

# **California Environmental Quality Act (CEQA)**

## **Initial Study/Mitigated Negative Declaration Tract Map No. 20674**



### **Lead Agency**

City of Hesperia Development Services Department  
9700 7<sup>th</sup> Avenue  
Hesperia, California 92345

### **Project Proponent**

ZAB, LLC  
c/o Mr. Luis Benitez 16502 Walnut Street, Suite C  
Hesperia CA 92345

### **Prepared By**

EPC Environmental, Inc.  
11801 Pierce Street, Suite 200  
Riverside, CA 92505  
951-710-3010

**May 13, 2025**

## Table of Contents

Determination .....	iii
Section 1.0 Background Information.....	1
1.1 Project Title.....	1
1.2 Lead Agency Name, Address, and Telephone Number .....	1
1.3 Description of Project .....	1
1.4 Project Location.....	1
1.5 General Plan and Zoning Designation.....	1
1.6 Environmental Resources Requiring Mitigation.....	1
Section 2.0 Summary .....	2
2.1 Mitigation Measures .....	2
Section 3.0 Project Description/Environmental Setting.....	5
3.1 Project Location.....	5
3.2 Project Description .....	5
3.3 Construction and Operational Characteristics .....	5
3.4 Environmental Setting .....	10
Section 4.0 Environmental Impact Analysis.....	11
4.1 Aesthetics.....	12
4.2 Agriculture and Forestry Resources .....	16
4.3 Air Quality .....	19
4.4 Biological Resources.....	25
4.5 Cultural Resources .....	33
4.6 Energy.....	36
4.7 Geology and Soils.....	38
4.8 Greenhouse Gas Emissions .....	44
4.9 Hazards and Hazardous Materials.....	47
4.10 Hydrology and Water Quality .....	51
4.11 Land Use and Planning .....	56
4.12 Mineral Resources.....	58
4.13 Noise .....	60
4.14 Population and Housing .....	66
4.15 Public Services.....	67
4.16 Recreation .....	70
4.17 Transportation.....	71
4.18 Tribal Cultural Resources .....	75
4.19 Utilities and Service Systems .....	78
4.20 Wildfire.....	82
4.21 Mandatory Findings of Significance.....	83

## Tables

Table 3.1.	Land Uses, General Plan Land Use Designations, and Zoning Classifications .....	10
Table 4.3-1.	Attainment Status of Criteria Pollutants in the Mojave Desert Air Basin .....	20
Table 4.3-2.	MDAQMD Air Quality Significance Thresholds .....	22
Table 4.3-3.	Maximum Daily Construction Emissions (Rule 402/403 Requirements) .....	22
Table 4.3-4.	Maximum Daily Operational Emissions .....	23
Table 4.4-1.	Presence/Absence of Candidate, Sensitive, or Special Status Plant Species.....	25
Table 4.4-2.	Presence/Absence of Candidate, Sensitive, or Special Status Wildlife Species.....	29
Table 4.8-1.	Project Greenhouse Gas Emissions.....	44
Table 4.11-1.	Consistency with Applicable Plans, Policies, or Regulations.....	56
Table 4.13-1.	Typical Construction Equipment Noise Levels .....	62
Table 4.15-1.	Student Generation Factors.....	68

## Figures

Figure 3.1.	Regional Map.....	6
Figure 3.2.	Local Area Map .....	7
Figure 3.3.	Aerial View.....	8
Figure 3.4.	Tentative Tract Map No. 20674 .....	9
Figure 4.4-1.	Map of Western Joshua Trees Near the Project Site .....	27
Figure 4.4-2.	Photographs of Joshua Tree #19.....	28
Figure 4.17-1.	Vehicle Miles Traveled (VMT) Screening Results .....	73

## Appendices

(Under Separate Cover)

- A** CalEEMod Summary Report
- B** Biological Report
- C** Supplemental Joshua Tree Report
- D** Cultural Resources Report

## Determination

Based on this initial evaluation:

I find that the proposed use COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be recommended for adoption.

☐

I find that although the proposal could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the Project have been made by or agreed to by the Project Applicant. A **MITIGATED NEGATIVE DECLARATION** will be recommended for adoption.

☒

I find that the proposal MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐

I find that the proposal MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐

I find that although the proposed Project could have a significant effect on the environment, because all potentially significant effect (a) has been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, pursuant to all applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures are imposed upon the proposed Project, nothing further is required.

☐

---

**Signature**

---

City of Hesperia  
**Lead Agency**

---

Leilani Henry, Assistant Planner  
**Printed Name/Title**

---

**Date**

## Section 1.0 Background Information

### 1.1 Project Title

Tract Map (TTM) No. 20674

### 1.2 Lead Agency Name, Address, and Telephone Number

City of Hesperia, Development Services Department, 9700 7<sup>th</sup> Avenue, Hesperia, California 92345

### 1.3 Description of Project

Subdivide approximately 4.5 gross acres into 20 single-family residential lots that range from 5,638 square feet to 10,029 square feet, and Lot "A" for a retention basin. (See Section 3.0, Project Description, for additional details).

### 1.4 Project Location

The Project site is located on the northwest corner of Hollister Street and Afton Avenue. The Project site is also identified by the following Assessor Parcel Number: 3057-051-09.

### 1.5 General Plan and Zoning Designation

R1-4500 (4.6 to 8.0 du/ac) R1- 4500 (Single Family Residence). The proposed density is 4.4 dwelling units per acre (du/ac).

### 1.6 Environmental Resources Requiring Mitigation

The following environmental factors have been identified as requiring mitigation measures to reduce impacts to a less than significant level.

- |   |  |
|---|--|
| <input type="checkbox"/> Aesthetics                         | <input type="checkbox"/> Mineral Resources                             |
| <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Noise   |
| <input type="checkbox"/> Air Quality                        | <input type="checkbox"/> Population/Housing                            |
| <input checked="" type="checkbox"/> Biological Resources    | <input type="checkbox"/> Public Services                               |
| <input checked="" type="checkbox"/> Cultural Resources      | <input type="checkbox"/> Recreation                                    |
| <input type="checkbox"/> Energy                             | <input type="checkbox"/> Transportation                                |
| <input checked="" type="checkbox"/> Geology/Soils           | <input checked="" type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Greenhouse Gas Emissions           | <input checked="" type="checkbox"/> Utilities/Service Systems          |
| <input type="checkbox"/> Hazards and Hazardous Materials    | <input type="checkbox"/> Wildfire                                      |
| <input type="checkbox"/> Hydrology/Water Quality            | <input checked="" type="checkbox"/> Mandatory Findings of Significance |
| <input type="checkbox"/> Land Use/Planning                  |  |

## Section 2.0 Summary

This document is an Initial Study, which is a preliminary analysis to determine whether a Negative Declaration (ND), Mitigated Negative Declaration (MND), or an Environmental Impact Report (EIR) is required for a Project. Based on the Initial Study prepared for the Project, it is recommended that a Mitigated Negative Declaration be adopted. A Mitigated Negative Declaration is a statement by the City of Hesperia, as the Lead Agency under CEQA, that the Initial Study has identified that no significant or potentially significant impacts on the environment with incorporation of the mitigation measures listed below.

### 2.1 Mitigation Measures

**BIO- 1. Pre-Construction Burrowing Owl Survey.** Prior to the issuance of a grading permit, a pre-construction survey for Burrowing Owls shall be conducted in accordance with California Department of Fish and Wildlife approved protocols for each species no more than 30-days prior to ground- disturbing activities in accordance with best practices identified by the California Department of Fish and Wildlife. If ground-disturbing activities are delayed for more than 30 days (including the restarting of activities after project/ground-disturbing delays of 30 days or more), additional surveys will be required. If burrowing owls are observed on the project site during future surveys, the California Department of Fish and Wildlife shall be immediately notified, and mitigation measures shall be required to reduce impacts to less than significant. Acceptable mitigation measures are described in the Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency, Department of Fish and Game, March 7, 2012.

**BIO- 2. Pre-Construction Nesting Bird Survey.** Prior to the issuance of a grading permit, the following note shall be placed on the grading plan.

*"During the nesting bird season (between March 15 and September 15), a qualified biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the work area and surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified biologist within 300 feet of all work areas, no more than 3 days prior to commencement of project activities. If active nests containing eggs or young are found, a qualified biologist shall establish an appropriate nest buffer. Nest buffers are species-specific and range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity's level of disturbance, site conditions, and the observed bird behavior. Established buffers shall remain until a qualified biologist determines that the young have fledged or the nest is no longer active. Active nests shall be monitored until the biologist has determined that the young have fledged or the project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance."*

**CUL-1. Discovery of Unknown Archaeological Resources.** Prior to the issuance of a grading permit, the following notes shall be placed on the grading plan.

*"Discovery of Unknown Archaeological Resources: If archaeological resources are encountered during implementation of the Project, ground-disturbing activities will be temporarily redirected from the vicinity of the find. The San Manuel Band of Mission Indians (SMBMI) shall be contacted. The Project Proponent, SMBMI, and the City Planning Department shall confer regarding the significance of the discovery under CEQA criteria. If the discovery is significant, Mitigation Measure CR-2 shall apply."*

**CUL-2. Archeological Treatment Plan.** A treatment plan shall be prepared and implemented by the archaeologist to protect the identified archaeological resource(s) from damage and destruction. The treatment plan shall contain a research design and data recovery program necessary to document the size and content of the discovery such that the resource(s) can be evaluated for significance under CEQA criteria. The research design shall list the sampling procedures appropriate to exhaust the research potential of the archaeological resource(s) in accordance with current professional archaeology standards. At the completion of the laboratory analysis, any recovered archaeological resources shall be processed and curated according to current professional repository standards. The collections and associated records shall be donated to an appropriate curation facility. A final report containing the significance and treatment findings shall be prepared by the archaeologist and submitted to the City of Hesperia Planning Department and the South-Central Coastal Information Center.

**GEO-1. Discovery of Unknown Paleontological Resources.** Prior to the issuance of a grading permit, the following note shall be placed on the grading plan.

*"Discovery of Unknown Paleontological Resources: If paleontological resources are encountered during ground disturbance, work in the immediate area of the find shall be redirected and a qualified paleontologist shall be retained to assess the find for scientific significance. If determined to be significant, the fossil shall be collected from the field. The paleontologist may also make recommendations regarding additional mitigation measures, such as paleontological monitoring. Scientifically significant resources shall be prepared to the point of identification, identified to the lowest taxonomic level possible, cataloged, and curated into the permanent collections of a museum repository."*

**TCR- 1. Contact Yuhaaviatam of San Manuel Nation.** The Yuhaaviatam of San Manuel Nation (YSMN) Cultural Resources Department shall be contacted, as detailed in Mitigation Measure CR-1, of any pre- contact resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

**TCR- 2. Documentation of Tribal Cultural Resources.** Any and all archaeological/cultural documents created as a part of the project (e.g., isolate records, site records, survey reports, testing reports) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or the applicant shall, in good faith, consult with YSMN throughout the life of the project. This measure shall be implemented to the satisfaction of the City Development Services Department



## 3.0 Project Description/Environmental Setting

### 3.1 Project Location

The Project site is located on the northwest corner of Hollister Street and Afton Avenue. The Project site is identified by the following Assessor Parcel Number: 3057-051-09. (See **Figures 3.2 and 3.3, Local Area Map and Aerial View.**)

### 3.2 Project Description

The Project proposes a Tract Map to subdivide approximately 4.53 gross acres into 20 single-family residential lots ranging from 5,638 square feet to 10,029 square feet,

#### Street Improvements and Access

The Project proposes to improve Oak Valley Street and Hollister Street adjacent to the Project site with new pavement, curb, gutter, and a parkway. Afton Avenue, which is currently a dirt road, will be improved with new pavement, curb, gutter, and a landscaped parkway adjacent to the site.

#### Water and Sewer Improvements

The Project will install 8-inch water and sewer lines in Hollister Street and Afton Avenue.

#### Storm Drainage Improvements

Drainage will be conveyed in the curb and gutter through the site. Lot A is proposed to be a storm drain and retention basin for the Project.

### 3.3 Construction and Operational Characteristics

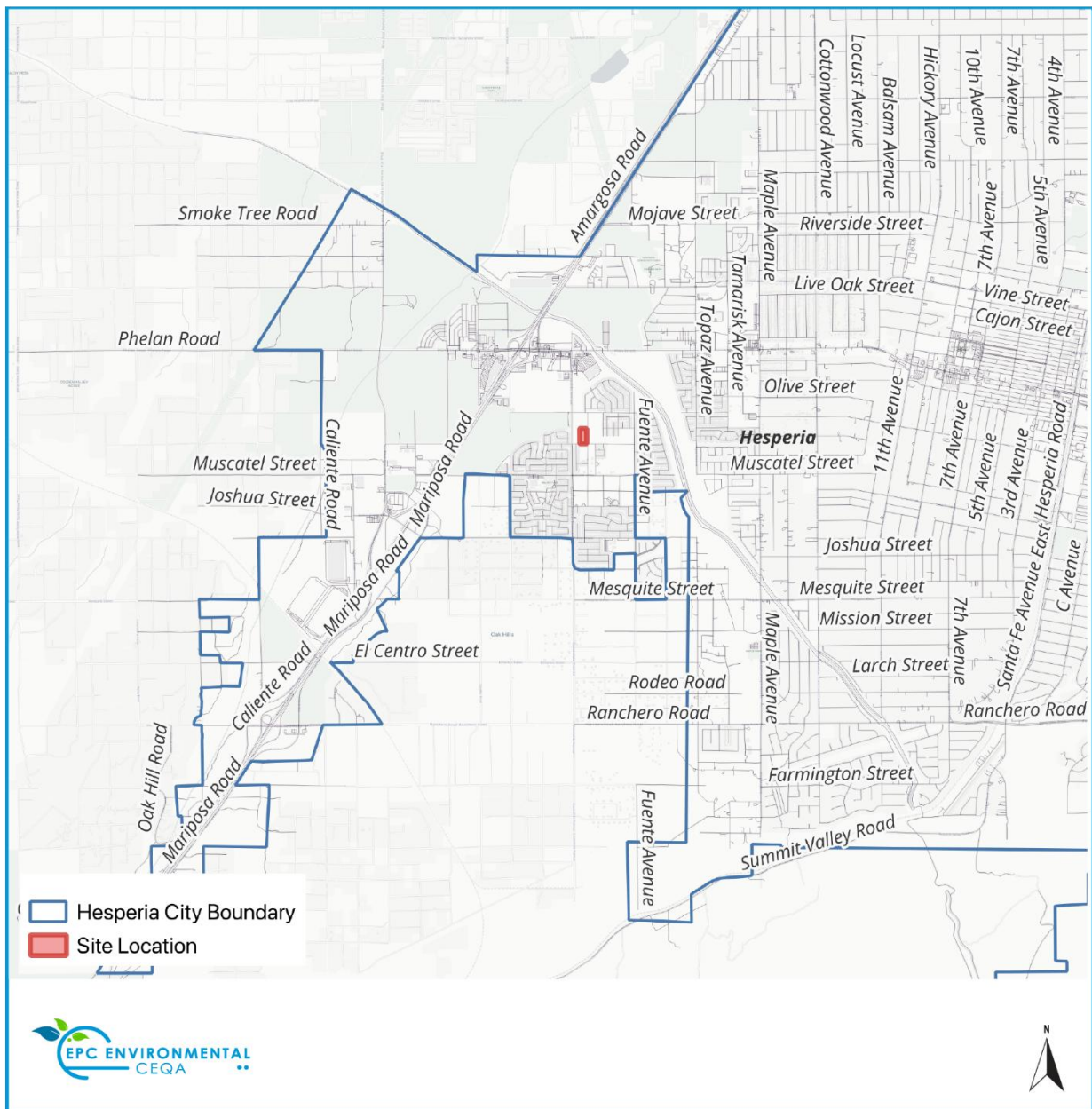
#### Construction Schedule

Houses will be constructed based on market demand and absorption. The construction of the Project is assumed to begin in 2025 and last approximately 12 months. Construction phases are assumed to consist of site preparation, grading, building construction, paving, and architectural coating. The Project is expected to be operational in the year 2026. Construction phases are not expected to overlap.

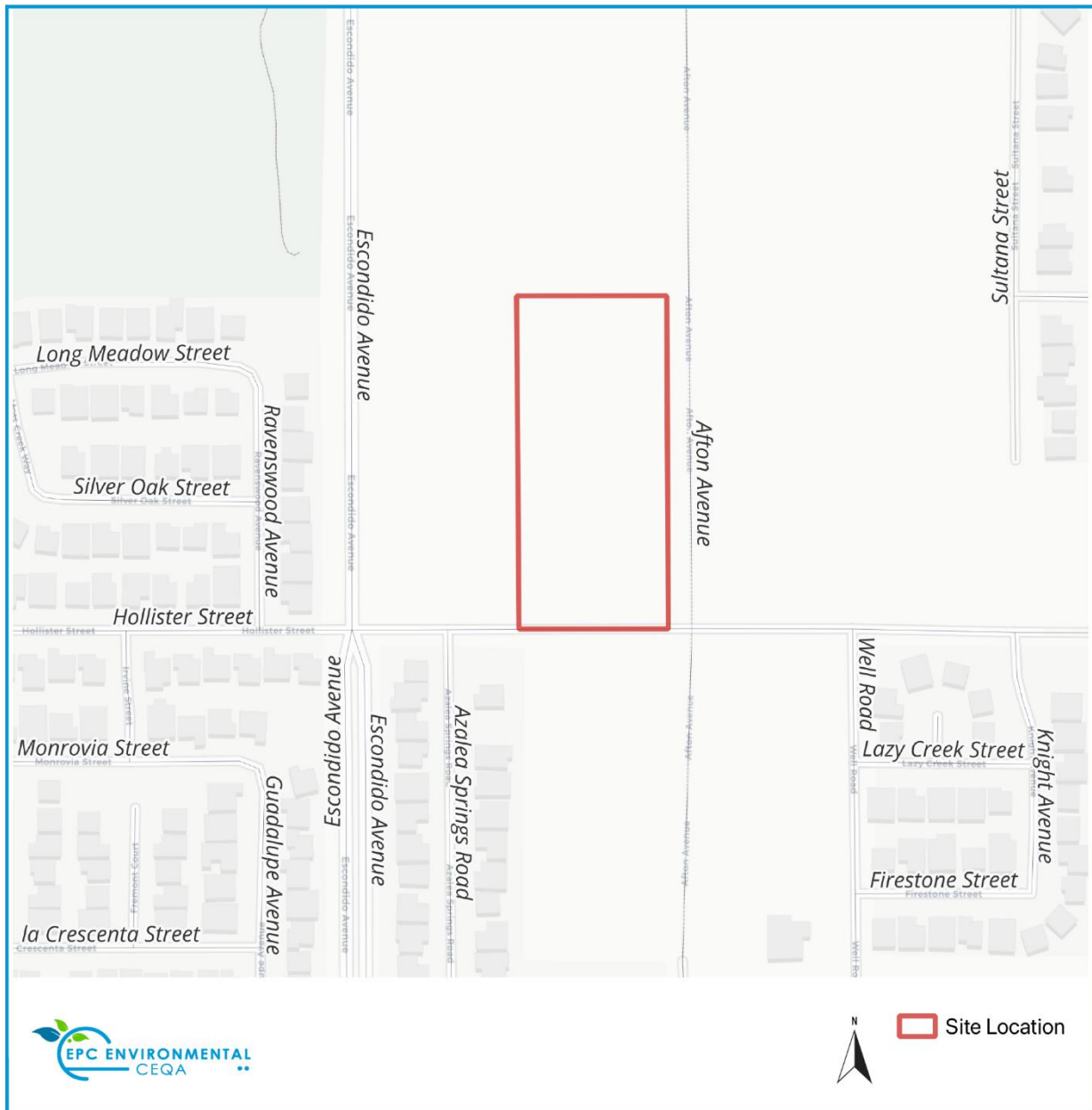
#### Operational Characteristics

The Project would be operated as a residential community. Typical operational characteristics include residents and visitors traveling to and from the site, leisure and maintenance activities occurring on individual residential lots. Low levels of noise and a moderate level of artificial exterior lighting typical of a residential community are expected.

**Figure 3.1 Location Map**



**Figure 3.2 Local Area Map**





**Figure 3.3 Aerial View of Project Site**



[illegible]

### 3.4 Environmental Setting

CEQA Guidelines §15125 establishes requirements for defining the environmental setting to which the environmental effects of a proposed project must be compared. The environmental setting is defined as “...the physical environmental conditions in the vicinity of the project, as they exist at the time the Notice of Preparation is published, or if no Notice of Preparation is published, at the time the environmental analysis is commenced ...” (CEQA Guidelines §15125[a]). Because a Notice of Preparation was not required, the environmental setting for the Project is May 2023, which is the date that the Project’s environmental analysis commenced.

The Project site consists of vacant land. The site is bordered to the east by Afton Avenue, which consists of dirt road, followed by vacant land. The north, south, and west sides of the site are bordered by vacant land.

The site has been graded at some point between 2009 and 2013, and vegetation is highly disturbed. California juniper is the dominant perennial species. Other shrub and perennial species include Mormon tea and peach thorn. Annual plants found include mostly invasive, exotic, or native species adapted to disturbance.

Onsite and adjacent land uses, General Plan land use designations, and zoning classifications are shown in **Table 3.1** below.

