

**FINDINGS OF FACT IN SUPPORT OF A  
STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE  
HESPERIA BIG BOX RETAIL PROJECT  
ENVIRONMENTAL IMPACT REPORT  
STATE CLEARINGHOUSE NO. 2024110259**

## 1.0 INTRODUCTION

These Findings of Fact (“Findings”) address the significant environmental effects associated with the Hesperia Big Box Retail Project (“Project”), as evaluated in the certified Final Environmental Impact Report (“Final EIR”) (State Clearinghouse No. 2024110259). These Findings are adopted by the City of Hesperia (“City”) in its capacity as Lead Agency under the California Environmental Quality Act (CEQA) (Public Resources Code § 21000 et seq.) and the CEQA Guidelines (14 California Code of Regulations [CCR] § 15000 et seq.), including but not limited to, CEQA Guidelines Sections 15091, 15093, 21081, 21081.5, and 21081.6.

The Final EIR evaluates the potential environmental effects of the Project, identifies feasible mitigation measures to reduce or avoid significant environmental effects, and analyzes a reasonable range of Project alternatives. In adopting these Findings, the City also adopts the Mitigation Monitoring and Reporting Program (“MMRP”), which ensures implementation of the mitigation measures pursuant to Public Resources Code Section 21081.6.

### 1.1 Project Summary

As defined by the CEQA Guidelines Section 15378(a), the Project is a discretionary action undertaken by a public agency that may result in a direct or reasonably foreseeable indirect physical change in the environment.

The Project involves the development of a big-box retail center, fuel station, and automated carwash facilities on approximately 25.4 acres. The project site is divided into two areas: the northern portion (APN 0405-062-72), located north of Amargosa Road, and the southern portion (APNs 0405-062-73 and 3064-481-25), located south of Amargosa Road. The Project would require removal of existing on-site vegetation and grading of both parcels to accommodate the proposed development.

The northern portion of the site is approximately 16.7 acres and would be developed with a 167,664-square-foot big-box retail building and approximately 672 surface parking spaces. The retail building would be located in the northern portion of this parcel, with parking areas primarily to the east and south.

The southern portion of the site is approximately 8.67 acres and would be developed with a fuel station and automated carwash facility. The fuel station would include up to 14 pumps (28 fueling positions), 3 underground storage tanks, a 205-square-foot kiosk/office building containing a restroom, equipment room, and office space, and a canopy approximately 13.5 feet in height (measured from finished floor to bottom of canopy) displaying tenant signage. The fuel station would be located on the western portion of the parcel near the intersection of Amargosa Road and Key Pointe Drive. The automated carwash facility would be located on the eastern portion of the parcel, closer to Interstate 15 and would include three an approximately 1,791-square-foot wash bay, an approximately 832-square-foot equipment room, and 12 on-site parking spaces.

As part of the Project's discretionary approvals, a Conditional Use Permit would be required to allow development and operation of the retail building with alcohol sales, the fuel station, and the carwash. In addition, the Project would require ministerial permits, including but not limited to site development, grading, building, and sign permits.

## 1.2 Project Objectives

CEQA Guidelines Section 15124(b) requires a statement of project objectives to assist the lead agency in developing a reasonable range of alternatives and in preparing findings and, if necessary, a statement of overriding considerations. The objectives describe the underlying purpose of the Project.

The underlying purpose of the Project is to develop a modern, full-service big-box retail center that activates an underutilized site, enhances local access to goods and services, and supports the City of Hesperia's long-term economic development goals. The Project aims to meet growing community demand for convenient, competitively priced retail and automotive services while generating new employment opportunities and increasing revenues through sales tax contributions.

The specific objectives of the Project are to:

- Objective 1: Contribute to the economic vitality of the City of Hesperia and the broader region through new capital investment and the productive use of an underutilized, undeveloped site.
- Objective 2: Develop and operate a state-of-the-art big-box retail center that offers competitively priced goods and services from nationally recognized retailers as well as regional and local businesses, serving the needs of the local and regional community.
- Objective 3: Provide a retail facility in a location that is easily accessible to customers, employees, and the community, with proximity to major transportation corridors and existing infrastructure.
- Objective 4: Locate the project in an area already served by adequate roadway, utility, and service infrastructure to minimize the need for new public investment and reduce environmental impacts.
- Objective 5: Incorporate architectural and landscaping design features that reduce the perceived scale and mass of the development, enhance visual appeal, and complement the surrounding built environment.
- Objective 6: Create new employment opportunities and expand the City's retail and service offerings, contributing to a more diverse and resilient local economy.
- Objective 7: Establish a facility of sufficient size and layout to accommodate a variety of services under one roof.
- Objective 8: Provide sufficient on-site parking to meet customer demand and prevent parking spillover, parking impacts on adjacent businesses, and residential areas.
- Objective 9: Strengthen the City's retail tax base and generate additional sales tax revenue to support municipal services and infrastructure.
- Objective 10: Meet community demand for automotive-related services, including fuel sales, car wash facilities, and tire services, in a convenient and integrated setting.

### 1.3 Purpose and Legal Requirements

Pursuant to CEQA Guidelines Section 15091, a public agency may not approve a project with significant environmental effects identified in an EIR unless it makes one or more written findings, supported by substantial evidence in the record, that:

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

When significant effects remain unavoidable, CEQA Guidelines Section 15093 requires the lead agency to adopt a Statement of Overriding Considerations (“SOC”), balancing the project’s benefits against its unavoidable adverse environmental effects. If the benefits outweigh the adverse effects, the lead agency may approve the project notwithstanding those effects.

### 1.4 Records of Proceedings

The record of proceedings for the Project consists of all documents and materials described in Public Resources Code Section 21167.6(e) and maintained by the City of Hesperia Planning Department, including but not limited to:

- The Notice of Preparation, Notice of Availability, and all other public notices issued by the City in connection with the Project;
- The Draft EIR and all technical appendices, memoranda, and documents incorporated by reference;
- All written comments received during the public review period on the Draft EIR and the City’s responses thereto;
- The Final EIR;
- The Mitigation Monitoring and Reporting Program;
- All reports, studies, maps, staff reports, and planning documents prepared by or for the City relating to CEQA compliance or Project approval;
- All documents submitted by public agencies or members of the public in connection with the Project;
- Minutes and/or transcripts of all public meetings and hearings held in connection with the Project;
- All resolutions adopted by the City concerning the Project;
- Matters of common knowledge to the City, including applicable federal, State, and local laws and regulations; and
- Any other materials required to be included pursuant to Public Resources Code Section 21167.6(e)

The official record of proceedings is available at the City of Hesperia Planning Department, 9700 Seventh Avenue, Hesperia, California 92345.

## 1.5 Independent Judgment

Pursuant to Public Resources Code Section 21082.1(c), the City affirms that the Final EIR and these Findings reflect the City's independent judgment and analysis as Lead Agency. The City has reviewed and considered the Draft and Final EIR, the MMRP, all public and agency comments, and the entire administrative record prior to certifying the Final EIR and approving the Project.

The City finds that the Final EIR constitutes a complete, accurate, and adequate disclosure of the environmental effects of the Project and complies with CEQA and the CEQA Guidelines.

## 2.0 ENVIRONMENTAL IMPACTS FOUND TO HAVE NO IMPACT

As documented in the Notice of Preparation circulated from November 7, 2024 to December 6, 2024, and as analyzed and confirmed in the Draft and Final EIR, the City determined that the Project would result in no impact with respect to certain environmental issue areas evaluated pursuant to the CEQA Guidelines Appendix G thresholds of significance.

Based on the environmental analysis contained in Section 1.5 of the Draft EIR, as well as all comments received during the public review process, no substantial evidence in the record demonstrates that the Project would result in an impact in the issue areas identified below. Accordingly, no mitigation measures are required, and no further CEQA findings are necessary for these topics. Each determination is supported by substantial evidence in the administrative record.

### Aesthetics and Visual Resources

***“Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State Scenic Highway?”***

**Basis for Conclusion:** There are no State-designated or San Bernardino County-designated scenic highways located in the vicinity of the project site. Because the project site is not visible from, nor located within the viewshed of, a designated scenic highway, the Project would not damage scenic resources within a State Scenic Highway. Therefore, the Project would result in no impact. (Draft EIR Section 1.5.1)

### Agriculture and Forestry Resources

***“Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?”***

***“Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract?”***

***“Would the project conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?”***

***“Would the project result in the loss of forest land or conversion of forest land into non-forest use?”***

***“Would the project involve other changes in the existing environment which, due to their location or nature, could result in the conversion of farmland to non-agricultural use or conversion of forest land to non-forest use?”***

**Basis for Conclusion:** According to the California Department of Conservation Farmland Mapping and Monitoring Program, the project site does not contain Prime Farmland, Unique Farmland, or Farmland of Statewide or Local Importance and is designated as Grazing Land. The site is not subject to an active Williamson Act contract. In addition, the project site is zoned Regional Commercial (RC), which does not allow for agricultural, forestry, or timberland uses. (Draft EIR Section 1.5.2)

No forest land, timberland, or timberland production zones are present on or adjacent to the project site. The Project would not result in the loss or conversion of agricultural or forest resources. Therefore, the Project would result in no impact to agriculture and forestry resources. (Draft EIR Section 1.5.2)

## Cultural Resources

***“Would the project cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?”***

**Basis for Conclusion:** The project site is vacant and undeveloped, and no known historic resources have been identified on the site. Based on the cultural resources analysis included in the EIR, implementation of the Project would not result in an adverse change in the significance of a historical resource as defined by CEQA. Therefore, the Project would result in no impact. (Draft EIR Section 1.5.3)

## Geology and Soils

***“Would the project directly or indirectly cause potential substantial adverse effects, including the risks of loss or death involving the 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?”***

**Basis for Conclusion:** According to the most recent Alquist-Priolo Fault Zone and Seismic Hazard Zone Map, no known earthquake faults are located near or known to traverse the project site. Therefore, the Project would not directly or indirectly cause potential substantial adverse effects involving rupture of a known earthquake fault. No impact would occur. (Draft EIR Section 1.5.4)

***“Would the project 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?”***

**Basis for Conclusion:** The Project would connect to the City’s existing sewer system and would not use septic tanks or alternative wastewater disposal systems. Therefore, soils incapable of supporting such systems are not relevant to the Project. No impact would occur. (Draft EIR Section 1.5.4)

## Hazards and Hazardous Materials

***“Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?”***

**Basis for Conclusion:** The schools nearest the project site are Mission Crest Elementary School, located at 13065 Muscatel Street, approximately 1.1 miles south of the project site, and Canyon Ridge High School, located at 12850 Muscatel Street, approximately 1.1 miles south of the project site. As such, the closest school is located outside of a 0.25-mile radius around the project site. Therefore, the Project would not expose schools to hazardous materials emissions and no impact would occur. (Draft EIR Section 1.5.5)

***“Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?”***

**Basis for Conclusion:** A review of the Cortese List databases maintained by the Department of Toxic Substances Control and State Water Resources Control Board indicates that the project site is not listed as a hazardous materials site. Therefore, no impact would occur. (Draft EIR Section 1.5.5)

***“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?”***

**Basis for Conclusion:** No public airports or public-use airports are located within two miles of the project site. Hesperia Airport is a privately owned facility located approximately five miles southeast of the site, and the project site is outside all airport safety zones and noise contours. Therefore, the Project would not result in an airport-related safety hazard or excessive noise for people residing or working on the project site and no impact would occur. (Draft EIR Section 1.5.5)

***“Would the project expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?”***

**Basis for Conclusion:** The project site is not located within a Very High Fire Hazard Severity Zone (“VHFHSZ”), and surrounding development is suburban in character without topographic or vegetative conditions that would exacerbate wildfire risk. Therefore, the Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires, and no impact would occur. (Draft EIR Section 1.5.5)

## Land Use and Planning

***“Would the project physically divide an established community?”***

**Basis for Conclusion:** The Project consists of a retail building, fuel station, and carwash facility and does not include the construction of new roadways or linear infrastructure that would divide neighborhoods. The project site is located in an area planned for commercial development and would not divide an established community. Therefore, the Project would result in no impact. (Draft EIR Section 1.5.6)

