed several alternatives to the Project in order to present a reasonable range of options. The alternatives evaluated included:

- Alternative 1: No Development Alternative

- Alternative 2: No Project Alternative
- Alternative 3: Reduced Development Intensity Alternative

The EIR examined the Project alternatives in detail, exploring their comparative advantages and disadvantages with respect to the Project to determine whether any of the alternatives could meet most or all of the Project objectives, while avoiding or substantially lessening its significant, unavoidable impacts. Four alternatives that could potentially meet the Project objectives were considered as part of the environmental review for the Project. The following section provides a summary of the alternatives considered.

Summary of Alternatives Considered

The EIR examined a reasonable range of alternatives to the proposed project to determine whether any of those alternatives could meet most or all of the Project's objectives while avoiding or substantially lessening its significant impacts (DEIR, Section 7.3). The alternatives in the EIR were selected in relation to their potential to reduce the most significant Project impacts:

Alternative 1: No Project/ No Development Alternative. This alternative would entail no action at the Project site.

Alternative 2: Other Development Alternative. This alternative would entail development of a different use allowed by right in the Regional Commercial (C-R) District.

Alternative 3: Reduced Development Intensity Alternative. This alternative would entail development of two warehouses similar to the Project but with an overall building space reduction of 50%.

Alternative 1 – No Development Alternative

Description: Under Alternative 1, construction of the Project would not occur. The Project site would remain unchanged, and development activities related to construction and operation of the proposed industrial/warehouse building, associated office spaces, surface parking and loading areas, and all other proposed on- and off-site improvements would not occur.

In the short term, consistent with the existing conditions, the Project site would continue to be undeveloped. Under Alternative 1, the Project site would remain vacant, undeveloped land, although the site would presumably continue to be subject to illegal dumping, trespassing, and unpermitted off-road vehicle use, similar to the existing conditions.

Impact Analysis: The Project site would remain unchanged and would remain a vacant, undeveloped, yet disturbed property. On-site conditions would remain similar to existing conditions; because development activities associated with the Project would not occur, nearly all environmental impacts would be reduced compared with Project conditions. Exceptions would include impacts related to agricultural and forestry resources and recreation, which would result in no impact, whether or not the Project is constructed on the Project site.

Impacts associated with hydrology and water quality would likely be greater under Alternative 1 than with the Project, as the new engineered stormwater drainage system and detention basins would not be constructed on the Project site as proposed under the Project. Under existing conditions, no storm drain or treatment facilities are currently found on site; therefore, stormwater is not currently collected or treated on the Project site prior to being discharged off site. This same stormwater drainage scenario would continue to occur under Alternative 1, resulting in greater impacts related to surface drainage, water quality, erosion, and, potentially, periodic isolated flooding.

In addition, based on site reconnaissance performed for the Phase I Environmental Site Assessment, during construction there is a potential to encounter shallow soil contamination due to the observed dumping on the Project site, especially automotive fluid containers and tires. Under the Project scenario, implementation of Mitigation Measure (MM) HAZ-1 requires the removal and disposal of on-site tires and oil containers (e.g., retail motor oil containers and commercial oil drums) from the Project area in accordance with all applicable local, state, and federal guidelines. Further, for excavation and grading activities that occur in areas with the potential for residual contamination, **MM-HAZ-1** requires that a qualified environmental professional screen soils in the identified area prior to excavation and grading based on the nature of the potential contamination. In the event that potential contamination is encountered, the contamination shall be evaluated by a qualified environmental professional using the appropriate collection and sampling techniques as determined by the environmental professional based on the nature of the contamination, and the nature and extent of contamination shall be determined and the appropriate handling, disposal, and/or treatment shall be implemented in accordance with applicable regulatory requirements.

However, under Alternative 1, the cleanup activities required pursuit to **MM-HAZ-1** would not be initiated, and the existing full and partially full motor oil canisters, used tire piles, and potentially contaminated shallow soils would remain on site. The Project site has previously been a location for illegal dumping activities and would continue to be so under Alternative 1. The Project would help to remediate the Project site through compliance with **MM-HAZ-1**, and because this mitigation would not be implemented if not for the Project, Alternative 1 would result in greater impacts related to hazardous materials.