**Table 3.1 Land Uses, General Plan Land Use Designations, and Zoning Classifications**

Location	Current Land Use	General Plan Land Use/Zoning Designations
Site	Vacant undeveloped land	R1-4500 (4.6 to 8.0 du/ac)
North	Vacant undeveloped land	R1-4500 (4.6 to 8.0 du/ac)
South	Hollister Street followed by single-family residential development and vacant land	R1-4500 (4.6 to 8.0 du/ac)
East	Vacant undeveloped land	R1-4500 (4.6 to 8.0 du/ac)
West	Vacant undeveloped land	R1-4500 (4.6 to 8.0 du/ac)

Source: Field inspection, City of Hesperia -General Plan Land Use Map, Google Earth Pro, August 2024.

## 4.0 Environmental Impact Analysis

The Project is evaluated based on its potential effect on 21 environmental resources. Each environmental resource is analyzed by responding to a series of questions pertaining to the impact of the Project on a particular topic. Based on the results of the IMPACT ANALYSIS, the effects of the Project are then placed in one of the following four categories, which is each followed by a summary to substantiate the factual reasons the impact was placed in a certain category.

Potentially Significant or Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Significant or potentially significant impact(s) have been identified or anticipated that cannot be mitigated to a level of insignificance. An Environmental Impact Report must therefore be prepared.	Potentially significant impact(s) have been identified or anticipated, but mitigation is possible to reduce impact(s) to a less than significant category. Mitigation measures must then be identified.	No "significant" impact(s) identified or anticipated. Therefore, no mitigation is necessary.	No impact(s) identified or anticipated. Therefore, no mitigation is necessary.

Throughout the IMPACT ANALYSIS in this Initial Study, reference is made to the following:

- **Mandatory Requirements** - These include existing regulatory requirements such as General Plan policies, Municipal Code requirements, or other regulatory requirements applied to the Project based on federal, state, or local laws currently in place that effectively reduce environmental impacts. Mandatory requirements were assumed and accounted for in the assessment of impacts for each issue area.
- **Mitigation Measures** - These measures include requirements that are imposed where the IMPACT ANALYSIS determines that implementation of the proposed Project would result in significant impacts. Mitigation Measures were formulated only for those issue areas where the results of the IMPACT ANALYSIS identified significant impacts and are required to reduce impacts to less than significant levels, in accordance with the requirements of CEQA.



## 4.1 Aesthetics

Threshold 4.1 (a) – Aesthetics Would the Project:	Potentially Significant or Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Have a substantial adverse effect on a scenic vista?			✓	

### Impact Analysis

According to the General Plan, natural resources that provide scenic vistas to the City of Hesperia are the Mojave River, the San Bernardino and San Gabriel Mountain ranges to the south, the neighboring hillsides, and the natural desert environment.<sup>1</sup>

In relation to the above-described scenic resources, the Project site is located approximately 7.6 miles west of the Mojave River, 9.5 miles northwest of the San Bernardino Mountains, and 12.8 miles northeast of the San Gabriel Mountains.

Impacts on scenic vistas are analyzed from points or corridors that are accessible to the public and that provide a view of a scenic vista. Structures within a viewer's line of sight of a scenic vista may interfere with a public view of a scenic vista, either by physically blocking or screening the scenic vista from view, or by impeding or blocking access to a formerly available viewing position. Those viewers may see the scenic areas prior to development; but would have those views blocked post development.

The existing public vantage points from the Project site are from Hollister Street and Escondido Avenue. Because the Mojave River is generally at the same elevation as the site and is 7.5 miles away, no views are available. Views of the San Bernardino Mountains and the San Gabriel Mountain ranges are available in the horizon. After construction of the homes, new public vantage points from the internal public streets will be available to these mountains. As required by the Hesperia Development Code § 16.20.450-R-1 and RR Zone Districts, property development standards, the residential structures proposed of the property are restricted to 35 feet in height; maximum lot coverage of 40%; and building setbacks for the front, rear, and side lot lines. These standards will serve to create space between structures. As such, the homes built on the site would not block or completely obstruct views from public vantage points (i.e., Hollister Street, Afton Avenue, and the internal streets) to the San Bernardino and San Gabriel Mountains.

---

<sup>1</sup> City of Hesperia General Plan, Open Space Element, p. OS-13; p. OS-14; Figure OS-4, South/East Wash Location Map, and Figure OS-5, North/East Wash Location Map.



Threshold 4.1 (b) – Aesthetics Would the Project:	Potentially Significant or Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?				✓

## Impact Analysis

According to the California Department of Transportation, the Project site is not located within a State scenic highway.<sup>2</sup> As such, there is no impact.

Threshold 4.1 (c) – Aesthetics Would the Project:	Potentially Significant or Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
If located in an Urbanized Area, conflict with applicable zoning and other regulations governing scenic quality?			✓	

## Impact Analysis

Because the Project site is located within an incorporated city located contiguous to not more than two contiguous incorporated cities that combined equal at least 100,000 persons, the Project is classified as being within an “urbanized area,” as defined by Public Resources Code §21071. In addition, according to the U.S. Census Bureau, Hesperia is located within the Victorville Hesperia, CA Urbanized Area.<sup>3</sup> As such, the Project is subject to the City’s applicable regulations governing scenic quality.<sup>4</sup> As such, the Project is evaluated for consistency with the City’s applicable zoning regulations governing scenic quality as described below.

### Development Code §16.16.140 - Architectural Design Standards and Guidelines

This section of the Development Code includes guidelines for facades and architectural detailing, height and roof lines, front entries, doors and windows, garage doors, and materials and finishes.

### Development Code §16.16.145 - Site Design Standards and Guidelines

This section of the Development Code includes guidelines for compatibility with the setback, proportion, and sale of the houses in the neighborhood. In addition, the guidelines address

<sup>2</sup> California Department of Transportation, State Scenic Highway Program, <https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways>, accessed April 5, 2021.

<sup>3</sup> United States Census Bureau, 2010 Census Urban Area Reference Maps, [https://www2.census.gov/geo/maps/dc10map/UaUC\\_RefMap/ua/ua90541\\_victorville--hesperia\\_ca/DC10UA90541\\_001.pdf](https://www2.census.gov/geo/maps/dc10map/UaUC_RefMap/ua/ua90541_victorville--hesperia_ca/DC10UA90541_001.pdf), accessed April 2021.

<sup>4</sup> City of Hesperia General Plan.

compatibility with the existing on-site relationships of the surrounding neighborhood such as front facade orientation, scale of front entries, front porches, and front yard landscaping.

The Project proposes the subdivision of the property into individual lots that will accommodate the development of single-family detached homes. No construction is proposed at this time. Future construction of the homes would have to comply with the above-described provisions of the Development Code which would ensure that the Project would not conflict with regulations governing scenic quality.

Threshold 4.1 (d) – Aesthetics Would the Project:	Potentially Significant or Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			✓	

## Impact Analysis

### Outdoor Lighting and Glare

The Project would increase the amount of light in the area above what is being generated on the vacant site by directly adding new sources of illumination, including security and decorative lighting for the proposed structures. All outdoor lighting is required to be designed and installed to comply with Development Code § 16.16.145.J-Exterior Lighting<sup>5</sup> which stipulates:

1. Exterior lighting includes all lighting fixtures on front facades, security lighting, and landscape lighting. Adequate exterior lighting shall be provided on the front of the house to ensure neighborhood safety and security. Exterior lighting that accentuates architectural and landscape elements of the property is encouraged.
2. Recessed porches must be lit.
3. Light fixtures should complement the design of the house.
4. Photo-sensitive off/on switches are strongly encouraged for energy conservation and safety.
5. Exterior lighting should be positioned so that no direct light extends into neighboring properties or public rights-of-way. Illumination should be screened from adjacent properties. Cut-off luminaires should be used to prevent nighttime light pollution.

### Building Material Glare

According to Development Code § 16.16.140 - Architectural design standards and guidelines, the architectural style and design of building elements should be consistent within itself and complementary with the neighborhood and with adjacent houses. To be consistent with the

---

<sup>5</sup> Zoning Ordinance.

residential development in the immediate area and throughout the city, the Project will be developed with homes that feature stucco, wood, brick, stone, or decorative concrete block. These materials are non-reflective and do not result in glare. In addition, windows in single-family homes are not of the size and scale where a large expanse of glass surface area will produce glare.

### **Conclusion**

Compliance with the above-referenced Development Code requirements will ensure that the Project will not adversely affect day or nighttime views in the area.

## 4.2 Agriculture and Forestry Resources

Threshold 4.2 (a) – Agriculture and Forestry Resources Would the Project:	Potentially Significant or Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				✓

### Impact Analysis

The Project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program.<sup>6</sup> As such, development of the Project will not convert any type of farmland to a non-agricultural use.

Threshold 4.2 (b) – Agriculture and Forestry Resources Would the Project:	Potentially Significant or Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Conflict with existing zoning for agricultural use, or a Williamson Act contract?				✓

### Impact Analysis

#### Agricultural Zoning

The primary agricultural zoning district in Hesperia is A2 (General Agricultural). The A2 zoning classification encompasses those uses that are customarily conducted in areas not yet suited for urban development or that should be permanently set aside for general agricultural purposes. This district provides areas for commercial agricultural operations, agricultural support services, livestock keeping, rural residential uses, and similar uses.<sup>7</sup> The current zoning classification for the site and adjacent properties is R1-4500 (Single Family Residence). The R1-4500 zone is intended for detached single-family residential uses. Therefore, the Project would not conflict with existing zoning for agricultural use.

<sup>6</sup> <https://databasin.org/maps/new/#datasets=b83ea1952fea44ac9fc62c60dd57fe48>, accessed on March 6, 2021.

<sup>7</sup> General Plan Table LU-18, A2 (General Agricultural).

### Williamson Act

A Williamson Act Contract enables private landowners to voluntarily enter contracts with local governments for the purpose of establishing agricultural preserves. The Project site is not under a Williamson Act Contract.<sup>8</sup>

Threshold 4.2 (c) – Agriculture and Forestry Resources Would the Project:	Potentially Significant or Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?				✓

### Impact Analysis

California Public Resources Code §12220(g) defines forest land as land that can support 10% native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits.

Section 4526 of the Public Resources Code defines timberland as land, other than land owned by the federal government or land designated by the state as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

The Project site does not contain any forest lands, timberland, or timberland zoned as Timberland Production, nor are any forest lands or timberlands located on or nearby the Project site. Because no lands within the Project site are currently zoned or proposed for forestland or timberland, there is no potential to impact such zoning.

Threshold 4.2 (d) – Agriculture and Forestry Resources Would the Project:	Potentially Significant or Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Result in the loss of forest land or conversion of forest land to non-forest use?				✓

### Impact Analysis

As noted in the response to Threshold 4.2 (c) above, the Project site and surrounding properties do not contain forest lands, are not zoned for forest lands, nor are they identified as containing forest resources by the General Plan. Because forest land is not present within the Project site or

<sup>8</sup> <https://sbcountyarc.org/wp-content/uploads/arcforms/NPP874-WilliamsonActParcels.pdf>, accessed March 6, 2021.

in the immediate vicinity of the site, the Project has no potential to result in the loss of forest land or the conversion of forest land to non-forest use.

Threshold 4.2 (e) – Agriculture and Forestry Resources Would the Project:	Potentially Significant or Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?				✓

### Impact Analysis

As noted under Threshold 4.2 (a), the Project site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as mapped by the California Department of Conservation Farmland Mapping and Monitoring Program. In addition, the site is not under agricultural production, and there is no land being used primarily for agricultural purposes on or in the vicinity of the site.

## 4.3 Air Quality

The analysis in this section is based in part on the following technical information:

- CalEEMod (2022.1.1.14) TTM 20674, 5/25/23

The following analysis is consistent with the MDAQMD California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, February 2020.

### Air Quality Setting

#### Topography and Climate

The Project site is located within the Mojave Desert portion of the Mojave Desert Air Basin (MDAB), which is bordered in the southwest by the San Bernardino Mountains, separated from the San Gabriel Mountains by the Cajon Pass (4,200 feet). A lesser channel lies between the San Bernardino Mountains and the Little San Bernardino Mountains (the Morongo Valley). The MDAB is classified as a dry-hot desert (BWh), with portions classified as dry-very hot desert (BW<sub>h</sub>h), to indicate at least 3 months have maximum average temperatures over 100.4° F.<sup>9</sup>

#### Air Pollutants and Health Effects

Air pollutants are the amounts of foreign and/or natural substances occurring in the atmosphere that may result in adverse effects to humans, animals, vegetation, and/or materials. The air pollutants regulated by the MDAQMD that are applicable to the Project are described below.<sup>10</sup>

- Carbon Monoxide (CO): A colorless, odorless gas resulting from the incomplete combustion of hydrocarbon fuels. Over 80% of the CO emitted in urban areas is contributed by motor vehicles. Carbon monoxide is harmful when breathed because it displaces oxygen in the blood and deprives the heart, brain, and other vital organs of oxygen.
- Nitrogen Dioxide (NO<sub>2</sub>): Nitrogen dioxide (NO<sub>2</sub>) is a byproduct of fuel combustion. The principal form of nitrogen oxide produced by combustion is nitric oxide (NO), but NO reacts quickly to form NO<sub>2</sub>, creating the mixture of NO and NO<sub>2</sub> commonly called NO<sub>x</sub>. NO<sub>x</sub> can irritate eyes, nose, throat, and lungs, possibly leading to coughing, shortness of breath, tiredness, and nausea.
- Particulate Matter (PM<sub>2.5</sub> and PM<sub>10</sub>): One type of particulate matter is the soot seen in vehicle exhaust. Fine particles — less than one-tenth the diameter of a human hair — pose a serious threat to human health, as they can penetrate deep into the lungs. PM can be a primary pollutant or a secondary pollutant from hydrocarbons, nitrogen oxides, and sulfur dioxides. Diesel exhaust is a major contributor to PM pollution.
- Sulfur Dioxide (SO<sub>2</sub>): A strong smelling, colorless gas that is formed by the combustion of fossil fuels. Power plants, which may use coal or oil high in sulfur content, can be

<sup>9</sup> MDAQMD CEQA Guidelines, February 2020, Page 6-7.

<sup>10</sup> <http://www.aqmd.gov/home/air-quality>.

major sources of SO<sub>2</sub>. Sulfur dioxide irritates the skin and mucous membranes of the eyes and nose.

- Volatile Organic Compounds (VOCs): VOCs contribute to the formation of smog and/or may themselves be toxic. VOCs often have an odor, and some examples include gasoline, alcohol and the solvents used in paints. Health effects may include eye, nose and throat irritation, headaches, loss of coordination, and nausea.

### Non-attainment Designations and Classification Status

The United States Environmental Protection Agency and the California Air Resources Board have designated portions of the MDAQMD non-attainment for a variety of pollutants. An "attainment" designation for an area signifies that criteria pollutant concentrations did not exceed the established standard. In contrast to attainment, a "nonattainment" designation indicates that a criteria pollutant concentration has exceeded the established standard. Table 4.3-1 shows the attainment status of criteria pollutants in the MDAB.

**Table 4.3-1 Attainment Status of Criteria Pollutants in the Mojave Desert Air Basin**

Criteria Pollutant	State Designation	Federal Designation
Ozone – 1-hour standard	Non-attainment	No standard
Ozone – 8-hour standard	Non-attainment	Non-attainment
Respirable Particulate Matter (PM <sub>10</sub> )	Non-attainment	Attainment
Fine Particulate Matter (PM <sub>2.5</sub> )	Non-attainment	Non-attainment
Carbon Monoxide (CO)	Attainment	Unclassified/Attainment
Nitrogen Dioxide ( <u>NO<sub>2</sub></u> )	Attainment	Unclassified/Attainment
Sulfur Dioxide (SO <sub>2</sub> )	Unclassified/Attainment	Unclassified/Attainment
Lead	Attainment	Attainment

Source: California Air Resources Board, 2015.

As shown in **Table 4.3-1** above, the MDAB is classified as Nonattainment for Ozone-1-hour standard, Ozone-8-hour standard, Respirable Particulate Matter (PM<sub>10</sub>) and Fine Particulate Matter (PM<sub>2.5</sub>)

Threshold 4.3 (a) – Air Quality Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Conflict with or obstruct implementation of the applicable air quality plan?			✓	

### Impact Analysis

The following analysis is consistent with the preferred analysis approach recommended by the MDAQMD California Environmental Quality Act (CEQA) and Federal Conformity Guidelines.

### Conformity with Air Quality Management Plans

Under the Federal Clean Air Act the MDAQMD has adopted a variety of attainment plans ( i.e., Air Quality Management Plans) for a variety of non-attainment pollutants. A complete list of the



various air quality management plans is available from the MDAQMD located at 14306 Park Avenue, Victorville, CA 92392 or on their website at:

<https://www.mdaqmd.ca.gov/rules/overview>.

A project is non-conforming if it conflicts with or delays implementation of any applicable attainment or maintenance plan. A project is conforming if it complies with all applicable District 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). Conformity with growth forecasts can be established by demonstrating that the project is consistent with the land use plan that was used to generate the growth forecast. An example of a non-conforming project would be one that increases the gross number of dwelling units, increases the number of trips, and/or increases the overall vehicle miles traveled in an affected area (relative to the applicable land use plan).

The project is in conformity with MDAQMD for the following reasons:

- The Project is required to comply with all applicable District rules and regulations and all control measures including MDAQMD Rule 402-Nuisance, and Rule 403-Fugitive Dust.
- The Project site is designated as R1-4500 ( 4.6 to 8.0 du/ac) by the General Plan Land Use Map. This land use designation is consistent with the land use plan that was used by the MDAQMD to generate the growth forecasts for the Air Quality Management Plans.

Threshold 4.3 (b) – Air Quality Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
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?			✓	

## Impact Analysis

### MDAQMD Significance Thresholds

The following table provides an analysis based on the applicable regional significance thresholds established by the MDAQMD to meet national and state air quality standards.

**Table 4.3-2. MDAQMD Air Quality Significance Thresholds**

Criteria Pollutant	Daily Emissions Thresholds (pounds)
Carbon Monoxide (CO)	548
Oxides of Nitrogen (NOx)	137
Volatile Organic Compounds (VOC)	137
Oxides of Sulphur (SOx)	137
Particulate Matter (PM <sub>10</sub> )	82
Particulate Matter (PM <sub>2.5</sub> )	65

Source: MDAQMD CEQA Guidelines, February 2020, Table 6.

Construction and operational emissions for the Project were estimated based on a worst-case scenario of 20 dwelling units by using the California Emissions Estimator Model (CalEEMod), which is a statewide land use emissions computer model designed to provide a uniform platform for government agencies to quantify potential criteria pollutant emissions associated with both construction and operations from a variety of land use projects. The model is authorized for use by the MDAQMD.

#### Construction Emissions

Construction of the Project is assumed to begin in the year 2025 and last approximately 12 months. Construction phases are assumed to consist of site preparation, grading, building construction, paving, and architectural coating. The Project is expected to be fully operational in the year 2026. Construction phases are not expected to overlap. Construction activities produce combustion emissions from various sources (utility engines, tenant improvements, and motor vehicles transporting the construction crew). Exhaust emissions from construction activities envisioned on site would vary daily as construction activity levels change. The Project will be required to comply with several standard fugitive dust control measures, per MDAQMD Rule 402-Nuisance, and 403-Fugitive Dust. Daily construction emissions are shown in **Table 4.3-3** below.

**Table 4.3-3. Maximum Daily Construction Emissions (Rule 402/403 Requirements)**

Description	Emissions (pounds per day)					
	ROG/VOC	NOx	CO	SOx	PM <sub>10</sub>	PM <sub>2.5</sub>
Maximum Daily Emissions	1.11	9.95	13.6	0.02	0.49	0.38
Regional Threshold	137	137	548	150	82	82
Exceeds Regional Threshold?	No	No	No	No	No	No

Source: CalEEMod Summary Report (Appendix A)

As shown in **Table 4.3-3** above, construction emissions do not exceed the MDAQMD thresholds, and impacts are less than significant.

### Operational Emissions

The Project would be operated as a residential subdivision. Typical operational characteristics include residents and visitors traveling to and from the site, delivery of goods and services to the residents, and maintenance activities. **Table 4.3-4** below shows the MDAQMD's thresholds for operational emissions compared to the Project's maximum daily emissions.

**Table 4.3-4. Maximum Daily Operational Emissions**

Description	Emissions (pounds per day)					
	ROG/VOC	NOx	CO	SOx	PM <sub>10</sub>	PM <sub>2.5</sub>
Maximum Daily Emissions	32.5	1.40	45.3	0.08	6.41	5.50
Regional Threshold	137	137	548	150	82	82
Exceeds Regional Threshold?	No	No	No	No	No	No

Source: CalEEMod (Appendix A)

Construction- and operational-related emissions would not exceed Mojave Desert Air Quality Management District thresholds. Accordingly, the Project would not emit substantial concentrations of these pollutants during operation and would not contribute to an existing or projected air quality violation, on a direct or cumulative basis. As such, impacts are less than significant, and no mitigation measures are required.

Threshold 4.3 (c) – Air Quality Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Expose sensitive receptors to substantial pollutant concentrations?			✓	

### Impact Analysis

#### Construction Emissions

The California Office of Environmental Health Hazard Assessment (OEHHA) adopted the Guidance Manual for Preparation of Health Risk Assessments<sup>11</sup> (HRA Guidelines) to provide procedures for use in the Air Toxics Hot Spots Program or for the permitting of existing, new, or modified stationary sources.

The HRA Guidelines provide risk factors for DPM based on exposure over a 30-year span. Short-term risk from construction activities has not been developed for DPM. In addition, MDAQMD does not typically require the evaluation of long-term cancer risk or chronic health impacts for construction operations of a short-term project. Hence, the impacts from short-term exposure to DMP during project construction may be presumed to be less than significant without the need for a detailed HRA study.