## Mineral Resources

***“Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?”***

***“Would the project result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?”***

**Basis for Conclusion:** The Hesperia General Plan and General Plan EIR do not identify known mineral resources of regional or statewide importance on the project site. The project site is not designated as a locally important mineral resource recovery area under applicable land use plans. Therefore, the Project would result in no impact to mineral resources. (Draft EIR Section 1.5.7)

## Noise

***“For a project located within the vicinity of a private airstrip or an airport land use plan, or, where such a plan has not been adopted, within two miles of a public airport or public use***

***airport, would the project expose people residing or working in the project area to excessive noise levels?”***

**Basis for Conclusion:** As discussed above, no public airports are located within two miles of the project site, and the site is located outside airport noise contours associated with the Hesperia Airport. Accordingly, the Project would result in no impact related to airport or airstrip noise. (Draft EIR Section 1.5.8)

## Population and Housing

***“Would the project displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?”***

**Basis for Conclusion:** The project site is vacant and undeveloped and does not contain housing or residents. The Project would not displace people or housing and would not necessitate construction of replacement housing. Therefore, the Project would result in no impact. (Draft EIR Section 1.5.9)

## Public Services

***“Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: parks?”***

**Basis for Conclusion:** The Project does not include residential uses and would not induce population growth that would increase the demand for parks. As a result, no new or expanded governmental facilities would be required. Therefore, the Project would result in no impact to parks. (Draft EIR Section 1.5.10)

***“Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services: other public facilities?”***

**Basis for Conclusion:** The Project does not include residential uses and would not induce population growth that would increase the demand for libraries or other public facilities. As a result, no new or expanded governmental facilities would be required. Therefore, the Project would result in no impact on other public facilities. (Draft EIR Section 1.5.10)

## Recreation

***“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?”***

***“Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?”***

**Basis for Conclusion:** Because the Project does not include residential uses or generate population growth, it would not increase demand on existing recreational facilities. The Project does not propose recreational facilities or require expansion of existing facilities. Therefore, the Project would result in no impact. (Draft EIR Section 1.5.11)

## Wildfire

***“Would the project, due to slope, prevailing winds, and other factors, exacerbate wildfire risks and thereby expose project occupants to pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?”***

**Basis for Conclusion:** The project site is not located within a VHFHSZ, as designated by the California Department of Forestry and Fire Protection. Adjacent areas to the project site are suburban and do not contain hillsides or other factors that could exacerbate wildfire risks. Accordingly, the Project would not exacerbate wildfire risks or expose Project occupants to increased wildfire-related pollutant concentrations. Therefore, no impact would occur. (Draft EIR Section 1.5.12)

***“Would the project require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?”***

**Basis for Conclusion:** The project site is not located within a VHFHSZ. The Project would not require installation of fuel breaks, emergency fire infrastructure, or other facilities that would increase wildfire risk. While the Project would involve the extension and connection of standard utility services to serve the proposed commercial uses, such infrastructure would be constructed in accordance with applicable codes and regulations and would not exacerbate wildfire risk or result in wildfire-related environmental impacts. Accordingly, the Project would result in no impact. (Draft EIR Section 1.5.12)

***“Would the project expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?”***

**Basis for Conclusion:** The project site is not located within a VHFHSZ and is situated on relatively flat terrain that does not include, and is not adjacent to, steep slopes. The Project would not involve grading or engineering of large slopes that could be susceptible to post-fire instability. In addition, the Project includes the design and installation of on-site and off-site drainage facilities in compliance with applicable regulations. As a result, the Project would not expose people or structures to increased risks of downslope or downstream flooding, landslides, or other wildfire-related secondary hazards. Therefore, the Project would result in no impact. (Draft EIR Section 1.5.12)

### 3.0 ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT (NO MITIGATION REQUIRED)

As documented in Draft and Final EIR, the City determined, based on applicable CEQA Guidelines Appendix G threshold of significance, that the Project would result in less than significant project-level and cumulative impacts for the environmental issue areas identified below. No mitigation measures are required for these impact categories.

Where potential impacts are reduced to a less than significant level through compliance with existing federal, State, and local regulations, standards, and policies, such requirements are considered part of the Project and are relied upon to avoid or substantially lessen environmental effects.

Based on the analysis contained in the EIR and the comments received during the public review process, no substantial evidence was submitted to or identified by the City demonstrating that the Project would result in a significant project-level or cumulative impact for the issue areas discussed in this section .

#### Aesthetics

***“Would the project have a substantial adverse effect on a scenic vista?”***

**Basis for Conclusion:** The project site is not located within or adjacent to a designated scenic vista, and implementation of the Project would not obstruct or degrade views of scenic resources from publicly accessible viewpoints. Accordingly, the Project would not have a substantial adverse effect on a scenic vista. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.1-9)

***“Would the project, in non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from a publicly accessible vantage point.) In an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?”***

**Basis for Conclusion:** The project site is located within an urbanized area designated for commercial development. The Project would be consistent with applicable zoning regulations and design standards governing visual character and scenic quality. The proposed buildings, site layout, and landscaping would be compatible with surrounding development and would not substantially degrade public views from publicly accessible vantage points. Therefore, impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.1-9 to 4.1-10)

***“Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?”***

**Basis for Conclusion:** The Project would include exterior lighting consistent with applicable City standards and regulations intended to minimize light spillover and glare, including shielding and directional lighting requirements. With compliance with these existing regulations, the Project would not create a new source of substantial light or glare that would adversely affect day or nighttime views. Accordingly, impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.1-10 to 4.1-12)

## Air Quality

***“Would the project conflict with or obstruct implementation of the applicable air quality plan?”***

**Basis for Conclusion:** The project site is located within the jurisdiction of the Mojave Desert Air Quality Management District (MDAQMD). As analyzed in the EIR, the Project would be consistent with the applicable State Implementation Plan, the California Clean Air Act attainment plans, and MDAQMD’s Federal Particulate Matter and Ozone Attainment Plans. The Project would not interfere with or obstruct implementation of adopted air quality plans, including control measures intended to attain and maintain the National Ambient Air Quality Standards (NAAQS) and California Ambient Air Quality Standards (“CAAQS”). Accordingly, impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.2-23 to 4.2-24)

***“Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or State ambient air quality standard?”***

**Basis for Conclusion:** The EIR evaluated construction and operational emissions of criteria pollutants, including ozone precursors (reactive organic gases [ROG] and nitrogen oxides [NO<sub>x</sub>]) and particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>). Emissions associated with the Project would not exceed MDAQMD mass emission thresholds and would not result in a cumulatively considerable net increase of any criteria pollutant for which the region is designated nonattainment. Therefore, impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.2-24 to 4.2-28)

***“Would the project expose sensitive receptors to substantial pollutant concentrations?”***

**Basis for Conclusion:** A health risk assessment was conducted as part of the EIR to evaluate potential exposure of sensitive receptors to toxic air contaminants associated with project-related emissions. The analysis demonstrated that both carcinogenic and non-carcinogenic health risks would remain within applicable regulatory thresholds established by MDAQMD and the California Air Resources Board. Accordingly, the Project would not expose sensitive receptors to substantial pollutant concentrations. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.2-28 to 4.2-30)

***“Would the project result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?”***

**Basis for Conclusion:** The Project would not generate objectionable odors or other emissions regulated as nuisances under MDAQMD Rule 402. The proposed land uses are not typically associated with odor-generating activities, and the Project would comply with all applicable air quality regulations. As a result, the Project would not adversely affect a substantial number of people due to odor emissions. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.2-30)

## Biological Resources

***“Would the project have a substantial adverse effect on a State or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?”***

**Basis for Conclusion:** As documented in the EIR, the project site does not contain State- or federally protected wetlands or other jurisdictional waters subject to regulation under Section 404 of the Clean Water Act or the Porter-Cologne Water Quality Control Act. No wetlands or other aquatic resources were identified within the Project footprint that would be directly or indirectly affected by Project construction or operation. Accordingly, implementation of the Project would not result in direct removal, filling, hydrological interruption, or other adverse effects to protected wetlands. Therefore, impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.3-10)

## Cultural Resources

***“Would the project disturb any human remains, including those interred outside of dedicated cemeteries?”***

**Basis for Conclusion:** No dedicated cemeteries or other places of human interment are present on or adjacent to the project site. While the discovery of human remains during construction is unlikely, existing State law provides a comprehensive regulatory framework to address such as occurrence. Pursuant to Health and Safety Code Section 7050.5, work would be halted in the area of discovery until the County Coroner has made the necessary findings as to origin and disposition of the remains. If the remains are determined to be of Native American origin, procedures set forth in Public Resources Code Section 5097.98, under the jurisdiction of the Native American Heritage Commission, would be followed. Compliance with this existing regulatory framework is incorporated into the Project and would ensure that any inadvertent discovery of human remains is appropriately addressed. Accordingly, the Project’s potential impacts related to disturbance of human remains would be less than significant and no mitigation is required. (Draft EIR at p. 4.4-7)

## Energy

***“Would the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during Project construction or operation?”***

**Basis for Conclusion:** As analyzed in the EIR, the Project’s construction and operational energy demands would be typical for development of the proposed commercial uses and would not involve wasteful, inefficient, or unnecessary consumption of energy resources. Construction activities would occur over a limited duration and utilize standard construction practices, while operational energy use would comply with applicable State and local energy efficiency standards, including the California Building Energy Efficiency Standards. With compliance to these existing requirements, the Project would use energy resources in an efficient manner consistent with regulatory expectations and regional energy planning assumptions. Accordingly, the Project would not result in a potentially significant environmental impact related to energy consumption. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.5-12 to 4.5-18)

***“Would the project conflict with or obstruct a State or Local plan for renewable energy or energy efficiency?”***

**Basis for Conclusion:** As analyzed in the EIR, the Project would comply with applicable State and local energy efficiency and sustainability requirements, including the California Building Energy Efficiency Standards (Title 24, Part 6), the California Green Building Standards Code (Title 24, Part 11), and applicable

regional planning documents, including the Southern California Association of Governments' (SCAG) 2024-2050 Regional Transportation Plan/Sustainable Communities Strategy. The Project would not interfere with or obstruct implementation of adopted plans or policies intended to promote renewable energy use or energy efficiency. Accordingly, the Project would not conflict with or obstruct a State or local renewable energy or energy efficiency plan. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.5-18)

## Geology and Soils

***“Would the project directly or indirectly cause potential substantial adverse effects, including the risks of loss or death involving seismic-related ground failure, including liquefaction?”***

**Basis for Conclusion:** According to the most recent Seismic Hazard Zone Map prepared by the California Geological Survey, the project site is not located within a mapped liquefaction hazard zone. In addition, the Project would be required to comply with all applicable City and California Building Code seismic design standards. Any site-specific geotechnical conditions encountered during Project implementation would be addressed through preparation and implementation of final geotechnical investigations and adherence to applicable engineering recommendations and regulatory requirements. Compliance with these existing regulations and standards is incorporated into the Project. Accordingly, the Project would not expose people or structures to substantial risks associated with seismic-related ground failure, including liquefaction. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.6-5)

***“Would the project result in substantial soil erosion or the loss of topsoil?”***

**Basis for Conclusion:** The Project would involve grading and earth-disturbing activities that could temporarily expose surface soils to erosion. However, because construction would disturb more than one acre, the Project would be required to comply with the National Pollutant Discharge Elimination System (NPDES) Construction General Permit. Compliance with this permit requires preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) incorporating erosion and sediment control best management practices (BMPs) designed to minimize soil erosion and prevent off-site sediment transport. Project construction would be subject to applicable federal, State, and local erosion control regulations and standards. Compliance with these existing regulatory requirements is incorporated into the Project and would effectively control erosion during construction activities. Accordingly, the Project would not result in substantial soil erosion or loss of topsoil. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.6-5)

## Greenhouse Gas Emissions

***“Would the project generate greenhouse gas emissions, either directly or indirectly, that could have a significant impact on the environment?”***

**Basis for Conclusion:** As analyzed in the EIR, the Project would generate greenhouse gas (GHG) emissions from construction activities and long-term operational sources. However, the Project would comply with applicable State and local regulations and policies aimed at reducing GHG emissions, including the California Building Energy Efficiency Standards, the California Green Building Standards Code, and vehicle efficiency and fuel standards adopted by the State. The Project's GHG emissions would be consistent with

applicable GHG reduction strategies and would not conflict with State goals for reducing emissions. Based on the analysis in the EIR, Project-related GHG emissions would not exceed applicable thresholds and would not result in a cumulatively considerable contribution to climate change. Accordingly, the Project would not generate GHG emissions that would have a significant environmental impact. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.7-16 to 4.7-18)