Impact Conclusion/Finding: Overall, none of the mitigation measures required for the Project would be necessary with Alternative 1, and this Project alternative would not result in any significant adverse and unavoidable impacts. However, Alternative 1 would not develop a jobs-producing and tax-generating land use near transportation corridors within the housing-rich Victor Valley/high desert region (Objective 1); concentrate nonresidential uses near existing roadways, highways, and freeways (Objective 2); develop a fiscally sound and employment-generating land use that maximizes utilization of industrial zoned areas (Objective 3); create a project that takes advantage of and enhances existing infrastructure, including the proximity to major regional roadways such as I-15 and U.S. Highway 395, railroad service corridors, and other similar infrastructure (Objective 4); or fulfill the existing and growing demand for logistics and warehouse uses in the region (Objective 5). As such, Alternative 1 would not meet any of the Project objectives. Based on the above, the City rejects Alternative 1.

Alternative 2 – Other Development Project

Description: Should the proposed Project not be approved, the Project site would be redeveloped with other land uses, consistent with the Project site's existing CIBP zoning designation. As described above, Project site has a land use and zoning designation of CIBP. Therefore, the Alternative 2 scenario involves a land use allowed under the CIBP designation.

The CIBP Zone is intended to provide for service commercial, light industrial, light manufacturing, and industrial support uses, mainly conducted in enclosed buildings. The MSFCSP lists several different uses that are either permitted by right or conditionally permitted in the CIBP zone. These include commercial storage facilities/mini-warehouses (i.e., self-storage facilities), offices, manufacturing, small and large equipment sales and rental, schools, vehicle rental and sales, minor and major vehicle repair, and vehicle wash facilities.

It is assumed that Alternative 2 would involve development of a land use that would be permissible either by right or by a Conditional Use Permit, including the land uses listed above. It is also assumed that those uses would share

a similar development intensity, floor area ratio, and site coverage as the Project. Land uses that are expressly not allowed in the CIBP Zone—specifically residential—would not be considered under Alternative 2.

Moreover, given the Project site's proximity to major regional transportation routes (e.g., I-15, U.S. Highway 395, and other local truck routes) and because of the continued demand for new industrial/warehouse operations in the Project region, it is assumed that the Project constructed under Alternative 2 would consist of warehouse, distribution, logistics, or other similar type industrial (or industrial-supporting) land use of a size similar to the Project. Such an alternative could take the form of a similar square footage of industrial space, but warehouse space could be split up into many smaller buildings instead of one larger building.

Impact Analysis: It is assumed that Alternative 2 would involve construction and operation of a land use of similar development and operational intensity as the Project, would have a floor area ratio similar to the Project, and would be subject to the same federal, state, and local requirements (e.g., incorporation of a new engineered stormwater drainage system, architectural design review) as the Project. Thus, it is expected that environmental impacts associated with Alternative 2 would be similar—if not identical—to those environmental impacts resulting from implementation of the Project.

In addition, per the transportation analysis, in order to evaluate Project-generated vehicle miles traveled (VMT), standard land use information such as building size must first be converted into a San Bernardino Transportation Analysis Model compatible dataset. The San Bernardino Transportation Analysis Model utilizes socioeconomic data (e.g., employees) for the purposes of vehicle trip estimation. The number of employees generated (refer to the Transportation Assessment prepared for the Project [Appendix I-1]) assumed that the Project would support general light industrial and high-cube warehousing uses. These land uses often have lower employee generation rates than some of the other land uses that are permitted by right or conditionally permitted in the CIBP Zone, including but not limited to general office, building material and rental, automobile parts and service center, and car wash.

As such, other land uses that are allowed on the Project site (either by right or by Conditional Use Permit) could potentially result in a greater number of employees compared with the Project, even if the development footprint is similar or identical. Thus, there would be a potential for increased impacts associated with VMT, traffic congestion, tailpipe air and GHG emissions, and traffic noise under Alternative 2.