<sup>11</sup> OEHHA. Air Toxics Hot Spots Program. Risk Assessment Guidelines. Guidance for Preparation of Health Risk Assessments. February 2015, available at <https://oehha.ca.gov/air/air-toxics-hot-spots>.

### Operational Emissions

The Project is a residential subdivision and does not produce toxic air emissions such as those generated by industrial manufacturing uses or uses that generate heavy-duty diesel truck emissions. According to the MDAQMD,<sup>12</sup> sensitive receptors are considered land uses or other types of population groups that are more sensitive to air pollution exposure. Sensitive population groups include children, the elderly, the acutely and chronically ill, and those with cardio-respiratory diseases. The closest sensitive land use is the single-family detached homes located across Hollister Street to the south. The other residential land uses located in the immediate area are approximately 240 feet or more from the site.

The Project does not consist of a land use that has been identified by the MDAQMD as a potentially significant generator of TACs that could cause the exposure of sensitive receptors to substantial pollutant concentrations. Therefore, because the Project is not considered a substantial source of stationary pollution, the Project's operational impact is presumed to cause a less than significant impact without the need for further evaluation.<sup>13</sup>

Threshold 4.3 (d) – Air Quality Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation	Less Than Significant Impact	No Impact
Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?			✓	

### Impact Analysis

Potential odor sources associated with the Project may result from construction equipment exhaust and the application of asphalt and architectural coatings during construction activities and the temporary storage of typical solid waste (refuse) associated with the proposed Project's long-term operational uses.

The construction odor emissions would be temporary, short-term, and intermittent in nature and would cease upon completion of the respective phase of construction and is thus considered less than significant. It is expected that Project-generated refuse would be stored in covered containers and removed at regular intervals in compliance with the City's solid waste regulations. Therefore, odors associated with the proposed Project construction and operations would be less than significant, and no mitigation is required.

<sup>12</sup> MDAQMD California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, February 2020, available at: <https://www.mdaqmd.ca.gov/rules/overview>.

<sup>13</sup>

## 4.4 Biological Resources

The analysis in this section is based in part on the following technical reports.

- Focused Survey for General Biological Survey and Focused Surveys for Agassiz's Desert Tortoise, Habitat Assessments for Burrowing Owl and Mohave Ground Squirrel, and General Biological Resource Assessment for a on a 4.53-acre site (TT20674) in the City of Hesperia, San Bernardino County, California, Circle Mountain Biological Consultants, Inc., which is dated May 2023, and is included as **Appendix B** to this Initial Study.
- Supplemental Western Joshua Tree Report for TT 20674, Circle Mountain Biological Consultants, Inc., which is dated April 28, 2025, and is included as **Appendix C** to this Initial Study.

Threshold 4.4 (a) – Biological Resources Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?		✓		

### Impact Analysis

#### Plant Species

Nineteen plant species were identified during the survey. The site has been graded at some point between 2009 and 2013, and vegetation is highly disturbed. California juniper is the dominant perennial species. Other shrub and perennial species include peach thorn and Mormon tea. Annual plants found include mostly invasive, exotic, or native species adapted to disturbance. These species are red brome and red-stemmed filaree, both are non-native. Candidate, sensitive, or special status species are shown in **Table 4.4-1**.

**Table 4.4-1. Presence/Absence of Candidate, Sensitive, or Special Status Plant Species**

Species	Protection Category	Status
Joshua tree	Candidate for listing as Endangered under the California Endangered Species Act	Absent
Booth's evening primrose	CNPS List 2B.3 sensitive plant	Absent
Mojave milkweed	CNPS List 2B.1 sensitive plant	Absent
White pygmy poppy	CNPS List 4.2 sensitive plant	Absent
Short-joint beavertail	CNPS List 1B.2 sensitive plant.	Absent
Pinyon rockcress	CNPS List 3B.2 sensitive plant	Absent
Beaver Dam breadroot	CNPS List 1B.2 sensitive plant	Absent
White-bracted spineflower	CNPS List 1.B2 sensitive plant	Absent

Source: Biological Survey (see Appendix B).

### Western Joshua Tree

Western Joshua tree is currently a candidate for listing under CESA (Fish & G. Code, § 2050 et seq.). The western Joshua tree receives the same protections as species listed as endangered or threatened under CESA while it remains a candidate for listing (Cal. Code Regs., tit. 14, § 783.1, subd. (b)).

To obtain a permit for incidental take of western Joshua tree (WJT) through the Western Joshua Tree Conservation Act (WJTCA), the permittee must submit to the California Department of Fish & Wildlife (CDFW) for its approval a census of all WJTs on the project site, including any dead trees. For the purposes of the census, the project site is defined as the area(s) where project activities are expected to occur (e.g., access, staging, construction, etc.). The census area is defined as the project site plus an additional 15- meter (~50 ft) census buffer around the project site.<sup>14</sup>

Initially, the CDFW considered any disturbance within 50 feet of a Western Joshua Tree (either on-site or off-site) as a "take" and therefore, even if the tree would not be removed, a permit for impacts is required.

Based on the General Biological Resources Survey (**Appendix B**), there are 22 western Joshua trees off-site, and only one tree (#19) is located within 50 feet of the Project site boundary. (See **Figure 4.4-1**, Map of Western Joshua Tree on the Project Site). The UTM (Universal Transverse Mercator) coordinates are 465823 E, 3808378 N. The distance to the western boundary is 39 feet (12 m) for JT#19. This tree has three main branches, all sprouting from a fallen Joshua tree with a still-living root system. The vertical height of the tallest of the three branches from the ground is 3 feet (0.9 m, Class A). The length of the fallen trunk is 8.5 feet (2.6 m, Class B). (See **Figure 4.4-2**, Photographs of Western Joshua Tree #19).

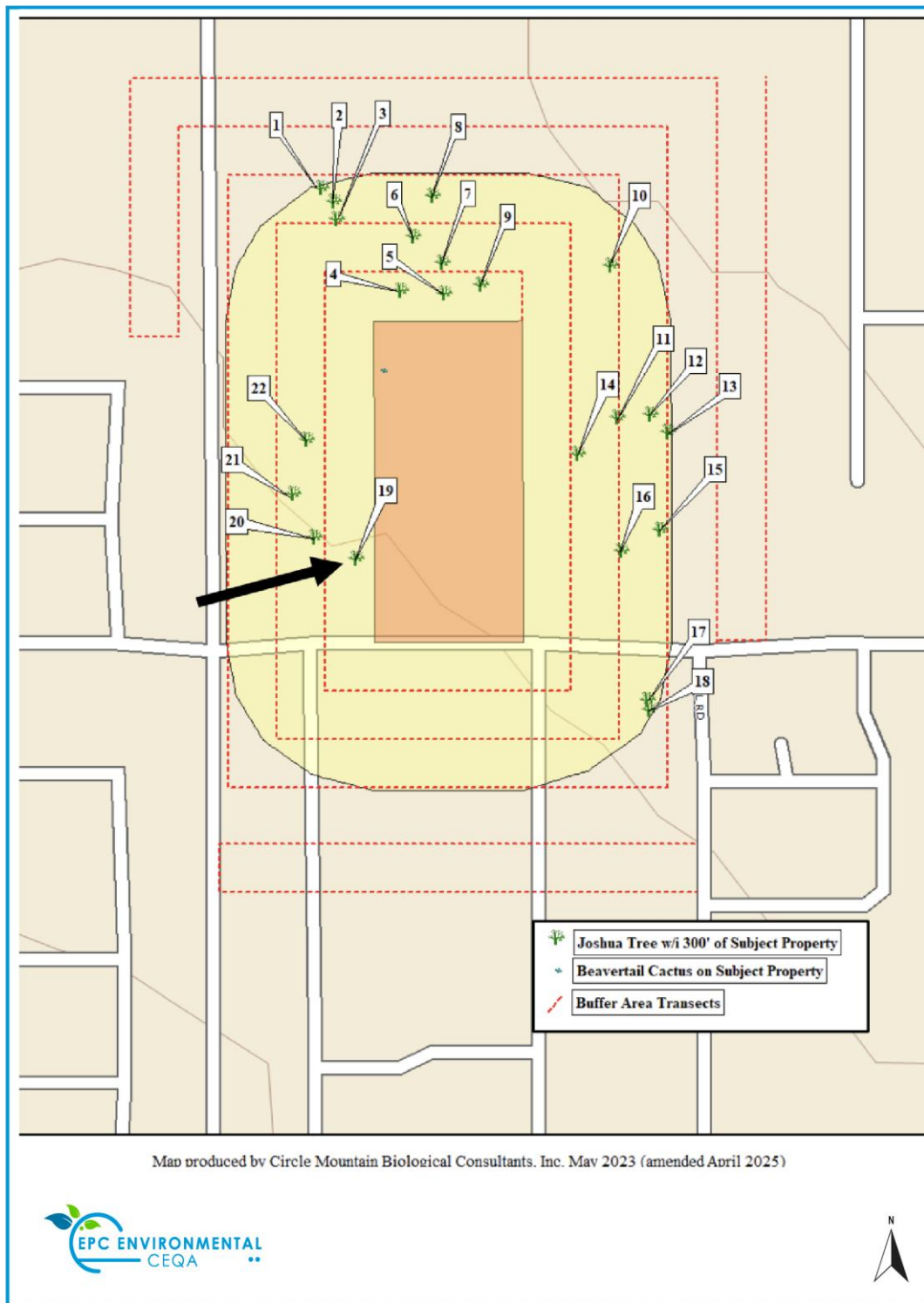
As of April 24, 2025, the CDFW is now recommending that the universal 50-foot buffer consideration be revised as follows: Class A trees will require a 10-foot buffer, Class B will have a 25-foot buffer, and Class C will have a 50-foot buffer.<sup>15</sup> As indicated above, Western Joshua tree #19 is classified as a Class A tree (10-foot buffer) and a Class B tree (25-foot buffer). Because Western Joshua tree #19 is 39 feet from the Project site property line, it is outside of both the 10-foot and 25-foot buffer. Therefore, future development of the residential structures would not have any impact.

---

<sup>14</sup> <https://wildlife.ca.gov/Conservation/Environmental-Review/WJT/Permitting/Census-Instructions#intro>

<sup>15</sup> Ravleen Kaur, PhD, LT Senior Environmental Scientist (Specialist) California Department of Fish and Wildlife Inland Deserts Region | Habitat Conservation, email dated April 24, 2025.

**Figure 4.4-1 Map of Western Joshua Trees Near the Project Site**





**Figure 4.4-2. Photographs of Joshua Tree #19**



**Exhibit 1:** Joshua tree #19, showing original trunk



**Exhibit 2.** Joshua tree #19, showing three branches



### Wildlife Species

Common wildlife species identified on the Project site include common raven, Anna's hummingbird, northern mockingbird, and the California ground squirrel. All these species are tolerant of or benefit from human disturbance. The presence or absence of species identified as Candidate, Sensitive, or Special Status Wildlife Species are shown in **Table 4.4-2** below.

**Table 4.4-2. Presence/Absence of Candidate, Sensitive, or Special Status Wildlife Species**

Species	Protection Category	Status
Loggerhead shrike	California Species of Special Concern by CDFW and a Bird of Conservation Concern by the USFWS	Not expected to occur
Burrowing owl	Candidate for listing as Endangered under the California Endangered Species Act	Absent
American badger	California Species of Special Concern.	Absent
Mojave Ground squirrel	Designated as a Threatened species by the California Fish and Game Commission and is not federally listed	Absent
Agassiz's Desert Tortoise	Designated as a Threatened species by the California Fish and Game Commission and is not federally listed	Absent
Pallid San Diego pocket mouse	California Species of Special Concern by the CDFW	Not expected to occur
Crotch bumblebee	Federal candidate species for listing as Endangered	Absent

Source: Biological Survey (see Appendix B)

Based on the field survey and habitat assessment, except for the western burrowing owl, none of the special status wildlife species in the vicinity of the Project Site will be adversely affected by site development.

On October 25th, 2024, western burrowing owl became a candidate for CESA-listed species. Although no sign of burrowing owl was detected within the Project site or within the 500-foot buffer, the Project contains suitable habitat. Therefore, the following mitigation measure is required:

### Mitigation Measure

**BIO-1 Burrowing Owl Take Avoidance Survey.** Prior to the initiation of construction activities ((i.e., grubbing, clearing, staging, digging), a "take avoidance survey" should be conducted by a qualified Biologist for the project site and surrounding 500 ft radius utilizing the methodology provided in CDFW's 2012 Staff Report on Burrowing Owl Mitigation. This survey should be conducted no more than 14 days prior to initiation of ground disturbance activities. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Should no Burrowing Owls be detected during the initial "take avoidance survey",

the survey should be repeated within 24 hours prior to ground disturbance to determine if the Project site contains burrowing owl or sign thereof to avoid any potential impacts to the species. The surveys shall include 100 percent coverage of the Project site. If both surveys reveal no burrowing owls, active burrowing owl burrows or perch sites are present or with active sign (molted feathers, cast pellets, prey remains, eggshell fragments, decoration, or excrement) thereof, no additional actions related to this measure are required and a letter report shall be prepared by the qualified biologist documenting the results of the survey including all requirements for survey reports (page 30 of the 2012 Staff Report). The letter report shall be submitted to CDFW for review prior to construction.

If burrowing owl, active burrows or signs thereof are found the qualified biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be review and approved by CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan.

If the Project cannot ensure burrowing owls and their burrows are fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat, benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation, may be authorized through the incidental take permit as a minimization measure.

Threshold 4.4 (b) – Biological Resources Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				✓

## Impact Analysis

Based on the field survey and habitat assessment, no riparian habitat or other sensitive natural community exists on the Project site.

Threshold 4.4 (c) – Biological Resources Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?				✓

## Impact Analysis

Based on the field survey and habitat assessment, no riparian habitat or other sensitive natural community exists on the Project site.

Threshold 4.4 (d) – Biological Resources Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?		✓		

## Impact Analysis

As noted under Threshold 4.4(a) above, the site was graded between 2009 and 2013, and vegetation is highly disturbed. However, California junipers are present along with other dominant perennials, including Mormon tea and peach thorn. This vegetation can provide nesting for migratory birds.

The California Fish and Game Code prohibits the taking of all birds and their active nests, including raptors and other migratory nongame birds (as listed under the Migratory Bird Treaty Act). Typically, the California Department of Fish and Wildlife requires that vegetation not be removed from a project site between March 15 and September 15 to avoid impacts to nesting birds. If it is necessary to commence project construction between March 15 and September 15, a qualified biologist should survey all shrubs and structures within the project site for nesting birds prior to project activities ( including construction and/or site preparation).

If it is necessary to commence project construction between March 15 and September 15, the following mitigation measure shall apply:

**BIO-1 Pre-Construction Nesting Bird Survey.** Prior to the issuance of a grading permit, the following note shall be placed on the grading plan:

“During the nesting bird season (between March 15 and September 15), a qualified biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the work area and surrounding 300-foot

buffer. Nesting bird surveys shall be conducted by a qualified biologist within 300 feet of all work areas, no more than 3 days prior to the commencement of project activities. If active nests containing eggs or young are found, a qualified biologist shall establish an appropriate nest buffer. Nest buffers are species-specific and range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity's level of disturbance, site conditions, and the observed bird behavior. Established buffers shall remain until a qualified biologist determines that the young have fledged or the nest is no longer active. Active nests shall be monitored until the biologist has determined that the young have fledged or the project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance."

Threshold 4.4 (e) – Biological Resources Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		✓		

## Impact Analysis

Refer to Joshua tree preservation discussed under Threshold 4.4 (a) above.

Threshold 4.4 (f) – Biological Resources Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?				✓

## Impact Analysis

Habitat Conservation Plans (HCPs) are planning documents required as part of an application for an incidental take permit for a protected species. They describe the anticipated effects of the proposed taking, how those impacts will be minimized or mitigated, and how the HCP is to be funded. A Natural Community Conservation Plan identifies and provides for the regional protection of plants, animals, and their habitats while allowing compatible and appropriate economic activity. According to the California Natural Community Conservation Plans Map maintained by the California Department of Fish and Wildlife, there are no such plans that encompass the Project site.<sup>16</sup>

<sup>16</sup> California Natural Community Conservation Plans Map, <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=68626&inline>, accessed on June 1, 2021.

## 4.5 Cultural Resources

Threshold 4.5 (a) – Cultural Resources Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5?				✓

The analysis in this section is based in part on the following technical report.

- Cultural Resources Assessment, Tentative Parcel Numbers 20673 and 20674 Project Hesperia, San Bernardino County, California, BCR Consulting LLC, which is dated April 25, 2024, and is included as **Appendix D** to this Initial Study.

The definition of a "historical resource" (i.e., any object, building, structure, site, area, place, record, or manuscript) pursuant to CEQA Guidelines §15064.5 is summarized below:

- A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources.
- A resource included in a local register of historical resources.
- The resource meets the criteria for listing on the California Register of Historical Resources including the following: Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage; Is associated with the lives of persons important in our past; Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.

### Impact Analysis

Most of the historic resources in Hesperia consist of historic transportation routes or roads and railways of various widths and lengths. Several important routes include:

- The Mojave Trail/Road
- The Mormon Trail
- The National Old Trails
- The remnants of historic buildings and/or ranch complexes, such as foundations. These historic resources consist of buildings or linear features more than 45 years of age.

Exhibit 5 of the Technical Background Report in Support of the Cultural Resources Element: City of Hesperia General Plan Update consists of cultural resources sensitivity maps that define areas

in Hesperia that might hold more cultural resource sites than other areas. "Sensitivity" has been divided into low, medium, and high designations, and the gradation was developed based on recorded site information. Areas deemed "Low" generally exhibit 0 to 1 recorded sites per 160 acres exhibited by modern development. "Medium" areas of sensitivity generally exhibit 2 to 9 sites per 160 acres and are focused along important historic road alignments. Areas of "High" sensitivity exhibit typically 10 or more sites per 160 acres and are located near permanent water sources. However, one highly sensitive area is focused on the downtown core, near the AT&SF railway, to allow for the consideration of various historic structures or structures more than 45 years old. The Project site location is identified as "Low Sensitivity."<sup>17</sup> There are no visible structures of any kind on the Project site.

## Conclusions

Based on the Technical Background Report in Support of the Cultural Resource Element: City of Hesperia General Plan Update, March 19, 2010, and existing site conditions, it does not appear that surface historical structures will be impacted. (Historic archaeological resources are addressed under Threshold 4.5(b) below.

Threshold 4.5 (b) – Cultural Resources Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines § 15064.5?		✓		

## Impact Analysis

### Archaeological Setting

In addition to the sensitivity zones identified under Threshold 4.5(b) above, sensitivity zones were developed utilizing knowledge about landforms and water resources. Water is required to sustain life, and certain kinds of resources, such as habitats, must be located within reasonable walking distance of a water source. Therefore, areas near the Mojave River and Silverwood Lake are assigned a high sensitivity zone. Areas that exhibit exposed veins of quartz or quartzite, such as those found in the higher elevations northeast of Silverwood Lake, are assigned high sensitivity due to the need for raw materials used to create stone tools.

As discussed, the Project site is identified as having low sensitivity for archaeological resources. Although the site is classified as Low Sensitivity for archaeological resources, it is always possible that ground-disturbing activities during construction will uncover previously unknown, buried archaeological resources. Therefore, the following mitigation measure is recommended:

<sup>17</sup> Technical Background Report in Support of the Cultural Resource Element: City of Hesperia General Plan Update, March 19, 2010, Exhibit 5e.

## Mitigation Measures

**CUL-1** In the event that cultural resources are discovered during project activities, all work in the immediate vicinity of the find (within a 60-foot buffer) shall cease and a qualified archaeologist meeting Secretary of Interior standards shall be hired to assess the find. Work on the other portions of the project outside of the buffered area may continue during this assessment period. Additionally, the Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within TCR-1, regarding any pre-contact finds and be provided information after the archaeologist makes his/her initial assessment of the nature of the find, so as to provide Tribal input with regards to significance and treatment.

**CUL-2** If significant pre-contact cultural resources, as defined by CEQA (as amended, 2015), are discovered and avoidance cannot be ensured, the archaeologist shall develop a Monitoring and Treatment Plan, the drafts of which shall be provided to YSMN for review and comment, as detailed within TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly.

**CUL-3** If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Threshold 4.5 (c) – Cultural Resources Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Disturb any human remains, including those interred outside of formal cemeteries?			✓	

## Impact Analysis

The Project site does not contain a cemetery, and no known formal cemeteries are located within the immediate site vicinity. If human remains are discovered during Project grading or other ground-disturbing activities, the Project would be required to comply with the applicable provisions of California Health and Safety Code §7050.5 as well as Public Resources Code §5097 et. seq.



## 4.6 Energy

The analysis in this section is based in part on the following technical report.

- CalEEMod (2022.1.1.14) TTM 20674, 5/25/23

Threshold 4.6 (a) – Energy Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?			✓	

### Impact Analysis

The following analysis focuses on the consumption of electricity and natural gas. Although motor vehicle fuel is an energy resource, its consumption is primarily pursuant to federal and state regulatory fuel efficiency standards applied to vehicle manufacturers. It is not something the Project itself regulates.

### Construction

The Project would require the use of electric power tools. The anticipated construction schedule assumes the Project would be built-out in approximately 13 months. The consumption of electricity would be temporary and would not represent a significant demand on available supplies. The use of natural gas is not anticipated during construction.