***“Would the project conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gas emissions?”***

**Basis for Conclusion:** As analyzed in the EIR, the Project would be consistent with applicable plans, policies, and regulations adopted for the purpose of reducing GHG emissions. These include, but are not limited to, the San Bernardino County Regional Greenhouse Gas Reduction Plan, SCAG’s Connect SoCal (2020), SCAG’s Connect SoCal 2024 Regional Transportation Plan/Sustainable Communities Strategy, and the California Air Resources Board’s 2022 Climate Change Scoping Plan. The Project would comply with applicable regulatory requirements and would not interfere with implementation of these plans or policies. Accordingly, the Project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the GHG emissions. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.7-18 to 4.7-27)

## Hazards and Hazardous Materials

***“Would the project impair implementation of or physically interfere with an emergency response plan or emergency evacuation plan?”***

**Basis for Conclusion:** The Project would not impair the implementation of, or physically interfere with, any adopted emergency response or emergency evacuation plan. As analyzed in the EIR, the Project would be designed and operated in a manner consistent with applicable local emergency planning documents, including the Hesperia Local Hazard Mitigation Plan, and the City of Hesperia Emergency Operations Plan. The Project would not obstruct emergency access routes, impede evacuation procedures, or otherwise interfere with emergency response operations. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.8-13 to 4.8-14)

***“Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?”***

**Basis for Conclusion:** The Project would involve the routine use and storage of limited quantities of hazardous materials typical of commercial retail, fuel station, and carwash operations. Such activities would be subject to, and required to comply with, applicable federal, State, and local regulations governing the transport, handling, storage, and disposal of hazardous materials, including hazardous waste management, spill prevention, and reporting requirements. Compliance with these existing regulatory requirements is incorporated into the Project and would ensure that hazardous materials are managed in a manner that protects public health and the environment. Accordingly, the Project would not create a significant hazard through the routine transport, use, or disposal of hazardous materials. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.8-14 to 4.8-17)

***“Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?”***

**Basis for Conclusion:** The Project would involve the storage and use of hazardous materials typical of commercial retail, fuel station, and carwash operations. Such activities would be subject to, and required to comply with, applicable federal, State, and local regulations governing hazardous materials management, including requirements for containment, spill prevention, emergency response, and reporting. Facilities would be designed, constructed, and operated in accordance with applicable codes and standards intended to minimize the potential for accidental releases. Compliance with these existing regulatory requirements is incorporated into the Project and would reduce the likelihood and severity of upset or accident conditions involving hazardous materials. Accordingly, the Project would not create a significant hazard to the public or the environment through reasonably foreseeable upset or accident conditions. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.8-17)

## Hydrology and Water Quality

***“Would the project violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?”***

**Basis for Conclusion:** As analyzed in the EIR, the Project would be required to comply with all applicable federal, State, regional, and local water quality regulations and waste discharge requirements. These include, but are not limited to, the City of Hesperia stormwater ordinance, the San Bernardino County Phase II Small Municipal Separate Storm Sewer System (MS4) General Permit, and applicable stormwater management requirements for the Mojave River Watershed. Project construction and operation would incorporate required stormwater management and water quality control measures in accordance with these regulatory programs. Compliance with these existing requirements is incorporated into the Project and would prevent degradation of surface water or groundwater quality. Accordingly, the Project would not violate water quality standards or waste discharge requirements and would not substantially degrade surface or groundwater quality. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.9-8 to 4.9-10)

***“Would the project substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the Project may impede sustainable groundwater management of the basin?”***

**Basis for Conclusion:** As analyzed in the EIR, the Project would not rely on groundwater extraction for its water supply and would be served by the existing municipal water service consistent with applicable water planning documents. The Project would not involve activities that would substantially interfere with groundwater recharge, nor would it result in groundwater withdrawals that could impede implementation of sustainable groundwater management for the basin. In addition, the Project would comply with applicable local and regional water supply and groundwater management requirements. Accordingly, the Project would not substantially decrease groundwater supplies or interfere with groundwater recharge in a manner that would impede sustainable groundwater management. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.9-10 to 4.9-11)

***“Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site?”***

**Basis for Conclusion:** As analyzed in the EIR, the Project would include grading and the addition of impervious surfaces typical of commercial development; however, the Project does not involve alteration of the course of a stream or river. The Project would be designed to incorporate on-site and off-site drainage facilities that would manage stormwater runoff in accordance with applicable City and regional stormwater regulations and design standards. Compliance with these existing drainage and stormwater requirements is incorporated into the Project and would ensure that post-development runoff is properly conveyed and controlled to avoid substantial erosion or siltation on or off the site. Accordingly, the Project would not substantially alter drainage patterns in a manner that would result in erosion or siltation. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.9-11 to 4.9-12)

***“Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?”***

**Basis for Conclusion:** The Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in on-site or off-site flooding; thus, there is no significant impact. (Draft EIR at p. 4.9-12)

***Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?***

**Basis for Conclusion:** As analyzed in the EIR, the Project include grading and the addition of impervious surfaces typical of commercial development; however, the Project would not involve alteration of the course of a stream or river. The Project would be designed to include on-site and off-site drainage improvements that would collect, convey, and manage stormwater runoff in accordance with applicable City standards and regional stormwater management requirements.

Compliance with these existing drainage design standards and regulatory requirements are incorporated into the Project and would ensure that post-development runoff rates and volumes are appropriately controlled so as to avoid on-site or off-site flooding. Accordingly, the Project would not substantially alter drainage patterns in a manner that would increase runoff and result in flooding. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.9-13)

***“Would the project substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would impede or redirect flood flows?”***

**Basis for Conclusion:** As analyzed in the EIR, the Project includes grading and the addition of impervious surfaces typical of commercial development; the Project would not involve alteration of the course of a stream or river. The Project would be designed to include on-site and off-site drainage improvements that would collect, convey, and manage stormwater runoff in accordance with applicable City standards and regional stormwater management requirements. (Draft EIR at pp. 4.9-13 to 4.9-14)

Compliance with these existing drainage design standards and regulatory requirements are incorporated into the Project and would ensure that post-development runoff rates and volumes are appropriately controlled so as to avoid on-site or off-site flooding. Accordingly, the Project would not substantially alter drainage patterns in a manner that would increase runoff and result in flooding. Impacts would be less than significant and no mitigation is required.

***“Would the project, in flood hazard, tsunami, or seiche zones, risk release of pollutants due to Project inundation?”***

**Basis for Conclusion:** The project site is not located within a mapped flood hazard area, tsunami inundation zone, or seiche hazard area. Accordingly, the Project would not be subject to inundation conditions that could result in the release of pollutants. Project design and operation would be subject to applicable stormwater management and hazardous materials regulations, which further reduce the potential for pollutant release. Based on site conditions and compliance with applicable regulatory requirements, the Project would not risk the release of pollutants due to inundation. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.9-14)

***“Would the project conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?”***

**Basis for Conclusion:** The Project would be required to comply with applicable water quality control plans, including the Lahontan Regional Water Quality Control Board Water Quality Control Plan. Project construction and operation would not interfere with implementation of adopted water quality objectives, beneficial uses, or regulatory programs. In addition, the Project is not located within a groundwater basin subject to a Sustainable Groundwater Management Plan under the Sustainable Groundwater Management Act (SGMA). Accordingly, the Project would not conflict with or obstruct implementation of a sustainable groundwater management plan. Based on compliance with applicable water quality regulations and the absence of SGMA applicability, the Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.9-14 to 4.9-15)

## Land Use and Planning

***“Would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?”***

**Basis for Conclusion:** The Project would be consistent with applicable land use plans, policies, and regulations adopted for the purpose of avoiding or mitigating environmental effects. These include, but are not limited to, the SCAG’s Connect SoCal Regional Transportation Plan/Sustainable Communities Strategy, the City of Hesperia General Plan, the Main Street and Freeway Corridor Specific Plan, and the City of Hesperia Municipal Code. The Project would not conflict with land use policies addressing environmental protection, resource conservation, or growth management, and would not result in a significant environmental impact due to inconsistency with adopted land use regulations. Accordingly, impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.10-5 to 4.10-10)

## Noise

***“Would the project result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?”***

**Basis for Conclusion:** The Project would involve construction and operational activities typical of commercial development. Construction-related vibration would be temporary and would not exceed applicable vibration significance thresholds at nearby sensitive receptors. Operational activities associated with the retail center, fuel station, and carwash are not sources typically associated with substantial groundborne vibration or groundborne noise. Accordingly, the Project would not expose persons to or generate excessive groundborne vibration or groundborne noise levels. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.11-39 to 4.11-42)

## Public Services

***“Would the project result in substantial adverse physical impacts associated with the provision of 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 fire protection?”***

**Basis for Conclusion:** The Project would not require the construction of new fire protection facilities or the expansion or physical alteration of existing facilities in order to maintain acceptable service ratios, response times, or other fire protection performance objectives. Fire protection services would be provided by existing service providers consistent with current service capabilities and standards. Because the Project would not necessitate new or expanded fire protection facilities, it would not result in substantial adverse physical impacts associated with such facilities. Accordingly, impacts related to fire protection services would be less than significant and no mitigation is required. (Draft EIR at p. 4.12-7)

***“Would the project result in substantial adverse physical impacts associated with the provision of 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 police protection?”***

**Basis for Conclusion:** The Project would not require the construction of new police protection facilities or the expansion or physical alteration of existing facilities in order to maintain acceptable service ratios, response times, or other police protection performance objectives. Police protection services would be provided by existing service providers consistent with current service capabilities and standards. Because the Project would not necessitate new or expanded police protection facilities, it would not result in

substantial adverse physical impacts associated with such facilities. Accordingly, impacts related to police protection services would be less than significant and no mitigation is required. (Draft EIR at p. 4.12-8)

## Transportation

***“Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities?”***

**Basis for Conclusion:** The Project would be consistent with applicable circulation-related plans, policies, and regulations, including the SCAG’s Connect SoCal Regional Transportation Plan/Sustainable Communities Strategy, the City of Hesperia General Plan, and the Main Street and Freeway Corridor Specific Plan. The Project would be designed to provide appropriate access and circulation for vehicles, pedestrians, and bicycles, and would not interfere with planned or existing transit, roadway, bicycle, or pedestrian facilities. Accordingly, the Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.13-8 to 4.13-10)

***“Would the project substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?”***

**Basis for Conclusion:** The Project would be designed and constructed in compliance with applicable City engineering standards, roadway design criteria, and access requirements. Project access points and internal circulation would be configured to provide safe and efficient vehicular ingress and egress and would not introduce hazardous geometric design features such as sharp curves or unsafe intersections. In addition, the project site and surrounding area are planned for urban commercial uses and are not characterized by land uses involving incompatible traffic, such as agricultural equipment. Accordingly, the Project would not substantially increase transportation hazards due to geometric design features or incompatible land uses. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.13-13 to 4.13-14)

***“Would the project result in inadequate emergency access?”***

**Basis for Conclusion:** The Project would be designed to provide adequate emergency access consistent with applicable City roadway standards, fire access requirements, and emergency response regulations. Site access points, internal circulation, and driveway configurations would accommodate emergency vehicles and would not obstruct emergency response or evacuation routes. Accordingly, the Project would not result in inadequate emergency access. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.13-14)

## Utilities and Service Systems

***“Would the project require or result in the relocation or construction of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects?”***

**Basis for Conclusion:** The Project would be served by existing water supply and distribution infrastructure. Implementation of the Project would not require construction of new or expanded water treatment, conveyance, or storage facilities that would result in significant environmental effects. Any minor connections or on-site improvements necessary to serve the Project would occur within existing rights-

of-way and would not result in substantial environmental impacts. Accordingly, the Project would not require or result in the relocation or construction of new or expanded water facilities that could cause significant environmental effects. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.15-13 to 4.15-14)

***“Would the project have sufficient water supplies available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years?”***