Impact Conclusion/Finding: All the mitigation measures required for the Project would also apply to Alternative 2, as the land use type, development intensity, and/or site coverage would be similar to the Project; thus, construction and operation characteristics should also be relatively similar. There is the possibility under Alternative 2, however, that some impacts associated with air quality, GHG, and noise may be greater than those resulting from implementation of the Project, given that some of the other allowed land uses in the CIBP Zone have a higher peak hour and/or daily trip generation rate.

As an industrial, commercial, office, institutional, or other permissible land use on the Project site, Alternative 2 would be expected to satisfy many of the Project objectives, including developing a jobs-producing and tax-generating land use near transportation corridors within the housing-rich Victor Valley/high desert region (Objective 1); concentrating nonresidential uses near existing roadways, highways, and freeways (Objective 2); developing a fiscally sound and employment-generating land use that maximizes utilization of industrial zoned areas (Objective 3); and creating a project that takes advantage of and enhances existing infrastructure, including the proximity to major regional roadways such as I-15 and U.S. Highway 395, railroad service corridors, and other similar infrastructure (Objective 4). Depending on the use, Alternative 2 may or may not meet Objective 5, which is

to fulfill the existing and growing demand for logistics and warehouse uses in the region. Based on the above, the City rejects Alternative 2.

Alternative 3 – Reduced Development Intensity Alternative

Description: Presently, the only approach to reducing the Project's operational-related GHG emissions and transportation impacts would be to reduce the total number of daily trips and employees generated by the Project. As such, in an effort to reduce the Project's significant and unavoidable impacts, the City considered a Reduced Development Intensity Alternative (Alternative 3).

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 15%, equating to an industrial/ warehouse project consisting of approximately 356,864 square feet, compared to the Project's 419,840 square feet. Since the building footprint would be reduced by 62,976 square feet (approximately 1.45 acres), this extra space on the Project site would remain vacant. All other on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 3.

Impact Analysis: Under Alternative 3, the Project's development footprint would be reduced by 15% compared to the Project. As a result, it is assumed that a similar reduction in the operational intensity and duration of construction activities would occur. Likewise, a smaller building footprint would be expected to support fewer operational activities than the larger footprints proposed as part of the Project. Thus, the severity of many environmental impacts related to construction and operational phases would be either the same or incrementally reduced under Alternative 3. However, because the development intensity would be reduced under Alternative 3 compared to the Project, certain environmental impacts would differ as a result of this reduction, as the following analysis demonstrates.

Aesthetics

Under Alternative 3, the Project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 15%, equating to the 62,976 square feet (approximately 1.45 acres) of extra space on the Project site that would likely be developed with a similar landscape concept to that surrounding the industrial buildings. A reduction in building square footage would reduce the scale and massing of the buildings. Additionally, the increase in landscaped area would soften the visual impact of the buildings. Nonetheless, Alternative 3 would still involve the development of approximately 356,864 square feet of industrial space, which would still be the primary visual feature on the Project site. For these reasons, aesthetics impacts would be similar but lessened under Alternative 3.

Air Quality

Under Alternative 3, the extent of construction activities would be reduced compared to the Project. Thus, construction-related air quality emissions would be lessened. Alternative 3 would not exceed the numerical thresholds of significance established by the Mojave Desert Air Quality Management District; this is the same outcome that would occur under the Project.

Alternative 3 would generate fewer vehicle trips per day due to the reduction in the amount of building space. Accordingly, air pollutant emissions associated with long-term operation of Alternative 3 would be lessened compared to the Project, and like the proposed Project, mitigation would not be required.

Long-term operation of Alternative 3 would also have less-than-significant impacts due to emissions of volatile organic compounds, oxides of nitrogen, and coarse particulate matter and would not violate the Mojave Desert Air Quality Management District regional air quality standards. Because Alternative 3 would generate fewer average daily vehicle trips than would occur under the Project, impacts due to a conflict with the regional air quality standard and the level of contribution to an existing air quality violation would be minimized but still occur at a less-than-significant level. As such, Alternative 3 would reduce the Project's impact due to operational air contaminant emissions; however, impacts would still remain at a less-than-significant level, and no mitigation would be required.