### Operations

Occupancy of the single-family residences would result in the consumption of natural gas and electricity. Energy demands are estimated at 625,794 kBTU/year of natural gas and 152,192 kWh/year of electricity.<sup>18</sup> Natural gas would be supplied to the Project by Southwest Gas Corporation, and Southern California Edison would provide electricity. The Project proposes single-family homes reflecting contemporary energy-efficient/energy-conserving designs and operational programs. The Project does not propose uses that are inherently energy intensive, and the total energy demands would be comparable to other single-family land use projects of similar scale and configuration. The Project will also comply with the applicable Title 24 standards.

In addition, the Project will be required to provide rooftop solar panels or sources of on-site renewable energy per the latest 2022 California Energy Code requirements. The Energy Code requires all new residential construction to achieve net-zero emissions associated with electricity usage using on-site renewable sources. This analysis has conservatively assumed that 80% of

---

<sup>18</sup> Appendix A, CalEEMod Output Sheets.



electricity usage will be captured via on-site renewable sources (i.e., solar panels) as part of the project design.

### Conclusion

As supported by the preceding discussions, Project transportation energy consumption would not be considered inefficient, wasteful, or otherwise unnecessary.

Threshold 4.6 (b) – Energy Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?			✓	

### Impact Analysis

The regulations directly applicable to the Project are Building Energy Efficiency Standards, Title 24, Part 6, and CALGreen Title 24, Part 11. These regulations include but are not limited to the use of energy-efficient heating and cooling systems, water-conserving plumbing, and water-efficient irrigation systems. The Project is required to demonstrate compliance with these regulations as part of the building permit and inspection process.

## 4.6 Geology and Soils

Threshold 4.7 (a)(i) – Geology and Soils Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.				✓

### Impact Analysis

Alquist-Priolo earthquake fault zones are regulatory zones surrounding the surface traces of active faults in California. (A trace is a line on the Earth's surface defining a fault.) Wherever an active fault exists, if it has the potential for surface rupture, a structure for human occupancy cannot be placed over the fault. It must be a minimum distance from the fault (generally 50 feet).<sup>19</sup> According to the California Geological Survey's Earthquake Hazards Zone Application (EQ Zapp), the Project site is not located within an Alquist-Priolo Earthquake Fault zone.<sup>20</sup>

Threshold 4.7 (a)(ii) – Geology and Soils Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Strong seismic ground shaking?			✓	

### Impact Analysis

The Project site is in a seismically active area of Southern California and is expected to experience moderate to severe ground shaking during the Project's lifetime. This risk is not considered substantially different from that of other similar properties in the Southern California area. As a mandatory condition of Project approval, the Project would be required to construct the proposed structures in accordance with the seismic design criteria mandated by the California Building Code, which provides minimum standards to safeguard life or property by stipulating building and foundation requirements to withstand earthquakes.

<sup>19</sup> <https://www.conservation.ca.gov/cgs/alquist-priolo>.

<sup>20</sup> <https://maps.conservation.ca.gov/geologichazards/#dataviewer>, accessed May 15, 2023.

Threshold 4.7 (a)(iii) – Geology and Soils Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Seismic-related ground failure, including liquefaction?			✓	

### Impact Analysis

According to the General Plan Environmental Impact Report, Exhibit 3.6- 3, Seismic Hazard Areas, the Project site is not located in a liquefaction zone.<sup>21</sup> Notwithstanding, the Project would be required to comply with Development Code §17.04. 060.A, Soils Report Requirement, which requires corrective action that is likely to prevent structural damage to each structure proposed to be constructed in the area where soils problems exist.

Threshold 4.7 (a)(iv) – Geology and Soils Would the Project directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Landslides?				✓

### Impact Analysis

The site is relatively flat and is not adjacent to any slopes or hillsides that could be potentially susceptible to landslides.

Threshold 4.7 (b) – Geology and Soils Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Result in substantial soil erosion or the loss of topsoil?			✓	

### Impact Analysis

The Project will not result in substantial soil erosion or the loss of topsoil, because the site will be paved and landscaped after it is developed. To control soil erosion during construction, the Project proponent is required to comply with Municipal Code Chapter 8.30-Surface and Groundwater Protection: NPDES Permit Implementation, which requires the Project and prepare a Storm Water Pollution Prevention Plan to manage soil erosion during construction activities. In addition, a Water Quality Management Plan is required which addresses post-construction soil erosion. Preparation and implementation of these plans is a mandatory requirement. Therefore,

<sup>21</sup> Hesperia General Plan Update Draft Environmental Impact Report, p. 3.6-9.

impacts are less than significant, and no mitigation measures are required. (Also see analysis under Issue 4.9, Hydrology and Water Quality).

Threshold 4.7 (c) – Geology and Soils Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Be located on a geologic unit or soil that is unstable, or that would become unstable because of the Project, and potentially result in on-site or offsite landslide, lateral spreading, subsidence, liquefaction, or collapse?			✓	

## Impact Analysis

### Landslide

Seismically induced slope failure is a common secondary effect of seismic shaking. Most landslides consist of shallow failures involving surficial soils and the uppermost weathered bedrock in moderate to steep hillside terrain. The Project site is on relatively level to gently sloping terrain that is not vulnerable to this hazard.

### Subsidence

Subsidence is the sudden sinking or gradual downward settling of the earth's surface with little or no horizontal motion. Subsidence is caused by a variety of activities, which include (but are not limited to) withdrawal of groundwater, pumping of oil and gas from underground, the collapse of underground mines, liquefaction, and hydro-compaction. The Project does not include the on-site removal of groundwater or pumping of oil and/or gas.

In addition, subsidence can be caused by the underlying soil conditions. Certain soils, such as clay soils are particularly vulnerable because they shrink and swell depending on their moisture content. Subsidence is an issue if buildings or structures sink, which causes damage to the building or structure. The Project site is underlain by Hesperia Loamy Fine Sand, according to Natural Resources Conservation Service (NRCS) web soil survey<sup>22</sup>, Hydrologic Soil Class (e.g., sand, loamy sand, or sandy loam types of soils) is the dominant soil type on the site. Subsidence is usually remedied by excavating the soil to the depth of the underlying bedrock and then recompacting the soil so that it can support buildings and structures.

### Liquefaction, Lateral Spreading, or Collapse

Liquefaction is a secondary effect of seismic shaking that can cause various types of ground failure. Soils that liquefy lose the ability to support structures; buildings may sink or tilt, with the potential for extensive structural damage. For liquefaction to occur, three conditions must be met: 1) loose, recently deposited sediments typically sandy in composition; 2) shallow groundwater, typically within 50 feet of the ground surface; and 3) seismic shaking with ground

<sup>22</sup> <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>, accessed on May 16, 2023.

accelerations over 0.2 g. Liquefaction-related lateral spreads can occur adjacent to stream channels and deep washes that provide a free face along which the liquefied mass of soil fails. Lateral spreads can cause extensive damage to pipelines, utilities, bridges, roads and other structures. Seismic shaking can also cause loose, geologically young deposits to become more tightly packed, resulting in a reduction of the soil column, and differential settlement at the ground surface. Based on groundwater data (<http://www.water.ca.gov/waterdatalibrary/>), it is estimated that groundwater is at a depth greater than 50 feet below existing grade. Based on General Plan EIR Exhibit 3.6- 3, Seismic Hazard Areas, the Project site is not within an area susceptible to liquefaction, lateral spreading, or collapse.

## Conclusion

Although the Project site is not identified as being within an area susceptible to unstable geologic units, the Project would still be required to comply with Development Code § 17.04.060.A, Soils Report Requirement, which requires corrective action that is likely to prevent structural damage to each structure proposed to be constructed in the area where soils problems exist.

Threshold 4.7 (d) – Geology and Soils Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Be located on expansive soil, as defined in the Uniform Building Code, creating substantial direct or indirect risks to life or property?			✓	

## Impact Analysis

Expansive soils generally consist of clay that tends to expand (increase in volume) as it absorbs water, and it will shrink (lessen in volume) as water is drawn away. According to the Natural Resources Conservation Service, United States Department of Agriculture, Web Soil Survey, the Project site primarily consists of soils classified as “Hesperia loamy fine sand.”<sup>23</sup> The Hesperia series consists of deep, well drained soils that formed in alluvium derived primarily from granite and related rocks. The Hesperia series is not a clay soil and is generally not susceptible to expansion. Notwithstanding, the Project would be required to comply with Development Code §17.04.060.A, Soils Report Requirement, which requires corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where soils problems exist.

<sup>23</sup> Natural Resources Conservation Service, United States Department of Agriculture. Web Soil Survey. Available online at the following link: <http://websoilsurvey.sc.egov.usda.gov/>. Accessed May 14, 2023.

Threshold 4.7 (e) – Geology and Soils Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				✓

## Impact Analysis

The Project does not propose the use of septic tanks or alternative wastewater disposal systems. The Project would install domestic sewer infrastructure and connect to the City of Hesperia's sewer conveyance and treatment system.

Threshold 4.7 (f) – Geology and Soils Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?		✓		

## Impact Analysis

### Paleontological Resources

Paleontological resources are the preserved fossilized remains of plants and animals. According to the General Plan, the site has a low potential sensitivity for paleontological resources.<sup>24</sup> However, the Project site is in an area geologically mapped to be underlain by alluvium. Because alluvium has the potential to contain paleontological resources, and the site has not been surveyed for paleontological resources, the following mitigation measure is recommended:

### Mitigation Measure

**GEO-1 Discovery of Unknown Paleontological Resources.** Prior to the issuance of a grading permit, the following notes shall be placed on the grading plan:

“Discovery of Unknown Paleontological Resources: If paleontological resources are encountered during ground disturbance, work in the immediate area of the find shall be redirected and a qualified paleontologist shall be retained to assess the find for scientific significance. If determined to be significant, the fossil shall be collected from the field. The paleontologist may also make recommendations regarding additional mitigation measures, such as paleontological monitoring. Scientifically significant resources shall be prepared to the point of identification, identified to the lowest

<sup>24</sup> City of Hesperia General Plan, Exhibit 8-Paleontological Resources Sensitivity Map.



taxonomic level possible, cataloged, and curated into the permanent collections of a museum repository.

### **Unique Geologic Feature**

The Project site is relatively flat. The site soils generally consist of Hesperia fine sandy loam, which is a common soil type in Hesperia. As such, the Project does not contain a geologic feature that is unique or exclusive locally or regionally.

## 4.8 Greenhouse Gas Emissions

The analysis in this section is based in part on the following technical report .

- CalEEMod (2022.1.1.14) TTM 20674, 5/25/23.

The following documents were used in the preparation of this analysis.

- San Bernardino County Regional Greenhouse Gas Reduction Plan, March 2021.
- Mojave Desert Air Quality Management District, California Environmental Quality Act (CEQA) And Federal Conformity Guidelines, February 2020.

Threshold 4.8 (a) – Greenhouse Gas Emissions Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			✓	

### Impact Analysis

#### Mojave Desert Air Quality Management District Thresholds of Significance

The Mojave Desert Air Quality Management District (MDAQMD) has established GHG significance thresholds on a daily and annual basis. A summary of the projected annual operational greenhouse gas emissions, including amortized construction-related emissions associated with the development of the Project, is provided in Table 4.8-1 below.

**Table 4.8-1. Project Greenhouse Gas Emissions**

Source	GHG Emissions (MT/year)
	CO <sub>2</sub> e
30-year Amortized Construction GHG	11.0
Operational Total	335
Total	346
Threshold	3,000
Exceed Threshold?	No

Source: CalEEMod Summary Report, Appendix A

As shown in **Table 4.8-1**, the Project's greenhouse gas emissions on an annual basis would not exceed the MDAQMD's significance thresholds. Thus, Project-related emissions would not have a significant direct or indirect impact on greenhouse gas emissions that could impact climate change, and no mitigation or further analysis is required.

Threshold 4.8 (b) – Greenhouse Gas Emissions Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			✓	

## Impact Analysis

- No Hearths in residences
- Install High Efficiency Lighting
- Energy Efficient Appliances (installed by builder – dishwasher, refrigerator)
- Install low flow Bathroom Faucet
- Install low flow Kitchen Faucet
- Install low flow Toilet
- Install low flow Shower
- Use water-efficient irrigation system

## San Bernardino County Regional Greenhouse Gas Reduction Plan

The San Bernardino Council of Governments (SBCOG) adopted the San Bernardino County Regional Greenhouse Gas Reduction Plan in March 2021.<sup>25</sup> The Reduction Plan summarizes the actions that the 23 jurisdictions in San Bernardino County selected to reduce jurisdictional GHG emissions, as well as state-mandated actions. The Reduction Plan is not mandatory for the partnership jurisdictions. Instead, it provides information that can be used by partnership jurisdictions, if they choose, to develop individual climate action plans (CAPs). As noted above, in 2010, the City of Hesperia adopted a CAP. The city participated in the Reduction Plan as a study to inform their decision makers to update or revise their existing 2010 CAP. As part of this effort, the City of Hesperia has selected a goal to reduce its community GHG emissions to a level that is 40% below its 2020 level of GHG emissions by 2030.

The City will meet and exceed this goal subject to reduction measures that are technologically feasible and cost-effective through a combination of state (~70%) and local (~30%) efforts. The Pavley vehicle standards, the state's low carbon fuel standard, the RPS, and other state measures will reduce GHG emissions in Hesperia's on-road, off-road, and building energy sectors in 2030. An additional reduction of 110,304 MTCO<sub>2</sub>e will be achieved primarily through the following local measures, in order of reductions achieved: GHG Performance Standard for Existing Development (PS-1); Water Efficiency Renovations for Existing Buildings (Water-2); and Waste Diversion and Reduction (Waste-2). Hesperia's Plan has the greatest impacts on GHG emissions in the building energy, on-road transportation, and waste sectors.<sup>26</sup>

<sup>25</sup> San Bernardino County Regional Greenhouse Gas Reduction Plan ,available at: [https://www.gosbcta.com/wp-content/uploads/2019/09/San\\_Bernardino\\_Regional\\_GHG\\_Reduction\\_Plan\\_Main\\_Text\\_Mar\\_2021.pdf](https://www.gosbcta.com/wp-content/uploads/2019/09/San_Bernardino_Regional_GHG_Reduction_Plan_Main_Text_Mar_2021.pdf) , accessed on May 13, 2023

<sup>26</sup> Ibid, p. 3-85.

### City of Hesperia Municipal Code

The City Municipal Code includes several ordinances that reduce GHG emissions directly or indirectly. Municipal Code Title 10 - Vehicles and Traffic, Chapter 10.24 - Trip Reduction and Travel Demand Management, provides alternative transportation methods and vehicle trip reduction requirements. City Development Code, Article XXI, Landscape Regulations, presents general regulations applicable to landscaping water use, which in turns reduces GHG emissions.

### California Energy Code

Prior to issuance of a building permit, the Project Proponent is required to submit plans showing that the Project will be constructed in compliance with the most recently adopted edition of the applicable California Energy Code (Part 6 of Title 24 of the California Code of Regulations) and the California Green Building Standards Code, 2019 Edition (Part 11 of Title 24 of the California Code of Regulations).

Applicable measures to a single-family residential development include, but are not limited to:

- **Energy Efficiency:** The Project is required to provide electric vehicle (EV) charging outlets; install energy efficient appliances and HVAC systems, and overall residential buildings shall meet or exceed the minimum standard design required by the 2019 California Energy Code .
- **Waste Diversion:** The Project's waste hauler would be required to comply with all applicable local, state, and federal solid waste disposal standards, thereby ensuring that the solid waste stream to the landfills that serve the Project are reduced in accordance with existing regulations. In addition, The Project is required to submit and implement a construction waste management plan to reduce the amount of construction waste transported to landfills.
- **Water Conservation:** Utilize water conservation techniques to conserve water resources, such as the use of low-flow irrigation and plumbing systems.
- **Water-Efficient Landscaping Practices:** Promote low per capita water use using low water consumptive plant materials/desert plants (xeriscape).

### Conclusion

Based on the analysis above, the Project will not conflict with regional or state plans to reduce greenhouse gas emissions.

## 4.9 Hazards and Hazardous Materials

Threshold 4.9 (a) & (b) – Hazards and Hazardous Materials Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			✓	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			✓	

### Impact Analysis

#### Existing Conditions

The Project site consists of vacant land that had been graded at some point between 2009 and 2013. The vegetation community present on site supports a highly disturbed desert scrub habitat encompassing mainly native plants and some non-native grasses. There appear to be no previous land uses, including agricultural production, that could result in the release of surface or subsurface hazardous materials during the construction phase of the Project.

#### Construction Activities

Construction contractors are required to comply with all applicable federal, state, and local laws and regulations regarding hazardous materials, including but not limited to requirements imposed by the Environmental Protection Agency, the California Department of Toxic Substances Control, the Mojave Desert Air Quality Management District, and the Lahontan Regional Water Quality Control Board. As such, impacts due to construction activities would not cause a significant hazard to the public or the environment through the release of hazardous materials to the environment.

#### Operational Activities

The Project site would be developed with residential land uses that are a land use not typically associated with the transport, use, or disposal of hazardous materials. Although residential land uses may utilize household products that contain toxic substances, such as cleansers, paints, adhesives, and solvents, these products are usually in low concentration and small in amount and would not pose a significant risk to humans or the environment during transport to/from or use at the Project site.

Threshold 4.9 (c) – Hazards and Hazardous Materials Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?			✓	

### Impact Analysis

The Project site is within 1.3 miles of Desert View School and 1.8 miles of Cedar Middle School. As discussed in the responses to Thresholds 4.9(b) above, during construction contractors are required to comply with all applicable federal, state, and local laws and regulations regarding hazardous materials. After construction of the homes, residents may utilize household products that contain toxic substances, such as cleansers, paints, adhesives, and solvents, however, these products are usually in low concentration and small in amount and would not pose a significant risk to these schools.

Threshold 4.9 (d) – Hazards and Hazardous Materials Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5, and, as a result, would it create a significant hazard to the public or the environment?				✓

### Impact Analysis

The Hazardous Waste and Substances Sites (Cortese) List is a planning document used by the State and local agencies to comply with the California Environmental Quality Act requirements in providing information about the location of hazardous materials release sites pursuant to Government Code §65962.5. Below are the data resources that provide information regarding the facilities or sites identified as meeting the Cortese List requirements.

- List of Hazardous Waste and Substances sites from Department of Toxic Substances Control (DTSC) EnviroStor database.
- List of Leaking Underground Storage Tank Sites from the State Water Board's GeoTracker database.
- List of solid waste disposal sites identified by the Water Board with waste constituents above hazardous waste levels outside the waste management unit.
- List of "active" CDO and CAO from Water Board.
- List of hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code, identified by DTSC.



Based on a review of the Cortese List maintained by the California Environmental Protection Agency the Project site is not identified on the list of hazardous materials sites compiled pursuant to Government Code §65962.5.<sup>27</sup>

Threshold 4.9 (e) – Hazards and Hazardous Materials Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the Project result in a safety hazard or excessive noise for people residing or working in the Project area?				✓

### Impact Analysis

The Project site is located within the boundaries of the Comprehensive Land Use Plan, Southern California Logistics Airport, Final Report, September 2008.<sup>28</sup> According to Exhibit 3B, Compatibility Review Areas, the site is not located in an area that requires a review for safety hazards. According to Exhibit 2J, Long Range Noise Contours, the site is not located within an area that is impacted by excessive noise.

Threshold 4.9 (f) – Hazards and Hazardous Materials Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?			✓	

### Impact Analysis

Access to the Project site is currently available from Hollister Street and Escondido Avenue. The Project will improve Afton Avenue to the eastern boundary of the site, which will improve emergency services to the area. In addition, the Project site does not contain any emergency facilities, nor does it serve as an emergency evacuation route. During construction, the Project would be required to maintain adequate emergency access for emergency vehicles from Hollister Street and Escondido Avenue.

<sup>27</sup> California Environmental Protection Agency, Cortese List Data Resources, <https://calepa.ca.gov/sitecleanup/corteselist/>, accessed July 20, 2023.

<sup>28</sup> <https://lus.sbcounty.gov/planning-home/airport-land-use/>, accessed on July 20, 2023.

Threshold 4.9 (g) – Hazards and Hazardous Materials Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?				✓

### Impact Analysis

According to the California Fire Hazard Severity Zone Viewer maintained by CAL FIRE, the Project site is not located within a high wildfire hazard area.<sup>29</sup> Also refer to analysis under Section 4.20, Wildfire.

---

<sup>29</sup> <https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414>, accessed on August 5, 2021.

## 4.10 Hydrology and Water Quality

Threshold 4.10 (a) – Hydrology and Water Quality Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?			✓	

### Impact Analysis

#### Construction Impacts

Construction of the Project does not include extensive grading and ground-disturbing activities, but would require excavation and grading for access roads, buildings, and other features. Disturbance of soil during construction could result in soil erosion and lowered water quality through increased turbidity and sediment deposition into local ephemeral streams. In addition, hazardous materials that could contaminate water include diesel fuel, gasoline, lubrication oil, cement slurry, hydraulic fluid, anti-freeze, transmission fluid, lubricating grease, and other fluids as a result of construction equipment spills or leaks. As such, short-term water quality impacts have the potential to occur during construction activities in the absence of any protective or avoidance measures.

The City of Hesperia is subject to requirements of the National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System Permit, General Permit No. CAS000004 (MS4 Permit) issued by the State Water Resources Control Board. The MS4 Permit requires the city to implement a Construction Site Stormwater Runoff Control Program.

Compliance with the permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to identify construction Best Management Practices (BMPs) that will be implemented to prevent soil erosion and the discharge of sediment into the local storm drains during the Project's construction phase. Typical BMPs measures include, but are not limited to, preserving natural vegetation, stabilizing exposed soils, use of sandbags, and installation of temporary silt fencing. In addition, trucks and construction vehicles would be serviced from offsite facilities. The use, storage, transport, and disposal of hazardous materials used in construction of the homes would be carried out in accordance with federal, state, and county regulations.