**Basis for Conclusion:** Sufficient water supplies are available to serve the Project and reasonably foreseeable future development during normal, dry, and multiple dry years. The Project would be served by an existing municipal water provider with adequate supply capacity and planning in place to meet projected demands under a range of hydrologic conditions. The Project would be consistent with applicable water supply planning documents and would not require water supplies in excess of those planned and available. Accordingly, the Project would have sufficient water supplies available during normal, dry, and multiple dry years. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.15-14)

***“Would the project require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects?”***

**Basis for Conclusion:** The Project would be served by existing wastewater treatment facilities. Implementation of the Project would not require construction of new or expanded wastewater treatment facilities that would result in significant environmental effects. Any minor connections or on-site improvements necessary to serve the Project would occur within existing rights-of-way and would not result in substantial environmental impacts. Accordingly, the Project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities that could cause significant environmental effects. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.15-14 to 4.15-15)

***“Would the project result in a determination by the wastewater treatment provider, that 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?”***

**Basis for Conclusion:** The Project would be served by the Regional Waste Water Treatment Plant, which has adequate capacity to accommodate the Project’s projected wastewater generation in addition to existing and planned commitments. The Project would not require expansion or construction of new wastewater treatment facilities that could result in significant environmental effects. Accordingly, the Project would not result in a determination by the wastewater treatment provider that it lacks adequate capacity to serve the Project. Impacts related to wastewater treatment capacity would be less than significant and no mitigation is required. (Draft EIR at p. 4.15-15)

***Would the project require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunication facilities, the construction of which could cause significant environmental effects?***

**Basis for Conclusion:** The Project would be served by existing electric power, natural gas, and telecommunication facilities. Implementation of the Project would not require construction of new or

expanded facilities that would result in significant environmental effects. Any minor connections or on-site improvements necessary to serve the Project would occur within existing rights-of-way and would not result in substantial environmental impacts. Accordingly, the Project would not require or result in the relocation or construction of new or expanded electric power, natural gas, or telecommunication facilities that could cause significant environmental effects. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.15-15 to 4.15-16)

***“Would the project generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?”***

**Basis for Conclusion:** The Project would generate solid waste typical of commercial retail, fuel station, and carwash uses. Solid waste generated by the Project would be collected, handled, and disposed of in accordance with applicable State and local regulations and waste management programs. Disposal would occur at permitted facilities, including the Victorville Sanitary Landfill, which has sufficient remaining capacity to accommodate the Project’s waste generation in addition to existing commitments. The Project would also be subject to applicable solid waste reduction and diversion requirements, which support attainment of State and local waste reduction goals. Accordingly, the Project would not generate solid waste in excess of regulatory standards or facility capacity and would not impair attainment of solid waste reduction goals. Impacts would be less than significant and no mitigation is required. (Draft EIR at pp. 4.15-16 to 4.15-17)

***“Would the project comply with federal, state, and local management and reduction statutes and regulations related to solid waste?”***

**Basis Conclusion:** The Project would comply with applicable federal, State, and local solid waste management and reduction statutes and regulations. These include, but are not limited to, the California Integrated Waste Management Act of 1989 (Assembly Bill [AB] 939), AB 1826, AB 341, Senate Bill (SB) 2022, SB 1383, SB 1019, applicable provisions of the California Green Building Standards Code (Title 24, Part 11), and the City of Hesperia Municipal Code, including Chapter 8.04. Compliance with these mandatory regulatory requirements are incorporated into the Project and would ensure proper handling, diversion, recycling, and disposal of solid waste generated by the Project. Accordingly, the Project would comply with applicable solid waste management and reduction statutes and regulations. Impacts would be less than significant and no mitigation is required. (Draft EIR at p. 4.15-17)

## Wildfire

***“Would the project substantially impair an adopted emergency response plan or emergency evacuation plan?”***

**Basis for Conclusion:** According to the CAL FIRE’s Fire Hazard Severity Zone Maps for San Bernardino County and the City of Hesperia General Plan Safety Element (Exhibit SF-2), the project site is not located within a State Responsibility Area (SRA) or a Very High Fire Hazard Severity Zone (VHFHSZ). The project site is located within a Moderate Fire Hazard Severity Zone in a Local Responsibility Area. The Hesperia General Plan Safety Element identifies Main Street as a designated evacuation route. The Project proposes new driveway access on Amargosa Road and Key Pointe Drive and would not require permanent or long-term closure of any public or private streets. Temporary construction activities would be managed to maintain emergency access and would not impede emergency response or evacuation routes. In addition,

the Project would be reviewed by the City and the San Bernardino County Fire Department to ensure compliance with applicable fire codes, access standards, and emergency vehicle requirements. Based on site conditions, circulation design, and compliance with adopted emergency planning and fire access standards, the Project would not substantially impair implementation of an adopted emergency response plan or emergency evacuation plan. Impacts would be less than significant and no mitigation is required. (Draft EIR Section 1.5.12)

## 4.0 ENVIRONMENTAL IMPACTS FOUND TO BE LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED

The EIR analyzed the following potentially significant environmental impacts of the Project. Based on the EIR analysis, compliance with applicable laws, codes, and statutes, and the incorporation of feasible mitigation measures, these project-level and cumulative impacts have been reduced to less than significant.

Pursuant to CEQA Guidelines Section 15091(a)(1), the City finds that “changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid the significant effects on the environment” (“Finding 1”). Where applicable, and pursuant to CEQA Guidelines Section 15091(a)(2), the City further finds that “those changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency” (“Finding 2”).

All mitigation measures identified below are adopted as conditions of Project approval and will be implemented through the MMRP.

### Biological Resources

***“Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS?”***

#### Finding

The City adopts Finding 1 (CEQA Guidelines § 15091(a)(1)). The City finds that MM BIO-1 through MM BIO-5 are feasible, adopted, and would reduce potential impacts to special-status species to a less than significant level. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been incorporated into the Project to mitigate or avoid potentially significant impacts identified in the EIR.

**Basis for Conclusion:** Project construction would include vegetation removal, grading, and construction of a big-box retail building, fuel station, car wash facility, and associated infrastructure. These activities could result in both direct and indirect impacts to special-status plant and wildlife species, including western Joshua tree, burrowing owl, Crotch’s bumble bee, Mohave ground squirrel, desert tortoise, and special-status nesting birds. (Draft EIR at p. 4.3-20)

**Western Joshua Tree.** Western Joshua tree occur throughout the project site and would be removed and/or disturbed by vegetation removal, grading, and construction. Because western Joshua tree is protected under the Western Joshua Tree Conservation Act and is also a candidate for listing under the California Endangered Species Act, the Project could result in a potentially significant impact related to take of western Joshua tree. Implementation of MM BIO-1A requires the Project Proponent to obtain a California Department of Fish and Wildlife (CDFW) Incidental Take Permit (ITP) prior to issuance of grading permits and to implement the permit requirements. If a Western Joshua Tree Conservation Act (WJTCA) ITP is obtained, the Project Proponent would pay statutorily prescribed fees and prepare and implement a Relocation Plan if required by CDFW. If a California Endangered Species Act (CESA) ITP is obtained, the Project Proponent would provide compensatory habitat mitigation through purchase of credits at an agency-approved mitigation bank or through protection of western Joshua tree habitat via acquisition of

fee title or conservation easement, together with funding for long-term management. With implementation of MM BIO-1A (and associated construction controls in MM BIO-1B, MM BIO-1C, and MM BIO-5), impacts to western Joshua tree would be reduced to a less than significant level. (Draft EIR at pp. 4.3-20 to 4.3-21)

**Burrowing Owl.** Suitable habitat occurs on and adjacent to the project site and burrowing owl presence has been documented. Project activities could result in disturbance, injury, or mortality of individuals and/or occupied burrows. Implementation of MM BIO-2A and MM BIO-2B (including preconstruction surveys and a CDFW ITP), together with MM BIO-5, would reduce impacts to burrowing owl to a less than significant level. (Draft EIR at pp. 4.3-21 to 4.3-22)

**Crotch's Bumble Bee.** Although Crotch's bumble bee was not observed during focused surveys, suitable nectar resources and marginal habitat are present, and there is a low-to-moderate potential for occurrence. Project activities could result in direct impacts if the species were present at the time of construction. Implementation of MM BIO-3A through MM BIO-3E (preconstruction surveys, avoidance buffers and coordination, monitoring, revegetation if applicable, and ITP if avoidance is infeasible) would reduce impacts to a less than significant level. (Draft EIR at pp. 4.3-22 to 4.3-23)

**Mohave Ground Squirrel and Desert Tortoise.** The project site is located within an area identified as having potential for Mohave ground squirrel and sparse desert tortoise populations. While focused surveys did not confirm the presence of these species on the project site, potential exists. As stated in the Final EIR in response to CDFW comments, implementation of MM BIO-2C and MM BIO-2D (protocol or guideline-based surveys during the appropriate season/time window, notification requirements, avoidance, and permitting if impacts cannot be avoided) would reduce potential impacts to a less than significant level. (See Draft EIR Table 4.3-1; Final EIR at p. 4.3-29)

**Special-Status Nesting Birds.** The Project could affect special-status nesting birds and other nesting migratory birds if vegetation removal or ground-disturbance occurs while nests are active. Implementation of MM BIO-4A through MM BIO-4C and MM BIO-5 would reduce nesting bird impacts to a less than significant level. (Draft EIR at pp. 4.3-23 to 4.3-24)

### **Mitigation Measures**

**MM BIO-1A Western Joshua Tree Incidental Take Permit.** Prior to the issuance of grading permits, the Project Proponent shall obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW). If a Western Joshua Tree Conservation Act (WJTCA) ITP is obtained, the Project Proponent shall pay statutorily prescribed fees defined in the WJTCA to offset proposed impacts to western Joshua trees as a result of the Project, as well as prepare and implement a Relocation Plan, if required by CDFW. If a CESA ITP is obtained, compensatory habitat mitigation shall be provided through purchase of mitigation credits from an agency-approved mitigation bank or protection of western Joshua tree habitat through acquisition of fee title or conservation easement and funding for long-term management of the habitat.

**MM BIO-1B Biological Monitoring.** A designated biological monitor, knowledgeable in the biology of western Joshua tree, shall be responsible for monitoring project activities through the end of construction to minimize disturbance to western Joshua tree habitat off-site, prevent unlawful take of the species, and ensure that Project activities are confined to authorized

impact areas only. The biological monitor shall have authority to immediately stop any activity that does not comply with the anticipated Incidental Take Permit (ITP) and/or to order any reasonable measure to avoid unauthorized take of western Joshua tree.

**MM BIO-1C Construction Access Routes.** Project-related personnel shall access the project site using existing routes and shall not cross western Joshua tree habitat outside of, or in route to, the project site. If construction of routes is necessary outside of the project site, the biological monitor shall coordinate with the California Department of Fish and Wildlife to obtain written approval prior to initiating such activity.

**MM BIO-2A Burrowing Owl Preconstruction Surveys.** No less than 14 days prior to the onset of construction activities, a qualified biologist shall conduct a survey of the project site and a 500-foot buffer to identify the presence of burrowing owls or occupied burrows. A second survey shall be conducted within 24 hours prior to the start of construction. Surveys shall be conducted in accordance with the most current California Department of Fish and Wildlife (CDFW) Staff Report on Burrowing Owl Mitigation (CDFW 2012 or as updated).

At least one burrowing owl pre-construction survey report shall be submitted to the City to document compliance with this mitigation measure. For the purposes of this measure, "qualified biologist" is a biologist who meets the criteria outlined in the CDFW BUOW Guidelines (2012).

**MM BIO-2B Burrowing Owl Incidental Take Permit.** Suitable burrowing owl habitat and burrowing owl presence has been confirmed on the site. Therefore, the project applicant shall obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) pursuant to the California Endangered Species Act (CESA) prior to the start of any ground disturbance or construction activities.

The ITP shall include, at a minimum: a description of project activities and equipment, proposed avoidance and buffer zones, identification of temporary and permanent impacts, monitoring requirements, proposed relocation or translocation protocols, and compensatory mitigation measures. Compensatory mitigation shall be satisfied through one or more of the following mechanisms:

1. Purchase of credits at a CDFW-approved conservation or mitigation bank (if available); or
2. Permittee-responsible mitigation lands.

If burrowing owl is documented within the project site or within the 500-foot buffer during pre-construction surveys or construction-phase biological monitoring, the biological monitor shall notify the CDFW within 48 hours of the observation. All applicable conditions of the ITP shall be fully implemented to avoid unauthorized take.