As with the Project, impacts to nearby sensitive receptors would remain less than significant under Alternative 3. Similar to the Project, emissions under Alternative 3 would be below the Mojave Desert Air Quality Management District thresholds of significance. However, these impacts to sensitive receptors would be slightly reduced under Alternative 3 due to the reduction in daily vehicular trips compared to the Project. Therefore, air quality impacts would be lessened under Alternative 3, and similar to the proposed Project, no mitigation would be required.

Biological Resources

Under Alternative 3, a project would be constructed and operated as planned on the entire Project site, although the development intensity would be reduced. Compared to the Project, Alternative 3 would develop less of the Project site, resulting in a smaller overall building footprint by approximately 62,976 square feet. However, in accordance with the City's development standards, these areas would not be allowed to be completely unimproved, but instead would be required to be landscaped. As such, any vacant land and potential suitable habitat in these areas would still be disturbed as a result of landscaping activities, reducing any benefits from a biological resources perspective. Therefore, biological resources impacts would be similar under Alternative 3.

Cultural, Tribal Cultural, and Paleontological Resources

Under Alternative 3, a project would be constructed and operated as planned on the Project site, but with a reduced development intensity. Compared to the Project, Alternative 3 would develop less of the Project site with buildings, parking and loading areas, and other associated improvements, resulting in a smaller overall building footprint on the site that would disturb less land. However, as previously discussed, Alternative 3 would likely not be able to maintain vacant areas on the Project site but instead would still be required to landscape these locations. As such, the entirety of the Project site would need to be disturbed to various extents, which would result in the same potential to disturb presently unknown/unrecorded cultural, tribal cultural, and paleontological resources as the Project. Therefore, cultural resources impacts would be similar under Alternative 3.

Energy

The level of construction activities would be reduced under Alternative 3 compared to the Project because the Project's building footprint would be reduced by 15%. Thus, construction-related energy usage would be lessened. Alternative 3 would also generate fewer vehicle trips per day due and would have less building space than the Project as proposed, resulting in less on-site and mobile energy consumption. Accordingly, energy usage associated with long-term operation of Alternative 3 would be lessened compared to the Project. Therefore, energy impacts would be reduced under Alternative 3.

Greenhouse Gas Emissions

Similar to air quality, the extent of construction activities would be reduced under Alternative 3 compared to the Project. Thus, construction-related GHG emissions would be lessened. Alternative 3 would also generate fewer vehicle trips per day due to the 15% reduction in the amount of building space. Accordingly, GHG emissions associated with long-term operation of Alternative 3 would be lessened compared to the Project. As discussed in Section 7.1, the Project would result in significant and unavoidable impacts with regard to generating GHG emissions. Implementation of mitigation measures under the Project and Alternative 3 would reduce potential operation-related GHG emissions. However, the effectiveness of the mitigation measures and the associated emission reductions cannot be accurately quantified at this time and GHG emissions impacts are inherently cumulative in nature. Therefore, while GHG emissions impacts would be reduced under Alternative 3 due to decreased construction and operational footprint, they would still remain significant and unavoidable.

Hazards and Hazardous Materials

Under Alternative 3, a project would be constructed and operated as planned on the site, with the exception that the building footprint would be reduced by 15%. Incorporation of **MM-HAZ-1** would still be required under Alternative 3, which mandates, among other requirements, the removal and disposal of on-site tires, oil containers, and debris from the Project area in accordance with all applicable guidelines, and that a qualified environmental professional shall screen soils in the identified area prior to excavation and grading based on the nature of the potential contamination. As such, under Alternative 3, the cleanup activities required pursuit to **MM-HAZ-1** would be initiated, and the development would still help to remediate the Project site through compliance with **MM-HAZ-1**. Therefore, hazards and hazardous materials impacts would be similar under Alternative 3.

Hydrology and Water Quality

Under Alternative 3, the new engineered stormwater drainage system would be constructed on the Project site as proposed under the Project. Under existing conditions, no storm drain or treatment facilities are currently found on site; therefore, stormwater is not currently collected or treated on the Project site prior to being discharged off site. However, under Alternative 3, the development and its on-site stormwater drainage system would be designed to comply with all state, regional, and local regulations related to site stormwater drainage and water quality during both construction and operation of the project, regardless of its size. Therefore, hydrology and water quality impacts would be similar under Alternative 3.