#### Operational Impacts

Stormwater pollutants commonly associated with residential land uses include sediments, nutrients, trash and debris, bacteria and viruses, oil and grease, and pesticides. City of Hesperia Municipal Code Chapter 8.30 - Surface and Groundwater Protection, requires the preparation of a Water Quality Management Plan (WQMP) for managing the quality of storm water or urban runoff that flows from a developed site after construction is completed. The Project will comply with the City of Hesperia MS4 General Permit for the Mojave River Watershed. The Project

proposes to use roads within the Project site to carry runoff to a proposed water quality basin located at the northeast portion of the site. The basin is designed for stormwater treatment through infiltration provided at the bottom of the basin, where the required volume will infiltrate through the site soils and into the groundwater, before discharging to the existing storm drain system.

## Conclusion

With mandatory compliance to existing state and federal water quality regulations, including the proposed SWPPP and WQMP, which are intended to ensure that water quality standards and waste discharge standards are not violated during construction or operations.

Threshold 4.10 (b) – Hydrology and Water Quality Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?			✓	

## Impact Analysis

### Ground Water Supply

The Project would be served with potable water by the Hesperia Water District. The District's water supply is obtained from groundwater located in the Alto Sub-Basin of the Mojave River Watershed and groundwater through groundwater wells located throughout the city. There are no District wells on the Project site. (Please refer to Section 4.19, Utilities and Service Systems, for a discussion on water supply.)

### Groundwater Recharge

Development of the Project would increase impervious surface coverage on the Project site, which would in turn reduce the amount of direct infiltration of runoff into the ground. The Project proposes to use roads within the Project site to carry runoff to a proposed water quality basin designed for both infiltration and detention. As such, the Project will not interfere substantially with groundwater recharge.

In addition, according to a review of historical groundwater data (California Department of Water Resources and California State Water Resources Control Board groundwater well data [<http://wdl.water.ca.gov> and <http://geotracker.waterboards.ca.gov>]), depth to groundwater is greater than 50 feet below ground surface (bgs) in the general Project site area. As such, the Project will not impact groundwater.

### Sustainable Groundwater Management Act

California depends on groundwater for a major portion of its annual water supply, particularly during times of drought. This reliance on groundwater has resulted in overdraft and

unsustainable groundwater usage in many of California's basins.<sup>30</sup> The Sustainable Groundwater Management Act (SGMA) was enacted to halt overdraft and bring groundwater basins into balanced levels of pumping and recharge.

The City of Hesperia is located within the Upper Mojave River Valley portion of the Mojave River Basin. The Basin is an adjudicated basin (i.e., water rights are determined by court order).<sup>31</sup> Adjudicated basins are exempt from the SGMA because such basins already operate under a court-ordered management plan to ensure the long-term sustainability of a basin. No component of the Project would obstruct with or prevent implementation of the management plan for the Mojave River Basin. As such, the Project would not conflict with any sustainable groundwater management plan.

## Conclusion

Based on the analysis above, the Project is not forecast to substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level.

Threshold 4.10 (c) – Hydrology and Water Quality Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:				
(i) Result in substantial erosion or siltation on- or off-site?			✓	
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?			✓	
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?			✓	
(iv) Impede or redirect flood flows?			✓	

## Impact Analysis

General Plan Policy SF- 2.2 requires that new discretionary development proposals include, as a condition of approval, hydrological studies prepared by a state-certified engineer with expertise in this area that assess the impact the new development will have on the flooding potential of existing development down-gradient. The studies shall provide mitigation measures to reduce

<sup>30</sup> [http://www.waterboards.ca.gov/water\\_issues/programs/gmp/](http://www.waterboards.ca.gov/water_issues/programs/gmp/), accessed on July 23, 2021.

<sup>31</sup> <https://gis.water.ca.gov/app/bp-dashboard/final/>, accessed on July 23, 2021.

this impact to an acceptable level.<sup>32</sup> The following design standards are applicable to the Project:

- Demonstrate that off-site flows are safely conveyed through or around Project site.
- For sites larger than 1 acre, storage shall be provided consistent with San Bernardino County Flood Control District Manual requirements based on a 100-year 24-hour storm event.
- When a basin is used to mitigate downstream impacts due to increased flows generated by a development, the basin capacity and outlet size shall be such that the post-development peak flow rate generated by the site shall be less than or equal to 90% of the pre - development flow rate.

Drainage will be conveyed in curb and gutter through the site. Lot "A" is proposed to be a storm drain and retention basin for the Project.

Threshold 4.10 (d) – Hydrology and Water Quality Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?				✓

### Impact Analysis

According to the Federal Emergency Management Agency (FEMA), the Project site is not located within a flood hazard zone.<sup>33</sup> According to the California Department of Conservation, California Official Tsunami Inundation Maps,<sup>34</sup> the site is not located within a tsunami inundation zone. In addition, the Project would not be at risk from seiche because there is no water body in the area of the Project site capable of producing seiche.

Threshold 4.10 (e) – Hydrology and Water Quality Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?			✓	

### Impact Analysis

As discussed under Thresholds 4.10(a) and 4.10(c), with implementation of the proposed drainage system improvements and features, the Project will not conflict with or obstruct implementation of the Lahontan Basin Plan. In addition, as discussed under Threshold 4.10(b),

<sup>32</sup> City of Hesperia, Developer Workshop, September 2018.

<sup>33</sup> <https://www.fema.gov/flood-maps>, accessed on April 25, 2021.

<sup>34</sup> California Department of Conservation, California Official Tsunami Inundation Maps, <https://www.conservation.ca.gov/cgs/tsunami/maps#:~:text=Coordinated%20by%20Cal%20OES%2C%20California,considered%20tsunamis%20for%20each%20area>, accessed May 16, 2023.



the Project site is not subject to a Sustainable Groundwater Water Management program and will not substantially impede sustainable groundwater management of the basin.

## 4.11 Land Use and Planning

Threshold 4.11 (a) – Land Use and Planning Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Physically divide an established community?				✓

### Impact Analysis

An example of a Project that has the potential to divide an established community includes the construction of a new freeway or highway through an established neighborhood. The Project site consists of vacant undeveloped land. The site is bordered to the west by Escondido Avenue followed by residential development, to the east by vacant land, to the north vacant land, and to the south by Hollister Street followed by residential development. Given the location and surrounding land uses, the Project is a logical continuation of the development pattern in the area and will not divide an established community.

Threshold 4.11 (b) – Land Use and Planning Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?			✓	

### Impact Analysis

**Table 4.11-1** lists the applicable plans, policies, or regulations that the Project is subject to.

**Table 4.11-1. Consistency with Applicable Plans, Policies, or Regulations**

Initial Study Section	Applicable Plan, Policy, or Regulation
Based on the analysis in this Initial Study, the Project does not conflict with any of the following land use plans, policies, or regulation adopted for the purpose of avoiding or mitigating an environmental effect	
4.1 Aesthetics	<ul style="list-style-type: none"> <li>- City of Hesperia, Municipal Code.</li> <li>- California Department of Transportation, State Scenic Highway Program.</li> </ul>
4.2 Agriculture and Forestry Resources	<ul style="list-style-type: none"> <li>- California Department of Conservation, Farmland Mapping and Monitoring Program.</li> </ul>
4.3 Air Quality	<ul style="list-style-type: none"> <li>- Mojave Desert Air Quality Management District (MDAQMD) Air Quality Management Plan.</li> <li>- MDAQMD, California Environmental Quality Act (CEQA) and Federal Conformity Guidelines, February 2020.</li> </ul>
4.4 Biological Resources	<ul style="list-style-type: none"> <li>- Federal Endangered Species Act.</li> <li>- California Endangered Species Act.</li> </ul>

Initial Study Section	Applicable Plan, Policy, or Regulation
4.5 Cultural Resources	- City of Hesperia, General Plan Update, 2010.
4.6 Energy	- California Building Energy Efficiency Standards, Title 24, Part 6. - California Green Standards Building Code, Title 24, Part 114.6.
4.7 Geology and Soils	- City of Hesperia, General Plan Update, 2010 - City of Hesperia, Municipal Code
4.8 Greenhouse Gas Emissions	- City of Hesperia Climate Action Plan, June 2010 - County of San Bernardino, San Bernardino County Regional Greenhouse Gas Reduction Plan, March 2021
4.9 Hazards and Hazardous Materials	- California Government Code Section 65962.5. Hazardous Waste and Substances Sites (Cortese) List. - Southern California Logistics Airport, Comprehensive Land Use Plan, Final Report, September 2008.
4.10 Hydrology and Water Quality	- California Water Code, Division 7 "Water Quality," Article 4 "Waste Discharge Requirements." - California Water Boards, Region 6- Lahontan Region, Basin Plan. California Water Boards, Sustainable Groundwater Management Act.
4.11 Land Use and Planning (see Conclusion below)	- City of Hesperia, General Plan Update, 2010.
4.12 Mineral Resources	- City of Hesperia, General Plan Update, 2010.
4.13 Noise	- City of Hesperia, Development Code §16-20.125, Noise. - Southern California Logistics Airport, Comprehensive Land Use Plan, Final Report, September 2008.
4.14 Population and Housing	- City of Hesperia, General Plan Update, 2010.
4.15 Public Services	- City of Hesperia, General Plan Update, 2010.
4.16 Recreation	- Hesperia General Plan. Open Space Element.
4.17 Transportation	- CEQA Guidelines Section 15064.3, subdivision (b). - General Plan Exhibit OS-10, Non-Motorized Transportation Plan.
4.18 Tribal Cultural Resources	- Public Resources Code section 21074.
4.19 Utilities and Service Systems	- Regional Water Quality Control Board, Lahontan Region, Victor Valley Wastewater Reclamation Authority Order No. R6V-2020-Proposed Victor Valley Regional Wastewater Treatment Plant NPDES No. Ca0102822. - Hesperia Water District, Final Draft 2015 Urban Water Management Plan, Chapter 6- System Supplies, June 7, 2016.
4.20 Wildfire	- CAL FIRE, California Fire Hazard Severity Zone Viewer.

## Conclusion

As demonstrated throughout this Initial Study document, the Project would not conflict with any applicable land use plan, policy, or regulation due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, with compliance with mandatory regulatory requirements or mitigation measures.

## 4.12 Mineral Resources

Threshold 4.12 (a) – Mineral Resources Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				✓

### Impact Analysis

Mineral resources in the city have been identified by the Department of Conservation Division of Mines and Geology as potentially containing concrete aggregate resources consistent with most of the Barstow and Victorville areas. These resources are not considered to be significant due to the vast availability of similar deposits in the region. Additional mineral resources have not been identified within the City.<sup>35</sup>

The Project site has been designated with a Mineral Land Classification of MRZ- 3A, which is an area containing known mineral occurrences of undetermined mineral resource significance. This classification was based on a report by the California Department of Conservation, Division of Mines and Geology, entitled Mineral Land Classification of Concrete Aggregate Resources in the Barstow - Victorville Area, San Bernardino County, California. A review of the California Department of Conservation interactive web mapping indicates there is no active mines on the Project site.<sup>36</sup> In addition, a review of California Division of Oil, Gas, and Geothermal Resources well finder indicates that no wells are located in the vicinity of the Project site.<sup>37</sup> Based on the analysis above, implementation of the Project would not result in the loss of availability of a known mineral resource that would be of value to the region or the residents of the State of California.

<sup>35</sup> Hesperia General Plan, Conservation Element, p. CN-20.

<sup>36</sup> <https://maps.conservation.ca.gov/mineralresources/>, accessed on May 15, 2023.

<sup>37</sup> California, State of. Department of Conservation. California Oil, Gas, and Geothermal Resources Well Finder. [Well Finder \(ca.gov\)](https://www.dnr.ca.gov/Well-Finder), accessed on June 17, 2023.

Threshold 4.12 (b) – Mineral Resources Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?				✓

### Impact Analysis

The Project site is not being used for mineral resource recovery. The Project site is in the General Plan as R1- 4500 ( 4.6 to 8.0 du/ac). As such, the Project is not delineated on the General Plan, a specific plan, or other land use plan as a locally important mineral resource recovery site.

## 4.13 Noise

Threshold 4.13 (a) – Noise Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project more than standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			✓	

### Impact Analysis

As dictated by CEQA, a noise analysis is focused on whether the Project causes a substantial temporary or permanent increase in ambient noise levels in the immediate vicinity of the Project site. Noise impacts under CEQA are evaluated by the Project's generation of noise as opposed to noise impacts on the Project from traffic or other noise sources.

### Existing Ambient Noise Levels

Vehicular traffic noise is the predominant noise source within the City. Major east-west roadways include SR-138, Summit Valley Road, Ranchero Road, Mesquite Street, Muscatel Street, Sultana Street, Phelan Road, Main Street, Rock Springs Road, Mauna Loa Street, Lemon Street, Eucalyptus Street, and Bear Valley Road. Major north-south roadways include Baldy Mesa Road, Caliente Road, Highway 395, I-15, Mariposa Road, Escondido Avenue, Fuente Avenue, Maple Avenue, Cottonwood Avenue, 7<sup>th</sup> Avenue, 3<sup>rd</sup> Avenue, Santa Fe Avenue East, Hesperia Road, E Avenue, I Avenue, Peach Avenue, and Arrowhead Lake Road. The level of vehicular traffic noise varies with many factors, including traffic volume, vehicle mix (truck percentage), traffic speed, and distance from the roadway. These roadways consist of 4 to 6 lanes and carry more traffic than other roadways. Noise levels for these types of arterial roadways typically range from 63 dBA to 78 dBA measured 50 feet from the centerline of the roadway.<sup>38</sup>

The proposed Project site is located at the northwest corner of Hollister Street and Afton Avenue. According to the General Plan Circulation Element, both of these streets are classified as a "local" street. Local streets are neighborhood roadways with one travel lane in each direction. They are narrower in width than collector streets and are designed for very low traffic speeds. The purpose of local streets is usually to provide access to a collector street to allow people to go from their house to their destination.<sup>39</sup> A local street in a suburban area typically generates noise in the range of 60 dBA to 70 dBA.

<sup>38</sup> General Plan EIR, Table 3.11-9: Calculated Project Buildout Roadway Noise Levels (dBA).

<sup>39</sup> General Plan Circulation Element, p. CI-23.



### **Increase in Ambient Noise Levels**

A potentially significant impact is one that would cause noise levels to increase to over 65 CNEL or if over 65 CNEL, to increase by 3 dB or more when adjacent to noise-sensitive uses. Vehicle noise is a combination of the noises produced by the engine, exhaust, and tires. The primary source of noise generated by the Project will be from the vehicle traffic generated by the vehicle ingress and egress to the Project site. Under existing conditions, the site does not generate any traffic noise that impacts the surrounding area.

According to the Federal Highway Administration, Highway Traffic Noise Analysis and Abatement Policy and Guidance,<sup>40</sup> the level of roadway traffic noise depends on three things: 1) the volume of the traffic, 2) the speed of the traffic, and 3) the number of trucks in the flow of the traffic. Generally, the loudness of traffic noise is increased by heavier traffic volumes, higher speeds, and greater numbers of trucks. These factors are discussed below.

**The Volume of the Traffic:** Caltrans has stated that a doubling of traffic volumes on a roadway segment is typically needed to audibly increase traffic noise.<sup>41</sup> A doubling of sound energy (e.g., doubling the volume of traffic on a highway) that would result in a 3-dBA increase in sound would generally be barely detectable.

Upon buildout, the proposed Project is expected to generate approximately 340 average daily vehicle trips based on ITE Trip General Manual, 11th Edition,<sup>42</sup> which will increase the ambient traffic noise levels in the vicinity of the Project site in comparison to the existing site conditions (vacant land). An increase of 189 trips would not double the traffic volumes resulting in a 3dBA noise increase.

**The Speed of Traffic:** Hollister Street and Afton Avenue are residential streets. In the State of California, the speed limit for residential roads is 25 mph unless otherwise posted. These low levels of speeds do not result in vehicles generating high levels of noise.

**The Number of Trucks in the Flow of the Traffic:** The Project is a residential development, and it will not generate noise from large trucks.

### **Construction Noise Impact Analysis**

The most significant source of short-term noise impact is related to noise generated during construction activities on the Project site. Construction of the Project is expected to require the use of earthmovers, bulldozers, water trucks, and pickup trucks. As shown on **Table 4.13-1** below, noise levels generated by heavy construction equipment can reach 90 when measured at 50 feet.

---

<sup>40</sup> [Analysis And Abatement Guidance - Regulations And Guidance - Noise - Environment - FHWA \(dot.gov\)](#) , accessed July 20, 2023.

<sup>41</sup> Caltrans, Technical Noise Supplement, page 6-5, September 2020.

<sup>42</sup> ITE Trip General Manual, 11th Edition, ITE Code 210-Single-Family Residential.

**Table 4.13-1. Typical Construction Equipment Noise Levels**

Type	Lmax (dBA) at 50 Feet
Backhoe	80
Grader, Dozer, Excavator, Scraper	85
Truck	88
Concrete Mixer	85
Pneumatic Tool	85
Saw, Electric	76
Air Compressor	81
Generator	81
Paver	89
Roller	74

Source: FTA Transit Noise and Vibration Impact Assessment Manual

Construction activities are expected to occur within approximately 240 feet from the single-family residence located south of Hollister Street. The highest noise levels are forecast to reach 85 dBA during site grading on the southern portion of the site. As such, noise levels at the nearest sensitive receptor are expected to temporarily exceed the City's exterior standard of 65 dBA during on-site construction.

Although project construction noise has the potential to be louder than the ambient noise in the project vicinity, this noise would cease once project construction is completed. Development Code §16.20.125, Noise, allows temporary demolition and construction noise in excess of normally defined thresholds between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and Saturdays, except federal holidays. Because construction noise is exempt during specific hours, a project fully compliant with the City's construction noise standards would not generate a significant construction-related noise impact.

### Operational Noise Impact Analysis

The Project site is within the R1- 4500 (Single Family Residential) zone. According to Development Code §16- 20.125, Noise, the Project is prohibited from generating noise that exceeds 55 dBA between 10 p.m. and 7:00 a.m. or 60 dBA between 7:00 a.m. and 10:00 p.m. for the following time periods.

- The noise standard for that receiving land use for a cumulative period of more than thirty (30) minutes in any hour; or
- The noise standard plus five dB(A) for a cumulative period of more than fifteen (15) minutes in any hour; or
- The noise standard plus ten dB(A) for a cumulative period of more than five minutes in any hour; or
- The noise standard plus fifteen ( 15) dB(A) for a cumulative period of more than one minute in any hour; or

- The noise standard plus twenty (20) dB(A) for any period.

If the measured ambient level exceeds any of the first four noise limit categories above, the allowable noise exposure standard shall be increased to reflect the ambient noise level. If the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under this category shall be increased to reflect the maximum ambient noise level. Due to wind noise, the maximum permissible noise level may be adjusted so that it is no greater than five dB(A) above the ambient noise level.

Typical residential central air conditioners and pool equipment are installed close to and either on a side or rear of the structure. The location of equipment near the structure and with solid fencing separating properties acts as a shield or barrier to noise propagation through the structure or fence to surrounding properties.

A noise barrier such as a fence or a wall that is tall enough to block the line of sight will provide approximately 5 dB of noise reduction; each additional foot above the line of sight will provide an additional 1.5 dB of noise reduction.<sup>43</sup> A typical 6-foot fence or wall would therefore decrease the noise level from a typical central air conditioning unit by 9 to 10 dBA and decrease the noise level of a pool pump by 11 to 12 dBA. Proper placement and barriers found in typical residential construction will reduce the noise level of air conditioning and pool equipment to less than significant levels.

### **Traffic Noise**

The primary increase in noise will be the result of adding vehicle traffic generated by the Project to Hollister Street. Roadway vehicle noise is a combination of the noise produced by the engine, exhaust and tires. The level of traffic noise depends on three primary factors: 1) the volume of traffic, 2) the speed of traffic, and 3) the number of trucks in the flow of traffic. The proposed Project does not propose any uses that would require a substantial number of truck trips, and the proposed Project would not alter the speed limit on Hollister Street.

According to the General Plan, future buildout daily trips in the vicinity of the Project site are projected to be 6,400 on Fuente Avenue and 52,900 on Escondido Avenue.<sup>44</sup> The Project is forecast to add 189 daily vehicle trips to the existing daily trips along the segment.<sup>45</sup> According to Caltrans, the human ear can begin to detect sound level increases of 3 decibels (dB) in typical noisy environments.<sup>46</sup> A doubling of sound energy (e.g., doubling the volume of traffic on a highway) that would result in a 3-dBA increase in sound would generally be barely detectable.

Although the Project will add 189 future daily vehicle trips on Escondido Avenue and Fuente Avenue, the increase is 0.003% and 0.03% respectively, which does not result in a doubling (100%)

---

<sup>43</sup> FHWA Noise Barrier Design, [https://www.fhwa.dot.gov/Environment/noise/noise\\_barriers/design\\_construction/keepdown.cfm](https://www.fhwa.dot.gov/Environment/noise/noise_barriers/design_construction/keepdown.cfm).

<sup>44</sup> General Plan, Transportation Technical Report, Table 4 -2, *Future Daily Traffic Volumes, Current General Plan*.

<sup>45</sup> Institute of Traffic Engineers, Trip Generation Manual, 10<sup>th</sup> Edition.