**MM BIO-2C Mohave Ground Squirrel Pre-Construction Surveys.** Prior to commencement of ground disturbing Project activities, a visual survey shall be conducted by a qualified biologist during the period of March 15 through April 15 to determine presence of Mohave ground squirrel. The survey shall be conducted on the project site according to the *Mohave Ground Squirrel Survey Guidelines* (CDFW, October 2023 Revision 4 or most recent version) during daylight hours by the qualified biologist who can visually identify Mohave

ground squirrel and white-tailed antelope squirrel and detect vocalization calls. If the survey or monitoring confirms presence, the Project Proponents shall contact CDFW immediately (within 24 hours) and fully avoid all impacts to Mohave ground squirrel or obtain an incidental take permit (ITP).

**MM BIO-2D Desert Tortoise Pre-Construction Surveys.** A qualified biologist shall conduct a protocol-level presence or absence survey within the project site, and 50-foot buffer zone no more than 48 hours prior to Project activities commencing in accordance with the U.S. Fish and Wildlife Service 2019 *Desert Tortoise Survey Methodology* (USFWS 2019). The survey shall utilize survey routes that provide 100 percent visual coverage for desert tortoise and their sign. If desert tortoise may be impacted by the Project, Permittee shall fully avoid impacts to desert tortoise or should obtain a CESA ITP if impacts are unavoidable.

**MM BIO-3A Crotch's Bumble Bee Preconstruction Nesting Surveys.** At a minimum, two pre-construction nesting surveys shall be conducted prior to project implementation. Surveys shall occur: 1) within one week; and 2) within 24 hours prior to any vegetation removal or ground-disturbing activities scheduled to occur during the Crotch's bumble bee flight season (February through October). Surveys shall follow the guidelines in the California Department of Fish and Wildlife (CDFW) Survey Considerations for CESA Candidate Bumble Bee Species (CDFW 2024c) and shall occur within the project site and areas adjacent to the project site where suitable habitat exists. Surveys shall be conducted with qualified biologists familiar with Crotch's bumble bee identification and life history.

**MM BIO-3B Crotch's Bumble Bee Nest Avoidance and CDFW Coordination.** If an active Crotch's bumble bee nest is detected, the California Department of Fish and Wildlife (CDFW) shall be notified, and an appropriate no-disturbance buffer zone shall be established around the nest to reduce the risk of disturbance or accidental take. The buffer shall also include foraging resources and flight corridors essential to the colony. If avoidance is not feasible, or if complete avoidance cannot be achieved, project activities shall be postponed until appropriate authorization (i.e., a finalized Incidental Take Permit under Fish and Game Code § 2081) is obtained from CDFW.

**MM BIO-3C Crotch's Bumble Bee Construction Monitoring.** If no active nests are found but the Crotch's bumble bee is present, a qualified biologist shall conduct full-time monitoring during vegetation removal or ground-disturbing activities occurring during the queen flight period (February through March), colony active period (March through September), and/or gyne flight period (September through October). The monitor shall have authority to halt or redirect activities to avoid impacts.

**MM BIO-3D Crotch's Bumble Bee Foraging Habitat Revegetation Plan.** If occupied foraging habitat for Crotch's bumble bee is present within project impact areas, a Revegetation Plan shall be prepared in consultation with a qualified biologist familiar with the species. The plan shall include native shrubs and native seed mixes that contain known nectar sources for Crotch's bumble bee and shall be implemented following project construction.

**MM BIO-3E Crotch's Bumble Bee Incidental Take Permit.** If avoidance of Crotch's bumble bee is not feasible, the applicant shall obtain an Incidental Take Permit (ITP) from the California Department of Fish and Wildlife (CDFW) under Fish and Game Code Section 2081 prior to

the start of project activities. If, at the time of construction, Crotch's bumble bee is no longer a listed or candidate species under CESA, then the requirements of Mitigation Measures BIO-3A through BIO-3E shall no longer apply.

**MM BIO-4A Avoidance of Nesting Season (If Feasible).** To ensure compliance with California Fish and Game Code Sections 3503, 3503.5, and 3513 and to avoid potential impacts to nesting birds, vegetation clearing and ground-disturbing activities shall be conducted outside of the typical bird nesting season (February 15 through August 31), where feasible.

**MM BIO-4B Pre-Construction Nesting Bird Surveys.** Regardless of the time of year, a qualified biologist shall conduct a pre-construction nesting bird survey within three days prior to the start of vegetation clearing, diking, demolition activities, grading, or other ground disturbance.

**MM BIO-4C Nest Protection, Buffers, and Monitoring.** If active nests are detected, the biologist shall establish species-appropriate buffer zones around the nests based on the level of activity within the buffer and species observed. The buffer areas shall be avoided until the nests are no longer occupied, and the juvenile birds can survive independently from the nests. During construction activities, the qualified biologist shall conduct monitoring at a frequency recommended by the qualified biologist using their best professional judgment. If nesting birds are documented and at risk of disturbance, the biologist may modify avoidance and minimization measures, and shall have authority to stop or redirect construction activities as needed using their best professional judgement to avoid take of nesting birds.

If no active nests are documented during the pre-construction survey, no further nesting bird measures shall be required.

**MM BIO-5 Best Management Practices.** To avoid impacts to special-status species and prevent inadvertent disturbance to wildlife, the following Best Management Practices (BMPs) shall be implemented throughout construction activities:

- a. A qualified biologist shall flush special-status wildlife species (i.e., avian or other mobile species) from suitable habitat areas within the project development footprint to the maximum extent practicable immediately (e.g., within 24 hours) prior to initial vegetation removal activities. The biologist shall flush wildlife by walking through the habitat to be removed.
- b. Construction vehicles shall not exceed 15 miles per hour on unpaved roads adjacent to the project site or the right-of-way accessing the site.
- c. Construction activities shall occur during daytime hours unless otherwise approved by the lead agency and biological monitor.
- d. If trash and debris need to be stored overnight during maintenance activities, fully covered trash receptacles that are animal-proof and weather-proof shall be used by the maintenance contractor to contain all food, food scraps, food wrappers, beverage

containers, and other miscellaneous trash. Alternatively, standard trash receptacles may be used during the day but must be removed each night.

- e. The operator shall not permit pets on or adjacent to construction sites.
- f. At the end of each workday during construction, the Project Applicant or its contractors shall cover all excavated, steep-sided holes or trenches more than eight inches deep and that have sidewalls steeper than 1:1 (45 degree) slope with plywood or similar materials, or provide a minimum of one escape ramp per 100 feet of trenching (with slopes no greater than 3:1) constructed of earth fill or wooden planks. The project biologist shall thoroughly inspect holes and trenches for trapped animals during biological monitoring.
- g. The Project Applicant, or its contractors, shall screen, cover, or elevate at least one (1) foot above ground, all construction pipe, culverts, or similar structures with a diameter of three inches or greater that are stored on site overnight. These pipes, culverts, and similar structures shall be inspected by the project biologist for wildlife before such material is moved, buried, or capped.
- h. The Project Applicant, or its contractors, shall avoid the use of invasive plant species in the associated landscaping.
- i. To prevent inadvertent disturbance to areas outside the limits of work, the construction limits shall be clearly demarcated (e.g., installation of flagging or temporary visibility construction fence) prior to ground-disturbance activities, and all construction activities, including equipment staging and maintenance, shall be conducted within the marked disturbance limits. The work limit delineation shall be maintained throughout project construction.
- j. Prior to construction mobilization activities, the implementing entity shall prepare a Storm Water Pollution Prevention Plan in conformance with California Construction Stormwater General Permit Order 2022-0057-DWQ requirements to avoid and minimize impacts associated with erosion, runoff, and storm water contaminants. The Storm Water Pollution Prevention Plan shall include BMPs to avoid and minimize impacts on adjacent potentially jurisdictional aquatic resources, including, but not limited to:
  - o Vehicles and equipment should not be operated in ponded or flowing water.
  - o Water containing mud, silt, or other pollutants from grading or other activities should not be allowed to enter jurisdictional waters adjacent to the project or be placed in locations that may be subjected to high storm flows.
  - o Spoil sites should not be located within 30 feet from the boundaries of potentially jurisdictional waters or in locations that may be subject to high storm flows, where spoils might be washed back into potentially jurisdictional aquatic resources adjacent to the project.
  - o Raw cement/concrete or washings thereof; asphalt, paint, or other coating material; oil or other petroleum products; or any other substances that could be hazardous to vegetation or wildlife resources, resulting from project construction,

should be prevented from contaminating the soil and/or entering potentially jurisdictional waters adjacent to the project.

- No equipment maintenance or fueling should be performed within 100 feet of potentially jurisdictional aquatic resources adjacent to the project, where petroleum products or other pollutants from the equipment may enter these areas.
- Temporary structures, storage of construction materials, and staging/storage of construction equipment should be located
- outside potentially jurisdictional aquatic resources.

***“Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW and Wildlife Service or USFWS?”***

### **Finding**

The City adopts Finding 1 (CEQA Guidelines §15091(a)(1)). The City finds that MM BIO-1A is feasible, adopted, and would reduce potential impacts to sensitive natural communities to a less than significant level. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been incorporated into the Project to mitigate or avoid potentially significant impacts identified in the EIR.

### **Basis for Conclusion:**

**Riparian Habitat.** The project site is currently vacant, undeveloped land and does not contain riparian habitat or other jurisdictional riparian features. Project implementation would not directly or indirectly affect riparian habitat. Therefore, impacts to riparian habitat would be less than significant and no riparian-specific mitigation is required. (Draft EIR at p. 4.3-24)

**Sensitive Natural Communities.** Project implementation would affect five land use/vegetation community types: developed land, disturbed land, disturbed California juniper woodland, disturbed rubber rabbitbrush scrub, and Joshua tree woodland. Developed land and disturbed land are not native vegetation communities. Disturbed California juniper woodland and disturbed rubber rabbitbrush scrub, while native habitats, are not considered sensitive natural communities under CEQA and are regionally abundant; therefore, impacts to these communities would be less than significant. Joshua tree woodland is considered a sensitive natural community under CEQA. Project construction would result in impacts to on-site disturbed Joshua tree woodland, which may be considered potentially significant. Implementation of MM BIO-1A requires the Project Proponent to obtain an ITP under either the WJTCA or CESA, as applicable. Compliance with MM BIO-1A would require payment of statutorily prescribed in-lieu mitigation fees and/or provision of compensatory habitat mitigation, which contributes to the acquisition, management, and long-term conservation of western Joshua tree habitat in perpetuity. These mitigation requirements are proportional to the Project’s authorized take and would fully mitigate impacts to the sensitive Joshua tree woodland community. Accordingly, with implementation of MM BIO-1A, impacts to sensitive natural communities would be reduced to a less than significant level. (Draft EIR at pp. 4.3-24 to 4.3-25)

### **Mitigation Measures**

Implement MM BIO-1A.

***“Would the project interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?”***

### **Finding**

The City adopts Finding 1 (CEQA Guidelines § 15091(a)(1)). The City finds that MM BIO-4A, MM BIO-4B, and MM BIO-4C are feasible, adopted, and would reduce potential impacts related to nesting birds and wildlife nursery sites to a less than significant level. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been incorporated into the Project to mitigate or avoid potentially significant impacts identified in the EIR.

**Basis for Conclusion:** The project site does not serve as part of a regional wildlife corridor and does not function as a wildlife movement linkage. Known wildlife movement features in the region, including Oro Grande Wash, would not be affected by the Project. Accordingly, Project implementation would not substantially interfere with wildlife movement or established wildlife corridors, and impacts would be less than significant.

The Project could affect active bird nests if vegetation removal or ground-disturbing activities occur while nests are present. Implementation of MM BIO-4A, MM BIO-4B, and MM BIO-4C, including nesting season avoidance where feasible, pre-construction nesting bird surveys, and establishment of species-appropriate buffers, would avoid or minimize impacts to nesting birds. With mitigation incorporated, the Project would not 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. Impacts would be mitigated to a less than significant level. (Draft EIR at pp. 4.3-25 to 4.3-26)

### **Mitigation Measures**

Implement MM BIO-4A, MM BIO-4B and MM BIO-4C.