Noise

Noise associated with Alternative 3 would occur during short-term construction activities and under long-term operation. The types of construction activities conducted on the Project site would be similar under Alternative 3 and would generally cover the same physical area. However, because Alternative 3 would result in construction of less building area on site, it is anticipated that the duration of noise impacts during the building construction and architectural coating phase would slightly decrease under Alternative 3 compared to the Project. Nonetheless, the types of construction equipment used and the types of construction activities conducted on site would be similar under Alternative 3, and the peak daily noise levels generated during the construction phase would also be similar.

Under long-term operational conditions, noise generated by Alternative 3 would primarily be associated with outdoor mechanical equipment and on-site truck loading, idling, maneuvering, and parking. Alternative 3 would have reduced operational capacity and, as such, would contribute to less on-site operational noise than the Project.

However, the increase in operational noise associated with Alternative 3 would still be noticeable to impacted residences. Therefore, noise impacts would be similar under Alternative 3.

Transportation and Traffic

VMT is largely dependent on the specific land use type of a particular project and the location of that project. While a reduction in a project's size could reduce the overall VMT associated with a given project, reducing a project's square footage would not necessarily have an effect on a project's average trip length. Thus, while under Alternative 3 the development footprint would be reduced by 15% compared to the Project, the average trip length for passenger vehicle and truck trips associated with the development would remain virtually constant. In addition, because a reduction in project size would correlate to a similar reduction in on-site workforce, VMT per employee would also stay relatively the same under Alternative 3 as the Project's VMT per employee.

Utilities and Service Systems

Under Alternative 3, a project would be constructed and operated as planned on the Project site, with the exception that the size of the proposed development would be reduced by 15%. All other on- and off-site improvements proposed as part of the Project are assumed to still be required under Alternative 3. As such, the same wet and dry utilities would be required, with construction and operational characteristics of these on- and off-site improvements being similar to the Project. Therefore, utilities and service systems impacts would be similar under Alternative 3.

Impact Conclusion/Finding: Based on the above, given that Alternative 3 would result in incremental reductions in both construction activity, daily operational trips on Project area roadways, and a reduction in the scale of the proposed buildings, Alternative 3 would result in incremental reductions in the severity of impacts related to aesthetics, air quality, energy, GHG emissions, and noise (short term). In the case of GHG and transportation, the reductions in Project-related trips would not be substantial enough to reduce impacts below the level of significant and unavoidable. Impacts associated with energy and noise are less than significant under both the Project and Alternative 3 scenarios, although emissions would be lessened under Alternative 3.

Impacts associated with agriculture and forestry; biological resources; cultural, tribal cultural, and paleontological resources; geology and soils; hazards, hazardous materials, and wildfire; hydrology and water quality; land use and planning; mineral resources; population and housing; public services; recreation; noise; transportation; and utilities and service systems would generally be the same under Alternative 3 compared to the Project.

All the mitigation measures required for the Project would be necessary for Alternative 3, although no new measures would be required. Additionally, Alternative 3 would meet all Project objectives, albeit to a lesser extent as proposed under the Project because of the approximately 15% reduction in size. In particular, because of its reduced size, Alternative 3 would produce fewer jobs (Objective 1), would generate less tax revenue (Objective 1), and would not create as much revenue- and employment-generating land use as the Project (Objectives 1 and 3). Based on the above, the City rejects Alternative 3.

8.4 Environmentally Superior Alternative

Section 15126(e)(2) of the CEQA Guidelines requires an EIR to identify an "environmentally superior alternative." If the No Project/No Development Alternative is the environmentally superior alternative, the EIR must also identify an environmentally superior alternative from among the other Project alternatives.

Each of the three Project alternatives considered herein would lessen at least one environmental impact relative to the Project. As previously addressed, if the No Project/No Development Alternative is the environmentally superior alternative; this EIR analysis also evaluates another environmentally superior alternative among the remaining alternatives.