<sup>46</sup> Caltrans, Traffic Noise Analysis Protocol, April 2020, p.7-1

of the daily vehicle trips in the immediate vicinity. Therefore, the proposed Project traffic would not result in a substantial permanent increase in ambient roadway noise levels and noise impacts created by the Project would be less than significant and mitigation is not required.

Based on the analysis above, the Project will not result in the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the Project in excess of City standards.

Threshold 4.13 (b) – Noise Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Generation of excessive groundborne vibration or groundborne noise levels?			✓	

### Impact Analysis

Groundborne vibration levels from automobile traffic are generally overshadowed by vibration generated by heavy trucks that roll over the same uneven roadway surfaces. The Project does not involve the use of heavy trucks, so vehicle traffic generated by the Project will not generate excessive groundborne vibration.

According to the Federal Transit Administration, Transit Noise and Vibration Impact Assessment Manual, September 2018,<sup>47</sup> while ground vibrations from construction activities do not often reach the levels that can damage structures, construction vibration may result in building damage or prolonged annoyance from activities such as blasting, piledriving, vibratory compaction, demolition, and drilling or excavation near sensitive structures. The Project does not require these types of construction activities.

Threshold 4.13 (c) – Noise Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people be residing or working in the project area to excessive noise levels?			✓	

### Impact Analysis

The nearest airports from the site are Hesperia Airport approximately 4.2 miles southeast and the Southern California Logistics Airport located approximately 11 miles to the north. According to the County of San Bernardino Department of Airports, Hesperia Airport is a privately owned

<sup>47</sup><https://www.transit.dot.gov/research-innovation/transit-noise-and-vibration-impact-assessment-manual-report-0123>.

airport and does not have an airport land use plan.<sup>48</sup> According to the Southern California Logistics Airport Comprehensive Land Use Plan, Figure 2H, Existing Noise Contours, and Figure 2I, Long Range Noise Contours, the Project site is not located in an area impacted by aircraft noise.<sup>49</sup> Therefore, the Project would not exacerbate an existing condition that exposes people residing or working in the Project area to excessive noise levels.

---

<sup>48</sup> <https://airports.sbcounty.gov/airport-locations/>, accessed May 7, 2023.

<sup>49</sup> <https://www.victorvilleca.gov/government/city-departments/airport>, accessed May 7, 2023.

## 4.14 Population and Housing

Threshold 4.14 (a) –Population and Housing Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?			✓	

### Impact Analysis

The Project site has a General Plan Land Use designation of R1-4500 ( 4.6 to 8.0 du/ac). As proposed, the Project has a density of 4.4 du/ac and is not consistent with the planned growth designated by the General Plan. However, the Tract Map was approved by the City so therefore the dwelling unit per acres is consistent. According to the 2020 population estimates provided by the California Department of Finance, there are 3.45 persons per households in Hesperia. Based on 20 dwelling units, the Project could increase the overall population of the city by 69 persons (assuming all new residents will come from outside the city limits). The Project site is in a developing residential area of the City. Development of the Project is a logical extension of existing nearby development. In addition, the Project site is served by existing water and sewer facilities, gas and electric utilities, and roadways. No additional infrastructure will be needed to serve the Project other than connection to infrastructure adjacent to the site.

Threshold 4.14 (b) –Population and Housing Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?				✓

### Impact Analysis

The Project site consists of undeveloped vacant land. Therefore, implementation of the Project would not displace a substantial number of existing housings, nor would it necessitate the construction of replacement housing elsewhere.

## 4.15 Public Services

Threshold 4.15 (a) – Public Services Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire protection?			✓	
2) Police protection?			✓	
3) Schools?			✓	
4) Parks?			✓	
5) Other public facilities?			✓	

### Impact Analysis

#### Fire Facilities

The San Bernardino County Fire Department provides fire protection services to the Project area. The nearest fire station is Oak Hills Station #305 located approximately 4.0 roadway miles to the southwest of the Project site at 8331 Caliente Road. Development of the Project would impact fire protection services by placing an additional demand on existing County Fire Department resources if its resources are not augmented. To offset the increased demand for fire protection services, the Project would be conditioned by the City to provide a minimum of fire safety and support fire suppression activities, including compliance with state and local fire codes, fire sprinklers, a fire hydrant system, paved access, and secondary access.

In addition, the City collects a Development Impact Fee to assist the city in providing fire protection facilities. Payment of the Development Impact Fee would be applied to fire facilities and/or equipment, to offset the incremental increase in the demand for fire protection services that would be created by the Project. Therefore, the Project would not result in the need to construct new or physically altered fire facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection.



### Police Facilities

The San Bernardino County Sheriff's Department provides community policing to the Project area via the Hesperia Police Department located at 15840 Smoke Tree Street in Hesperia, 4.4 miles east of the Project. Because the Project site is in a developed area, it is routinely patrolled by the Sheriff's Department. The City collects a Development Impact Fee to assist the City in providing for capital improvement costs for police protection facilities. Payment of the Development Impact Fee would be applied to police facilities and/or equipment to offset the incremental increase in the demand for police protection services that would be created by the Project. Therefore, the Project would not result in the need to construct new or physically altered police facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection.

### School Facilities

Hesperia is served by the Hesperia Unified School District, which provides elementary, middle, and high school services throughout the city. The Project is forecast to generate the following number of students as shown in **Table 4.15-1**.

**Table 4.15-1. Student Generation Factors**

School Level	Student Generation Factor	Number of Students
Elementary School	0.3595	7
Middle School	0.1115	2
High School	0.2208	4
<b>Total</b>	<b>–</b>	<b>13</b>

Source: Hesperia Unified School District, Residential and CID Development School Fee Justification Study, February 19, 2020, Table 5 Adjusted Student Generation Factors

The District is authorized by state law (Government Code §65995- 6) to levy a new construction fee per square foot of construction for the purpose of funding the reconstruction or construction of new school facilities. Pursuant to § 65995(3)(h) of the California Government Code, the payment of statutory fees is *"deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities."* Therefore, the payment of school impact fees for residential development would offset the potential impacts of increased student enrollment related to the implementation of the Project.

### Park Facilities

The nearest public park to the Project site is Dogwood Park located 0.7 miles north of the Project site. The City of Hesperia requires dedication of land, payment of fees in-lieu of parkland dedication, or a combination thereof at a rate of 5 acres of parkland per 1,000 residents for

proposed residential subdivisions.<sup>50</sup> Based on 20 dwelling units, the Project could increase the overall population of the City by 69 persons (assuming all new residents will come from outside the city limits). Sixty-nine persons would result in the need of 0.35 acres of parkland. Payment of the in-lieu fee would ensure that the Project will not result in a significant impact with respect to parkland.

#### **Other Public Facilities**

As noted above, development of the Project could result in a direct increase in the population of 69 persons. The current population of the city is 100,041<sup>51</sup> (assuming all new residents of the Project came from outside the City). As such, the Project would result in a 0.0007% increase in population. It is not anticipated the Project would increase the demand for public services, including public health services and library services, to the degree that the construction of new or expanded public facilities would be required based on this small increase in population.

In addition, the Project would be required to pay the City's Development Impact Fee to assist the city in providing public services facilities. These funds may be applied to the acquisition and/or construction of public services and/or equipment.

---

<sup>50</sup> Hesperia General Plan. Open Space Element, p. OS-43.

<sup>51</sup> California Department of Finance, E-5 City/County Population and Housing Estimates, 1/1/2023.

## 4.16 Recreation

Threshold 4.16 (a) – Recreation Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Would the Project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			✓	

### Impact Analysis

The nearest public park to the Project site is Dogwood Park 0.7 miles to the north. The Project could result in the increased use of existing parks and recreation facilities. Substantial deterioration of existing facilities could occur if the level of usage intensifies significantly and the maintenance of affected facilities does not keep pace with intensified use and additional park facilities are not provided to meet existing and the increased demand.

As noted above, development of the Project could result in an increase in population of 69 persons (0.0007% increase). This small amount of population increase is not anticipated to increase the use of existing neighborhood and regional parks or other recreational facilities to the degree that substantial physical deterioration of recreational facilities would occur or be accelerated.

Threshold 4.16 (b) – Recreation Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?				✓

### Impact Analysis

The Project does not propose the construction or expansion of recreational facilities.

## 4.17 Transportation

Threshold 4.17 (a) – Transportation Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?			✓	

### Impact Analysis

#### Transit Facilities

Public transportation services within the City of Hesperia are provided by the Victor Valley Transit Authority (VVTa). There are no transit routes adjacent to the Project site. In addition, the Project is not proposing any improvements that would conflict with any future transit service in the area.

#### Roadway Facilities

As discussed in more detail under Threshold 4.17(b) below, effective July 1, 2020, changes to the California Environmental Quality Act (CEQA) require Vehicle Miles Traveled (VMT) as the new metric for evaluating environmental impacts under CEQA as opposed to motorist delay and level of service (LOS). For development projects, VMT is simply the product of the daily trips generated by a new development and the distance those trips travel to their destinations. For CEQA purposes, roadway facilities are viewed in the context of how they reduce the amount of vehicle miles traveled and promote the use of other non-motorized modes of travel such as transit, bicycle, and pedestrian.

The Project proposes to improve Afton Avenue adjacent to the Project site with new pavement, curb, gutter, and a landscaped parkway. Afton Avenue, which is currently a dirt road, will be improved with new pavement, curb, gutter, and a landscaped parkway adjacent to the site. The above-described improvements will promote a reduction in VMT by providing more access for pedestrians and bicycles, and by improving roadways to allow access for transit service.

#### Bicycle and Pedestrian Facilities

By providing the roadway improvements described above, bicycle and pedestrian access will be improved.

### Conclusion

Based on the preceding analysis, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities.

Threshold 4.17 (b) – Transportation Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b)?			✓	

### Impact Analysis

Changes to California Environmental Quality Act (CEQA) Guidelines were adopted in December 2018 pursuant to Senate Bill (SB) 743, which require all lead agencies to adopt Vehicle Miles Traveled (VMT) as a replacement for automobile delay-based level of service (LOS) as the new measure for identifying transportation impacts for land use projects. The implementation of SB 743 took effect July 1, 2020. The City of Hesperia, Traffic Impact Analysis Guidelines for Vehicle Miles Traveled (VMT) and Level of Service Assessment (LOS), July 2020, (VMT Guidelines), was adopted to implement SB 743.

### Project Screening

Pursuant to the VMT Guidelines, residential projects located within a low VMT-generating area may be presumed to have a less than significant impact absent substantial evidence to the contrary. To identify if the project is in a low VMT-generating area, the San Bernardino County Transportation Authority (SBCTA) screening tool is used to compare the appropriate baseline TAZ VMT to current County of San Bernardino VMT threshold of 32.7% VMT/Service Population.

As shown on **Figure 4.17-1**, the Project is in a low VMT-generating area. Impacts are less than significant.

Threshold 4.17 (c) – Transportation Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			✓	

### Impact Analysis

The proposed street improvements on Hollister Street, Oak Valley Street, and Afton Avenue are designed in accordance with the City of Hesperia's Street design standards. In addition, the Project is in an area developed with residential uses. As such, the Project would not be incompatible with existing development in the surrounding area to the extent that it would create a transportation hazard because of an incompatible use.

**Figure 4.17-1. Screenshot of Vehicle Miles Traveled (VMT) Screening Results**

Project Area VMT (2 of 2)	
Assessor Parcel Number (APN)	305705109
Traffic Analysis Zone (TAZ)	53910101
TAZ VMT	29.1
Jurisdiction VMT	27.9
% Difference	4.34%
VMT Metric	PA VMT Per Service Population
Threshold	27.9
<a href="#">Zoom to</a>	...

Source: <https://www.gosbcta.com/plan/san-bernardino-transportation-analysis-model/>

Threshold 4.17 (d) – Transportation Would the Project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Result in inadequate emergency access?			✓	

### Impact Analysis

The Project would add new pavement, curb, gutter, and a parkway on Oak Valley Street and Hollister Street. Afton Avenue, which is a dirt road, will be improved with pavement, curb, gutter, and a parkway. All the street improvements would be public streets designed to City standards. Emergency access would be from Oak Valley Street, Hollister Street, and Afton Avenue, connecting to the citywide circulation system. During the preliminary review of the Project, the Project's transportation design was reviewed by the City's Engineering Department, the Fire Department, and the Sheriff's Department to ensure that adequate access to and from the site would be provided for emergency vehicles.



## 4.18 Tribal Cultural Resources

Threshold 4.18 (a)(i) – Tribal Cultural Resources 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:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code §5020.1(k)?		✓		

### Impact Analysis

An historical resource or an archaeological resource may also be a tribal cultural resource if it conforms with the criteria described in Public Resources §21084(a). However, grading, utility trenching, and the construction of the water quality basin have the potential to reveal buried deposits at greater depths. Therefore, Mitigation Measures CR-1 and CR-2 under Section 4.5, Cultural Resources, shall apply.

Threshold 4.18 (a)(ii) – Tribal Cultural Resources 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:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
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 §5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code §5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe?		✓		

### Impact Analysis

Section 21074 of the Public Resources Code describes Tribal Cultural Resources as follows.

“Tribal cultural resources” are either of the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
- Included or determined to be eligible for inclusion in the California Register of Historical Resources.
- Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

The provisions in the Public Resources Code related to tribal cultural resources created a process for consultation with California Native American Tribes during the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The City of Hesperia implemented the consultation process by sending out consultation invitation letters to tribes previously requesting notification on December 6, 2023. The Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) responded and indicated that the proposed Project area exists within Serrano ancestral territory and, therefore, is of interest to the Tribe. However, due to the nature and location of the proposed Project and given the Cultural Resources Management Department's current state of knowledge, the Tribe does not have any concerns with the Project's implementation, as planned, at this time. However, because the potential exists for subsurface tribal cultural resources to be present, the Tribe requested that Mitigation Measures TCR-1 and TCR-2 shall be made a part of the project/permit/plan conditions.

### Mitigation Measures

**TCR-1 Notify Yuhaaviatam of San Manuel Nation.** Yuhaaviatam of San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed in Mitigation Measure CUL-1, of any pre-contact resources discovered during project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the project, should YSMN elect to place a monitor on-site.

**TCR-2 Documentation of Tribal Cultural Resources.** Any and all archaeological/cultural documents created as a part of the project (e.g., isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and Lead Agency for dissemination to YSMN. The Lead Agency and/or applicant shall, in good faith, consult with YSMN throughout the life of the project.

## 4.19 Utilities and Service Systems

Threshold 4.19 (a) – Utilities and Service Systems Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?		✓		

### Impact Analysis

The Project does not require that the existing utility infrastructure be relocated, as the Project will connect to the existing infrastructure facilities adjacent to the Project site. However, the installation and construction of the sewer, water, and storm drainage facilities described below will result in earth moving that may impact Biological Resources, Cultural Resources, Geology and Soils (Paleontological Resources), and Tribal Cultural Resources.

#### Sewer and Water Facilities

The Project will connect to the existing 8- inch water and sewer lines in Hollister Street and Afton Avenue.

#### Storm Drainage Improvements

Drainage will be conveyed in curb and gutter through the site. Lot A is proposed to be a storm drain and retention basin for the Project.

#### Electric Power Facilities

The Project will connect to the existing Southern California Edison electrical distribution facilities available in the immediate vicinity of the Project site.

#### Natural Gas Facilities

The Project will connect to the existing Southwest Gas Corporation natural gas distribution facilities available in the immediate vicinity of the Project site.

#### Telecommunication Facilities

Telecommunication facilities include a fixed, mobile, or transportable structure, including, all installed electrical and electronic wiring, cabling, and equipment, all supporting structures, such as utility, ground network, and electrical supporting structures, and a transmission pathway and associated equipment in order to provide cable TV, internet, telephone, and wireless telephone services to the Project site. Services that are not provided via satellite will connect to existing facilities maintained by the various service providers.

## Conclusion

Construction or installation of utilities and service systems may impact Biological Resources, Cultural Resources, Geology and Soils (Paleontological Resources), and Tribal Cultural Resources. Mitigation Measures BIO-1, BIO-2, CR-1, CR-2, GEO-1, and TCR-1 and TCR-2 are required.

Threshold 4.19 (b) – Utilities and Service Systems Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple years?			✓	

## Impact Analysis

The Project would be served with potable water by the Hesperia Water District. The District's 2020 Urban Water Management Plan indicates the future gallons per capita water use at 94 gallons per day per person (GPCD).<sup>52</sup> The Project is estimated to increase the population by approximately 69 persons which would create an additional water demand of 22- acre feet per year (AFY).

The district's water supply is obtained from groundwater located in the Alto Sub-Basin of the Mojave River Watershed and groundwater aquifer. The City's municipal water system extracts water from the underground aquifers through groundwater wells located throughout the city. The Mojave Basin Area was the subject of a court ordered adjudication in 1993 due to the rapid growth within the area, increased withdrawals, and lowered groundwater levels. The court's Judgment appointed Mojave Water Agency (MWA) as Watermaster of the Mojave Basin Area. The court ordered adjudication of the Mojave Basin Area allocating a variable free production allowance (FPA) to each purveyor that supplies more than 10 AFY, including Hesperia.<sup>53</sup>

Because almost all the water used within the Mojave Water Agency's service area is supplied by pumped groundwater, to supplement the local groundwater supplies, the Mojave Water Agency recharges the groundwater basins with State Water Project imported water, natural surface water flows, wastewater imports from outside the Mojave Water Agency's service area, agricultural depletion from storage, and return flow from pumped groundwater not consumptively used. The Mojave Water Agency's sources are only used to recharge the groundwater basins and are not supplied directly to any retailers, except for two power plants, the High Desert Power Project and the LUZ Solar Plant.

<sup>52</sup> Hesperia Water District, Final 2020 Urban Water Management Plan, p.4-10.

<sup>53</sup>

Threshold 4.19 (c) – Utilities and Service Systems Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
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?			✓	

## Impact Analysis

Based on a wastewater generation rate of 231 gpd per dwelling unit,<sup>54</sup> the Project is estimated to 4,620 gpd of wastewater. Wastewater flows are piped out of the Hesperia Water District's service area to a regional wastewater treatment plant ( WWTP) operated by Victor Valley Wastewater Reclamation Authority (VWRA). The treatment plant has a design capacity to treat 18 million gallons per day (MGD) of wastewater.<sup>55</sup> The treatment plant currently treats about 10.7 million gallons of wastewater per day.<sup>56</sup> Therefore, there is adequate capacity to serve the Project's projected demand of 4,620 gpd in addition to the VWRA's existing commitments.

Threshold 4.19 (d) – Utilities and Service Systems Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Generate solid waste more than state or local standards, or more than the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?			✓	

## Impact Analysis

### Construction Related Impacts

The California Green Building Standards Code (CALGreen) requires all newly constructed buildings to prepare a Waste Management Plan and divert construction waste through recycling and source reduction methods. The City of Hesperia's Building and Safety Department reviews and approves all new construction projects required to submit a Waste Management Plan. Mandatory compliance with CAL Green solid waste requirements

<sup>54</sup> Tapestry Final EIR.

<sup>55</sup> Regional Water Quality Control Board, Lahontan Region, Victor Valley Wastewater Reclamation Authority Order No. R6V-2020-Proposed Victor Valley Regional Wastewater Treatment Plant NPDES No. Ca0102822

<sup>56</sup> VWRA website, About Us | Victor Valley WRA, CA (vwwraca.gov), accessed May 7, 2023.

### Operational Related Impacts

The Project is estimated to generate 20.1 tons of solid waste per year.<sup>57</sup> The amount of estimated solid waste generated by the Project is derived from the California Emissions Estimator Model. The model also quantifies the amount of solid waste generated by a project based on the annual waste disposal rates from the California Department of Resources Recycling and Recovery (CalRecycle) data for individual land uses.

Sanitation services are administered by Advance Disposal, located at 17105 Mesa Street, Hesperia. Advance Disposal also operates a Materials Recovery Facility (MRF), which has a capacity of 600 tons per day. The Company's long-term plans are to expand the capacity of the facility to meet the needs of the City and its Sphere of influence, which is the company's ultimate service area.

Although solid waste may ultimately be disposed of at various landfills, the closest landfill to the Project site is the Victorville Sanitary Landfill located at 18600 Stoddard Wells Road, approximately 19 miles to the northeast. According to the CalRecycle website, the Victorville Sanitary Landfill has a daily throughput of 3,000 tons per day and a remaining capacity of 79,400,000 cubic yards. The expected closure is October 1, 2047.<sup>58</sup> As such, there is adequate landfill capacity to serve the Project.

Threshold 4.19 (e) – Utilities and Service Systems Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?			✓	

### Impact Analysis

Advance Disposal currently provides solid waste collection services to the City. Advance Disposal is required to provide these services in compliance with federal, state, and local management and reduction statutes and regulations related to solid waste

<sup>57</sup> Appendix A-CalEEMod Outputs.

<sup>58</sup> <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/1870?siteID=2652>, accessed on May 15, 2023.



## 4.20 Wildfire

Threshold 4.20 (a) – Wildfire Would the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Is the project located in or near state responsibility areas or lands classified as very high fire hazard severity zones?				✓

### Impact Analysis

A wildfire is a nonstructural fire that occurs in vegetative fuels, excluding prescribed fire. Wildfires can occur in undeveloped areas and spread to urban areas where the landscape and structures are not designed and maintained to be ignition resistant. According to the California Fire Hazard Severity Zone Viewer maintained by CAL FIRE, the Project site is not located within a high wildfire hazard area.<sup>59</sup> As such, Thresholds 4.20(a) through 4.20(d) below require no response.

#### Would the Project:

- Substantially impair an adopted emergency response plan or emergency evacuation plan?
- 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?
- Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?
- Expose people or structures to significant risks, including downslope or downstream flooding or landslides, because of runoff, post-fire slope instability, or drainage changes

<sup>59</sup> <https://egis.fire.ca.gov/FHSZ/>, accessed on May 15, 2023.