***“Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?”***

### **Finding**

The City adopts Finding 1 (CEQA Guidelines § 15091(a)(1)). The City finds that MM BIO-1A, MM BIO-2A, MM BIO-2B, and MM BIO-6 are feasible, adopted, and would reduce potential conflicts with local biological resource policies and ordinances to a less than significant level. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been incorporated into the Project to mitigate or avoid potentially significant impacts identified in the EIR.

**Basis for Conclusion:** The project site lies within the Burrowing Owl Overlay Zone and Mohave Ground Squirrel Overlay Zone, where suitable habitat for these species occurs. Focused surveys were conducted for both species. Surveys for Mohave ground squirrel were negative, while a focused burrowing owl survey conducted in 2025 confirmed presence. Implementation of MM BIO-2A (pre-construction burrowing owl

surveys) and MM BIO-2B (obtaining and complying with a CDFW-issued ITP) would ensure compliance with the San Bernardino County Biotic Resources Overlay Zones and avoid unauthorized take. (Draft EIR at p. 4.3-26)

Western Joshua trees occur throughout the project site and are protected under the City of Hesperia Desert Native Plant Protection provisions (Municipal Code Chapter 16.24) and the WJTCA. As required by MM BIO-1A, the Project Proponent would obtain a WJTCA or CESA ITP prior to issuance of grading permits and comply with all permit conditions, thereby fulfilling applicable local and State protection requirements. (Draft EIR at pp. 4.3-11 to 4.3-27)

In addition, silver cholla (*Cylindropuntia echinocarpa*) was documented on the project site and is protected under the California Desert Native Plants Act and Hesperia Municipal Code Chapter 16.24. Implementation of MM BIO-6 requires coordination with the City to determine applicable permitting requirements and, if removal cannot be avoided, preparation and approval of a Desert Native Plant Salvage Plan prior to ground disturbing activities. (Draft EIR at p. 4.3-27)

Therefore, with implementation of MM BIO-1A, MM BIO-2A, MM BIO-2B, and MM BIO-6, the Project would not conflict with local policies or ordinances protecting biological resources, and impacts would be less than significant with mitigation incorporated.

### **Mitigation Measures**

Implement MM BIO-1A, MM BIO-2A, MM BIO-2B and MM BIO-6, the later identified below.

**MM BIO-6 Desert Native Plants.** Prior to the start of ground-disturbing or vegetation-removal activities, the Project Applicant shall coordinate with the City of Hesperia to determine permitting requirements under the City's Desert Native Plant Protection Ordinance for all Desert Native Plant Act (DNPA) species documented within the project site, including silver cholla (*Cylindropuntia echinocarpa*). The Project Applicant shall comply with all conditions imposed by the City, which may include payment of permit fees and/or salvage of plants for translocation to a suitable recipient site. If salvage or translocation is required, a Desert Native Plant Salvage Plan shall be prepared by a qualified biologist or botanist and submitted to the City for review and approval prior to initiation of ground-disturbing activities. At a minimum, the plan shall identify and map plants to be salvaged, describe salvage and transport methods, and specify the proposed recipient site and final disposition of salvaged specimens. Acceptable recipient sites may include conservation areas, botanical preserves, museums, zoological societies, or other conservation organizations that provide suitable habitat and management of desert native plants. Documentation of compliance with City permitting requirements and approval of the Desert Native Plant Salvage Plan shall be provided to the City prior to issuance of grading permits.

### **Cumulative Impacts**

Past, present, and reasonably foreseeable future projects in the region are subject to environmental review under CEQA and are required to implement avoidance, minimization, and mitigation measures consistent with applicable federal, State, and local regulations to protect biological resources.

The proposed Project would implement MM BIO-1 through MM BIO-6, which include construction-phase BMPs, compensatory mitigation, pre-construction surveys, and biological monitoring to avoid or minimize

impacts on special-status species and their habitats. As discussed in this section, the project site does not contain riparian habitat or other sensitive aquatic resources. The project site does not contain federally jurisdictional waters, including wetlands subject to regulation under Section 404 of the CWA. The site is not located within a designated conservation area or wildlife corridor that supports regionally rare or sensitive species, and the Project would not conflict with any local policies or ordinances protecting biological resources. Given the site's disturbed condition, the absence of sensitive aquatic or riparian features, and the implementation of mitigation measures, the project-specific impacts would be mitigated to a less than significant level. The Project would not result in a cumulatively considerable contribution to regional impacts on biological resources, including special-status species, protected habitats, or wetland resources. Therefore, cumulative impacts related to biological resources would be less than significant. (Draft EIR at p. 4.3-27).

## Cultural Resources

***“Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?”***

### Finding

The City adopts Finding 1 (CEQA Guidelines § 15091(a)(1)). The City finds that MM CUL-1 is feasible, adopted, and would reduce potential impacts to archaeological resources to a less than significant level. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been incorporated into the Project to mitigate or avoid potentially significant impacts identified in the EIR.

**Basis for Conclusion:** One cultural resource, KHA-HSC-2024-01, was identified at the project site during pedestrian survey. The resource is a historic-age refuse scatter associated with prior roadway development and maintenance and was determined not eligible for listing in the National Register of Historic Places or the California Register of Historical Resources. Accordingly, KHA-HSC-2024-01 does not qualify as a Historical Resource or Unique Archaeological Resource under CEQA. (Draft EIR at p. 4.4-7)

No additional cultural resources were identified at the project site. The potential for undiscovered subsurface archaeological resources is low due to the presence of Pleistocene-age deposits, which predate human occupation, and the absence of recorded prehistoric archaeological resources within the surrounding area. Ground-disturbing activities could inadvertently encounter previously unknown archaeological resources that could qualify as a Unique Archaeological Resource. If such a discovery were to occur, a substantial adverse change in resource significance could result. Implementation of MM CUL-1, which establishes procedures for halting work, professional evaluation, Tribal notification, and treatment of inadvertent discoveries, would ensure that any unanticipated archaeological resources are appropriately identified, evaluated, and treated in compliance with CEQA. With mitigation incorporated, potential impacts to archaeological resources would be less than significant. (Draft EIR at pp. 4.4-7 to 4.4-8).

### Mitigation Measures

**MM CUL-1 Inadvertent Discoveries of Cultural Resources.** In the event that cultural resources are discovered during project activities, all work within 60 feet of the find shall cease, and a qualified archaeologist meeting the Secretary of the Interior's Professional Qualifications

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 the San Manuel Nation Cultural Resources Department (YSMN) shall be contacted, as detailed within MM 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, to provide Tribal input with regard to significance and treatment. If significant pre-contact cultural resources, as defined by CEQA, 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 MM TCR-1. The archaeologist shall monitor the remainder of the project and implement the Plan accordingly. If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease, and the County Coroner shall be contacted pursuant to State Health and Safety Code Section 7050.5, and that code shall be enforced for the duration of the project. If the Coroner determines that the remains are Native American, the Coroner shall notify the Native American Heritage Commission (NAHC), which shall identify the Most Likely Descendant (MLD). The MLD shall be afforded an opportunity to make recommendations regarding treatment and disposition of the remains, consistent with Public Resources Code § 5097.98.

### **Cumulative Impacts**

The Project could result in site-specific impacts to unknown archaeological resources discovered during Project construction, particularly during ground-disturbing activities. MM CUL-1 would reduce the Project's incremental potential impacts to archaeological resources to a less than significant level and ensure site-specific impacts to archaeological resources would not be cumulatively considerable. Other projects within the cumulative study area also have the potential to result in damage and/or loss to unknown cultural resources. Similar to the proposed Project, past, present, and reasonably foreseeable projects would be required to comply with all applicable State, federal, and local regulations concerning preservation, salvage, or handling of archaeological resources. The Project's incremental effect is not cumulatively considerable when viewed in connection with the effects of other closely related past projects, the effects of other current projects, and the effects of probable future projects. (Draft EIR at p. 4.4-8).

### **Geology and Soils**

***“Would the project directly or indirectly destroy a unique paleontological resource or site, or a unique geological feature?”***

#### **Finding**

The City adopts Finding 1 (CEQA Guidelines § 15091(a)(1)). The City finds that MM GEO-1 is feasible, adopted, and would reduce potential impacts to paleontological resources to a less than significant level. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been incorporated into the Project to mitigate or avoid potentially significant impacts identified in the EIR.

**Basis for Conclusion:** A paleontological records search conducted for the Project indicated that no known fossil localities have been recorded within the project site. However, the project site is underlain by Pleistocene-age alluvial deposits, which are considered highly paleontologically sensitive. Ground-disturbing activities associated with Project construction could encounter previously unknown paleontological resources, and if such resources were disturbed, a significant impact could occur. MM GEO-1 requires retention of a qualified paleontologist to respond to unanticipated discoveries and establishes procedures for halting work, evaluating the significance of finds, and implementing appropriate treatment measures in accordance with professional standards and CEQA Guidelines Section 15064.5. With mitigation incorporated, potential impacts to paleontological resources would be reduced to a less than significant level. (Draft EIR at pp. 4.6-6 to 4.6-7)

### **Mitigation Measures**

**MM GEO-1 Paleontological Monitoring.** Prior to the issuance of any grading permits or any permit authorizing ground disturbance, the Project Applicant shall, to the satisfaction of the City of Hesperia Community Development Director, demonstrate that a qualified paleontologist has been retained to respond on an as-needed basis to address unanticipated paleontological discoveries. A paleontologist is defined as an individual with an M.S./M.A. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques and knowledgeable in geology and paleontology of the area.

In the event that fossils or fossil-bearing deposits are inadvertently unearthed during excavation and grading activities, all earth-disturbing activities within a 100-foot radius of the area of discovery shall be temporarily halted or diverted. The qualified paleontologist shall be contacted to evaluate the significance of the finding and determine an appropriate course of action in accordance with Society of Vertebrate Paleontology standards and assess the significance of the find under the criteria set forth in CEQA Guidelines Section 15064.5. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If, in consultation with the paleontologist, the city staff, and the project applicant, the paleontologist determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan to reduce the project's effect on the qualities that make the resource important. The plan shall be submitted to the City for review and approval, and the project applicant shall implement the approved excavation plan.

### **Cumulative Impacts**

Cumulative impacts related to paleontological resources are typically site-specific. The proposed Project could result in potentially significant impacts related to the destruction of a previously unknown, unique paleontological resource, given that the project site may contain soils conducive to such resources. MM GEO-1 would address this potential effect, as it requires the retention of a qualified paleontologist for monitoring and excavation as needed. The Project would not result in incremental effects to paleontology that could be compounded or increased when considered together with similar effects from other past, present, and reasonably foreseeable future projects. Therefore, with the inclusion of the referenced mitigation measure, the Project would not contribute to a cumulatively considerable impact. (Draft EIR at p. 4.6-7).

## Noise

***“Would the project generate a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?”***

### Finding

The City adopts Finding 1 (CEQA Guidelines § 15091(a)(1)). The City finds that MM NOI-1 is feasible, adopted, and would reduce potential temporary and permanent noise impacts to a less than significant level. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been incorporated into the Project to mitigate or avoid potentially significant impacts identified in the EIR.

**Basis for Conclusion:** Project construction activities would generate temporary noise increases in the vicinity of the project site. Modeling indicates that construction noise levels would not exceed the Federal Transit Administration(FTA) thresholds of 80 A-weighted decibel (dBA) Leq for residential uses or 85 dBA Leq for non-residential uses. However, construction noise could result in noise increases exceeding the 5 dBA ambient noise increase threshold at nearby receptors. Implementation of MM NOI-1, which requires proper maintenance of construction equipment and the use of noise shielding and muffling devices, would reduce construction noise levels. With mitigation incorporated, exterior construction noise levels at both noise-sensitive and non-noise-sensitive receptors would not exceed applicable FTA or ambient noise thresholds. Accordingly, project-related noise impacts would be less than significant. (Draft EIR at pp. 4.11-22 to 4.11-39)

### Mitigation Measures

**MM NOI-1 Noise Shielding and Muffling.** Power construction equipment (including combustion engines), fixed or mobile, will be equipped with noise shielding and muffling devices consistent with manufacturers’ standards or the Best Available Control Technology, which achieve a noise reduction of 10 dBA or greater. All equipment will be properly maintained, and the Applicant or Owner will require any construction contractor to keep documentation on-site during any earthwork or construction activities demonstrating that the equipment has been maintained in accordance with manufacturer specifications.