Based on a comparison of Alternative 2 and Alternative 3, environmental impacts associated with aesthetics, air quality, energy, and GHG emissions would be less under Alternative 3 compared to Alternative 2. Impacts associated with biological resources; cultural, tribal cultural, and paleontological resources; hazards, hazardous materials, and wildfire; hydrology and water quality; noise; transportation; and utilities and services systems would be similar under Alternative 3 compared to Alternative 2. Overall, based on these findings, Alternative 3 would be considered the environmentally superior alternative (DEIR, pp. 7-11 – 7-12).

9 Findings Regarding Significant Irreversible Environmental Changes

Sections 15126(c) and 15126.2(c) of the CEQA Guidelines require that an EIR address any significant irreversible environmental changes that would occur should the project be implemented. Generally, a project would result in significant irreversible environmental changes if any of the following would occur:

- The project would involve a large commitment of non-renewable resources;
- The primary and secondary impacts of the project would generally commit future generations to similar uses;
- The project involves uses in which irreversible damage could result from any potential environmental accidents; or
- The proposed consumption of resources is not justified.

Change in Land Use that Commits Future Generations to Similar Uses

According to the Main Street and Freeway Corridor Specific Plan (Specific Plan), the land use and zoning designations for the Project site are CIBP The proposed Project would therefore be consistent with the existing General Plan and zoning designations and the Specific Plan. The construction and operation of the proposed Project would develop a total of 419,840 square feet of industrial/warehouse space with associated improvements on land the City already committed to industrial/warehouse (and similar) uses when the City adopted the Specific Plan. The Project would be consistent with the intent of the Main Street/I-15 District in the Specific Plan Area, which is to emphasize large-scale employment uses near the interchange along U.S. Highway 395 (DEIR, p. 6-2).

Irreversible Damage from Environmental Accidents

Potential environmental accidents of concern include those events that would adversely affect the environment or public due to the type of quantity of materials released and the receptors exposed to that release. Construction activities associated with the Project would involve some risk of environmental accidents. However, these activities would be conducted in accordance with all applicable federal, state, and local regulations and would follow professional industry standards for safety. Once operational, any materials associated with environmental accidents would comply with applicable federal, state, and local regulations. Use of any such materials would not adversely affect the environment or public due to the type or quantity of materials released and the receptors exposed to that release (DEIR, pp. 6-2 - 6-3).

Large Commitment of Nonrenewable Resources

Commitment of nonrenewable resources includes issues related to increased energy consumption, loss of agricultural lands, and lost access to mining reserves. There would be an irretrievable commitment of labor, capital, and materials used during the construction and operation of the Project. Nonrenewable resources would primarily be committed in the form of fossil fuels such as fuel, oil, natural gas, and gasoline used by equipment associated with construction of the Project. Consumption of other nonrenewable or slowly renewable resources would also occur. These resources would include lumber and other forest products, sand and gravel, asphalt, and metals such as steel, copper, and lead.

To ensure that energy implications are considered in project decisions, CEQA requires that EIRs include a discussion of the potential energy impacts of proposed projects, with particular emphasis on avoiding or reducing inefficient, wasteful, and unnecessary consumption of energy (California PRC Section 21100[b][3]). Energy conservation implies that a project's cost-effectiveness be reviewed not only in dollars, but also in terms of energy requirements. For many projects, cost-effectiveness may be determined more by energy efficiency than by initial dollar costs. A lead agency may consider the extent to which an energy source serving a project has already undergone environmental review that adequately analyzed and mitigated the effects of energy production.

Consistent with California PRC Section 211009(b)(3), CEQA Guidelines Appendix G, and a ruling set forth by the court in *California Clean Energy Committee v. City of Woodland*, potentially significant energy implications of a project must be considered in an EIR to the extent relevant and appliable to that project. Accordingly, based on the energy consumption thresholds set forth in both Appendix F and Appendix G of the CEQA Guidelines, the Project's estimated energy demands (both short-term construction and long-term operational demands) were evaluated (see Section 4.5, Energy, of the DEIR). The overall purpose of the energy analysis was to evaluate whether the Project would result in the wasteful, inefficient, or unnecessary consumption of energy.

As further assessed in the energy analysis, for new development, such as that proposed by the Project, compliance with California Title 24 energy efficiency requirements is considered demonstrable evidence of efficient use of energy. The Project would provide for and promote energy efficiencies beyond those required under other applicable federal and state standards and regulations, and in doing so would meet or exceed all Title 24 standards. On this basis, the Project would not result in the inefficient, wasteful, or unnecessary consumption of energy (DEIR, p. 6-3).