## 4.21 Mandatory Findings of Significance

Threshold 4.21 (a) – Mandatory Findings of Significance Does the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		✓		

### Impact Analysis

The analysis of potential environmental impacts in Section 4.0, Environmental Analysis, of this Initial Study concluded that the Project would have *no impact* or a *less than significant impact* for all environmental topics, except for Biological Resources, Cultural Resources, Geology and Soils (Paleontological Resources), Tribal Cultural Resources, and Utilities and Service Systems (installation of facilities that involves disturbance of previously undisturbed land). For these resources, the Mitigation Measures listed below are required: BIO-1, Western Joshua Tree Take Permit. BIO-2, Pre-Construction Burrowing Owl Survey. BIO- 3, Pre-Construction Nesting Bird Survey; CR-1, Discovery of Unknown Archaeological Resources; CR-2, Archaeological Treatment Plan, GEO- 1, Discovery of Unknown Paleontological Resources; CR-1, TCR-1 Yuhaaviatam of San Manuel Nation; TCR-2. Documentation of Tribal Cultural Resources.

Threshold 4.21 (b) – Mandatory Findings of Significance Does the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a Project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?		✓		

### Impact Analysis

The cumulative impacts analysis provided here is consistent with §15130(a) of the CEQA Guidelines in which the analysis of cumulative effects of a project is based on two determinations: Is the combined impact of this project and other projects significant? If so, is the project's incremental effect cumulatively considerable, causing the combined impact of the projects evaluated to become significant? The cumulative impact must be analyzed only if the combined impact is significant, and the project's incremental effect is found to be cumulatively considerable (CEQA Guidelines 15130(a)(2) and (3)).

The analysis of potential environmental impacts in Section 4.0, Environmental Analysis, of this Initial Study concluded that the Project would have *no impact* or a *less than significant impact* for all environmental topics, except for Biological Resources, Cultural Resources, Geology and Soils (Paleontological Resources), Tribal Cultural Resources, and Utilities and Service Systems (installation of facilities that involves disturbance of previously undisturbed land). For these resources, Mitigation Measures are required to reduce impacts to less than significant levels as discussed below.

### **Biological Resources**

As discussed in Section 4.4, Biological Resources, of this Initial Study, future development of the site will impact the general biological resources present on the site, and all the vegetation will be removed during future construction activities.

As shown in **Figure 4.4.1, Location of Joshua Trees**, preservation or relocation on-site is not a viable option and would essentially prevent the development of the site as envisioned under the City's General Plan. Therefore, Mitigation Measure BIO-1 is recommended.

Wildlife will also be impacted by development activities and those species with limited mobility (i.e., small mammals and reptiles) will experience increases in mortality during the construction phase. More mobile species (i.e., birds, large mammals) will be displaced into adjacent areas and will likely experience minimal impacts. Based on the field survey and habitat assessment, none of the special status wildlife species reported from the region will be adversely affected by site development. Although burrowing owl was not present, because of the migratory nature of the species, a pre-construction survey is required per Mitigation Measure BIO-2, Pre-Construction Burrowing Owl Survey.

Approximately 21 California junipers are present. Other dominant perennials include rubber rabbitbrush, paper bag bush, Nevada joint-fir, and Cooper's goldenbush. This vegetation can provide nesting for migratory birds. The California Fish and Game Code prohibits take of all birds and their active nests, including raptors and other migratory nongame birds (As listed under the Migratory Bird Treaty Act). Typically, CDFW requires that vegetation not be removed from a project site between March 15 and September 15 to avoid impacts to nesting birds. If it is necessary to commence project construction between March 15 and September 15, a qualified biologist should survey all shrubs and structures within the project site for nesting birds, prior to project activities ( including construction and/or site preparation). If it is necessary to commence project construction between March 15 and September 15, Mitigation Measure BIO-3, Pre-Construction Nesting Bird Survey, shall apply.

Overall, the loss of about 4.5 acres of disturbed desert vegetation is not expected to have a significant cumulative impact on the overall biological resources in the region given the presence of similar habitat throughout the surrounding desert region. Based on the preceding analysis, the Project's impacts would not be cumulatively considerable.

### **Cultural Resources**

As discussed in Section 4.5, Cultural Resources, of this Initial Study, the records search and field survey did not identify any cultural resources, including historic and prehistoric sites or historic -

period buildings within the project site boundaries. Research results, combined with surface conditions have failed to indicate sensitivity for buried cultural resources. No additional cultural resources work, or monitoring is necessary during proposed activities associated with the development of the earthmoving activities. If previously undocumented cultural resources are identified during earthmoving activities, a qualified archaeologist should be contacted to assess the nature and significance of the find, diverting construction excavation, if necessary, as required by Mitigation Measure CR-1, Discovery of Unknown Archaeological Resources, and CR-2, Archaeological Treatment Plan. Based on the preceding analysis, the Project's impacts would not be cumulatively considerable.

### **Geology and Soils (Paleontological Resources)**

As discussed in Section 4.7, Geology and Soils, of this Initial Study, the property is situated in the Mojave Desert geomorphic province. The Mojave Desert province is a wedge-shaped area that is enclosed on the southwest by the San Andreas fault zone, the Transverse Ranges province and the Colorado Desert province, on the north and northeast by the Garlock fault zone, the Tehachapi Mountains and the Basin and Range province, and on the east by the Nevada and Arizona state lines, and the Colorado River. The area is dominated by broad alluviated basins that are mostly aggrading surfaces that are receiving non-marine continental deposits from the adjacent upland areas. More specific to the subject property, the site is in an area geologically mapped to be underlain by alluvium. Alluvium has the potential to contain paleontological resources. Therefore, Mitigation Measure GEO-1, Discovery of Unknown Paleontological Resources, is required. Based on the preceding analysis, the Project's impacts would not be cumulatively considerable.

### **Tribal Cultural Resources**

As discussed in Section 4.18, Tribal Cultural Resources, of this Initial Study, construction and operation of the Project would include activities limited to the confines of the Project site. The tribal consultation conducted with the San Manuel Band of Mission Indians, has determined that the Project is unlikely to adversely affect tribal cultural resources with implementation of Mitigation Measures TCR- 1, Notify San Manuel Band of Mission Indians, and TCR- 2, Documentation of Tribal Cultural Resources, are required. Based on the preceding analysis, the Project's impacts would not be cumulatively considerable.

### **Utilities and Service Systems**

As discussed in Section 4.19, Utilities and Service Systems, of this Initial Study, the installation and construction of the sewer, water, storm drainage facilities described below will result in earth moving that may impact Biological Resources, Cultural Resources, Geology and Soils (Paleontological Resources), and Tribal Cultural Resources. Potential impacts to these resources are mitigated by Mitigation Measures BIO-1, BIO-2, BIO-3, CR-1, CR- 2, GEO-1, TCR-1, and TCR- 2 as described above. Based on the preceding analysis, the Project's impacts would not be cumulatively considerable.

Threshold 4.21 (c) – Mandatory Findings of Significance Does the project:	Potentially Significant Impact	Less Than Significant Impact with Mitigation Incorporated	Less Than Significant Impact	No Impact
Have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?			✓	

### Impact Analysis

As indicated by this Initial Study, the Project will not result in potentially significant environmental impacts that directly affect human beings ( i.e., air quality, agriculture and forestry resources, energy, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, public services, recreation, transportation, and utilities and service systems.

**California Environmental Quality Act (CEQA)**  
**Final Initial Study/Mitigated Negative Declaration**  
**(State Clearinghouse No. 2025061403)**  
**Tentative Tract Map NO. 20674**



---

**Lead Agency**

City of Hesperia  
Development Services Department  
9700 7th Avenue  
Hesperia, CA 92345

**Applicant**

Zab LLC  
16502 Walnut Street, Suite C  
Hesperia, CA 92345

**Prepared By**



EPC Environmental Inc.  
11801 Pierce Street, Ste. 200  
Riverside, CA 92505  
(951) 710-3010

**August 6, 2025**

## Table Of Contents

1.0 Introduction.....	3
2.0 Response to Comments .....	4
3.0 Revisions to the ISMND .....	16



## 1.0 Introduction

The Final Initial Study/ Mitigated Negative Declaration (ISMND) is an informational document intended to disclose the environmental impacts of approving and implementing the Tentative Tract Map 20674 Project (Project). This document has been prepared in accordance with the California Environmental Quality Act (CEQA) as outlined below. The City of Hesperia is the lead agency under CEQA.

### 1.1 Public Review Period

The ISMND for the Project was distributed on June 25, 2025 for public review and concluded on July 25, 2025. The Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was mailed to addresses adjacent to and within the vicinity of the project. The NOI was filed with the city and county clerks, and the ISMND was made available for general public review at city hall: 9700 Seventh Avenue Hesperia, CA 92345. In addition, an electronic version of the Draft ISMND was made available on the City of Hesperia website: <https://hesperiacalifornia.gov/1466/CEQA-Environmental-Documents/>

During the public review period, one comment letter was received. Responses to comments that address environmental issues in the ISMND are included in this Final ISMND. The City of Hesperia has also prepared a mitigation monitoring and reporting program (MMRP) pursuant to CEQA Guidelines, Section 15074(d). The MMRP constitutes Section 4 of the Final ISMND.

## 2.0 Response to Comments

### 2.1 Introduction

Section 15088 of the CEQA Guidelines requires the Lead Agency (City of Hesperia) to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the ISMND and prepare written responses.

This section provides all written comments received on the ISMND that address environmental issues and the City of Hesperia's responses to each comment. Comment letters and specific comments are given numbers for reference purposes. Changes to the ISMND text are shown in underlined text for additions and ~~strikeout~~ for deletions.

The following is a list of agencies and persons that submitted comments on the Draft ISMND during the public review period.

- California Department of Fish and Wildlife, dated July 11, 2025

## 2.2 Comment Letter

Docusign Envelope ID: 167F2B7A-3630-4397-BD0F-DFB22972B1BA



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Inland Deserts Region  
3602 Inland Empire Boulevard, Suite C-220  
Ontario, CA 91764  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



July 11, 2025

Leilani Henry  
Assistant Planner  
City of Hesperia  
9700 Seventh Avenue  
Hesperia, CA, 92345

Dear Leilani Henry:

TENTATIVE TRACT MAP NO. 20674 (Project)  
MITIGATED NEGATIVE DECLARATION (MND)  
SCH# 2025061403

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an MND from the City of Hesperia (City) for the Project pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

### CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.) Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish & G. Code, § 1600 et seq.) Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the project proponent may seek related take authorization as provided by the Fish and Game Code.

### PROJECT DESCRIPTION SUMMARY

**Proponent:** ZAB, LLC

**Objective:** The Project proposes a Tract Map to subdivide approximately 4.53 gross acres into 20 single-family residential lots ranging from 5,638 square feet to 10,029 square feet. Additionally, the Project proposes to construct new pavement, curb, gutter, parkway, water and sewer lines and a storm drain retention basin. Construction phases are proposed to consist of site preparation, grading, building construction, paving, and architectural coating.

<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Leilani Henry, Assistant Planner  
City of Hesperia  
July 11, 2025  
Page 2

**Location:** The Project site is located on the northwest corner of Hollister Street and Afton Avenue within the City of Hesperia, San Bernardino County, State of California. The Project site is on Assessor's Parcel Number: 3057-051-09.

**Timeframe:** Construction of the Project is proposed to begin in 2025 and last approximately 12 months and the Project is proposed to completed in 2026.

#### COMMENTS AND RECOMMENDATIONS

CDFW appreciates the detailed measures in the draft MND to avoid and minimize impacts to biological resources. CDFW recommends only minor modifications to the measures below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Thus, CDFW strongly recommends the following revisions to BIO-1, BIO-2, and the adoption of BIO-3 (NEW) (edits are in ~~strikethrough~~ and **bold**) for adoption in the final MND.

##### BIO- 1. Pre-Construction Burrowing Owl Surveys.

Prior to the issuance of a grading permit, a preconstruction survey for Burrowing Owls shall be conducted in accordance with California Department of Fish and Wildlife approved protocols **in the Staff Report on Burrowing Owl Mitigation** (CDFG 2012 or most recent version), ~~for each species no more than 30 days prior to ground-~~ disturbing activities in accordance with best practices identified by the California Department of Fish and Wildlife. If ground-disturbing activities are delayed for more than 30 days (including the restarting of activities after project/ground-disturbing delays of 30 days or more), additional surveys will be required. If burrowing owls are observed on the project site **or within the vicinity of the Project site at any time** during future surveys, the California Department of Fish and Wildlife shall be immediately notified, **and the Project Proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP** and mitigation measures shall be required to reduce impacts to less than significant. Acceptable mitigation measures are described in the Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency, Department of Fish and Game, March 7, 2012.

##### BIO- 2. Pre-Construction Nesting Bird Survey.

Prior to **any ground disturbing activities** and the issuance of a grading permit, the following ~~note~~ **nesting bird surveys** shall be **completed** ~~placed on the grading plan.~~:

**"Regardless of the time of year and within 3 days prior to any ground disturbing Project activities** During the nesting bird season (between March 15 and September 15), a qualified **avian** biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the work area and surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified **avian** biologist within 300 feet of all work areas, no more than 3 days prior to commencement of **Project** activities. If active nests containing eggs or young are found, a qualified **avian** biologist shall establish an appropriate nest buffer. Nest buffers are species-specific and **determined by the qualified avian biologist and** range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity's level of disturbance, site conditions, and the observed bird behavior. Established buffers shall remain until a qualified **avian** biologist determines that the young have fledged or the nest is no longer active. Active nests shall be monitored until the biologist has determined that the young have fledged or the project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. **If at any time during Project activities, a California Endangered Species Act listed bird species is observed nesting on site, the Project Proponent shall immediately halt Project activities and contact CDFW Inland Deserts Region 6."**

**BIO-3. Western Joshua Tree (NEW).** The western Joshua tree (WJT) is a candidate threatened species under the California Endangered Species Act. If WJT individuals are to be relocated, encroached upon, removed, or otherwise taken, the Project

3  
cont.

4

5

6

7

Leilani Henry, Assistant Planner  
City of Hesperia  
July 11, 2025  
Page 3

Proponent shall obtain an incidental take permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Section 2081b of the California Endangered Species Act (CESA), or any other appropriate take authorization under CESA or under the WJT Conservation Act (Fish & G. Code, §§ 1927-1927.12), prior to the relocation, encroachment, removal, or take (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of WJT, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085 and §§ 1927-1927.12). Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a WJT if all of the following conditions are met: (1) The Project Proponent submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height, b. One meter or greater but less than five meters in height, and c. Five meters or greater in height. (2) The Project Proponent avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The Project Proponent mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem or trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the Project Proponent to relocate one or more of the western Joshua trees.

7  
cont.

#### EDITORIAL COMMENT

CDFW would like to comment regarding the buffers discussed on Page 26. To clarify, while CDFW has recommended for previous projects that information in the census be provided with these initial buffers based on CDFW's review of the project, however, these buffers are determined on a project-by-project basis.

8

#### ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

9

#### ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

#### CONCLUSION

CDFW appreciates the opportunity to comment on the MND to assist the City of Hesperia in identifying and mitigating Project impacts on biological resources.

10

DocuSign Envelope ID: 167F2B7A-3630-4397-BD0F-DFB22972B1BA

Leilani Henry, Assistant Planner  
City of Hesperia  
July 11, 2025  
Page 4

Questions regarding this letter or further coordination should be directed to Emily Leon, Environmental Scientist, at [Emily.Leon@wildlife.ca.gov](mailto:Emily.Leon@wildlife.ca.gov) or at (760) 644-5976.

10  
cont.

Sincerely,

DocuSigned by:  
  
6BBFAB19FE504F9...

For Alisa Ellsworth  
Environmental Program Manager

ec: Office of Planning and Research, State Clearinghouse, Sacramento  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Luis Benitas, Project Applicant  
ZAB, LLC  
[Luis@luisbenites.com](mailto:Luis@luisbenites.com)

Ernest Perea  
EPC Environmental Inc  
[Ernest@ceqa.plus](mailto:Ernest@ceqa.plus)

#### ATTACHMENTS

Attachment A: Mitigation Monitoring Reporting Plan

#### REFERENCES

California Department of Fish and Game (CDFG). 2012. Staff report on burrowing owl mitigation. State of California, Natural Resources Agency. Available for download at: [Microsoft Word - BUOW Staff Report\\_final\\_030712\\_REV 1.doc \(ca.gov\)](#)

11

Leilani Henry, Assistant Planner  
City of Hesperia  
July 11, 2025  
Page 5

### Attachment A

#### Mitigation Monitoring and Reporting Plan

Biological Resources (BIO)		
Mitigation Measure	Implementation Schedule	Responsible Party
<p><u>BIO- 1. Pre-Construction Burrowing Owl Surveys</u></p> <p>Prior to the issuance of a grading permit, a preconstruction survey for Burrowing Owls shall be conducted in accordance with California Department of Fish and Wildlife approved protocols in the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version). If ground-disturbing activities are delayed for more than 30 days (including the restarting of activities after project/ground-disturbing delays of 30 days or more), additional surveys will be required. If burrowing owls are observed on the project site or within the vicinity of the Project site at any time during future surveys, the California Department of Fish and Wildlife shall be immediately notified, and the Project Proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP.</p>	<p>Prior to the initiation of ground disturbing activities and again within 3 days Prior to the initiation of ground disturbing</p>	<p>Project Proponent and Qualified Avian Biologist</p>
<p><u>BIO- 2. Pre-Construction Nesting Bird Survey</u></p> <p>Prior to any ground disturbing activities and the issuance of a grading permit, the following <del>note</del> nesting bird surveys shall be completed:</p> <p>Regardless of the time of year and within 3 days prior to any ground disturbing Project activities, a qualified <b>avian</b> biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the work area and surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified avian biologist within 300 feet of all work areas, no more than 3 days prior to commencement of project activities. If active nests containing eggs or young are found, a qualified avian biologist shall establish an appropriate nest buffer. Nest buffers are species-specific and determined by the qualified avian biologist and range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity's level of disturbance, site conditions, and the observed bird behavior. Established buffers shall remain until a qualified avian biologist determines that the young have fledged or the nest is no longer active. Active nests shall be monitored until the biologist has determined that the young have fledged or the project is finished. The qualified biologist has the authority to stop</p>	<p>Within 3 days prior to any ground disturbing activities</p>	<p>Project Proponent and Qualified Avian Biologist</p>

11  
cont.



Leilani Henry, Assistant Planner  
 City of Hesperia  
 July 11, 2025  
 Page 6

work if nesting pairs exhibit signs of disturbance. If at any time during Project activities, a California Endangered Species Act listed bird species is observed nesting on site, the Project Proponent shall immediately halt Project activities and contact CDFW Inland Deserts Region 6.		
<p><u>BIO-3. Western Joshua Tree</u></p> <p>The western Joshua tree (WJT) is a candidate threatened species under the California Endangered Species Act. If WJT individuals are to be relocated, encroached upon, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Section 2081b of the California Endangered Species Act (CESA), or any other appropriate take authorization under CESA or under the WJT Conservation Act (Fish &amp; G. Code, §§ 1927-1927.12), prior to the relocation, encroachment, removal, or take (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of WJT, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 &amp; 2085 and §§ 1927-1927.12). Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a WJT if all of the following conditions are met: (1) The Project Proponent submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height, b. One meter or greater but less than five meters in height, and c. Five meters or greater in height. (2) The Project Proponent avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The Project Proponent mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem or trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the Project Proponent to relocate one or more of the western Joshua trees.</p>	Prior to the initiation of activities	Project Proponent

11  
cont.

END OF COMMENTS

## 2.3 Response

### Responses to California Department of Fish and Wildlife (CDFW) Letter Dated July 11, 2025

**COMMENT 1 (INTRODUCTION).** The comment thanks the City of Hesperia for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife.

**Response 1.** *Comment acknowledged. The comment does not raise a specific issue with the adequacy of the MND's evaluation or raise any other CEQA issue. Therefore, no further response is required or provided.*

**COMMENT 2 (CDFW ROLE).** The comment describes CDFW's role as a Trustee Agency and a Responsible Agency under CEQA to review and comment on the MND.

**Response 2.** *Comment acknowledged. The comment does not raise a specific issue with the adequacy of the MND's evaluation or raise any other CEQA issue. Therefore, no further response is required or provided.*

**COMMENT 3 (PROJECT DESCRIPTION SUMMARY).** The comment reiterates the project description contained in the MND.

**Response 3.** *The comment does not raise a specific issue with the adequacy of the MND's evaluation or raise any other CEQA issue. Therefore, no further response is required or provided.*

**COMMENT 4 (COMMENTS AND RECOMMENDATIONS).** CDFW offers the comments and recommendations below to assist the City of Hesperia in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Editorial comments or other suggestions may also be included to improve the document. Thus, CDFW strongly recommends the following revisions to BIO-1, BIO-2, and the adoption of BIO-3 (NEW) (edits are in ~~strike through~~ and **bold**) for adoption in the final MND.

**Response 4.** Responses to CDFW recommendation are provided in this Response to Comments documents as follows:

- COMMENT 5 (Burrowing Owl)
- COMMENT 6 (Nesting Birds)
- COMMENT 7 (Western Joshua Tree)

**COMMENT 5 (Burrowing Owl).** CDFW strongly recommends the following revisions to BIO-1:  
BIO-1. Pre-Construction Burrowing Owl Surveys.