### Cumulative Impacts

**Cumulative Construction Noise and Vibration.** The Project’s construction activities would not result in a substantial temporary increase in ambient noise levels. Construction noise would be periodic and temporary, ceasing upon completion of construction activities. The Project would contribute to other proximate construction project noise impacts if construction activities were conducted concurrently. The Project’s construction-related noise impacts would be less than significant through compliance with the Municipal Code and implementation of MM NOI-1. Construction activities at other planned and approved projects near the project site would be required to comply with applicable City regulations related to noise and would take place during daytime hours on the days permitted by the Municipal Code. Projects requiring discretionary City approvals would be required to evaluate construction noise impacts, comply with the City’s standard conditions of approval, and implement mitigation, if necessary, to minimize noise impacts. Construction noise impacts are, by nature, localized. Because noise dissipates as it travels away from its source, noise impacts would be limited to the project site and vicinity. Project construction would

not result in a cumulatively considerable contribution to significant cumulative impacts, assuming such a cumulative impact existed. Impacts would not be cumulatively considerable, and no mitigation is required. The Project's construction vibration levels would not exceed annoyance thresholds; therefore, the Project's incremental contribution is not cumulatively considerable. (Draft EIR at 4.11-43).

**Cumulative Operational Noise.** The Project's operational stationary noise would be less than significant. Due to site distance, intervening land uses, and the fact that noise dissipates as it travels away from its source, noise impacts from on-site activities and other stationary sources would be limited to the project site and vicinity. No known past, present, or reasonably foreseeable projects would compound or increase the operational noise levels generated by the Project. Cumulative operational noise impacts from related projects, in conjunction with Project-specific noise impacts, would not be cumulatively significant.

A project's contribution to a cumulative traffic noise increase would be considered significant when the combined effect exceeds the perception level (i.e., auditory level increase) threshold. The Project would generate increased traffic volumes along the study roadway segments. The Project is expected to generate a net of 7,251 average daily trips, which would not result in a noticeable increase above existing roadway traffic noise levels. Therefore, Project traffic noise would not be cumulatively considerable and would result in a less than significant cumulative impact. (Draft EIR at pp. 4.11-42 to 4.11-43).

## 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 listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k)?”***

### Finding

The City adopts Finding 1 (CEQA Guidelines §15091(a)(1)). The City finds that MM CUL-1, MM TCR-1, and MM TCR-2 are feasible, are adopted, and would reduce potential impacts to tribal cultural resources to a less than significant level. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section 15091(a)(1), changes or alterations have been incorporated into the Project to mitigate or avoid potentially significant impacts identified in the EIR.

**Basis for Conclusion:** In compliance with Public Resources Code Section 21080.3.1(b), the City provided formal notification to California Native American tribes identified by the Native American Heritage Commission. The Yuhaaviatam of San Manuel Nation responded, indicating that the project site is within Serrano ancestral territory and is of tribal interest. Following review of Project information, including the Cultural Resources Report, geotechnical information, and plans showing the depth and extent of ground disturbance, the Tribe stated that it had no concerns with the Project as proposed and provided recommended mitigation language, which has been incorporated as MM TCR-1 and MM TCR-2.

Cultural resources investigations, including records searches, archival research, and pedestrian surveys, did not identify any prehistoric or historic tribal cultural resources at the project site that meet the definition of a tribal cultural resource under Public Resources Code Section 21074 or Section 5020.1(k). Accordingly, no known tribal cultural resources would be directly impacted by Project implementation.

Although the potential to encounter previously unknown tribal cultural resources during ground-disturbing activities is low, such a discovery could result in a significant impact if not properly addressed. MM CUL-1 establishes procedures for halting work, professional evaluation, tribal notification, and treatment of inadvertent discoveries. MM TCR-1 provides for tribal involvement in the evaluation, tribal notification, and treatment of inadvertent discoveries, including preparation of a Cultural Resources Monitoring and Treatment Plan, if warranted, and MM TCR-2 ensures continued coordination and information sharing with the Tribe. With implementation of MM CUL-1, MM TCR-1, and MM TCR-2, the Project would not cause a substantial adverse change in the significance of a tribal cultural resource, and impacts would be less than significant with mitigation incorporated. (Draft EIR at pp. 4.14-5 to 4.14-6).

### **Mitigation Measures**

Implement MM CUL-1 and the following measures.

- MM TCR-1 Cultural Resources Monitoring and Treatment Plan.** The Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN) shall be contacted, as detailed in MM CUL-1, of any pre-contact cultural resources discovered during Project implementation, and be provided information regarding the nature of the find, so as to provide Tribal input with regards to significance and treatment. Should the find be deemed significant, as defined by CEQA (as amended, 2015), a Cultural Resources Monitoring and Treatment Plan shall be created by the archaeologist, in coordination with YSMN, and all subsequent finds shall be subject to this Plan. This Plan shall allow for a monitor to be present that represents YSMN for the remainder of the Project's ground-disturbing activities, should YSMN elect to place a monitor on the site.
- MM TCR-2 Cultural Records.** Any and all archaeological/cultural documents created as a part of the Project (isolate records, site records, survey reports, testing reports, etc.) shall be supplied to the applicant and the City of Hesperia Planning Department for dissemination to the Yuhaaviatam of San Manuel Nation Cultural Resources Management Department (YSMN). The City and/or applicant shall, in good faith, consult with YSMN throughout the life of the Project.

***“Would the Project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the Lead Agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe?”***

### **Finding**

The City adopts Finding 1 (CEQA Guidelines § 15091(a)(1)). The City finds that MM CUL-1, MM TCR-1, and MM TCR-2 are feasible, adopted, and would reduce potential impacts to tribal cultural resources to a less than significant level. Pursuant to Public Resources Code Section 21081(a)(1) and CEQA Guidelines Section

15091(a)(1), changes or alterations have been incorporated into the Project to mitigate or avoid potentially significant impacts identified in the EIR.

**Basis for Conclusion:** No known tribal cultural resources were identified within the project site. Additionally, as part of the City's AB 52 consultation process, the City reached out to Native American tribes who may have knowledge of tribal cultural resources at or near the project site. No known tribal cultural resources or sensitive sites were identified at the project site during the AB 52 consultation process. However, Project construction would require ground-disturbing activities that could result in the discovery of previously unknown tribal cultural resources. Implementation of MM CUL-1 establishes procedures for halting work, professional evaluation, and notification of the appropriate tribal representatives. MM TCR-1 ensures tribal participation in the evaluation and treatment of any significant pre-contact discoveries, including preparation of a Cultural Resources Monitoring and Treatment Plan if warranted, and MM TCR-2 provides for continued coordination and information sharing with the Tribe. With implementation of MM CUL-1, MM TCR-1, and MM TCR-2, potential impacts related to the inadvertent discovery of tribal cultural resources would be reduced to a less than significant level. (Draft EIR at p. 4.14-7).

#### **Mitigation Measures**

Implement MM CUL-1, MM TCR-1 and MM TCR-2.

#### **Cumulative Impacts**

For purposes of cumulative impact analysis of cultural and tribal resources, the geographic context is regional and considers both direct and indirect impacts over a wide area. Impacts are site-specific and not generally subject to cumulative impacts unless multiple projects impact a common resource or an affected resource extends off the site. The project site does not contain any known tribal cultural resources. However, there is potential for undiscovered tribal cultural resources to be adversely affected during groundbreaking activities. Future cumulative development projects may encounter or adversely affect tribal cultural resources. Potential tribal cultural resource impacts associated with other project development would be site-specific and undergo environmental and development plan review to evaluate potential impacts. The proposed Project and past, present, and reasonably foreseeable projects would be required to comply with all applicable State, federal, and local regulations concerning the preservation, salvage, or handling of cultural and tribal cultural resources, including compliance with required mitigation. This also includes project-by-project consultation with the appropriate tribal representatives to discuss mitigation measures that would be included to mitigate impacts to tribal cultural resources. The Project's contribution to cumulative impacts would be less than cumulatively considerable. (Draft EIR at pp. 4.14-7 to 4.14-8).

## 5.0 ENVIRONMENTAL IMPACTS FOUND TO BE SIGNIFICANT AND UNAVOIDABLE

Where the environmental analysis demonstrates that: (1) even with compliance with applicable laws, codes, and statutes and/or implementation of feasible mitigation measures, potentially significant impacts cannot be reduced to less than significant levels, or (2) no feasible mitigation measures or alternatives are available, the City may adopt Finding 3 pursuant to CEQA Guidelines Section 15091(a)(3). Under this finding, “specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or alternatives identified in the environmental impact report.” Approval of a project with significant and unavoidable impacts requires adoption of a Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.

### Transportation

***“Would the project conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?”***

#### Finding

The City adopts Finding 3 (CEQA Guidelines § 15091(a)(3)). The City finds that, even with compliance with applicable policies, ordinances, and regulations, the Project would result in a significant project-generated vehicle miles traveled (VMT) impact on both a project-level and cumulative basis. No feasible mitigation measures or alternatives have been identified that would reduce this impact to a less than significant level. Accordingly, pursuant to Public Resources Code Section 21081(a)(3) and CEQA Guidelines Section 15091(a)(3), the City finds that specific economic, social, and other considerations, as set forth in the Statement of Overriding Considerations, outweigh the Project’s significant and unavoidable transportation impacts.

**Basis for Conclusion:** The Project’s Origin-Destination VMT per service population exceeds the applicable thresholds established by San Bernardino County under both existing and cumulative conditions. Potential VMT-reduction strategies were evaluated using the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity. Consistent with CAPCOA Measure T-18 (Pedestrian Network Improvements), the Project includes the construction of an 8-foot-wide pedestrian sidewalk along the project site frontage on Amargosa Road. This improvement is estimated to reduce Project VMT by approximately two percent. However, this reduction is insufficient to reduce the Project’s Origin-Destination VMT per service population below the applicable significance threshold. No additional feasible mitigation measures or project alternatives have been identified that would further reduce Project-generated VMT to a less than significant level. Therefore, the Project’s VMT impact would remain significant and unavoidable, even with implementation of all reasonably available measures. (Draft EIR pp. 4.13-8 to 4.13-10)

#### Cumulative Impacts

OPR’s Technical Advisory states, “a project that falls below an efficiency-based threshold that is aligned with long-term environmental goals and relevant plans would have no cumulative impact distinct from the project impact.” The Project would have a significant VMT impact. Therefore, the proposed Project

would result in a cumulatively considerable, significant, and unavoidable impact related to VMT. (Draft EIR pp. 4.13-14 to 4.13-15)

## 6.0 ALTERNATIVES TO THE PROJECT

Pursuant to CEQA Guidelines Section 15126.6, the City evaluated a reasonable range of potentially feasible alternatives to the Project. These alternatives were selected based on their ability to feasibly attain most of the basic objectives of the Project while avoiding or substantially lessening one or more of the Project's significant environmental effects.

The three alternatives carried forward for detailed analysis represent a reasonable range and are described below in sufficient detail to permit meaningful evaluation, comparison, and decision-making to the Project. Each alternative is evaluated relative to the Project's environmental impacts, feasibility, and ability to meet the Project objectives, consistent with CEQA Guidelines Section 15126.6.

### 6.1 Elimination or Reduction of Significant Impacts

CEQA Guidelines Section 15126.6(b) provides that "because an EIR must identify ways to mitigate or avoid the significant effects that a project may have on the environment (Public Resources Code §21002.1), the discussion of alternatives shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project, even if these alternatives would impede to some degree the attainment of the project objectives, or would be more costly."

With implementation of the mitigation measures identified in the EIR, most potentially significant impacts of the Project would be reduced to less than significant levels. However, the analysis determined that the Project would result in a significant and unavoidable impact in the following topic area for which no feasible mitigation measures or alternatives have been identified that would reduce impacts to a less than significant level:

- Transportation – Conflict with CEQA Guidelines Section 15064.3(b) (Vehicle Miles Traveled)

Accordingly, the Project's VMT impact remains significant and unavoidable under all analyzed alternatives.

### 6.2 Project Alternatives Considered

#### Alternative 1: No Development Alternative

**Description:** Pursuant to CEQA Guidelines Section 15126.6(e)(1), the No Development Alternative assumes that no development would occur on the approximately 25.4-acre project site. The site would remain in its existing vacant and disturbed condition. No commercial development, fuel station, or car wash would be constructed, and no grading, paving, utility installation, or off-site improvements would occur. The Project's requested entitlements would not be approved.