10 Growth-Inducing Impacts

Section 15126.2(e) of the state CEQA Guidelines requires a DEIR to discuss the ways the Project could foster economic or population growth or the construction of additional housing, directly or indirectly, in the surrounding environment. In accordance with State CEQA Guidelines Section 15126.2(e), a Project would be considered to have a growth-inducing effect if it would:

- Directly or indirectly foster economic or population growth, or the construction of additional housing in the surrounding environment;
- Remove obstacles to population growth (e.g., construction of an infrastructure expansion to allow for more construction in service areas);
- Tax existing community service facilities, requiring the construction of new facilities that could cause significant environmental effects; or
- Encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

In addition, CEQA Guidelines that that growth inducement must not be assumed.

The Project would require a temporary construction workforce and a permanent operational workforce, both of which could potentially induce population growth in the Project area. The temporary workforce would be needed to construct the industrial/warehouse building and associated improvements. The number of construction workers needed during any given period would largely depend on the specific stage of construction but would likely range from a dozen to several dozen workers on a daily basis.

Because the future tenants are not known yet, the number of jobs that the Project would generate cannot be precisely determined. The Project would include 419,840 square feet of industrial/warehouse space, excluding associated improvements. It is estimated the total number of employees required for operation would be approximately 351.

According to the U.S. Census Bureau, as of April 1, 2020, the population of the City of Hesperia (City) was approximately 99,818 residents. Upon buildout, the City anticipates growing to more than 243,000 residents. As such, the Project-related increase of approximately 351 employees would represent a nominal percentage of the City's projected future population upon General Plan buildout. As such, the Project's temporary and permanent employment requirements could likely be met by the City's existing labor force without people needing to relocate into the Project region, and the Project would not stimulate population growth or a population concentration above what is assumed in local and regional land use plans.

Projects that physically remove obstacles to growth, or projects that indirectly induce growth, are those that may provide a catalyst for future unrelated development in the area. The Project would involve installation of new sewer lines in the Project vicinity. The purpose of these new utilities is solely to serve the needs of the Project, and not to provide capacity for future projects or growth. In addition, since the surrounding Project area is already served by existing wet and dry utilities, the Project would not expand sanitary sewer or stormwater drainage infrastructure into areas not previously served by such utilities.

Further, given that the surrounding Project area is already served by existing wet and dry utilities, it is unlikely that the Project would tax existing community service facilities or require construction or expansion of new regional-scale facilities with capacity to serve more than just the Project. Although roadway improvements are planned to the roads fronting the Project site as part of Project implementation, these improvements are necessary to provide for adequate circulation in the Project area; thus, the Project would not result in indirect population growth by providing vehicular access to an area presently lacking such access.

Based on the proximity of the Project site to existing facilities, the average response times in the Project area, the ability for nearby cities to respond to emergency calls, and the fact that the Project site is already located within the SBCFD and San Bernardino County Sheriff's Department service areas, the Project would be adequately served by public services without the construction of new, or the expansion of existing, facilities. Although the Project could potentially result in an incremental increase in calls for service to the Project site compared to existing conditions, this increase is expected to be nominal (as opposed to new residential or commercial/retail land uses, which do result in greater increase in calls for service) and would not result in the need for new or expanded fire or police facilities. Lastly, since the Project would not directly or indirectly induce unplanned population growth in the City, it is not anticipated that many people would relocate to the City because of the Project, and an increase in school-age children requiring public education is not expected to occur as a result. Thus, there would be no need for new or expanded school facilities.

In conclusion, the Project could cause population growth through new job opportunities. However, this growth falls well within City and regional growth projections for population and housing. The Project would not remove obstacles to population growth and would not cause an increase in population such that new community facilities or infrastructure would be required outside of the Project site. Lastly, the Project is not expected to encourage or facilitate other activities that could significantly affect the environment, as explained above. For these reasons, the Project is not considered to be significantly growth-inducing (DEIR, pp. 6-1 – 6-2).