Prior to the issuance of a grading permit, a preconstruction survey for Burrowing Owls shall be conducted in accordance with California Department of Fish and Wildlife approved protocols **in the Staff Report on Burrowing Owl Mitigation** (CDFG 2012 or most recent version), ~~for each species no more than 30 days prior to ground-disturbing activities in accordance with best practices identified by the California Department of Fish and Wildlife.~~ If ground-disturbing activities are delayed for more than 30 days (including the restarting of activities after project/ground-disturbing delays of 30 days or more), additional surveys will be required. If burrowing owls are observed on the project site **or within the vicinity of the Project site at any time** during future surveys, the California Department of Fish and Wildlife shall be immediately notified, **and the Project Proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP** and mitigation measures shall be required to reduce impacts to less than significant. ~~Acceptable mitigation measures are described in the Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency, Department of Fish and Game, March 7, 2012.~~

**Response 5.** The comment is acknowledged. The following reflects the changes to the ISMND in bold and strikeout format. These changes are now incorporated into the Final ISMND.

#### Pages 2 and 31-32

BIO-1. Pre-Construction Owl Surveys. Prior to the issuance of a grading permit, a preconstruction survey for Burrowing Owls shall be conducted in accordance with California Department of Fish and Wildlife approved protocols **in the Staff Report on Burrowing Owl Mitigation** (CDFG 2012 or most recent version), ~~for each species no more than 30 days prior to ground-disturbing activities in accordance with best practices identified by the California Department of Fish and Wildlife.~~ If ground-disturbing activities are delayed for more than 30 days (including the restarting of activities after project/ground-disturbing delays of 30 days or more), additional surveys will be required. If burrowing owls are observed on the project site **or within the vicinity of the Project site at any time** during future surveys, the California Department of Fish and Wildlife shall be immediately notified, **and the Project Proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP** and mitigation measures shall be required to reduce impacts to less than significant. ~~Acceptable mitigation measures are described in the Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency, Department of Fish and Game, March 7, 2012.~~

**COMMENT 6 (Nesting Birds).** CDFW strongly recommends the following revisions to BIO-2:

#### BIO-2. Pre-Construction Nesting Bird Survey.

Prior to **any ground disturbing activities and** the issuance of a grading permit, the following note **nesting bird surveys** shall be **completed** ~~placed on the grading plan.~~:

**“Regardless of the time of year and within 3 days prior to any ground disturbing Project activities** During the nesting bird season (between March 15 and September 15), a qualified **avian** biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the work area and surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified **avian** biologist within 300 feet of all work areas, no more than 3 days prior to commencement of **Project** activities. If active nests containing eggs or young are found, a qualified **avian** biologist shall establish an appropriate nest buffer. Nest buffers are species-specific and **determined by the qualified avian biologist and** range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity’s level of disturbance, site conditions, and the observed bird behavior.

Established buffers shall remain until a qualified **avian** biologist determines that the young have fledged or the nest is no longer active. Active nests shall be monitored until the biologist has determined that the young have fledged or the project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. **If at any time during Project activities, a California Endangered Species Act listed bird species is observed nesting on site, the Project Proponent shall immediately halt Project activities and contact CDFW Inland Deserts Region 6.**"

*Response 6. The following reflects the changes to the ISMND in bold format. This change is hereby incorporated into the Final ISMND.*

Pages 2 and 31-32

**BIO-1 BIO-2. Pre-Construction Nesting Bird Survey.** Prior to **any ground disturbing activities** and the issuance of a grading permit, the following note **nesting bird surveys** shall be **completed** ~~placed on the grading plan.~~:

**"Regardless of the time of year and within 3 days prior to any ground disturbing Project activities** ~~During the nesting bird season (between March 15 and September 15),~~ a qualified **avian** biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the work area and surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified **avian** biologist within 300 feet of all work areas, no more than 3 days prior to commencement of Project activities. If active nests containing eggs or young are found, a qualified **avian** biologist shall establish an appropriate nest buffer. Nest buffers are species-specific and **determined by the qualified avian biologist** **and** range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity's level of disturbance, site conditions, and the observed bird behavior. Established buffers shall remain until a qualified **avian** biologist determines that the young have fledged or the nest is no longer active. Active nests shall be monitored until the biologist has determined that the young have fledged or the project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. **If at any time during Project activities, a California Endangered Species Act listed bird species is observed nesting on site, the Project Proponent shall immediately halt Project activities and contact CDFW Inland Deserts Region 6.**"

**COMMENT 7 (Western Joshua Tree).** CDFW strongly recommends the adoption of BIO-3 in the final MND:

**BIO-3. Western Joshua Tree (NEW).** The western Joshua tree (WJT) is a candidate threatened species under the California Endangered Species Act. If WJT individuals are to be relocated, encroached upon, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Section 2081b of the California Endangered Species Act (CESA), or any other appropriate take authorization under CESA or under the WJT Conservation Act (Fish & G. Code, §§ 1927-1927.12), prior to the relocation, encroachment, removal, or take (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of WJT, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085 and §§ 1927-1927.12). Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a WJT if all of the following conditions are met: (1) The Project Proponent submits to CDFW for its approval a census of all western Joshua trees on the

Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height, b. One meter or greater but less than five meters in height, and c. Five meters or greater in height. (2) The Project Proponent avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The Project Proponent mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem or trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the Project Proponent to relocate one or more of the western Joshua trees.

*Response 7. The following reflects the changes to the ISMND in bold format. This change is hereby incorporated into the Final ISMND.*

Pages 3 and 26

**MM BIO-3. Western Joshua Tree (NEW).** The western Joshua tree (WJT) is a candidate threatened species under the California Endangered Species Act. If WJT individuals are to be relocated, encroached upon, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Section 2081b of the California Endangered Species Act (CESA), or any other appropriate take authorization under CESA or under the WJT Conservation Act (Fish & G. Code, §§ 1927-1927.12), prior to the relocation, encroachment, removal, or take (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of WJT, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085 and §§ 1927-1927.12). Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a WJT if all of the following conditions are met: (1) The Project Proponent submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height, b. One meter or greater but less than five meters in height, and c. Five meters or greater in height. (2) The Project Proponent avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The Project Proponent mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem or trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the Project Proponent to relocate one or more of the western Joshua trees.

**COMMENT 8. (Editorial Comment).** CDFW would like to comment regarding the buffers discussed on Page 26. To clarify, while CDFW has recommended for previous projects that information in the census be provided with these initial buffers based on CDFW's review of the project, however, these buffers are determined on a project-by-project basis.

**Response 8.** *Comment acknowledged. The comment does not raise a specific issue with the adequacy of the MND's evaluation or raise any other CEQA issue. Therefore, no further response is required or provided.*

**COMMENT 9. (Environmental Data and Document Filing Fees).** CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e).) Accordingly, please report any special status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.)

**Response 9.** *The information developed for this Project in the MND will be incorporated into the CNDDDB database and any special status species and/or natural communities observed during field investigations will be reported to the CNDDDB by the Project's biologist using the link provided by CDFW.*

**COMMENT 10 (CONCLUSION).** DFW appreciates the opportunity to comment on the MND to assist the City of Hesperia in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Emily Leon, Environmental Scientist, at [Emily.Leon@wildlife.ca.gov](mailto:Emily.Leon@wildlife.ca.gov) or at (760) 644-5976.

**Response 10.** *Unless otherwise indicated in this document, the City will include the suggested measures in Attachment A in the final MND.*

**COMMENT 11 (Attachment A: Mitigation Monitoring Reporting Plan).** The comment letter includes Attachment A: Mitigation Monitoring Reporting Plan.

**Response 11.** *The City will revise the mitigation measures verbatim as shown in Attachment A: Mitigation Monitoring and Reporting Plan.*

## 3.0 Revisions to the ISMND

### 3.1 INTRODUCTION

This section contains revisions to the ISMND based upon (1) additional or revised information required to prepare a response to a specific comment; (2) applicable updated information that was not available at the time of ISMND publication; and/or (3) typographical errors. This section also includes additional mitigation measures, if needed, to fully respond to commenter concerns as well as provide additional clarification to mitigation requirements included in the ISMND. The provision of additional mitigation measures does not alter any impact significance conclusions as disclosed in the ISMND. Changes made to the ISMND are identified here in strikeout text to indicate deletions and in underlined text to signify additions.

### 3.2 DEIR REVISIONS IN RESPONSE TO COMMENTS and ERRATA

The following text has been revised in response to comments received on the ISMND, to clarify, and to correct typographical errors. The revisions in this section address all the required changes to the ISMND.



**Page 2, Section 2.1, in response to Comment 5, 6, and 7.**

**BIO-1. Pre-Construction Burrowing Owl Surveys.** Prior to the issuance of a grading permit, a preconstruction survey for Burrowing Owls shall be conducted in accordance with California Department of Fish and Wildlife approved protocols **in the Staff Report on Burrowing Owl Mitigation** (CDFG 2012 or most recent version), ~~for each species no more than 30 days prior to ground-disturbing activities in accordance with best practices identified by the California Department of Fish and Wildlife.~~ If ground-disturbing activities are delayed for more than 30 days (including the restarting of activities after project/ground-disturbing delays of 30 days or more), additional surveys will be required. If burrowing owls are observed on the project site **or within the vicinity of the Project site at any time** during future surveys, the California Department of Fish and Wildlife shall be immediately notified, **and the Project Proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP** ~~and mitigation measures shall be required to reduce impacts to less than significant. Acceptable mitigation measures are described in the Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency, Department of Fish and Game, March 7, 2012.~~

~~**BIO-1**~~ **BIO-2. Pre-Construction Nesting Bird Survey.** Prior to **any ground disturbing activities and** the issuance of a grading permit, the following note **nesting bird surveys** shall be **completed** ~~placed on the grading plan.:~~

**“Regardless of the time of year and within 3 days prior to any ground disturbing Project activities** During the nesting bird season (between March 15 and September 15), a qualified **avian** biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the work area and surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified **avian** biologist within 300 feet of all work areas, no more than 3 days prior to commencement of **Project** activities. If active nests containing eggs or young are found, a qualified **avian** biologist shall establish an appropriate nest buffer. Nest buffers are species-specific and **determined by the qualified avian biologist and** range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity's level of disturbance, site conditions, and the observed bird behavior. Established buffers shall remain until a qualified **avian** biologist determines that the young have fledged or the nest is no longer active. Active nests shall be monitored until the biologist has determined that the young have fledged or the project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. **If at any time during Project activities, a California Endangered Species Act listed bird species is observed nesting on site, the Project Proponent shall immediately halt Project activities and contact CDFW Inland Deserts Region 6.”**

**BIO-3. Western Joshua Tree (NEW).** The western Joshua tree (WJT) is a candidate threatened species under the California Endangered Species Act. If WJT individuals are to be relocated, encroached upon, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Section 2081b of the California Endangered Species Act (CESA), or any other appropriate take authorization under CESA or under the WJT Conservation Act (Fish & G. Code, §§ 1927-1927.12), prior to the relocation, encroachment, removal, or take (California Fish and Game



Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of WJT, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085 and §§ 1927-1927.12). Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a WJT if all of the following conditions are met: (1) The Project Proponent submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height, b. One meter or greater but less than five meters in height, and c. Five meters or greater in height. (2) The Project Proponent avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The Project Proponent mitigates all impacts to, and taking of, the western Joshua tree through the payment of in lieu mitigation fees. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem or trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the Project Proponent to relocate one or more of the western Joshua trees.

#### Pages 26, in response to Comment 7.

Initially, the CDFW considered any disturbance within 50 feet of a Western Joshua tree (either on-site or off-site) as a "take" and therefore, even if the tree would not be removed, a permit for impacts is required. **Therefore, Mitigation Measure BIO-3 would apply:**

**BIO-3. Western Joshua Tree (NEW).** The western Joshua tree (WJT) is a candidate threatened species under the California Endangered Species Act. If WJT individuals are to be relocated, encroached upon, removed, or otherwise taken, the Project Proponent shall obtain an incidental take permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Section 2081b of the California Endangered Species Act (CESA), or any other appropriate take authorization under CESA or under the WJT Conservation Act (Fish & G. Code, §§ 1927-1927.12), prior to the relocation, encroachment, removal, or take (California Fish and Game Code Section 86 defines "take" as "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill") of WJT, a Candidate for Threatened CESA-listed species. Take of any CESA-listed species is prohibited except as authorized by state law (Fish and Game Code, §§ 2080 & 2085 and §§ 1927-1927.12). Mitigation for CESA will occur at a minimum 1:1 or per the stem count per the WJTCA census in lieu fee. Per Section 1927.4 of the WJTCA, CDFW may authorize, by permit, the taking of a WJT if all of the following conditions are met: (1) The Project Proponent submits to CDFW for its approval a census of all western Joshua trees on the Project site, including photographs, that categorize the trees according to the following size classes: a. Less than one meter in height, b. One meter or greater but less than five meters in height, and c. Five meters or greater in height. (2) The Project Proponent avoids and minimizes impacts to, and the taking of, the western Joshua tree to the maximum extent practicable. Minimization may include trimming, encroachment on root systems, relocation, or other actions that result in detrimental but nonlethal impacts to western Joshua tree. (3) The Project Proponent mitigates all impacts to, and taking of, the western Joshua tree through the

payment of in lieu mitigation fees. Each western Joshua tree stem or trunk arising from the ground shall be considered an individual tree requiring mitigation, regardless of proximity to any other western Joshua tree stem or trunk. Mitigation is required of all trees, regardless of whether they are dead or alive. (4) CDFW may require the Project Proponent to relocate one or more of the western Joshua trees.

#### Pages 29, in response to Comment 5.

~~BIO-1 Burrowing Owl Take Avoidance Survey. Prior to the initiation of construction activities ((i.e., grubbing, clearing, staging, digging), a "take avoidance survey" should be conducted by a qualified Biologist for the project site and surrounding 500 ft radius utilizing the methodology provided in CDFW's 2012 Staff Report on Burrowing Owl Mitigation. This survey should be conducted no more than 14 days prior to initiation of ground disturbance activities. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed. Should no Burrowing Owls be detected during the initial "take avoidance survey", Initial Study / Mitigated Negative Declaration City of Hesperia, Tract Map No. 20674 the survey should be repeated within 24 hours prior to ground disturbance to determine if the Project site contains burrowing owl or sign thereof to avoid any potential impacts to the species. The surveys shall include 100 percent coverage of the Project site. If both surveys reveal no burrowing owls, active burrowing owl burrows or perch sites are present or with active sign (molted feathers, cast pellets, prey remains, eggshell fragments, decoration, or excrement) thereof, no additional actions related to this measure are required and a letter report shall be prepared by the qualified biologist documenting the results of the survey including all requirements for survey reports (page 30 of the 2012 Staff Report). The letter report shall be submitted to CDFW for review prior to construction.~~

~~If burrowing owl, active burrows or signs thereof are found the qualified biologist shall prepare and implement a plan for avoidance, minimization, and mitigation measures to be review and approved by CDFW for review and approval at least 30 days prior to initiation of ground disturbing activities. The Burrowing Owl Plan shall describe proposed avoidance, minimization, and monitoring actions. The Burrowing Owl Plan shall include the number and location of occupied burrow sites, acres of burrowing owl habitat that will be impacted, details of site monitoring, and details on proposed buffers and other avoidance measures if avoidance is proposed. Project activities shall not occur within 1000 feet of an active burrow until CDFW approves the Burrowing Owl Plan.~~

~~If the Project cannot ensure burrowing owls and their burrows are fully avoided, consultation with CDFW is warranted to discuss how to implement the Project and avoid take; or if avoidance is not feasible, to potentially acquire an ITP prior to any ground disturbing activities, pursuant Fish and Game Code section 2081 subdivision (b). Full mitigation often involves the permanent conservation of quality habitat, benefiting the species through a conservation easement, along with habitat enhancement and ongoing management funded appropriately. Passive relocation, performed according to the Staff Report on Burrowing Owl Mitigation, may be authorized through the incidental take permit as a minimization measure.~~

**BIO-1. Burrowing Owl take Avoidance Survey Pre-Construction Owl Surveys.** Prior to the issuance of a grading permit, a preconstruction survey for Burrowing Owls shall be conducted in accordance with California Department of Fish and Wildlife approved protocols in the Staff Report on Burrowing Owl Mitigation (CDFG 2012 or most recent version), for each species no more than 30-days prior to ground- disturbing activities in accordance with best practices identified by the California Department of Fish and Wildlife. If ground-disturbing activities are delayed for more than 30 days (including the restarting of activities after project/ground-disturbing delays of 30 days or more), additional surveys will be required. If burrowing owls are observed on the project site or within the vicinity of the Project site at any time during future surveys, the California Department of Fish and Wildlife shall be immediately notified, and the Project Proponent shall fully avoid impacts to burrowing owl or should obtain a CESA ITP and mitigation measures shall be required to reduce impacts to less than significant. Acceptable mitigation measures are described in the Staff Report on Burrowing Owl Mitigation, State of California Natural Resources Agency, Department of Fish and Game, March 7, 2012.

**Pages 31-32, in response to Comment 6.**

~~BIO-1~~ **BIO-2. Pre-Construction Nesting Bird Survey.** Prior to **any ground disturbing activities and** the issuance of a grading permit, the following note **nesting bird surveys** shall be **completed** ~~placed on the grading plan.:~~

**“Regardless of the time of year and within 3 days prior to any ground disturbing Project activities** During the nesting bird season (between March 15 and September 15), a qualified **avian** biologist shall conduct pre-project nesting bird surveys, implement nest buffers, and conduct monitoring at all active nests within the work area and surrounding 300-foot buffer. Nesting bird surveys shall be conducted by a qualified **avian** biologist within 300 feet of all work areas, no more than 3 days prior to commencement of **Project activities**. If active nests containing eggs or young are found, a qualified **avian** biologist shall establish an appropriate nest buffer. Nest buffers are species-specific and **determined by the qualified avian biologist and** range from 15 to 100 feet for passerines and 50 to 300 feet for raptors, depending on the planned activity’s level of disturbance, site conditions, and the observed bird behavior. Established buffers shall remain until a qualified **avian** biologist determines that the young have fledged or the nest is no longer active. Active nests shall be monitored until the biologist has determined that the young have fledged or the project is finished. The qualified biologist has the authority to stop work if nesting pairs exhibit signs of disturbance. **If at any time during Project activities, a California Endangered Species Act listed bird species is observed nesting on site, the Project Proponent shall immediately halt Project activities and contact CDFW Inland Deserts Region 6.”**

**Page 79, in response to Comment 5, 6, and 7.**

**Conclusion**

Construction or installation of utilities and service systems may impact Biological Resources, Cultural Resources, Geology and Soils (Paleontological Resources), and Tribal Cultural Resources. Mitigation Measures BIO-1, BIO-2, **and BIO-3**, CR-1, CR-2, GEO-1, and TCR-1 and TCR-2 are required.

## Page 83, in response to Comment 5, 6, and 7.

### Impact Analysis

The analysis of potential environmental impacts in Section 4.0, Environmental Analysis, of this Initial Study concluded that the Project would have no impact or a less than significant impact for all environmental topics, except for Biological Resources, Cultural Resources, Geology and Soils (Paleontological Resources), Tribal Cultural Resources, and Utilities and Service Systems (installation of facilities that involves disturbance of previously undisturbed land). For these resources, the Mitigation Measures listed below are required: BIO-1, ~~Western Joshua Tree Take Permit~~ **Pre-Construction Owl Surveys**. BIO-2, ~~Pre-Construction Burrowing Owl Survey~~ **Pre-Construction Nesting Bird Survey**. BIO- 3, ~~Pre-Construction Nesting Bird Survey~~ **Western Joshua Tree**; CR-1, Discovery of Unknown Archaeological Resources; CR-2, Archaeological Treatment Plan, GEO- 1, Discovery of Unknown Paleontological Resources; CR-1, TCR-1 Yuhaaviatam of San Manuel Nation; TCR-2. Documentation of Tribal Cultural Resources.

## Page 84, in response to Comment 7.

As shown in [Figure 4.4.1, Location of Joshua Trees](#), preservation or relocation on-site is not a viable option and would essentially prevent the development of the site as envisioned under the City's General Plan. Therefore, Mitigation Measure ~~BIO-1~~ **BIO-3** is recommended.

Wildlife will also be impacted by development activities and those species with limited mobility (i.e., small mammals and reptiles) will experience increases in mortality during the construction phase. More mobile species (i.e., birds, large mammals) will be displaced into adjacent areas and will likely experience minimal impacts. Based on the field survey and habitat assessment, none of the special status wildlife species reported from the region will be adversely affected by site development. Although burrowing owl was not present, because of the migratory nature of the species, a pre-construction survey is required per Mitigation Measure ~~BIO-2~~ **BIO-1**, Pre-Construction ~~Burrowing~~ Owl Surveys.

Approximately 21 California junipers are present. Other dominant perennials include rubber rabbitbrush, paper bag bush, Nevada joint-fir, and Cooper's goldenbush. This vegetation can provide nesting for migratory birds. The California Fish and Game Code prohibits take of all birds and their active nests, including raptors and other migratory nongame birds (As listed under the Migratory Bird Treaty Act). Typically, CDFW requires that vegetation not be removed from a project site between March 15 and September 15 to avoid impacts to nesting birds. If it is necessary to commence project construction between March 15 and September 15, a qualified biologist should survey all shrubs and structures within the project site for nesting birds, prior to project activities (including construction and/or site preparation). If it is necessary to commence project construction between March 15 and September 15, Mitigation Measure ~~BIO-3~~ **BIO-2**, Pre- Construction Nesting Bird Survey, shall apply.