**Environmental Effects:** A detailed comparison of environmental impacts between the Project and Alternative 1 is provided in Section 6.5.1 of the Draft EIR.

**Ability to Achieve Project Objectives:** As shown below, Alternative 1 would not meet any of the Project objectives.

Project Objective	Alternative 1 Meets Objectives?
<b>Objective 1:</b> Contribute to the economic vitality of the City of Hesperia and the broader region through new capital investment and the productive use of an underutilized, undeveloped site.	<b>No</b>
<b>Objective 2:</b> Develop and operate a state-of-the-art big-box retail center that offers competitively priced goods and services from nationally recognized retailers as well as regional and local businesses, serving the needs of the local and regional community.	<b>No</b>
<b>Objective 3:</b> Provide a retail facility in a location that is easily accessible to customers, employees, and the community, with proximity to major transportation corridors and existing infrastructure.	<b>No</b>
<b>Objective 4:</b> Locate the project in an area already served by adequate roadway, utility, and service infrastructure to minimize the need for new public investment and reduce environmental impacts.	<b>No</b>
<b>Objective 5:</b> Incorporate architectural and landscaping design features that reduce the perceived scale and mass of the development, enhance visual appeal, and complement the surrounding built environment.	<b>No</b>
<b>Objective 6:</b> Create new employment opportunities and expand the City’s retail and service offerings, contributing to a more diverse and resilient local economy.	<b>No</b>
<b>Objective 7:</b> Establish a facility of sufficient size and layout to accommodate a variety of services under one roof.	<b>No</b>
<b>Objective 8:</b> Provide sufficient on-site parking to meet customer demand and prevent spillover parking impacts on adjacent businesses and residential areas.	<b>No</b>
<b>Objective 9:</b> Strengthen the City’s retail tax base and generate additional sales tax revenue to support municipal services and infrastructure.	<b>No</b>
<b>Objective 10:</b> Meet community demand for automotive-related services, including fuel sales, car wash facilities, and tire services, in a convenient and integrated setting.	<b>No</b>

**Alternative 1 Findings:** The City rejects the No Development Alternative pursuant to CEQA Guidelines Section 15126.6(e)(1) because it would not meet the underlying purpose of the Project or achieve any of the Project objectives. While this alternative would avoid the Project’s significant environmental impacts, it would also forego the economic, employment, and fiscal benefits associated with redevelopment of an underutilized commercial site. Therefore, Alternative 1 is rejected as infeasible.

### Alternative 2: Retail-Only Alternative

**Description:** Under the Retail-Only Alternative, development would be limited to the northern parcel and would consist of a 167,644-square-foot big-box retail building with approximately 672 surface parking spaces, consistent with the northern portion of the proposed Project. The approximately 8.67-acre southern parcel would remain undeveloped and in its existing disturbed condition. Site improvements would include pedestrian sidewalks along Amargosa Road, utility improvements, a landscaped retention basin, and solar canopy structures over a portion of the parking area.

**Environmental Effects:** A detailed comparison of environmental impacts identified in the Project and Alternative 2 is provided in Section 6.5.2 of the Draft EIR.

**Ability to Achieve Project Objectives:** As shown below, Alternative 2 would meet most Project objectives, but generally to a lesser extent. It would not meet Objective 10, which seeks to provide integrated automotive-related services, including fuel sales and car wash facilities.

Project Objective	Alternative 2 Meets Objectives?
<b>Objective 1:</b> Contribute to the economic vitality of the City of Hesperia and the broader region through new capital investment and the productive use of an underutilized, undeveloped site.	<b>Yes, to a lesser extent.</b>
<b>Objective 2:</b> Develop and operate a state-of-the-art big-box retail center that offers competitively priced goods and services from nationally recognized retailers as well as regional and local businesses, serving the needs of the local and regional community.	<b>Yes, to a lesser extent.</b>
<b>Objective 3:</b> Provide a retail facility in a location that is easily accessible to customers, employees, and the community, with proximity to major transportation corridors and existing infrastructure.	<b>Yes</b>
<b>Objective 4:</b> Locate the project in an area already served by adequate roadway, utility, and service infrastructure to minimize the need for new public investment and reduce environmental impacts.	<b>Yes</b>
<b>Objective 5:</b> Incorporate architectural and landscaping design features that reduce the perceived scale and mass of the development, enhance visual appeal, and complement the surrounding built environment.	<b>Yes</b>
<b>Objective 6:</b> Create new employment opportunities and expand the City’s retail and service offerings, contributing to a more diverse and resilient local economy.	<b>Yes, to a lesser extent.</b>
<b>Objective 7:</b> Establish a facility of sufficient size and layout to accommodate a variety of services under one roof.	<b>Yes</b>
<b>Objective 8:</b> Provide sufficient on-site parking to meet customer demand and prevent spillover parking impacts on adjacent businesses and residential areas.	<b>Yes, to a lesser extent.</b>
<b>Objective 9:</b> Strengthen the City’s retail tax base and generate additional sales tax revenue to support municipal services and infrastructure.	<b>Yes</b>
<b>Objective 10:</b> Meet community demand for automotive-related services, including fuel sales, car wash facilities, and tire services, in a convenient and integrated setting.	<b>No</b>

**Alternative 2 Findings:** Alternative 2 would partially meet the Project by developing a big-box retail center on an underutilized site and contributing to local employment and sales tax revenue. However, by eliminating the fuel station and car wash components, Alternative 2 would not meet the Project’s underlying purpose of providing a full-service retail and automotive-oriented development. In addition, Alternative 2 would not eliminate the Project’s significant and unavoidable VMT impact. While feasible, Alternative 2 is rejected because it would achieve the Project objectives to a lesser extent than the Project without avoiding the significant transportation impact.

### Alternative 3: Reduced Development Alternative

**Description:** The Reduced Development Alternative would include development of a 117,000-square-foot big-box retail building on the northern parcel, rather than 167,644-square-foot building proposed under the Project. Associated parking and site improvements would be reduced proportionally but would remain compliant with Municipal Code requirements. The southern parcel would be developed as proposed, including a fuel station and car wash.

**Environmental Effects:** A detailed comparison of environmental impacts between the Project and Alternative 3 is provided in Section 6.5.3 of the Draft EIR.

**Ability to Achieve Project Objectives:** As shown below, Alternative 3 would meet most Project objectives, though some objectives would be achieved to a lesser extent due to the reduced retail footprint.

Project Objective	Alternative 3 Meets Objectives?
<b>Objective 1:</b> Contribute to the economic vitality of the City of Hesperia and the broader region through new capital investment and the productive use of an underutilized, undeveloped site.	<b>Yes</b>
<b>Objective 2:</b> Develop and operate a state-of-the-art big-box retail center that offers competitively priced goods and services from nationally recognized retailers as well as regional and local businesses, serving the needs of the local and regional community.	<b>Yes, to a lesser extent.</b>
<b>Objective 3:</b> Provide a retail facility in a location that is easily accessible to customers, employees, and the community, with proximity to major transportation corridors and existing infrastructure.	<b>Yes</b>
<b>Objective 4:</b> Locate the project in an area already served by adequate roadway, utility, and service infrastructure to minimize the need for new public investment and reduce environmental impacts.	<b>Yes</b>
<b>Objective 5:</b> Incorporate architectural and landscaping design features that reduce the perceived scale and mass of the development, enhance visual appeal, and complement the surrounding built environment.	<b>Yes</b>
<b>Objective 6:</b> Create new employment opportunities and expand the City’s retail and service offerings, contributing to a more diverse and resilient local economy.	<b>Yes, to a lesser extent.</b>
<b>Objective 7:</b> Establish a facility of sufficient size and layout to accommodate a variety of services under one roof.	<b>Yes, to a lesser extent.</b>
<b>Objective 8:</b> Provide sufficient on-site parking to meet customer demand and prevent spillover parking impacts on adjacent businesses and residential areas.	<b>Yes, to a lesser extent.</b>
<b>Objective 9:</b> Strengthen the City’s retail tax base and generate additional sales tax revenue to support municipal services and infrastructure.	<b>Yes</b>
<b>Objective 10:</b> Meet community demand for automotive-related services, including fuel sales, car wash facilities, and tire services, in a convenient and integrated setting.	<b>Yes, to a lesser extent.</b>

**Alternative 3 Findings:** Alternative 3 would redevelop an underutilized site with a modern retail center and integrated automotive services, supporting employment and sales tax generation. However, the reduced building size would limit the range of retail offerings and diminish the Project’s ability to fully

achieve its objectives. Importantly, Alternative 3 would not eliminate the Project's significant and unavoidable VMT impact. While feasible, Alternative 3 is rejected because it would reduce Project benefits without avoiding the significant transportation impact.

## 7.0 STATEMENT OF OVERRIDING CONSIDERATIONS

### 7.1 Introduction

Pursuant to CEQA Guidelines Section 15093, when a project will result in significant environmental impacts that cannot be reduced to less than significant levels, the decision-making body must balance those impacts against the economic, legal, social, technological, or other benefits of the project in determining whether to approve the project. If the specific benefits of the project outweigh the unavoidable adverse environmental effects, those effects may be considered acceptable (CEQA Guidelines § 15093(a)). In such cases, the lead agency must adopt a written Statement of Overriding Considerations, supported by substantial evidence in the record, identifying the reasons for approving the project despite its significant unavoidable impacts (CEQA Guidelines § 15093(b)).

As identified in **Section 5.0** of these Findings, the Project would result in a significant and unavoidable impact related to VMT, for which no feasible mitigation measures or alternatives have been identified that would reduce the impact to a less than significant level.

The City hereby adopts this Statement of Overriding Considerations and finds that the Project's benefits, described below, constitute independent and sufficient grounds for determining that the Project's benefits outweigh its significant unavoidable environmental impacts and justify Project approval.

### 7.2 Facts in Support of Statement of Overriding Considerations

The City of Hesperia finds that the benefits resulting from implementation of the Project outweigh the significant unavoidable VMT impact. The City has reviewed the entire administrative record and finds that the following considerations individually and collectively support approval of the Project:

- All feasible mitigation measures have been imposed to reduce environmental impacts to the maximum extent practicable. Project alternatives were considered but found infeasible because they would not substantially reduce the VMT impact and would fail to achieve the Project objectives, or would be economically or socially inferior when compared to the Project.
- The Project includes off-site transportation and circulation improvements along Amargosa Road, including a signalized intersection, continuous pedestrian sidewalks, restriping and traffic signal modifications, and construction of a 26-foot-wide emergency only access road, improving access, safety, and circulation in the project vicinity.
- The Project incorporates CALGreen and Title 24 energy- and water-efficiency measures, including solar canopies, electric vehicle infrastructure, efficient irrigation systems, and drought-tolerant landscaping, consistent with City policies promoting sustainable development and resource conservation.
- Approval of the Project would generate substantial employment benefits, including approximately 260 permanent jobs, contributing to local and regional economic stability and workforce opportunities.
- The Project would strengthen the City's retail tax base and generate additional sales tax revenue to support municipal services and infrastructure.

- The Project would redevelop an underutilized and vacant site with a modern, full-service big-box retail center, enhancing access to goods and services, supporting consumer demand, and strengthening the City's retail and service base.
- The Project is consistent with the City of Hesperia General Plan and the Main Street Freeway Corridor Specific Plan, and would advance adopted land use, economic development, and infrastructure planning objectives.
- The Project would provide on-site amenities and infrastructure improvements, including bicycle facilities, new utility connections, an integrated stormwater management system, upgraded water and sewer infrastructure, and electrical service to support long-term operational needs.
- The Project would improve community access to essential retail goods and automotive services, reducing the need for residents to travel to surrounding jurisdictions for comparable services.
- The Project would activate and redevelop a long-vacant and underutilized site, improving land use efficiency and contributing to the vitality of the Main Street Freeway Corridor.

Based on substantial evidence in the EIR and the administrative record, the City finds that the specific economic, social, planning, and infrastructure benefits of the Project outweigh the Project's significant and unavoidable transportation (VMT) impact. Accordingly, the City determines that approval of the Project is justified and adopts this Statement of Overriding Considerations pursuant to CEQA Guidelines Section 15093.